

### **3 APPROVAL OF A DEVELOPMENT PLAN (DPO6) AND MULTI-LOT RESIDENTIAL SUBDIVISION, CREATION OF EASEMENT AND NATIVE VEGETATION REMOVAL AT 14 BARKER ROAD, GARFIELD**

FILE REFERENCE INT1618102

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Amy Robie

#### RECOMMENDATION

That the development plan submitted to meet the requirements of Development Plan Schedule 6 (DPO6) be approved and Planning Permit T140745 be issued for the multi-lot subdivision of land, removal of native vegetation and creation of an easement at Lot 16 LP8091, 14 Barker Road, Garfield subject to the conditions.

#### Attachments

- |   |                                   |         |
|---|-----------------------------------|---------|
| 1 | Locality plan                     | 1 Page  |
| 2 | Development and subdivision plans | 2 Pages |

#### EXECUTIVE SUMMARY:

APPLICATION NO: T140745

APPLICANT: Breese Pitt Dixon

LAND: Lot 16 LP8091, 14 Barker Road, Garfield

PROPOSAL: Multi lot subdivision of the land, removal of native vegetation and creation of an easement

PLANNING CONTROLS: General Residential Zone - Schedule 1 (GRZ1)  
 Development Plan Overlay - Schedule 6 (DPO6)  
 Clause 52.01 Public Open Space Contribution and Subdivision  
 Clause 52.02 Easements, Restrictions and Reserves  
 Clause 52.17 Native Vegetation  
 Clause 56 Subdivision  
 Clause 65.02 Decision Guidelines  
 Garfield Township Strategy (August 2002)

NOTIFICATION & OBJECTIONS: The subdivision application is exempt from advertising requirements, pursuant to Clause 43.04-2. The Development Plan was previously advertised as part of the planning scheme amendment process. The vegetation removal and creation of easement portion of the proposal was not required to be advertised as it was considered that it would not result in material detriment to any person.

KEY PLANNING CONSIDERATIONS: Consistency with Development Plan Overlay Schedule 6  
 Integration with surrounding land uses  
 Retention of habitat for the Southern Brown Bandicoot

**RECOMMENDATION:** That the Development Plan be approved and planning permit T140745 be issued, subject to conditions.

**BACKGROUND:**

In March 2004, a planning scheme amendment C20 rezoned the subject site from a Rural Zone to Residential 1 Zone and applied the Development Plan Overlay- Schedule 6 (DPO6) to the land.

The land was included within the Urban Growth Boundary for the Garfield Township in 2003 and therefore the rezoning of the land for residential use was the next logical process.

Amendment C20 was placed on exhibition on 7 March 2001, however, the amendment was placed on hold as the Garfield Strategy was being reviewed. The Draft Township Strategy was placed on public exhibition in May and June 2002 with 49 submissions received. Council adopted the strategy in August 2002.

The amendment was revised and re-exhibited in December 2002. A number of submissions were received.

A Panel Hearing was held on 19 and 20 March 2003 to hear submissions in respect of Amendment C20. The recommendations of the Panel were then incorporated into the Cardinia Planning Scheme in March 2004.

The Reformed Residential Zones came into effect in Victoria in July 2014 resulting in the subject site changing from Residential 1 Zone to General Residential Zone.

On 15 December 2014 an application for the approval of Development Plan and Subdivision Plan, which have been assessed concurrently, were submitted to Council.

**SUBJECT SITE**

The site is located on the northern side of Barker Road. The site is approximately 3.64 hectares and rectangular shape. The southern boundary (frontage to Barker Road) and northern boundaries are approximately 120.7 metres. The west and east boundaries are approximately 301.7 metres.

The site currently contains an existing single dwelling towards the centre of the property and a number of outbuildings in close proximity to the dwelling. The site contains informal fencing and paddocks currently used for small scale horse agistment.

An existing crossover is located in the south east corner of the allotment (frontage to Barker Road) and a gravel driveway extends along the eastern boundary to the dwelling.

A ridgeline crosses the site in an east-west direction, with the land sloping down towards the southern boundary (frontage to Barker Road) and the northern boundary. Maximum fall to the south is approximately 15 metres and maximum fall to the north is approximately 18 metres.

The site contains a mix of native and exotic species of vegetation.

A significant amount of vegetation exists within the Barker Road reserve to the south of the subject site between the unmade Barker Road and the southern property boundary.

The main characteristics of the surrounding area are:

- North: Rural residential allotments within the Low Density Residential Zone with frontages to Garfield Road. These allotments contain single dwellings and associated outbuildings. Immediately north is a battle-axe driveway providing access to an allotment to the west of the allotments fronting Garfield Road.
- South: Barker Road reserve accessed via an unmade road with a significant amount of vegetation either side within the road reserve. Further south are rural residential allotments of varying size within the General Residential Zone. Each allotment contains a single dwelling and associated outbuildings located close to Barker Road and a significant amount of vegetation. Each allotment slopes significantly to the south.
- East: Lots of varying size within the General Residential Zone. Each allotment contains a single dwelling and associated outbuildings located close to Garfield Road and Barker Road.
- West: Similar sized rural residential allotment with a single dwelling and associated outbuildings located to the centre of the property. This allotment is also within the General Residential Zone.

## PROPOSAL

### *Development plan:*

A Development Plan has been submitted to satisfy the requirements of the Development Plan Overlay- Schedule 6 (DPO6). The Development Plan replicates the Subdivision Plan and shows a street network, lot layout and vegetation retention.

### *Subdivision:*

The subdivision creates twenty-three (23) residential lots with an internal road to service the lots:

- Lots 3 and 23 will be 740sqm and 618sqm and will have direct access off Barker Road.
- Lots 1, 2, 4-11 and 14-22 will front the proposed road and will have lot sizes ranging from 578sqm to 1215sqm.
- Lots 12 and 13 will be the northern most lots fronting the court bowl of the proposed internal road. These lots will be 5520sqm and 7130sqm.
- Each lot will contain a building envelope with front setbacks a minimum of 7 metres and side setbacks between 2 to 2.5 metres.
- Rear setbacks for lots 1 to 3 and 21 to 23 will be 3 to 5 metres and rear setbacks for lots 4 to 20 will be a minimum of 10 metres.
- The proposed internal road will have a width of 16 metres and will gain access to Barker Road from the southern boundary of the site. The road is proposed to be vested to Council in the future.

### *Vegetation removal:*

A total five (5) trees and two (2) dead trees are proposed to be removed from the western side of proposed lot 3. The details are as follows:

Reference number	Species	Status	DBH (cm)
98	Eucalyptus Obliqua		35
99	Eucalyptus Cypellocarpa (Mountain Grey Gum)		60, 36, 35, 29
100	Eucalyptus Obliqua		36
103	Eucalyptus Cypellocarpa (Mountain Grey Gum)		56
104	Eucalyptus Cypellocarpa (Mountain Grey Gum)		32
105	Eucalyptus Obliqua	dead	42
106	Eucalyptus Cypellocarpa (Mountain Grey Gum)	dead	160

*Creation of easement:*

An easement is proposed along the southern boundary to provide drainage and sewerage services to the development. The purpose of this location is to avoid the need to remove additional vegetation in the road reserve to install the services. The easement is 4 metres wide and will benefit all lots in the proposed subdivision.

**PLANNING SCHEME PROVISIONS**

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- 11.02-1 Supply of urban land
- 12.01-2 Native vegetation management
- 12.04-2 Landscapes
- 13.03-3 Salinity
- 13.05 Bushfire
- 15.01 Urban environment
- 15.01-3 Neighbourhood and subdivision design
- 15.03-2 Aboriginal cultural heritage
- 16.01 Residential development
- 16.01-2 Location of residential development
- 16.01-4 Housing diversity
- 16.01-5 Housing affordability

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.02-2 Landscape
- 21.02-3 Biodiversity
- 21.02-4 Wildfire management
- 21.02-5 Open space
- 21.03-1 Housing
- 21.03-3 Rural townships

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.01 Public Open Space Contribution and Subdivision
- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.17 Native Vegetation
- Clause 56 Subdivision
- Clause 65.02 Decision Guidelines
- Garfield Township Strategy (August 2002)

Zone

The land is subject to the General Residential Zone - Schedule 1 (GRZ1)

Overlays

The land is subject to the Development Plan Overlay (Schedule 6) (DPO6)

#### PLANNING PERMIT TRIGGERS

The proposal is for multi-lot subdivision of land, removal of native vegetation and creation of an easement requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 General Residential Zone a planning permit is required to subdivide land.
- Pursuant to Clause 52.02 Easements, Restrictions and Reserves a planning permit is required to create an easement
- Pursuant to Clause 52.17-2 Native Vegetation a planning permit is required to remove native vegetation.

#### PUBLIC NOTIFICATION

There is no requirement within the Planning Scheme for the development plan to be advertised. The proposal was advertised during the assessment of Amendment C20. As the Development Plan is consistent with the Development Plan Overlay, there is no requirement for additional notice to be given for the subdivision.

Pursuant to Clause 43.04-2 of the Cardinia Planning Scheme, the subdivision application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act as the proposal is generally in accordance with the Development Plan for the site.

Pursuant to Section 52 of *The Planning and Environment Act 1987* the vegetation removal and creation of easement portion of the proposal was not required to be advertised as it was considered that it would not result in material detriment to any person for the following reasons:

- The vegetation to be removed is located internally to the site;

- The trees to be removed do not provide a screen or buffer to adjoining properties, therefore the removal of these trees will not cause detriment to and adjoining landowners;
- The native vegetation proposed to be removed is considered to be of low biodiversity significance and is of low retention value;
- The easement currently benefits the subject site and is created to enable the retention of vegetation within the Barker Road reserve, therefore is not foreseen to impact any adjoining land owners or occupiers.

Please Note: Notice of the application was given in error. On 27/4/2015 notices were sent by mail to the owners and occupiers of adjoining properties and two (2) objections were received. The objections related to drainage and the unmade state of Barker Road. The objectors were advised in writing that notice of the application was given in error. The objectors concerns have been addressed through permit conditions relating to the installation of appropriate drainage and the construction of Barker Road before Statement of Compliance is issued.

## REFERRALS

The application was referred to the following external authorities under Section 55 of the *Planning & Environment Act 1987*:

APA Group, Melbourne Water, South East Water, Country Fire Authority and Ausnet Services, who has no objection to the proposal subject to conditions.

## DISCUSSION

### Development plan

The Development Plan Overlay- Schedule 6 specifies a number of elements in which the development plan is to include:

#### *Subdivision layout:*

The subdivision layout shows twenty-three (23) lots incorporating a mix of lot sizes. Two lots are orientated towards Barker Road and the remainder are orientated around a proposed internal road off Barker Road. The development clearly indicates the various uses within the subdivision as well as the bearings of each of the lots.

#### *The staging of the development:*

The subdivision is not proposed to occur in stages.

#### *The relationship of the land to existing or proposed development on adjoining land to achieve the integrated subdivision of land in the area:*

The development plan shows the existing development on adjoining land. There are currently no proposed planning permit applications with Council to develop the adjoining land. It is considered that the proposed layout will not prejudice the ability for adjoining land to be developed.

#### *A range of lot sizes and lot development criteria is consistent with the Garfield Township Strategy (August 2002):*

A range of lot sizes have been proposed. Details are provided below;

Lot	Size (sqm)	Lot width (m)	Front setback (m)
1 and 22	680	20	7
2 and 21	578	17	7
3	740	20	7
4-6	1025	19	7
7-11	1215	22.5	7
12	5520	>40	7
13	7130	>40	7
14-16	1010	20	7
17-20	910	18	7
23	618	16.7	7

The Garfield Township Strategy (August 2002) was developed to provide a strategic policy framework for future development over 7-10 years. As it is now 14 years after the strategy was adopted by Council, it is acknowledged that the strategy is now limited in its ability to respond to current conditions and issues.

However, the vision and objectives of the strategy are still relevant; ultimately to retain the rural character of the township while ensuring the long term sustainability of the township.

The strategy recommends that lot sizes should be 1000-2000sqm with minimum width of 20m, minimum front setback of 10m and layout to maximise retention of existing trees. Majority of the proposed lots are greater than 1000sqm, crossovers along Barker Road have been minimised to retain roadside vegetation and building envelopes are proposed to protect native vegetation to be retained. The building envelopes to all lots incorporate acceptable setbacks from the front, side and rear boundaries to maintain the rural township character.

The strategic framework plan within the Garfield Township Strategy shows an east-west collector road to the north of the subject site. Council's Strategic Planning Department has recommended a carriageway easement or road reserve from the court bowl to the northern property boundary, however, given the future requirements for this road are unknown and at present time is unlikely to be required given the Low Density Residential Zoning to the north of the subject site, it is considered unnecessary to require a carriageway easement or road reserve.

*The identification of any remnant vegetation on the land and adjoining road reserve, and measures to provide for the protection and conservation of the vegetation:*

Native vegetation has been identified on the land and in the adjoining road reserve. Where possible, lots are orientated to the proposed internal road to minimise new crossovers in the road reserve and maximise retention of road side vegetation. Building envelopes have been positioned to avoid identified native vegetation. Tree protection zones have been identified.

*The identification of any noxious and environmental weeds on the land and adjoining road reserve and measures to control the weeds:*

Not applicable in this case.

*The identification of areas for revegetation with indigenous species as part of the subdivision of the land:*

Building envelopes have been proposed. This allows for an adequate amount of land available for revegetation.

*Infrastructure required to service the development of the land and arrangements for the provision of the infrastructure including access to the development from a sealed road, and provision of pedestrian linkages:*

An easement is proposed within the subject site along the southern boundary to accommodate the provision of drainage, sewerage and electricity to all lots in the subdivision. Barker Road has been identified on the plan as 'upgrade design subject to detailed design and the approval of Council'. The layout of the subdivision does not require pedestrian linkages through the subdivision to adjoining properties. Installation of footpaths along Barker Road as part of the Barker Road upgrade will be included standard permit conditions on the subdivision.

Subdivision

*State and Local Planning Policy Framework:*

The proposal is consistent with State and Local Planning Policy Frameworks. In particular, the application meets State policies that encourage residential development within the designated urban growth boundary, within a close proximity to commercial centres and along public transport routes. The subdivision will increase the supply of residential land within a small township and therefore increasing housing diversity and improving housing affordability.

*General Residential Zone:*

A subdivision within the General Residential Zone is to be consistent with the purpose of the zone and the objectives and standards of Clause 56 Subdivision of the Cardinia Planning Scheme. The application has been assessed against the relevant clauses of Clause 56 and it is considered that the subdivision generally complies.

*Public Open Space:*

A person who proposes to subdivide land must make a contribution to the Responsible Authority for public open space if the subdivision involves three or more lots.

The applicable public open space contribution must accord with the amount specified in the schedule to this clause, being 8% . A condition has been placed on the permit accordingly and the permit holder will be required to make this payment before a Statement of Compliance is issued under the *Subdivision Act 1988*.

*Vegetation removal:*

The proposed vegetation removal is minimal in the context of the surrounds. The application has been referred to Council's Environment Department with no objections to the proposal subject to a number of conditions relating to the submission of a landscape plan with the provision of indigenous species, the provision of offsets to compensate for the loss and measures to protect native vegetation to be retained.



The proposal has addressed the provisions of Clause 52.17 Native vegetation and is summarised as follows:

- **General Issues:** The proposed subdivision will result in minimal native vegetation to be removed on the subject site with substantial landscaping opportunities to enable re-vegetation of the site with indigenous species. Permit conditions will require design guidelines to require a minimum of 40% of the area in the front setbacks of lots to be landscaped with indigenous plant species and canopy trees to be provided. In addition, a landscaping plan will be required to show revegetation along Barker Road reserve.
- **Land Protection:** The removal is minimal and will not have significant impacts on land degradation or erosion.
- **Conservation Significance:** The proposed vegetation removal will not compromise the environmental outcome for the area given the low biodiversity significance and low retention value of the trees proposed to be removed.
- **Offsets:** Permit conditions will ensure that appropriate offsets are provided.

Overall it is considered that the proposal is consistent with the Native Vegetation Framework. The proposal avoids and minimises vegetation removal and permit conditions will ensure offsets will result no net loss for the area. As such the vegetation removal is consistent with these requirements.

Permit conditions will require tree protection envelopes to be shown on the plan of subdivision to protect the native vegetation to be retained. Within the tree protection envelope, no buildings or works is to occur. There is an overlap on lot 3 showing the building envelope encroaching into the tree protection zone of the native tree to be retained. The reason for this is to allow a reasonable building envelope to accommodate a dwelling.

This is considered acceptable in this instance as the encroachment is less than 10%. Australian Standard AS4970-2009 *Protection of Trees on Development Sites* allows for a maximum 10% incursion. Therefore, the restriction on the plan of subdivision for the tree protection envelopes will state; *'Native vegetation shown within this area must not be lopped, destroyed or removed without the written consent of the Responsible Authority. No buildings, construction works or earthworks are permitted to occur within the Tree Protection Envelope, with the exception of lot 3, where a maximum 10% encroachment into the tree protection envelope may be acceptable subject to written consent of the Responsible Authority.'*

#### *Creation of easement:*

The creation of a 4 metre wide easement along the southern boundary to provide drainage and sewerage services to the development. This will enable the installation of services for all lots in the proposed subdivision. This will allow minimal disruption to the vegetation in the Barker Road reserve, which is considered important habitat for the endangered Southern Brown Bandicoot. This is considered reasonable.

#### CONCLUSION

The proposed application is consistent with State and Local Planning Policy, and the zone and overlay provisions that apply to the site. The application has been assessed against the relevant policy and it has been determined that the application satisfactorily complies with the vision for the site.

For the reasons mentioned within this report, it is recommended that the Development Plan be approved and a permit is issued for application T140745 subject to the below conditions.

#### CONDITIONS

1. The layout of the subdivision, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority.
2. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with section 8 of that Act and Clause 66 of the Scheme.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favor of the relevant authority for which the easement or site is to be created.
5. 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 requirements and relevant legislation at the time; and
  - 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.
6. The permit holder must within four (4) weeks of the registration of the plans at the Land Titles Office send to the Responsible Authority:
  - a) A Certificate of Title for all land vested in the Responsible Authority on the Plan of Subdivision.
  - b) A clear A-3 size photocopy of the Title Office approved Plan of Subdivision.

#### Certification:

7. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the permit holder must submit to Council for approval street and road names proposed for the subdivision to the satisfaction of the Responsible Authority.
8. Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a landscaping masterplan 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 landscaping plan must be prepared by a person suitably qualified and experienced in landscape design, must be drawn to scale with dimensions and one (1) electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but must also show:

- a) A detailed plant schedule of all proposed tree, shrubs and ground covers, 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. Indigenous plant species should be used where possible;
- b) The layout of street trees using semi mature trees including the proposed location of evergreen and deciduous tree species to the satisfaction of the Responsible Authority;
- c) A 9 metre wide strip along Barker Road landscaped with indigenous species suitable for Southern Brown Bandicoot. The width may vary slightly but it is defined from the edge of the footpath to the edge of the earth batter adjacent to Barker Road. The landscaping plan must detail the species and densities of plants within the 9 metre indigenous landscaping buffer and the timing of the works must be provided to the satisfaction of the Responsible Authority. A standard density for indigenous landscaping is one (1) plant per square metre;
- d) A 30cm wide culvert placed under the driveway for Lot 3, Lot 23 and under the new entrance road. This culvert will facilitate the movement of the Southern Brown Bandicoot;
- e) The installation of one temporary Southern Brown Bandicoot habitat hide prior to the new landscaping being installed.
- f) Details of the treatment of interfaces with the surrounding road reserves;
- g) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- h) The layout of street tree using semi-mature trees including the proposed location of evergreen and deciduous tree species;
- i) The location, materials, finishes and final set out of paths, pedestrian, areas of pavement, and structures;
- j) Details of fencing, features walls, landscaping and the like;
- k) The removal of all existing disused structures, foundations, pipelines or stockpiles and eradication of weeds;

All species selected and landscaping must be to the satisfaction of the Responsible Authority.

When approved, the landscape plan will be endorsed and will then form part of the permit. Please note: Council's website has a list of plant species suitable for the Southern Brown Bandicoot and plan of how to construct a bandicoot hide.

#### Statement of Compliance:

9. Before the issue of a statement of compliance for the subdivision under the Subdivision Act 1988, the permit holder must, to the satisfaction of the Responsible Authority:
  - a) Provide appropriate driveway access and drainage connection points to all lots.

- b) 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”.
- c) Design and provide street lighting and pedestrian/cycle paths must be designed and provided for the relevant stage in accordance with Australian Standard 1158.1.
- d) Submit detailed landscape plans to be approved by the Responsible Authority. The plans must be in accordance with the approved Landscape Masterplan.
- e) Complete streetscape and landscaping works or by agreement with the Responsible Authority submit incomplete streetscape and/or landscaping works bonds at the completion of the civil works. Payment can be in the form of a cash bond or bank guarantee to the agreed value, which are released upon satisfactory completion of works.

*(Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee as the costs may vary on when the payment is made)*

- f) Provide bonding to cover all streetscape and landscaping works for a maintenance period. Payment can be in the form of a cash bond or bank guarantee to the agreed value, which are released upon satisfactory completion of works. A twenty four (24) month maintenance period will apply to all landscaping works, following which time and upon satisfactory completion and satisfactory maintenance the bond will be released.

*(Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee)*

- g) The landscaping works shown on the approved landscape masterplan for the subdivision must be carried out and completed.

10. Before the issue of a statement of compliance for the subdivision under the Subdivision Act 1988, building design guidelines and fencing controls must be submitted and approved by the Responsible Authority for the whole subdivision. The building design guidelines and fencing controls must be given effect in the form of either a restriction on the certified plan of subdivision or through an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987 which is recorded on the Certificate of Title to the land or Notice of Restriction on each plan of subdivision or a Memorandum of Common Provisions.

The restriction or agreement for the building design guidelines and fencing controls guidelines must provide for but are not limited to:

- a) Restrictions on the development of dwellings and garages on all lots, including but not limited to:
  - i. A requirement that dwellings are designed to respond to the slope through the adoption of tiered or split level design to reduce the need for earthworks and creation of high retaining walls or other supporting structures.
  - ii. A requirement for habitable room windows to be located on the front façade;

- iii. Provision of porticos or entrance treatments;
  - iv. The primary frontage visible from the front property boundary;
  - v. Garages are not to occupy more than 50% of the frontage of the dwelling;
  - vi. Restriction of one dwelling per lot;
  - vii. Garages to be set back a minimum 500mm behind the front building line;
  - viii. Restrictions on colours and materials;
- b) Restriction of development of dwellings on corner lots, including but not limited to:
- i. Dwellings on corner lots must address both frontages;
  - ii. Direct vehicular access from Barker Road is not permitted;
  - iii. At least two habitable room windows addressing the secondary street;
  - iv. Garages to be set back a minimum 500mm behind the front building line;
- c) Landscaping restrictions for all lots including but not limited to:
- i. The completion of landscaping of the front setback within six (6) months of occupation of the dwelling being occupied; and
  - ii. At least 40% of the front setback is to be landscaped with indigenous trees, shrubs, turfed plants, ground covers or lawn.
  - iii. With the exception of lots adjacent to Barker Road, canopy tree planting is to occur in the front and rear setbacks. Lots adjacent to Barker Road are to provide canopy tree planting in the rear setback.
- d) Fencing requirements including but not limited to:
- i. Front fences are not permitted;
  - ii. Minimise fencing on corner lots;
  - iii. Side fencing between allotments must consist of post and wire rural style fencing, extending from the front boundary for approximately 25% of the length of the boundary upon graduating to timber paling capped fencing. Timber paling fencing is to transition down in height to match the post and wire fence rather than two different fence heights meeting at the transition point. Where side boundary fencing abuts the rear boundary of an adjoining lot, timber paling fence may be provided to maintain privacy for the secluded private open space;
  - iv. For corner lots (lots 1 and 22), fencing on the boundary with Barker Road is to be a maximum of 40% of the length of the boundary with Barker Road. Any fencing along the boundary with Barker Road must be a minimum 40% transparency and be constructed of timber.

## 11. Before the issue of a statement of compliance for the subdivision under the Subdivision Act

1988, a sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority for contribution to public open space in accordance with Clause 52.01 of the Cardinia Planning Scheme.

12. Before the issue of a statement of compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation 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) a 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.
13. Before the issue of a statement of compliance for the subdivision under the Subdivision Act 1988, the applicant must design and construct, in accordance with plans and specifications approved by and to the satisfaction of the Responsible Authority:
  - a) Barker Road, extending from Garfield Road to the western boundary of the site, with a minimum of a 5.5 metre wide fully sealed pavement, kerb and channel and a 1.5 metre wide concrete footpath on one side of the road, concrete vehicle crossings to service all created lots and underground drainage.
  - b) The internal court, that includes a minimum court bowl radius of 8.6 metre to back of kerb, with a fully sealed road pavement and kerb & channel 7.5 metre invert of kerb to invert of kerb, 1.5 metre wide concrete footpaths on both sides of the road, concrete vehicle crossings to service all created lots and underground drainage.
14. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision, a functional layout plan for the subdivision must be submitted to and approved by the Responsible Authority. The functional layout plan must be 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.

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 to the satisfaction of the Responsible Authority;

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations;
- b) Topography and existing features, including contours for the subject land and any affected adjacent land;
- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land;

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

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- o) The relationship between the subject subdivision 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.
15. Before the issue of a statement of compliance for the subdivision under the Subdivision Act 1988, the permit holder must, to the satisfaction of the Responsible Authority:
- a) Provide appropriate driveway access and drainage connection points to all lots.
  - b) 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”.
- c) Design and provide street lighting and pedestrian/cycle paths in accordance with Australian Standard 1158.1.
  - d) Design and construct all internal road and drainage works necessary for the proper function of that stage.
  - e) Design and construct any required outfall drainage to the satisfaction of Melbourne Water and Cardinia Shire Council.
16. Before the issue of a statement of compliance for the subdivision under the Subdivision Act 1988, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority and to the satisfaction of the Responsible Authority.
17. At least 14 days before any works commence on the site, a site specific Construction Environmental Management Plan (CEMP) prepared 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 including
- a) Temporary stormwater management including sedimentation control.
  - b) Pollution and contamination controls including noise and dust.
  - c) Location of stockpiles and stockpile management.
  - d) Location of site office and facilities.
  - e) Equipment, materials and goods management.
  - f) Tree protection zones, trees to be retained and trees to be removed.
18. Speed control devices must be designed and constructed in any street exceeding 180 metres in length in a straight line, to the satisfaction of the approval and Responsible Authority.
19. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties to the satisfaction of the Responsible Authority.
20. 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, to the satisfaction of the Responsible Authority 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.



21. No fill or excavated material for or from this development may be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.
22. Earthworks must be undertaken in a manner that minimises soil erosion to the satisfaction of the Responsible Authority. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
23. 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.
24. 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 and to the satisfaction of the Responsible Authority, must be submitted for assessment.
25. Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the Responsible Authority:
  - a) 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.dspeg.com.au](http://www.dspeg.com.au).

Sketches of the details of the permanent survey marks.
26. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
27. Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
28. Reflective street number markers must be provided on the kerb in front of each lot to the satisfaction of the Responsible Authority.
29. All powerlines are to be provided underground to the satisfaction of the Responsible Authority.
30. All service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless otherwise agreed by the Responsible Authority.
31. All optical fibre conduit and associated infrastructure must be protected from damage to satisfaction of the Responsible Authority.
32. Tree protection envelopes extending the full length of the Tree Protection Zone (TPZ) for the native vegetation to be retained on Lot 3, 8, 9, 12 and 13 and building envelopes for all lots must be created as a restriction on the Plan of Subdivision submitted to the Responsible Authority for certification and lodged with the Titles Office for registration. Restrictions must include the following;

- a) The restriction for the Building Envelopes must include the following notation: *'all buildings must be located within the building envelope except with the written consent of the Responsible Authority.'*
  - b) The restriction for the Tree Protection Envelopes must include the following notation: *'Native vegetation shown within this area must not be lopped, destroyed or removed without the written consent of the Responsible Authority. No buildings, construction works or earthworks are permitted to occur within the Tree Protection Envelope, with the exception of lot 3, where a maximum 10% encroachment into the tree protection envelope may be acceptable subject to written consent of the Responsible Authority.'*
33. Before the installation of the street trees to be planted within the streetscape, an inspection of the plant stock must be undertaken by Council's Open Space Department. Any trees deemed unsuitable must not be planted within the streetscape.
34. The permit holder must notify Council's Open Space Department a minimum of seven (7) days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken.
35. Three (3) months before the end of the twenty-four (24) month maintenance period, a 'Hand Over Inspection' must be undertaken with Council's Open Space Department. Any streetscape related issues that arise from this inspection must be completed within the final three (3) months of the maintenance period. These works must be to the satisfaction of the Responsible Authority.
36. A Certificate of Final Completion will be issued by the responsible authority at the end of the quarter for the period in which the twenty-four (24) month maintenance period concludes. All maintenance activities are to be undertaken by the developer until a Certificate of Final Completion is issued by the responsible authority.
37. Native vegetation offsets must:
- a) Contribute gain of 0.035 general biodiversity equivalence units;
  - b) Be located within the Port Phillip and Westernport Catchment Management Authority boundary or the Cardinia municipal district;
  - c) Have a strategic biodiversity score of at least 0.150.
38. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
- a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan OR;
  - b) A credit register extract from the Native Vegetation Credit Register.
39. Every year, for a period of ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority

of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification. This condition does not apply for offsets on the native vegetation credit register as these include monitoring requirements.

40. Before the commencement of the development, the trees marked on the endorsed plans as being retained on site and on the Barker Road naturestrip must have Tree Protection Zones (TPZ) installed to the satisfaction of the Responsible Authority. All TPZ's must meet the following requirements:
- a) Each TPZ must be installed prior to the commencement of any demolition, excavation, tree removal, delivery of building/construction materials, temporary buildings and construction.
  - b) Each shall not be removed until such works have been fully completed.
  - c) Each TPZ must extend (as close as practicable) to the Tree Retention Zone, calculated as being a radius of 12 times the Diameter at Breast Height ( DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).
  - d) If works are shown on any endorsed plans of this permit within the calculated TPZ, the Tree Protection Fencing must be taken in only the minimum amount necessary to allow the works to be completed.
  - e) Areas within the TPZ must not be used:
    - i. for vehicular or pedestrian access, no trenching or soil excavation is to occur;
    - ii. for storage or dumping of tools, equipment, materials or waste is to occur;
    - iii. for storage of any vehicles, machinery, equipment or other materials.
41. All vegetation that is removed and disposed of must not cause damage to vegetation stands to be retained and must have regard to all local laws (e.g. vegetation burning laws).
42. Environmental weeds as referred to in the Cardinia Planning Scheme must not be planted on the subject land.
- Country Fire Authority:
43. Before the issue of statement of compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
- a) 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.
  - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
44. 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.

45. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
46. Roads must have a minimum trafficable width of:
  - a) 5.5m if parking is prohibited on one or both sides of the road,
  - b) 7.3m where parking is allowable on both sides of the road.
47. 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.

*AusNet:*

48. The plan of subdivision submitted for certification must be referred to Ausnet Electricity Services PTY LTD in accordance with Section 8 of the Subdivision Act 1988.
49. The applicant must:
  - a) Enter in an agreement with Ausnet Electricity Services PTY LTD for supply of electricity to each lot on the endorsed plan.
  - b) Enter into an agreement with Ausnet Electricity Services PTY LTD for the rearrangement of the existing electricity supply system.
  - c) Enter into an agreement with Ausnet Electricity Services PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
  - d) Provide easements satisfactory to Ausnet Electricity Services PTY LTD for the purpose of "Power Line" in the favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - e) Obtain for the use of Ausnet Electricity Services PTY LTD any other easement required to service the lots.
  - f) Adjust the position of any existing Ausnet Electricity Services PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
  - g) Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services PTY LTD for electric substations.
  - h) Provide survey plans for any electric substations required by Ausnet Electricity Services PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision. •

- i) Provide to Ausnet Electricity Services PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services PTY LTD to allow the new network assets to be safely connected to the distribution network.

*Melbourne Water:*

50. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
51. Before the certification, the plan of subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

*South East Water:*

52. The owner of the subject land must enter into an agreement with South East Water Limited for the provision of potable water supply and fulfil all requirements to its satisfaction.
53. The owner of the subject land must enter into an agreement with South East Water Limited for the provision of sewerage and fulfil all requirements to its satisfaction.
54. All lots on the plan of subdivision are to be provided with separate connections to our portable water supply and sewerage systems.
55. Prior to Certification of the Plan of Subdivision must be referred to South East Water in accordance with the Section 8 of the Subdivision Act 1988.

*APA Group:*

56. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
57. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

*Permit Expiry:*

- 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.

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. (Note: 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.)

Permit notes:

General:

- All copies of plans and documents should be provided to Council in electronic format to [mail@cardina.vic.gov.au](mailto:mail@cardina.vic.gov.au)

Country Fire Authority:

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

Melbourne Water:

- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 254654.

Ausnet:

It is recommended that, at an early date the applicant commences negotiations with Ausnet Electricity Services PTY LTD for a supply of electricity in order that supply arrangements can be worked 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 the 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.

South East Water:

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.

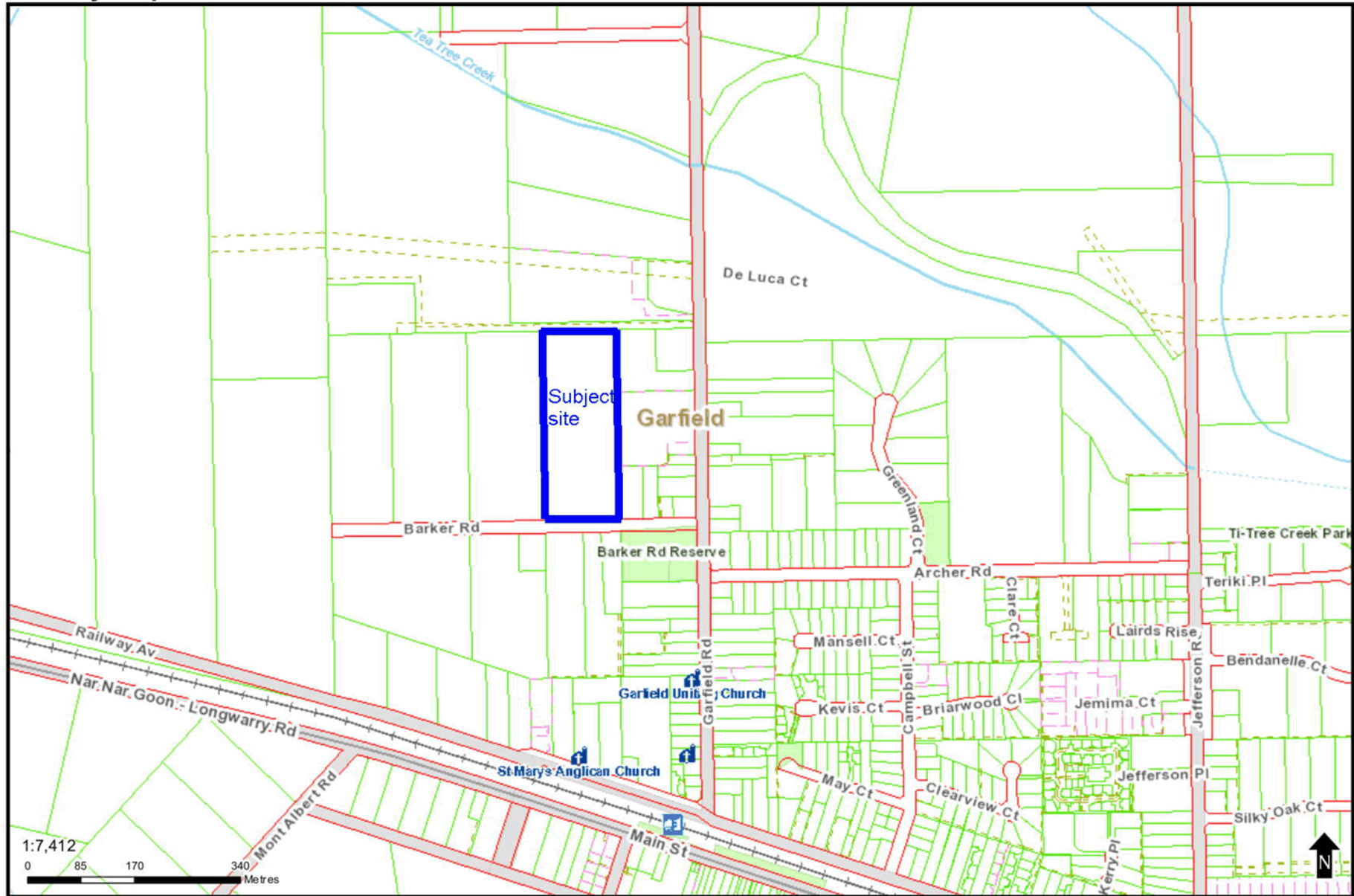
Agreement Options:

The following South East Water agreement options are available:

1. Application to enter into a Development Deed-works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development.
2. Application for Notice of Agreement Subdivision Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires State of Compliance to release the titles (i.e. subdivision prior to building).

3. Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e building prior to subdivision).

### Locality map



Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

15/03/2016



