



Cardinia

MINUTES OF TOWN PLANNING COMMITTEE

MONDAY, 4 APRIL 2016

MINUTES OF TOWN PLANNING COMMITTEE

held in the Council Chambers, 20 Siding Avenue, Officer
on Monday, 4 April 2016
The meeting commenced at 7pm

PRESENT: Mayor, Jodie Owen, Chairman

Councillors Tania Baxter, Kate Lempriere, Graeme Moore, David Young,
Collin Ross, Leticia Wilmot, George Blenkhorn, Brett Owen

Messrs Garry McQuillan (CEO), Phil Walton (GMPD), Doug Evans (MG)

APOLOGIES:
Nil.

DECLARATION OF PECUNIARY AND OTHER INTERESTS

The Mayor, Cr Jodie Owen declared an indirect interest in Item 1 on the agenda in accordance with Section 78E of the Local Government Act due to residing in close proximity to the property subject to the application.

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The Mayor having declared an indirect interest in the following Item called for nominations for the appointment of a temporary chairperson to take the chair for consideration of this matter.

Cr Ross nominated Cr Wilmot, seconded by Cr Blenkhorn.

The motion was CARRIED.

The Mayor left the Council Chamber at this stage and Cr Wilmot took the Chair.

1 USE OF AN EXISTING BUILDING AS A PLACE OF WORSHIP AND BUSINESS IDENTIFICATION SIGNAGE AT 50 LAKESIDE BOULEVARD, PAKENHAM

FILE REFERENCE INT1618124

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Amy Robie

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T150782 be issued for the use of an existing building as a place of worship and business identification signage at 50 Lakeside Boulevard, Pakenham subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Locality plan | 1 Page |
| 2 | Development plans | 4 Pages |
| 3 | Letters of objection circulated to Councillors only | 22 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T150782
APPLICANT:	Australasian Conference Association C/- Sweett Group
LAND:	50 Lakeside Boulevard, Pakenham
PROPOSAL:	Use of an existing building as a place of worship and business identification signage
PLANNING CONTROLS:	Comprehensive Development Zone Schedule 1 (CDZ1) Development Contributions Plan Overlay Schedule 1 (DCPO1) Clause 52.05 Advertising Signage Clause 52.06 Car parking
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the <i>Planning and Environment Act 1987</i> , by sending notices to adjoining land owners and occupiers and placing two (2) signs on site. Council has received nineteen (19) objections to date.
KEY PLANNING CONSIDERATIONS:	Potential for unacceptable noise impacts Car parking requirements

Visual amenity in relation to business identification signage

RECOMMENDATION: That a Notice of Decision to grant planning permit T150782 be issued with conditions.

BACKGROUND:

The site was previously used by Delfin Pakenham Pty Ltd as the land sales and information centre, including a café. Planning permit T040990 was issued on 6th January 2005 for an on premises liquor license. The land sales and information centre, including café closed some time ago and the existing building has remained vacant ever since.

SUBJECT SITE

The site is located on the south western side of Lakeside Boulevard, within the Lakeside estate.

The site is approximately 0.3 hectares and is an irregular shape. The site has a frontage to the lake of approximately 50 metres and a frontage to Lakeside Boulevard of approximately 40 metres.

The site contains an existing building, car parking area and landscaped gardens. The existing building is a weatherboard structure with corrugated roof. The main colours include various shades of greys/blues. There are two main entrances to the building; one off the walking path from the lake on the north western side of the building and one off the car parking area on the south eastern side of the building. There is a deck on the northern side of the building with shade sails and glass balustrading. The existing car parking area to the south east of the existing building contains forty-one (41) spaces, accessed via a curvilinear driveway off Lakeside Boulevard. Six (6) bicycle parking spaces are located on the south eastern side of the existing building.

A crossover is located off Lakeside Boulevard (north eastern boundary) and there is a drainage easement near the north eastern boundary (crossing the existing driveway) in favour of Melbourne Water.

The land is generally flat, with a gentle slope down towards the lake on the north western side of the existing building.

The main characteristics of the surrounding area are:

- **North west:** A large lake with walking paths and small break out parks surrounding the perimeter. Further north/north east is the Cardinia Cultural Centre.
- **North east:** Lakeside Boulevard, a dual carriageway with median. Both sides and the median of lakeside boulevard are planted with canopy trees. Further north east are residential dwellings.
- **South east:** A vacant allotment shown in the Lakeside Local Structure Plan as 'residential'. Further south east is Shearwater Drive and residential dwellings.
- **South west:** Residential dwellings fronting the lake, with garages to the rear.

PROPOSAL

The proposal is for the use of the existing building as a place of worship and business identification signage.

The application proposes to use the existing building as a place of worship with a maximum of one hundred and thirty seven (137) patrons. The service times and operating hours include the following;

- Saturdays; bible studies from 9.30am, main service between 11am and 12pm and fellowship until 3.30pm.

No building works are proposed. The use will occupy the existing building, with the main hall used for worship, the smaller rooms to the south west used as classrooms and the old café area used as a kitchen, all in association with the proposed place of worship.

The application proposes to install three business identification signs.

Two (2) signs are proposed to be attached to the 'turret' feature of the existing building. These signs will be 4m high x 3m wide. They will be orange in colour and feature a logo and the words 'Seventh-day Adventist church'. The signs will face a northerly and easterly direction. These signs will not be electronic or illuminated.

The other sign is proposed to be a pylon sign, utilising an existing pylon on the north eastern side of the building. The pylon sign will be 1.41m wide x 4.2m high. The sign will be orange at the top with a logo and grey at the bottom with the words 'Seventh-day Adventist church Pakenham'. The sign will be double sided with the same design on both sides. The sign will front a north westerly and south easterly direction. This sign will not be electronic or illuminated.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 15.01-1 Cultural identity and neighbourhood character
- Clause 18.02-2 Cycling
- Clause 18.02-5 Car parking
- Clause 19.02-3 Cultural Facilities
- Clause 19.02-4 Distribution of social and cultural infrastructure.

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-2 Urban Growth Area

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 Advertising Signs
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines
- Pakenham West Comprehensive Development Plan 1 September 2005
- Lakeside Local Structure Plan

Zone

The land is subject to the Comprehensive Development Zone Schedule 1 (CDZ1)

Overlays

The land is subject to the following overlays:

- Development Contribution Plan Overlay (Schedule 1) (DCP01)

PLANNING PERMIT TRIGGERS

The proposal for use of existing building as a place of worship and business identification signage requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 1.0 of Schedule 1 to the Comprehensive Development Zone of the Cardinia Planning Scheme, a planning permit is required for use of the land for a place of worship (as the section 1 condition is not met).
- Pursuant to Clause 52.05-9 Advertising Signage of the Cardinia Planning Scheme, a planning permit is required for business identification signage.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing two (2) signs on site.

The notification has been carried out correctly, and Council has received nineteen (19) objections to date.

The key issues that were raised in the objections are:

- Lack of car parking
- Noise associated with the use will take away tranquillity of the lake.
- Signage will negatively affect amenity of the area through its colour and size.
- Decline in property values due to undesirability of this religion.
- The prime location of the church will make the whole estate look like it is based on this religion.
- The building should be used as a café/restaurant/public space or something more inclusive for everyone to use.
- The application encourages segregation of the community.
- Door knocking in the area will increase.
- Religious sites should not be amongst residential areas or public amenities.
- The location of the site is too 'in my face' for people walking around the lake.

REFERRALS

No external referrals were required.

DISCUSSION

The proposed use as a place of worship and business identification signage (subject to conditions) is consistent with the State and Local Planning Policy Framework, the purpose of the zone and is consistent with the orderly planning of the area.

Proposed use of the land for place of worship

Pursuant to Clause 1.0 of Schedule 1 to the Comprehensive Development Zone, a planning permit is not required for a place of assembly provided that the site is identified for the use or is within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan.

In this instance the site is not identified for the use or within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan and the site is not identified for the use in the local structure plan (Lakeside Local Structure Plan). Therefore, a planning permit is required for the use.

The Lakeside Local Structure Plan shows the subject site as 'Restaurant/Café/Office/Residential'. In this case, the use is considered compatible with the residential use specified in the Lakeside Local Structure Plan.

The purpose of the Comprehensive Development Zone, is '*to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*'.

In the Comprehensive Development Zone, place of worship is 'as of right' (section 1 use) subject to size requirements. Beyond the size requirements, the use is subject to consideration regarding impact on the amenity of the area. In this instance, the location is considered appropriate as it will not negatively impact on the amenity of the area (as discussed below). Therefore, it is considered that the proposed place of worship is in accordance with the purposes of the Comprehensive Development Zone and is therefore in accordance with the Lakeside Local Structure Plan.

It is considered that the proposed use will not negatively impact on the amenity of the area for the following reasons:

- The proposed use does not require the regular transport of materials, goods or commodities to or from the land.
- Appropriate car parking to meet the requirements of Clause 52.06 Car parking of the Cardinia Planning Scheme has been provided and the site is well located with easy access to Lakeside Boulevard and the Princess Highway.
- The application proposed signage on the 'turret', which has since been deleted from the plans. This also satisfies objector concerns (as discussed below).
- The size and shape of the proposed pylon signage is considered acceptable located in an appropriate location, is of good design and attached to an existing pylon structure. Therefore, it is not considered that the proposal will negatively impact on the visual amenity of the area.
- The proposed use is not expected to generate any smell, fumes, smoke, vapour, steam, ash, soot, dust, grit or oil. The existing building is already connected to the reticulated sewerage system and there is no additional lighting proposed.
- The use is only proposed to operate on Saturdays during daylight hours.
- In relation to the potential for noise, permit conditions will be placed on the permit in order to limit any external sound amplification and that noise levels from the land do not exceed the standards prescribed in State Environment Protection Policy N-1 and N-2.

- As there are no buildings or works proposed as part of this application, it is not expected that there will be any impact on land degradation, salinity, water quality, stormwater or vegetation.
- The site is not located within a Bushfire Management Overlay, Land Subject to Inundation Overlay or Erosion Management Overlay, therefore, it is not expected that there is a flood, erosion or fire hazard associated with the use.

Proposed advertising signage

The subject site is located within a Comprehensive Development Zone (Schedule 1). Pursuant to Clause 37.02-5, advertising signs are in category 3 of Clause 52.05 Advertising signs.

Category 3 signs are located within a High Amenity Area and the purpose of the relevant clause is 'to ensure that signs in high amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area'.

The applicant has proposed a permit condition to delete the 'turret' signage from the proposal in response to the objectors concerns.

It is considered that the 'pylon' signage is appropriate for the area and is of good design and does not detract from the surrounding area.

The proposed signage will be attached to an existing pylon. The pylon is set back approximately 3.5 metres from the north east boundary (frontage to Lakeside Boulevard) and is of an appropriate size and scale in relation to the existing landscaping, buildings and streetscape in the immediate area. The sign is not considered to impact on any significant views, vistas or sight lines. The sign will not be illuminated.

There are a limited number of signs in the area and therefore, it is not considered that the proposed signage will result in the proliferation of signage in the area. Use of the existing pylon is considered to be the most appropriate location for signage associated with the proposed use.

Subject to conditions requiring the removal of the 'turret' signage, it is considered that the proposed signage is acceptable.

Car parking and bicycle facilities

The proposal meets the requirements of Clause 52.06 Car parking of the Cardinia Planning Scheme. Pursuant to Clause 52.06-5 of the Cardinia Planning Scheme, the required rate of car parking for a place of assembly is 0.3 spaces per patron permitted. The proposal includes a maximum of 137 patrons. The required amount of car parking spaces is forty-one (41). The proposal shows forty-one (41) existing car parking spaces. A permit condition can ensure that the maximum amount of patrons does not exceed 137 people and that the forty-one (41) spaces are available and not used for any other purpose.

The proposal meets the requirements of Clause 52.34-3 Bicycle Facilities of the Cardinia Planning Scheme. Pursuant to Clause 52.34-3 of the Cardinia Planning Scheme, the required rate of bicycle facilities for a place of assembly is 1 to each 1500sqm of net floor area and 2 plus 1 to each 1000 sqm of floor area. The existing building has a net floor area of 559.57sqm. Therefore, the required amount of bicycle parking is three (3) spaces. Six (6) bicycle parking spaces have been provided.

Covenant AG732063

Covenant AG732063 registered on title restricts further subdivision and requires buildings, works, signage and external lighting to be approved by the transferor (Delfin Pakenham Pty Ltd). The

restriction also requires the use to be authorised by the transferor. The applicant has submitted written correspondence to show that Delfin Pakenham Pty Ltd (LendLease) have consented to the proposed use and advertising signage.

Response to objectors concerns:

Lack of car parking

The proposal meets the requirements of Clause 52.06 Car parking of the Cardinia Planning Scheme. Pursuant to Clause 52.06-5 of the Cardinia Planning Scheme, the required rate of car parking for a place of assembly is 0.3 spaces per patron permitted.

The proposal includes a maximum of 137 patrons. The required amount of car parking spaces is forty-one (41) and the proposal shows forty-one (41) existing car parking spaces. In addition, there is an appropriate amount of car parking suitably located the lake and there is access to public transport.

A permit condition can ensure that the maximum amount of patrons does not exceed 137 people and that the forty-one (41) spaces are available and not used for any other purpose.

Noise associated with the use will take away tranquillity of the lake.

The use is only proposed to operate on Saturdays, during daylight hours. This is considered reasonable. Permit conditions can ensure that the use is restricted to these hours, that doors and windows are kept closed during services and that no external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Signage will negatively affect amenity of the area through its colour and size.

The applicant has proposed a permit condition to delete the 'turret' signage from the plans. The 'pylon' signage is considered appropriate for the location. The proposed pylon signage will be attached to an existing pylon, set back approximately 3.5 metres from the north eastern boundary (frontage to Lakeside Boulevard). It is not considered that the sign will negatively impact on any significant views, vistas or sight lines. The sign is of an appropriate scale in relation to the landscaping and buildings surrounding it and is not considered to dominate the skyline or result in a proliferation of signage in the area.

Decline in property values due to undesirability of this religion.

Property values and the type of religion proposed to be accommodated within the place of worship are not planning considerations.

The prime location of the church will make the whole estate look like it is based on this religion.

There are no changes proposed to the existing built form other than the signage proposed as part of the application. It is considered that the visual impact of the proposed place of worship on Lakeside Estate will be minimal, especially having regard to the range of other uses, built form, signage and landscaping which characterise the entrance to the Lakeside Estate.

The applicant has proposed to delete the 'turret' signage, therefore the only element to indicate that the building will be used as a place of worship will be a 'pylon' sign located on the north eastern boundary. The proposed 'pylon' signage will be attached to an existing pylon and is considered to be of appropriate size and scale in relation to the landscaping and buildings which surround it.

It is not considered that the sign will be a prominent feature in Lakeside Boulevard or from the public open space surrounding the lake. It is not considered that the proposal will dominate the skyline or negatively impact on the visual amenity of the area.

The building should be used as a café/restaurant/public space or something more inclusive for everyone to use.

The application is for a place of worship which is an appropriate and permitted use within the zone. The proposed use meets the needs of future and existing residents within the community. Furthermore, Council is required to consider the proposal based on its merits and against the purpose of the zone and relevant Decision Guidelines of the Cardinia Planning Scheme.

The application encourages segregation of the community.

All faiths are entitled to facilities and services to meet their needs, including places of worship to practice their faith. It is considered that the proposal encourages inclusion in the community by providing a place for those who choose to use this place of worship to practice their faith.

Door knocking in the area will increase.

No evidence has been provided to suggest that an increase in door knocking in the area will be a direct result of this proposal.

Religious sites should not be amongst residential areas or public amenities.

The site is located within a Comprehensive Development Zone. The use of the land for a place of worship is not prohibited, and subject to planning approval. In considering the application, Council is required among other things to consider the impact of the proposed use and advertising signage on the amenity of the area.

In this instance, it is not considered that the proposed use will have a negative impact on the amenity of the residential uses to the south, east and west or the public open space to the north. The use is only proposed to operate on Saturdays during the day and is not expected to generate any smell, fumes, smoke, vapour, steam, ash, soot, dust, grit or oil.

Permit conditions will ensure that external sound amplification is not used. The use will not impact upon the ability for the public to use the public open space to the north.

CONCLUSION

That planning permit T150782 be issued for the use of the land for place of worship and business identification signage subject to conditions. It is considered that the proposed use and signage is appropriate for the area and will not have a negative impact on the amenity or appearance of the area.

CONDITIONS

1. Before the commencement of the use and installation of advertising signage, 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 one (1) electronic copy

must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show;

- a) Delete the signage located on the 'turret'.
To the satisfaction of the Responsible Authority.
2. The layout of the use and advertising signage as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the prior written consent of the responsible authority, the approved use may operate only between the following times:
 - a) Saturdays 9am-4pm.
4. No more than 137 people may be present on the subject land at any one time, to the satisfaction of the Responsible Authority.
5. A minimum of forty one (41) car parking spaces must be provided at all times during the hours of operation and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
6. Noise from the use hereby permitted shall not exceed the standards prescribed in State Environment Protection Policy N-1 and N-2.
7. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
8. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
9. The sign must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
10. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.

Permit Expiry:

In accordance with Section 68 of the *Planning and Environment Act 1987*, this permit will expire if:

- a) The use is not started **two (2) years** from the date of this permit.
- b) The use is discontinued for a period of **two (2) years**.
- c) This signage permit expires **15 years** from the date of this permit.

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

Permit note:

- Please note that permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Public Health & Wellbeing Act.
- All copies of plans and documents should be provided to Council in electronic format to mail@cardinia.vic.gov.au

1 USE OF AN EXISTING BUILDING AS A PLACE OF WORSHIP AND BUSINESS IDENTIFICATION SIGNAGE AT 50 LAKESIDE BOULEVARD, PAKENHAM

Moved Cr K Lempriere Seconded Cr G Blenkhorn

That a Notice of Decision to Grant Planning Permit T150782 be issued for the use of an existing building as a place of worship and business identification signage at 50 Lakeside Boulevard, Pakenham subject to the following conditions:

1. Before the commencement of the use and installation of advertising signage, 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 one (1) electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Delete the signage located on the 'turret'.
To the satisfaction of the Responsible Authority.
2. The layout of the use and advertising signage as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the prior written consent of the responsible authority, the approved use may operate only between the following times:
 - a) Saturdays 9am-4pm.
4. No more than 137 people may be present on the subject land at any one time, to the satisfaction of the Responsible Authority.
5. A minimum of forty one (41) car parking spaces must be provided at all times during the hours of operation and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
6. Noise from the use hereby permitted shall not exceed the standards prescribed in State Environment Protection Policy N-1 and N-2.
7. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
8. The location and details of the signs, including those on the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
9. The sign must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
10. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.

Permit Expiry:

In accordance with Section 68 of the *Planning and Environment Act 1987*, this permit will expire if:

- a) The use is not started **two (2) years** from the date of this permit.
- b) The use is discontinued for a period of **two (2) years**.
- c) This signage permit expires **15 years** from the date of this permit.

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

Permit note:

- Please note that permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Public Health & Wellbeing Act.
- All copies of plans and documents should be provided to Council in electronic format to mail@cardina.vic.gov.au

Cd.

The Mayor returned to the Council Chamber at this stage having taken no part in the discussion or voting on this Item and resumed in the Chair.

2 TWO STOREY OFFICE DEVELOPMENT AND A REDUCTION IN CAR PARKING AT 29 JAMES STREET, PAKENHAM

FILE REFERENCE INT1618110

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Isla English

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T150296 be issued for the development of the land for an office building, associated works and a reduction in the car parking requirements of Clause 52.06 at 29 James Street, Pakenham subject to the conditions.

Attachments

- | | | |
|---|--|---------|
| 1 | Locality map | 1 Page |
| 2 | Development plans | 5 Pages |
| 3 | Letter of objection circulated to Councillors only | 1 Page |

EXECUTIVE SUMMARY:

APPLICATION NO:	T150296
APPLICANT:	Southern Planning Consultants
LAND:	Lot 1 TP378420D, 29 James Street, Pakenham
PROPOSAL:	Development of the land for an office building, associated works and a reduction in the car parking requirements of Clause 52.06 Car Parking of the planning scheme
PLANNING CONTROLS:	Commercial 1 Zone (C1Z) Development Contributions Plan Overlay - Schedule 1 (DCPO1) Land Subject to Inundation Overlay (LSIO) Clause 65 Decision Guidelines
NOTIFICATION & OBJECTIONS:	The application was advertised by sending notices to the owners and occupiers of adjoining land and placing one (1) sign on site. One (1) objection was received.
KEY PLANNING CONSIDERATIONS:	Design and Built Form Lack on onsite car parking Impact to adjoining residences
RECOMMENDATION:	Notice of Decision (NOD) - Approval subject to conditions

BACKGROUND:

This application was initially lodged with Council as a three storey office development that required a reduction of sixteen (16) spaces, to a two storey office development requiring a reduction of seven (7) car spaces.

The applicant has addressed Council's concern with over shadowing and overlooking by modifying the

Design of the building with recent changes including window treatments to be more sensitive to the adjoining unit development at 31 James Street, Pakenham. The urban design and layout are considered satisfactory.

SUBJECT SITE

The subject site is located to the south west side of James Street Pakenham with an overall area of 1073sqm. The site is occupied by a single storey weatherboard building located well within the allotment. Vehicle access to the site is via the north side of the property. The allotment has a few established trees on the site. There is a footpath located along both sides of James Street. The site has a 20.12 metre frontage to James Street with a length being 50.59 metres long and the allotment is rectangular shape.

Surrounding land use and development includes:

South East: Rear (Number 58 Main Street) single dwelling converted to a business use;

South West: Three single storey units with private open space adjacent to the fence line;

North West: Pakenham Scout hall;

North East: Single storey residence.

The property is serviced with the relevant infrastructure such as reticulated water, sewerage, power, drainage, gas and telecommunication services are available.

There are no restrictive covenants that affect the land, however there is a 2.3 metre wide easement located along the north eastern property boundary.

PROPOSAL

Approval is sought for the use and development of the land for a two storey office building with associated car parking and access.

Building Siting, Layout and form

- The proposal includes a modern two storey building with flat roof form and is located at 29 James Street, Pakenham.
- The proposed development will be setback a minimum of 1m from James Street, 2.3 metres from the northern side boundary, 4.62 metres from the southern side boundary and 11.9 metres from the rear property boundary.
- The proposed building has a maximum width of 13.2 metres and length of 27.25 metres with an overall height of 7.5 metres.
- The design of the building has undergone design changes in relation to the heights of walls directly abutting the adjacent lot to the north east (three single storey dwellings). The form of the building at the interface with the residential dwelling shows the building stepping up and in at each level this can be seen clearly from the north elevation on plan TP07 B (facing John Street).
- The proposed building is a two story and to be constructed out of tilt-up panel. The façade to James Street is modern in appearance using a variety of building textures with window glazing.
- Gross floor area is a total of 816.8sqm, with the net floor area of 625.52sqm.
- Each office is provided with associated amenities.

- The total floor area of the two levels of office space proposed is 816.8sqm. The ground floor level has two tenancies, one of which is 140.1sqm and the other being 106.5sqm of leasable floor space. Level 1 has an area of 272.3sqm and 106.5sqm in leasable floor space.
- A stair well is located at the rear of the property with stairs and a lift located to the front of the building.

The design feature elements of the building incorporate a contemporary style façade which is well articulated with staggered setbacks along the ground and first floor. The main entry foyer is easily accessed and incorporates interesting parapet features.

Each office space incorporates individual glass windows, with articulation to the entry verandah. The overall building comprises contemporary elements which complement the developing streetscape at each end of James Street. The office development on the corner of Stevenson Street and James Street and the office development on the corner of John Street and James Street.

Car Parking & Access:

The proposed development provides for fourteen (14) car parking spaces at the ground level with seven (7) of these spaces under cover, including one (1) disabled access space.

Planning Scheme Car Parking Requirement	Car parking provided	Reduction required
21	14	7

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.01 Activity Centres
- Clause 17.01-1 Business
- Clause 18.02-5 Car parking

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.04-3 Activity centres

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Pakenham Urban Design Framework
- Pakenham Structure Plan

Zone

The land is subject to the **Commercial 1 Zone (C1Z)**

Overlays

The land is subject to the following overlays:

- Development Contribution Overlay – Schedule 1 (DCP01)
- Land subject to Inundation (LSIO)

PLANNING PERMIT TRIGGERS

The proposal for the development of the land for an office building associated works and a reduction in car parking requirements of Clause 52.06 Car parking, requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 34.01-4 of the Commercial 1 Zone a planning permit is required for all building and works.
- Pursuant to Clause 44.04-1 of the Land Subject to Inundation Overlay a planning permit is required for all building and works.
- Pursuant to Clause 52-06-3 Car parking, a permit is required for a reduction in car parking spaces.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

The notification has been carried out correctly, and Council received one (1) objection to date.

The main issue that was raised within the objection includes an increase in traffic and on street car parking space.

REFERRALS

Under the Land Subject to Inundation overlay, the application was required to be referred to Melbourne Water as a statutory referral Melbourne Water. Melbourne Water had no objection to the proposal subject to conditions.

The application was referred internally to Council's Traffic Engineering Department, who expressed concerns in relation to the potential overflow of car parking from the future businesses. However, the traffic engineering assessment provides evidence that there are sufficient car parking spaces available during business hours to cover the shortfall of seven (7) spaces.

DISCUSSION

The subject site is located within a Commercial 1 zone (C1Z). The use of the land for the purpose of an office is an as of right use under the zone on the provision that car parking is provided at the standard rate specified within the planning scheme, otherwise a permit is required for a reduction in parking.

The application is not considered to jeopardise the various objective and strategies within the State and Local Policy of the Planning Scheme and meets with the purpose of the zone.

The applicant has addressed Council's concern with over shadowing and overlooking by modifying the building in recent amendments. The amendments include a reducing the building from a three (3) storey building to a two (2) storey building. Window treatments are provided and will be more sensitive to the adjoining unit development at 31 James Street Pakenham.

The design of the building and layout of the building and car parking are considered appropriate for the site. The issue is primarily in relation to the reduction in the car parking requirement.

Design and Built Form

Pakenham's Urban Design Framework (UDF) was adopted by Council in 2004. This document identifies development criteria for any new proposal within the central activity district of Pakenham. The subject site is identified in the UDF as being located within the "Mixed Use Precinct".

In addition the Pakenham Structure Plan 2015, Councils most recent long term plan for Pakenham also references the Pakenham Urban Design Framework. The Structure Plan identified this land as being mixed use.

The proposed two storey building is in accordance with the Pakenham Structure Plan and the Pakenham's Urban Design Framework (UDF). Whilst the built form is higher than the built form of nearby residential properties, it is in accordance with the future direction of the area being within a Mixed Use precinct. The development compliments and positively contributes to the contemporary nature of other developments within James Street.

The location of the site within the designated activity centre supports the proposal. Clause 21.04-3 (Activity Centres) further encourages new buildings in activity centres and to provide for a variety of mixed uses including commercial.

The proposal in its current form provides a continuous built form which suitably addresses the James Street streetscape with a minimal setback. The two storey built form does not create an impact on immediate area. The design of the facades with a variety of colours materials and design elements, the setback from the street, footpath and nature strips widths helps reduce the perceived bulk and scale of the building.

Car Parking

The provision of car parking for the development is assessed against the provisions of the Pakenham Urban Design framework and in accordance with Clause 52.06-5 Car Parking in the following table:

Land Use	Floor Area	Car Parking Ratio	Requirement	Available	Shortfall
Office	625.5 sqm	3.5/100sqm	21	14	7

According to the provisions of the planning scheme as outlined above, a total of twenty-one (21) car spaces are to be provided on the land. The proposed development provides for fourteen (14) car spaces on site at the rear of the building with access from James Street.

Therefore, there is a shortfall of seven (7) car parking spaces under Clause 52.06 – Car Parking of the Cardinia Planning Scheme.

The traffic report prepared by Traffix Group, highlights the State Governments Practice Note 22 (June 2015) specifies that the provisions for reducing the car parking requirement draw a

distinction between the assessment of likely demand for parking spaces (the Car Parking Demand Assessment), and whether it is appropriate to allow the supply of fewer spaces than assessed by the Car Parking Demand Assessment. These are two separate considerations, one technical while the other is more strategic.

Different factors are taken into account in each consideration.

Accordingly, the applicant must satisfy the responsible authority that the provision of car parking is appropriate on the basis of a two-step process, which has regard to:

- *The car parking demand likely to be generated by the use.*
- *Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the site.*

In considering a parking reduction, Council must consider the availability of alternative parking in the locality, availability of public transport, impact on adjoining uses, previous uses and impact on the local traffic management of the area. The Traffic Engineering Assessment submitted with the planning application, which undertook a survey on Thursday 10th December 2015 at 8 different times of day (9am, 10am, 11am, 12 noon, 1pm, 2pm, 3pm 4pm) identified that there was a minimum of 91 vacant spaces recorded at 10am and 12noon on Thursday 10th December, 2015 (23 parked cars, 20% occupancy) within James Street and John Street.

On-street parking within the surveyed area of James Street and John Street is primarily unrestricted with a total of 114 on-street parking spaces located within the survey area. Two unrestricted car spaces are available along the site's frontage. During the surveys, no vehicles were recorded parked along the site's frontage.

In addition, a total of 200 unrestricted off-street car spaces are located within a Council operated off-street car park located 75 metres to the south-east of the site.

During the surveys, a minimum of 152 vacant off-street car spaces were recorded at 10am on Thursday, 10th December, 2015 (48 parked cars, 24% occupancy).

The Traffic Engineering Assessment which, using evidence of the occupancy of other car parking in the area and availability of these spaces throughout the day/week as detailed above, determines that the car parking already existing in the vicinity of the site will be adequate to provide for the shortfall of seven (7) car spaces that will not be provided for onsite. It is expected that the peak times for the offices are likely to be during 9am to 5pm on weekdays.

The application was referred to Council's Traffic Engineering Department, who expressed concerns in relation to the potential overflow of car parking from the future businesses. However, the traffic engineering assessment as detailed above, provides evidence that there are sufficient car parking spaces available during business hours to cover the shortfall of seven (7) spaces.

The proposed use of the building as offices does amount to a reduced turnover of vehicles visiting the site as compared to retail uses, and medical practices.

Whilst the development has a shortfall in car parking, the proposed development will provide for economic growth in relation to business development and job opportunities within Pakenham. As such, a balanced approach to ensuring business, business growth, business retention and job opportunities are created, against the potential impact of the car parking reduction must occur. For the above reasons, it is officer's view that this proposal achieves this balance.

Objection

The objection received highlights ongoing concerns at the use of James Street for residents with the demands of cars using James Street at the moment as a link road.

Council acknowledges the existing traffic pressures and a long term plan for the area outlined within the Pakenham Structure Plan. The proposed orbital road is to provide alternative route for vehicles to access and circumvent the core retail area without putting further pressure on the valued street character of the area, in particular that of Main Street.

Whilst this is a long term goal to be achieved, the existing road network is able to cater for the additional traffic generated by this development.

CONCLUSION

It is considered that the application is consistent with the requirements of the Cardinia Planning Scheme and should be approved.

CONDITIONS

1. Before the commencement of the development, 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 one (1) copy (preferably electronic) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A landscape plan prepared by a person suitably qualified or experienced in landscape design, the plan must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed including street trees;
 - ii. Buildings and trees (including botanical names) on neighbouring properties, including the road reservation within three metres of the boundary;
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant for the common property throughout the site;
 - iv. Details of surface finishes of pathways and driveways for the property;
 - v. Details of tree protection measures of trees to be retained and streets trees, to ensure the health of the trees on adjoining properties or nature strip.All species selected must be drought tolerant and selected to the satisfaction of the Responsible Authority.
 - b) Bollards or other devices to prevent vehicles exiting the site for the north pedestrian walkway
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.

3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. Before the development starts, a tree protection fence must be erected around the street trees fronting James Street to define a "Tree Protection Area". The fence must be constructed of appropriate materials and heights to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Area must be covered by a 100mm deep layer of mulch and be watered regularly to the satisfaction of the Responsible Authority.
5. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
6. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

7. A minimum of fourteen (14) car space/s, including one (1) disabled car parking space clearly marked for use must be provided on the land for the development to the satisfaction of the Responsible Authority.
8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a) All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - b) A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - c) Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner.
 - d) The landscaping works shown on the endorsed plans must be carried out and completed.

All to the satisfaction of the Responsible Authority.

10. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
11. Potential for noise generation and traffic movements affecting nearby residential lots compliance with Environment Protection Authority (EPA) requirements relating to noise generation from this commercial premise are necessary.
12. Noise levels emanating from the premises must not exceed those permissible levels determined under:
 - a) State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
13. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
14. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
15. All wastewater must be discharged into reticulated sewerage system to the satisfaction of the Responsible Authority.
16. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
17. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of all of the buildings, including the roof, must be of a non-reflective nature.
18. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
20. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.
21. The development and development works associated with the construction of 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) Appearance of any building, works or materials;
 - c) Inappropriate storage of any works or construction materials;

- d) Hours of construction activity;
- e) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- f) Presence of vermin.

Melbourne Water:

22. The finished floor levels of the new office buildings must be set no lower than 33.12 metres to the Australian Height Datum (300mm above the applicable adjacent 1% ARI flood level in the road).

23. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Permit Expiry

This permit will expire if one of the following circumstances applies:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this permit.

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

Permit note:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- Copies of plans and other relevant documents should be submitted electronically to mail@cardinia.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 **254476**.

Melbourne Water's Assessment:

Preliminary information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, however the adjacent maximum 1% ARI flood level within the road (James Street) grades from 32.85 metres to the Australian Height Datum at the north property boundary corner down to 32.73 metres AHD at the east property boundary corner.

In interests of flood protection of the new buildings, Melbourne Water has listed a minimum floor level requirement, which has been achieved on the referred plans. No further amendments/adjustments are required from Melbourne Water's perspective on flood protection.

2 TWO STOREY OFFICE DEVELOPMENT AND A REDUCTION IN CAR PARKING AT 29 JAMES STREET, PAKENHAM

Moved Cr G Moore Seconded Cr G Blenkhorn

That a Notice of Decision to Grant Planning Permit T150296 be issued for the development of the land for an office building, associated works and a reduction in the car parking requirements of Clause 52.06 at 29 James Street, Pakenham subject to the following conditions:

1. Before the commencement of the development, 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 one (1) copy (preferably electronic) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A landscape plan prepared by a person suitably qualified or experienced in landscape design, the plan must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed including street trees;
 - ii. Buildings and trees (including botanical names) on neighbouring properties, including the road reservation within three metres of the boundary;
 - iii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant for the common property throughout the site;
 - iv. Details of surface finishes of pathways and driveways for the property;
 - v. Details of tree protection measures of trees to be retained and streets trees, to ensure the health of the trees on adjoining properties or nature strip.

All species selected must be drought tolerant and selected to the satisfaction of the Responsible Authority.
 - b) Bollards or other devices to prevent vehicles exiting the site for the north pedestrian walkway
2. The layout of the site and the size of the proposed buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. Before the development starts, a tree protection fence must be erected around the

street trees fronting James Street to define a "Tree Protection Area". The fence must be constructed of appropriate materials and heights to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Area must be covered by a 100mm deep layer of mulch and be watered regularly to the satisfaction of the Responsible Authority.

5. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
6. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

7. A minimum of fourteen (14) car space/s, including one (1) disabled car parking space clearly marked for use must be provided on the land for the development to the satisfaction of the Responsible Authority.
8. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
9. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority:
 - a) All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - b) A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - c) Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner.
 - d) The landscaping works shown on the endorsed plans must be carried out and

completed.

All to the satisfaction of the Responsible Authority.

10. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
11. Potential for noise generation and traffic movements affecting nearby residential lots compliance with Environment Protection Authority (EPA) requirements relating to noise generation from this commercial premise are necessary.
12. Noise levels emanating from the premises must not exceed those permissible levels determined under:
 - a) State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
13. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
14. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
15. All wastewater must be discharged into reticulated sewerage system to the satisfaction of the Responsible Authority.
16. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
17. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of all of the buildings, including the roof, must be of a non-reflective nature.
18. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
20. External lighting must be designed, baffled and located so as to not detrimentally effect on adjoining land to the satisfaction of the Responsible Authority.
21. The development and development works associated with the construction of 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) Appearance of any building, works or materials;
- c) Inappropriate storage of any works or construction materials;
- d) Hours of construction activity;
- e) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- f) Presence of vermin.

Melbourne Water:

22. The finished floor levels of the new office buildings must be set no lower than 33.12 metres to the Australian Height Datum (300mm above the applicable adjacent 1% ARI flood level in the road).

23. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Permit Expiry

This permit will expire if one of the following circumstances applies:

- a) The development is not started within **two (2) years** of the date of this permit.
- b) The development is not completed within **four (4) years** of the date of this permit.

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

Permit note:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- Copies of plans and other relevant documents should be submitted electronically to mail@cardinia.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 **254476**.

Melbourne Water's Assessment:

Preliminary information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, however the adjacent maximum 1% ARI flood level within the road (James Street) grades from 32.85 metres to the Australian Height Datum at the north property boundary corner down to 32.73 metres AHD at the east property boundary corner.

In interests of flood protection of the new buildings, Melbourne Water has listed a minimum floor level requirement, which has been achieved on the referred plans. No further amendments/adjustments are required from Melbourne Water's perspective on flood protection.

Cd.

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.dspect.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

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)

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).

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

Moved Cr G Moore Seconded Cr G Blenkhorn

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 following conditions:

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

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

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)

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).

Cd.

4 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

FILE REFERENCE INT1618063

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Tracey Parker

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

The report provides an update on the status of active planning scheme amendments and planning scheme amendment requests received.

Status of active amendments

The following table provides details relating to planning scheme amendments that are currently being processed.

CARDINIA PLANNING SCHEME AMENDMENT ACTIVITY REPORT						
A/No.	Proponent	Address	Purpose	Exhibition		Status
				Start	End	
C162	Cardinia Shire Council	Various properties	To protect significant trees in Cardinia Shire with a Heritage Overlay.	30/01/2014	28/02/2014	Amendment approved with minor changes on 10/02/2016. Gazetted.17 March 2016
C188	Cardinia Shire Council	Cardinia Shire	The amendment proposes to introduce Schedules 2 and 3 to the Low Density Residential Zone and numbers the existing unnumbered schedule to the Low Density Residential Zone to Schedule 1. It also rezones all of the land within the Urban Growth Boundary of Gembrook and Upper Beaconsfield that is currently zoned Rural Living Zone to the Low Density Residential Zone and apply a number of overlays to the land.	14/05/2015	15/06/2015	03/12/2015: Panel Report received.
C189	Cardinia Shire Council	Koo Wee Rup township	Amends the Municipal Strategic Statement to incorporate the Koo Wee Rup Township Strategy (November 2014).	05/03/2015	06/04/2015	Approved with changes and gazetted on 25/02/2016.

CARDINIA PLANNING SCHEME AMENDMENT ACTIVITY REPORT						
A/No.	Proponent	Address	Purpose	Exhibition		Status
				Start	End	
C198	Cardinia Shire Council	Beaconsfield	Amends the Municipal Strategic Statement to incorporate the Beaconsfield Structure Plan into the Local Planning Policy Framework.	07/08/2014	08/09/2014	Adopted by Council on 20/04/2015. Awaiting Minister's approval.
C204	Cardinia Shire Council	Various sites	Corrects a number of zoning anomalies.	28/05/2015	29/06/2015	Amendment approved with changes and gazetted on 18/02/2016.
C206	Cardinia Shire Council	16 Beaconsfield-Emerald Road Emerald	Rezone 16 Beaconsfield-Emerald Road Emerald from Rural Conservation Zone 2 to Public Park and Recreation Zone.	07/01/2016	08/02/2016	Objections received. Panel hearing be held on 2 - 4 May 2016
C207	Cardinia Shire Council	Cardinia Shire	Implements the Cardinia Shire Gaming Policy Review December 2015 by introducing a Gaming Local Planning Policy and amending the Schedules to prohibit gaming machines in all strip shopping centres and a number of shopping complexes.	22/10/2015	23/11/2015	Amendment approved and gazetted on 03/03/2016.
C209	Cardinia Shire Council	Pakenham Golf Course	Rezone of part of the golf course from Public Park and Recreation Zone to Low Density Residential Zone and apply a schedule to allow a minimum lot size of 2000m ² .	22/10/2015	23/11/2015	Awaiting authorisation from the Minister for Planning. .

4 PLANNING SCHEME AMENDMENT ACTIVITY REPORT

Moved Cr G Moore Seconded Cr G Blenkhorn

That the report be noted.

Cd.

5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

FILE REFERENCE INT1618055

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Tracey Parker

RECOMMENDATION

That the report be noted.

EXECUTIVE SUMMARY

The following matters have been dealt with under delegated powers since the last report to Council.

Central Ward – Decision from 29/02/16 – 18/03/16				
Date	Permit No	Location	The Proposal	The Decision
29/02/2016	T150794	30 Toomuc Valley Road, Pakenham Victoria 3810	Buildings and works associated with an education facility in a General Residential Zone	Issued
3/03/2016	T150013 - 1	Ivory Dr, Pakenham Victoria 3810	AMENDED PERMIT - Development and use of land for a medical centre.	Issued
7/03/2016	T160030	3 / 2-4 Purton, Pakenham Victoria 3810	Use of the land for a Restricted Retail Premises and the display of advertising signs (including an above-verandah sign and business identification signs) in the Industrial 1 Zone	Issued
10/03/2016	T150653	Bald Hill Road, Pakenham Victoria 3810	The development of the land for seven (7) warehouses	Issued
17/03/2016	T150785	199 Ahern Road, Pakenham Victoria 3810	Development of the land for a dwelling extension	Issued
Port Ward – Decision from 29/02/16 – 18/03/16				
Date	Permit No	Location	The Proposal	The Decision
29/02/2016	T150606	16 Gardner Street, Koo Wee Rup Victoria 3981	Use and development of the land for a second dwelling	NOD
1/03/2016	T150702	15 Corcoran Road, Bunyip Victoria 3815	Use and development of the land for a dwelling extension	Issued
1/03/2016	T150738	450 Cardinia Road, Officer South Victoria 3809	Construction of an outbuilding and associated earthworks within 100m of a waterway and designated floodplain in the GWZ1 and FO	Issued
7/03/2016	T160063	1285 Manks Road, Koo Wee Rup	Development of the land for an	Issued

		Victoria 3981	extension to a rural store	
17/03/2016	T150739	Temby Road, Iona Victoria 3815	The use and development of the land for a dwelling	Issued
17/03/2016	T160100	20 Dixons Road, Cardinia VIC 3978	Earthworks associated with a swimming pool	Issued
Ranges Ward – Decision <i>from</i> 29/02/16 – 18/03/16				
Date	Permit No	Location	The Proposal	The Decision
8/03/2016	T150705	7 Walnut Avenue, Emerald Victoria 3782	Building and works for the construction of a dwelling and removal of vegetation in the DDO, BMO and SLO1	NOD
9/03/2016	T150767	230 Telegraph Road, Beaconsfield Upper Victoria 3808	Development of the land for an outbuilding (shed) and associated earthworks.	Lapsed
16/03/2016	T150373	270 Cardinia Road, Officer South Victoria 3809	Development of the land for a multi-lot residential subdivision and the construction of a dwelling on each lot less than 350sqm	Failure
16/03/2016	T150770	3 Timbertop Boulevard, Officer Victoria 3809	Subdivision of the land	Issued
2/03/2016	T150721	485 Toomuc Valley Road, Pakenham VIC 3810	Use and development of the land for a Rural Store (exceeding 100sqm) in the GWZ1 and ES01	Issued
3/03/2016	T150713	21 Berrys Road, Emerald Victoria 3782	Use of the land for a second dwelling (transformation of existing outbuilding) and associated buildings and works	Issued
7/03/2016	T130764 - 2	226 Rix Road, Beaconsfield Victoria 3807	AMENDED PERMIT - Multi lot subdivision of the land	Issued
7/03/2016	T140535 - 1	Viridian Avenue, Officer Victoria 3809	Development of the land for fifty-three (53) dwellings in stages, generally in accordance with the approved plans	Issued
7/03/2016	T150578	45 Orchard Road, Gembrook Victoria 3783	Re-subdivision (boundary realignment) of two (2) existing lots	Issued
7/03/2016	T150621	434 Belgrave-Gembrook Road, Emerald Victoria 3782	Building and works for a dwelling extension within 5 metres of a boundary	Issued
7/03/2016	T150630	14 Sugarloaf Road, Beaconsfield Upper Victoria 3808	Construction of an outbuilding (pool house) within the GWAZ2, BMO and ES01	Issued
7/03/2016	T150818	6 Clendon Drive, Officer Victoria 3809	Buildings and works (dwelling) within the Significant Landscape Overlay - Schedule 6	Issued

7/03/2016	T160087	410 Toomuc Valley Road, Pakenham VIC 3810	The development of the land for earthworks associated with a swimming pool	Issued
8/03/2016	T150699	2072 Wellington Road, Clematis Victoria 3782	Buildings and works associated with an emergency services facility (fire station), associated carparking and vegetation removal in a Public Use Zone 7 (other public land use)	Issued
8/03/2016	T160009	695 Woori Yallock Road, Nangana Victoria 3781	The removal of native vegetation in a Green Wedge Zone Schedule 1 and the Environmental Significance Overlay Schedule 1	Issued
9/03/2016	T150826	Viridian Avenue, Officer Victoria 3809	The subdivision of land into fifty-three lots with common property generally in accordance with the approved plans	Issued
9/03/2016	T160068	30 Starling Road, Officer VIC 3809	Buildings and works associated with an education facility.	Issued
10/03/2016	T150716	36 View Hill Road, Cockatoo Victoria 3781	Development of the land for an outbuilding (shed) and associated earthworks	Issued
10/03/2016	T150817	10 Halcyon Grove, Cockatoo Victoria 3781	Development of the land for a dwelling extension within the Design and Development Overlay	Issued
10/03/2016	T160074	431 Princes Highway, Officer Victoria 3809	Use and development of the land for an office and a reduction in the car parking requirement of Clause 52.06 generally in accordance with the approved plans	Issued
10/03/2016	T160106	40 Rainy Hill Road, Cockatoo VIC 3781	Earthworks associated with the construction of a pool	Issued
11/03/2016	T160020	11 Knapton Avenue, Beaconsfield Upper Victoria 3808	Development of the land for an outbuilding (exceeding 4 metres in height above the natural ground level and gross floor area of all outbuildings exceeding 120 square metres) and associated earthworks	Issued
15/03/2016	T150714	110 Telegraph Road, Beaconsfield Victoria 3807	Development of the land for an outbuilding (shed)	Issued
15/03/2016	T150741	65 Avon Road, Avonsleigh Victoria 3782	Development of the land for two (2) outbuildings and associated earthworks, and the removal of one (1) tree.	Issued
16/03/2016	T150746	16 Old Gembrook Road, Emerald Victoria 3782	Buildings and works for a garage and carport (within 10m of a dwelling, within 5m of a boundary and exceeding 120sqm) within the DDO1 and BMO	Issued

16/03/2016	T150816	18 Valley Drive, Beaconsfield Upper Victoria 3808	The development of the land for an attached carport to an existing garage outside the building envelope and within five (5) metres of a property boundary	Issued
16/03/2016	T150819	381 Beaconsfield-Emerald Road, Guys Hill Victoria 3807	The development of the land for an outbuilding within five (5) metres of a property boundary in the Design and Development Overlay and associated earthworks	Issued
16/03/2016	T160003	290 Mountain Road, Gembrook VIC 3783	Use and development of the land for a dwelling and outbuilding and earthworks	Issued
17/03/2016	T130340 - 1	70 Brunt Road, Beaconsfield Victoria 3807	Subdivision of the land, generally in accordance with the endorsed plans	Issued
17/03/2016	T160017	10 Messmate Court, Emerald Victoria 3782	The development of the land for earthworks for the creation of a second access	Lapsed

5 PLANNING MATTERS DEALT WITH BY OFFICERS UNDER DELEGATION AUTHORITY

Moved Cr G Moore Seconded Cr G Blenkhorn

That the report be noted.

Cd.

6 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

FILE REFERENCE INT1618198

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Tracey Parker

RECOMMENDATION

That the report be noted.

Attachments

Nil.

EXECUTIVE SUMMARY

The following list is presented to keep Council informed of applications that are currently the subject of appeals proceedings.

Hearing date	App No.	Proposal	Address	Council decision	Appeal by	Status/ VCAT decision
Hearing - 23 Mar 2016	T140675	Subdivision	325 Princes Hwy, Officer	Failure to determine	Appeal by applicant	Awaiting hearing
17 May 2016	T150371	Major promotion sign	20 Racecourse Rd, Pakenham	Refusal	Appeal by applicant	Awaiting hearing
29 Feb 2016	T150230	Retail premises	795 Princes Hwy, Pakenham	Refusal	Appeal by applicant	Awaiting hearing
06-Jul-16	T150725	Development of the land for Major Promotional Signage	20 Lecky Road, Officer	Refusal	Applicant	Awaiting hearing
18-Jul-16	T150194	Development of the land for three (3) dwellings on the lot	Henry Road Pakenham	Refusal	Applicant	Awaiting hearing

6 PLANNING MATTERS CURRENTLY THE SUBJECT OF APPEAL AT THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL & THEIR OUTCOMES

Moved Cr G Moore Seconded Cr G Blenkhorn

That the report be noted.

Cd.

7 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

FILE REFERENCE INT1618199

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Owen Hardidge

RECOMMENDATION

That the list of enforcement matters currently before VCAT and the Magistrates' Court (and the County Court) be noted.

EXECUTIVE SUMMARY

The following list of enforcement matters currently before VCAT and the Magistrates' Court is submitted for Councillors information.

Where breaches of the Planning Scheme are detected that cannot be satisfactorily resolved Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

These matters can take several forms and the following are the usual steps in the enforcement process.

Where breaches are sufficiently serious, criminal proceedings in the Magistrates' Court will be commenced, and if so, the successful criminal proceedings will usually be followed by VCAT proceedings (criminal proceedings taking precedence over "civil" proceedings)

BACKGROUND

Where breaches of the Planning Scheme are detected that cannot be satisfactorily resolved Council undertakes enforcement action at the Victorian Civil and Administrative Tribunal (VCAT).

These matters can take several forms and the following are the usual steps in the enforcement process.

Where breaches are sufficiently serious, criminal proceedings in the Magistrates' Court will be commenced, and if so, the successful criminal proceedings will usually be followed by VCAT proceedings (criminal proceedings taking precedence over "civil" proceedings).

1). Multi-purpose Hearing

This is the first stage of the VCAT process, and is held shortly after the application is lodged. It is used to assess the future path of the case, and determine if the case can be settled, or will need to proceed to a full hearing.

2). Admin Mention

Administrative Mention is a hearing held without the parties in attendance and requires written correspondence from both parties to update the Member on the process of the matter.

3). Adjournment

An adjournment will be asked for where there has been some discussion between Council and the Respondent, and more time is to be allowed for the Respondent (or Council as the Applicant) for a variety of reasons.

4). Offset plan

An Offset Plan goes by a few different names, including a Property Management Plan or a Property Remediation Plan. These plans are used when a Respondent has removed vegetation or otherwise damaged vegetation on the Land and Council is seeking a remedy for this removal, normally requiring replanting to occur on the Land. This plan is what Council will seek in the shape of an Enforcement Order, and the contents of the Plan will be decided by Council's Environment Team.

5). Full hearing

A full hearing is a hearing which is to be contested by the Respondent.

6). Consent Orders

Consent Orders are an agreement between Council and the Respondents to, in most cases, create an Enforcement Order with conditions that are agreed to by both Parties. This is done where a Respondent has accepted there has been a breach of the Act and wants to comply with Council's proposed Enforcement Order. This saves on time and money by avoiding a hearing or lengthy VCAT processes.

The following list indicates such enforcement activities that are currently before VCAT or the Magistrates' Court.

Property address	Nature of contravention	Status
41 Burton Rd, Beaconsfield Upper	Vegetation removal and use of land as contractor's depot without a permit	<p>VCAT enforcement proceedings filed. Practice day hearing 20 Nov 2015. Possible contested hearing deferred to June 2016 to enable planning applications to be considered.</p> <p>Respondents have filed applications for planning permission regarding non-conforming uses. Currently with Planning department.</p>

Property address	Nature of contravention	Status
205 Obriens Rd, Bayles	Ongoing materials recycling issue on Green Wedge Land. Continuing failure to comply with VCAT enforcement order.	Magistrates' Court prosecution for failure to comply with VCAT order commenced. Listed for next mention 28 April 2016.
715 Gembrook Rd, Pakenham Upper	Alleged land use (burning off) and building breaches that relates to extensive and complex planning history of the site.	<p>Magistrates' Court proceeding adjourned to 15 June 2016 to allow accused to file application in VCAT for declaration as to existing use rights.</p> <p>Magistrates' Court proceeding may be delayed pending determination of this issue.</p> <p>Council commenced Building and Local Law prosecution of the owner, arising from construction and commercial-scale burn offs on the site.</p> <p>The owner asserts that burning off activities are protected by the planning scheme, and the prosecution will have to litigate this issue in some form.</p> <p>The property has a 17 year history of litigated planning disputes between 1997 and 2015.</p>
168 Brown Rd, Pakenham	Native vegetation removal, contrary to Environmental Significance Overlay, Green Wedge Zone and cl 52.17.	<p>Magistrates' Court prosecution for alleged vegetation removal contrary to the scheme.</p> <p>Matter to be adjourned into March 2016 (date TBA) to allow accused to prepare remediation plan.</p>
67 Payne Rd, Beaconsfield	Earthworks (fill) in excess of permit / without a permit, contrary to Green Wedge Zone and Environmental Significance Overlay.	Magistrates' Court prosecution listed for first mention 24 March 2016.

CONCLUSION

The list of current enforcement activities is presented for information.

7 PLANNING ENFORCEMENT MATTERS (INCLUDING MAGISTRATES' COURT PROSECUTIONS)

Moved Cr G Moore Seconded Cr G Blenkhorn

That the list of enforcement matters currently before VCAT and the Magistrates' Court (and the County Court) be noted.

Cd.

Meeting closed at 7.27.pm

Minutes Confirmed
Chairman