

5 SUBDIVISION OF LAND (6 LOTS) AT 44 AMBROSE STREET, EMERALD

FILE REFERENCE INT1691152

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Hugh Pierce

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T160026 be issued for the subdivision of land into six (6) lots in three (3) stages and creation of a road and the removal of vegetation at Lot S3 PS325761 44 Ambrose Street, Emerald subject to the conditions attached to this report.

Attachments

1	Locality plan	1 Page
2	Development plan	6 Pages
3	Copies of objections circulated to councillors only	13 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.:	T160026
APPLICANT:	Julie Kowalski C / - Nobelius Land Surveyors
LAND:	Lot S3 PS325761 44 Ambrose Street, Emerald Victoria 3782
PROPOSAL:	The subdivision of land into six (6) lots in three (3) stages and creation of a road and the removal of vegetation
PLANNING CONTROLS:	Low Density Residential Zone –Schedule 1 Bushfire Management Overlay Design and Development Overlay – Schedule 1 Vegetation Protection Overlay – Schedule 1
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. Council has received 10 objections to date.
KEY PLANNING CONSIDERATIONS:	Lot size, noise, traffic, amenity issues, vegetation removal
RECOMMENDATION:	Notice of Decision

BACKGROUND:

An application has been received to subdivide land in six lots in three stages. Each lot proposed exceeds the minimum lot size as prescribed by the zone. The application also incorporates the construction of a roadway and the upgrade of the carriageway easement to a road and the removal of vegetation for crossover access.

SUBJECT SITE:

The site is located on the southern end of Ambrose Street, via a carriageway easement. The site is 4.668 hectares and the lot formed part of a previous permit that subdivided land along Ambrose Road. The current title was created in 2001

There are no crossovers leading in to the site. A carriage way easement, which includes drainage, sewerage and telecommunication easements, forms the access to the title from the northern side of the lot. The site currently contains an existing dwelling, ancillary outbuildings and vegetation.

The topography of the land is slopes gently to the west towards Beaconsfield Emerald Road.

Vegetation is located primarily both sides of the driveway into the site over the carriageway easement and surrounds the existing dwelling on the site

The main characteristics of the surrounding area are:

- Large rural residential allotments with scattered vegetation and grassed paddocks
- A Buddhist temple is located on the southern property boundary

PROPOSAL:

The application requests the subdivision of land into 6 lots over three stages. The subdivision will follow the carriageway easement on the east side of the allotment.

Stage 1 creates Lot 1 and Lot 2

Lot 1 is to be 4006m² in area and Lot 2 is to be 4009m². Access will be made available on the west side of the proposed allotments which will require some vegetation to be removed.

Stage 2 creates Lot 3 and Lot 4

Lot 3 is to be 4944m² in area and Lot 4 is to be 5000m² in area. Access will be made available on the west side of the proposed allotment which again will require vegetation to be removed.

Stage 3 will contains Lots 5 and Lot 6

Lot 5 is to be 1.44ha in area and Lot 6 is to be 1.16ha in area. Access will be made available on the northern side of the proposed allotment which again will require vegetation to be removed.

The applications also requires the carriageway to be constructed and altered from a carriageway easement to a road

Vegetation removal required is considered minimal for the crossover access.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 16.01-4 Housing diversity
- Clause 16.02-1 Rural residential development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01-4 – Strategic vision

- Clause 21.01-5 – Strategic framework plan
- Clause 21.03-1 – Housing
- Clause 21.03-3 – Townships
- Clause 21.03-4 - Rural Residential and rural living development

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.02 Easements and Restrictions and reserves
- Emerald township Strategy

Zone

The land is subject to the Low Density Residential Zone

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay
- Design and Development Overlay – Schedule 1
- Vegetation Protection Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for the subdivision of land into six lots in stages and the removal of vegetation requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.03-3 of the Low Density Residential Zone a permit is required for the subdivision of land
- Pursuant to Clause 42.02-2 of the Vegetation Protections Overlay a planning permit is required for removal of vegetation
- Pursuant to Clause 43.02-3 of the Design and Development overly a planning permit is required for the subdivision of land
- Pursuant to Clause 44.06-1 of the Bushfire Management Overlay a planning permit is required for the subdivision of land

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(s) on site

The notification has been carried out correctly, and Council has received 10 objections to date.

The key issues that were raised in the objections are:

- Perceived inadequacy for the road to cater for the additional traffic
- Road maintenance – width of the road, wear and tear, dust
- Alternative access

- Noise levels generated
- Increased impact on the septic systems
- Property value

REFERRALS

CFA ,

The application was referred to CFA as a statutory referral. CFA had no objection to the proposal subject to conditions

Yarra Valley Water

The application was referred to Yarra Valley Water as a statutory referral. Yarra Valley Water had no objection to the proposal subject to conditions

Melbourne Water

The application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal subject to conditions

Ausnet Services

No response provided

DISCUSSION

Low Density Zone

The purpose of the LDRZ is:

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The proposed lots exceed the minimum lot size of 4000m² in area.

Decision guidelines under the LDRZ include the protection and enhancement of the natural environment and character of the area, and the availability and provision of utility services.

The lots are proposed to be sewerage, with a minimum area of 0.4 hectares, consistent with the requirements of the zone.

A building envelope is identified for each lot also in accordance with the requirements of the zone.

While driveway locations are not indicated at this stage the subdivision concept plan shows that there is minimal opportunity for the disturbance of vegetation through the construction of crossovers and driveways. If vegetation is required to be removed to accommodate future dwellings, this will require planning permission.

The size of the site, its location and the proposed lot design result in the subdivision being 'self-contained', in that it does not interfere with the development of adjacent properties.

Design and Development Overlay

Design and Development Overlay Schedule 1 - *Low Density Residential* (DD01) also applies to the site. The design objectives of DD01 seek to ensure that:

The location and design of buildings creates an attractive low density residential environment;

Development has regard to the environmental features and constraints of the land; and

The subdivision of land has regard to the existing pattern of subdivision in the area.

The proposed building envelopes compliment the DDO1 principles being located well within the proposed property boundaries. This will assist in establishing and maintaining a low-density residential character by the creation of development restrictions on the site.

Vegetation Protection Overlay

The vegetation protection objective is:

To protect and conserve existing vegetation as an important element of the character of low-density residential areas.

A planning permit is required to remove, destroy or lop any vegetation.

There will be little vegetation removed for the subdivision of these lots. As stated previously, the majority of the vegetation is located along the carriageway easement. The allotments proposed branch of the carriageway into vacant pasture land. The position of the building envelopes does not impact the existing vegetation of the proposed allotments.

As part of a planning permit condition Council will require clarification over the type of trees to be removed for vehicle access and a set requirements to establish and maintain vegetation elsewhere on the land.

Bushfire Management Overlay

The application was referred to the CFA for comments and approval. By approving the building envelopes and bushfire management plan, a planning permit for any dwelling will not be required under the CFA requirements at a later date.

Emerald township strategy

The Emerald District Strategy was adopted by Cardinia Shire Council in 2009, is a strategic document guiding development within the Emerald, Avonsleigh and Clematis region.

The subject site is identified in the strategy as being located within the neighbourhood precinct 7. This precinct is characterised as having:

- Undulating land;
- Filtered open views across valley,
- Density of vegetation able to provide screening of built form
- Low density, large blocks typical
- Roads are narrow, undulating sealed/unsealed;
- Open drainage narrow verges, no footpaths.

The strategy identifies the importance of the low density zone and the design and development overlay in regards to setback and site coverage. It also confirms that the proposed subdivision meets the strategy.

Easements and Restrictions and reserves

Pursuant to Clause 52.02 a planning permit is required under Section 36 of the Subdivision Act 1988 to remove a right of way. This is not required however if under Section 362A of the Land Act 1958 and the land transfers Council, which is being carried out for this proposal. The carriage way is to be changed to a road status if planning approval is gained.

Waste envelopes

The waste envelopes will be required to be removed from the submitted plans as Yarra Valley Water has requested the lots be connected to sewer. If this becomes prohibitive in cost for the applicant, it is recognised that each lot created is able to contain its own waste to the satisfaction of Council's Environmental Health department.

Objections

As stated previously, the application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 and 10 objections have been received. Below is the list of concerns objectors concerns include:

- Perceived inadequacy for the road to cater for the additional traffic

The engineering department states the road is able to cater for the additional traffic generated in regards to safety and maintenance. The carriageway will be sealed by the developer to ensure the road is of an acceptable standard for the increase in traffic at the end of Ambrose Street.

- Road maintenance – width of the road, wear and tear, dust

The carriage way easement will be upgraded to an appropriate standard to cater for the additional traffic generated. Once the road is fully constructed, it will be vested to Council as a public road.

- Alternative access

It is considered appropriate to access the lots off Ambrose Street rather than Beaconsfield Emerald Road. The lot is currently accessed via Ambrose Street and is its legal address. After a full assessment by Councils Engineers, it has been determined that Ambrose Street can suitably accommodate the subdivision and extra traffic movements.

- Noise levels generated

The proposed lots exceed the zone requirement and are large in area. They follow the pattern of development along Ambrose Street. It is not appropriate to refuse an applicant for construction work in establishing the lots or on the belief that noise will be generated by people living on the lots created.

- Increased impact on the septic systems on a hill

The lots will either be connected to sewerage or have septic systems for the dwellings created. A land capability assessment was submitted and approved by Councils health department. Appropriate condition will be placed on any permit issued for the subdivision to ensure any dwelling constructed are in accordance with EPA regulations.

- Question of advertising process

Whilst some objectors questioned the advertising process, the requirements have been undertaken in accordance with the requirements of the Planning and Environment Act 1987.

- Property value

VCAT have determined the perceived loss in property value is not a considered planning objection.

CONCLUSION

It is considered that the proposal can be supported when assessed against the Cardinia Planning Scheme. It meets the zone provisions, overlay controls and the Emerald township strategy. The proposal will provide a

positive design response to the immediate vicinity of the site and will contribute to the existing and preferred neighbourhood character of the Emerald Township.

It is therefore recommended that a Notice of Decision be issued for Planning Permit T160026, for the subdivision of land into six (6) lots in three (3) stages, the creation of a road and the removal of vegetation at Lot S3 PS325761 44 Ambrose Street, Emerald subject to the conditions Earthworks at 67 Payne Road, Beaconsfield Victoria 3807 subject to the following conditions:

CONDITIONS

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions and one (1) copy 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 indicating all trees to be retained and removed from the subject site. The plan must include the species, height and diameter at breast height and take in to account the requirements of Condition 7d demonstrating the position of the crossovers

Clearing must be undertaken in accordance with the endorsed plan.

- b) An offset management plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan must be directed at offset planting of indigenous plants for the loss of vegetation in 1a. The amount must adequately compensate for the removal of the vegetation. The planting is to be placed on proposed Lot 6. When approved, the offset management plan will be endorsed and will form a part of this permit.

These plants must be planted with tree guards (*where appropriate*), mulched and maintained for a period of at least two (2) years after planting to ensure their survival to the satisfaction of the Responsible Authority.

- c) Amended building envelope plan demonstrating the building envelopes to be located in accordance with the lots arrangement on Version 5 of PS727455. Building envelopes must be sited to ensure vegetation to the rear of proposed Lot 1 and 2 are retained.
 - d) Delete the waste envelope from the plans
 - e) Address condition 26 of this permit (CFA)
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
 3. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
 5. The subdivision must proceed in the order of the stages shown on the endorsed plan except with the prior written consent of the Responsible Authority.

6. Before the certification of any plan within the subdivision, a layout plan of that stage detailing street names and lot sizes generally consistent with the overall layout plan must be submitted to and approved by the Responsible Authority.
7. Prior to the issue of a Statement of Compliance the following works must be designed and constructed in accordance with plans and specifications approved by and to the satisfaction of the responsible authority:
 - a) The roadway indicated as 'R1' on the plan of subdivision must be fully constructed with a sealed pavement and kerb & channel,
 - b) Underground drainage must be constructed to appropriately drain the proposed lots and road reserve.
 - c) Concrete vehicle crossings constructed to service all proposed lots.
 - d) A court head construction that accommodates the turning movements of an 8.8 metre garbage truck.
 - e) All vegetation offsets must be provided for as per requirement of Condition 1
8. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b. Topography and existing features, including contours for the subject land and any affected adjacent land,
- c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e. All trees proposed for removal from the subject land clearly designated,
- f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h. The proposed minor drainage network and any spatial features requiring access,
- i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed 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 stage and surrounding land,
 - p. Proposed linkages to future streets, open space, regional path network and upstream drainage,
 - q. Works external to the subdivision, including both interim and ultimate access requirements,
 - r. Intersections with Category 1 roads showing interim and ultimate treatments,
 - s. Drainage and sewerage outfalls including any easements required over other property.
- 9. Before the statement of compliance is issued, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".
- 10. Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
- 11. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
- 12. Before a Statement of Compliance is issued, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
- 13. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.
- 14. The CEMP must address all environmental risks and include:
 - a. Temporary stormwater management including sedimentation control,
 - b. Provision of 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; and
- 15. All roads used for the purpose of haulage of imported or exported materials for construction must be:
 - a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c. Reinstated to the satisfaction of the Responsible Authority.
- 16. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
- 17. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must provide:

- a. Provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
18. 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.
19. The owner of the land must enter into an agreement with: a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and 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.
20. Before the issue of a Statement of Compliance for any stage of 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.
21. Before the development starts, a semi permanent structure to the satisfaction of the Responsible Authority must be placed around the vegetation identified for retention during construction works so as to create an "exclusion zone". No person or vehicle is to be allowed into the exclusion zone unless under supervision. No stock piling of materials, changing the soil grade through cut or fill, trenching, washing out of chemicals, oil spills, lighting fires or tearing of tree roots is to occur in the exclusion zone. Exclusion zones are to be accurately plotted on construction plans and contractors and sub-contractors, suppliers and service providers are to be made aware these protective measures apply to the subject land.
22. Before removal of the vegetation, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.
23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
24. All vegetation that is removed and disposed of must:
 - a) Not cause damage to vegetation stands to be retained.
 - b) Have regard to the local law when burning vegetation.

25. Except where specified on the endorsed plan, no other vegetation may be removed from the subject land, without the further written consent of the Responsible Authority.

CFA conditions

- 26 Before the certification is issued under the Subdivision Act 1988, an amended bushfire management plan which is generally in accordance with the Bushfire Management Plan (prepared by Jardine Johnstone; drawing No.: BMP01; revision date 03/09/2016) must be submitted to and endorsed by the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Cardinia Planning Scheme. The BMP must be revised to show the following additional bushfire mitigation measures and site features, unless otherwise agreed in writing by the CFA and the Responsible Authority:

a) Show for Lot 1, Lot 2, Lot 3, Lot 4 and Lot 6:

i) the dimensions of each building envelope; and

ii) the setbacks of each building envelope from adjacent property boundaries.

b) Show for Lot 6 an area of defensible space around the proposed building envelope for a distance of 11 metres in the north, south and east directions and to the property boundary in the west direction.

27. Before the statement of compliance is issued under the subdivision Act 1988 the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and environment Act 19897. The agreement must:

a) State that it has been prepared of the purpose of an exemption from a planning permit under Clause 44.06-1 of the Cardinia Planning Scheme.

b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit

c) State that is a dwelling is constructed on the land without a planning permit that the bushfire mitigation measurement set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuous basis

The land owner must pay reasonable costs of the preparation, execution and registration of the Section 173 agreement

28. In addition to the requirements of Clause 44.06-3 of the Cardinia Planning Scheme, the Section 173 Agreement prepared in accordance with that clause must also specify the following:

a) Explicitly exclude Lot 5 (i.e. lot with an existing dwelling) from the following exemption under Clause 44.06-1 of the Cardinia Planning Scheme:

- o A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-3.

- 29 Before the Statement of Compliance is issued under the *Subdivision Act 1988*, defensible space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Yarra Valley Water conditions

30. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
31. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Melbourne Water conditions

32. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
33. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
34. This permit will expire if:
 - a) The plan of subdivision for the first stage is not certified within two (2) years of the date of this permit; or
 - b) The plan of subdivision for any subsequent stage is not certified within 2 years of the date of certification of the previous stage of subdivision;
 - c) The registration of any stage of the subdivision is not completed within 5 years of the date of the certification of the plans of subdivision.(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.)

FOOTNOTES

If any new boundaries or works encroach over any part of the existing septic tank system, including buffer zones, the system must be relocated to the satisfaction of Council.

Melbourne Water footnotes

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 273210. If you have any enquiries, please contact me on telephone 9679 7517 or e-mail emma.tame@melbournewater.com.au.

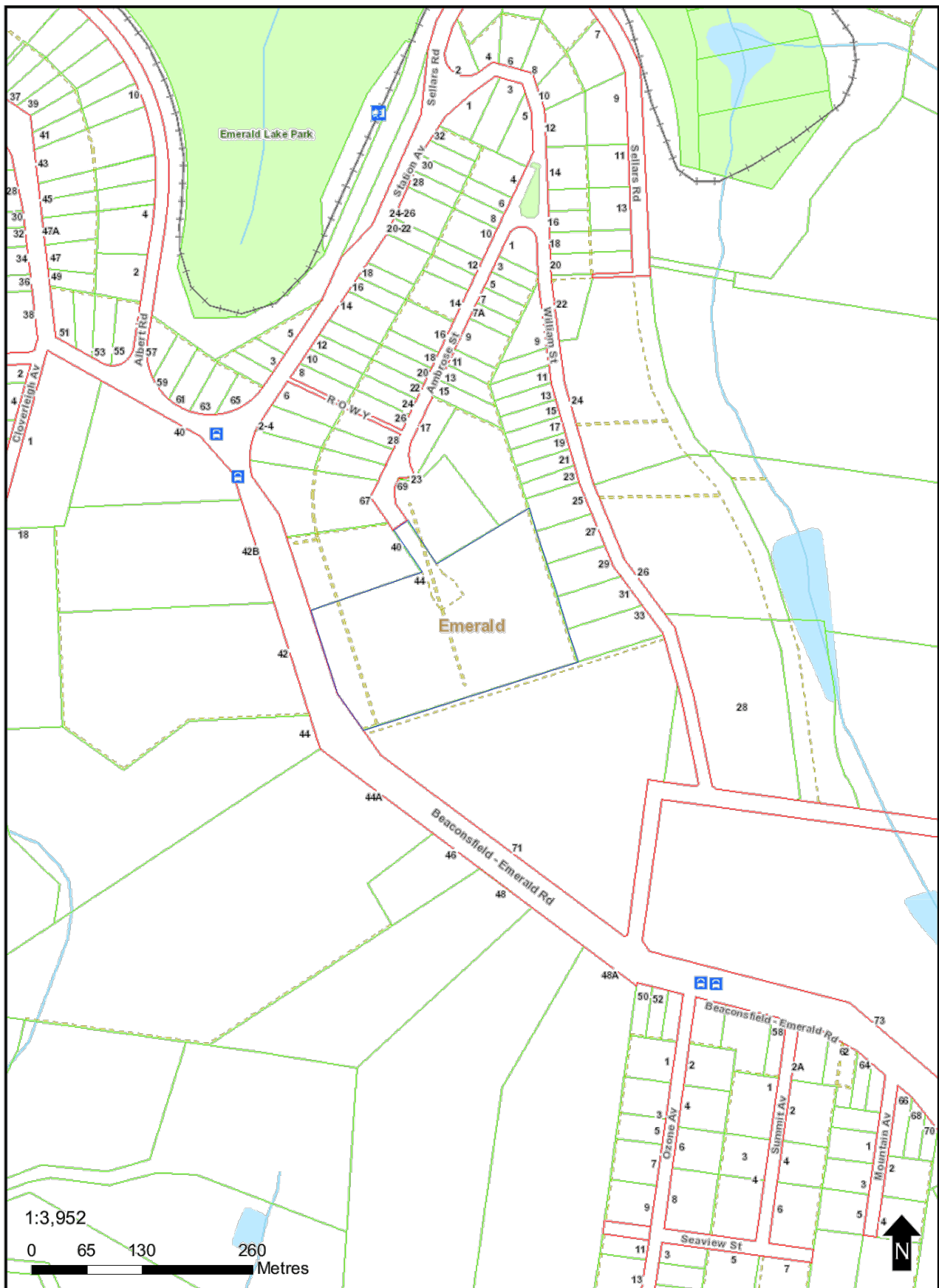
CFA footnotes

To enact the bushfire mitigation measures of the endorsed Bushfire Management Plan and enable a dwelling exemption from a planning permit under Clause 44.06-1, the Subdivision Mandatory Condition of Clause 44.06-3 must be applied to any planning permit that may be issued for this planning application.

CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.


CFA also consents to the Statement of Compliance for Subdivision under the *Subdivision Act 1988*.

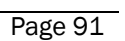
44 Ambrose Street, Emerald



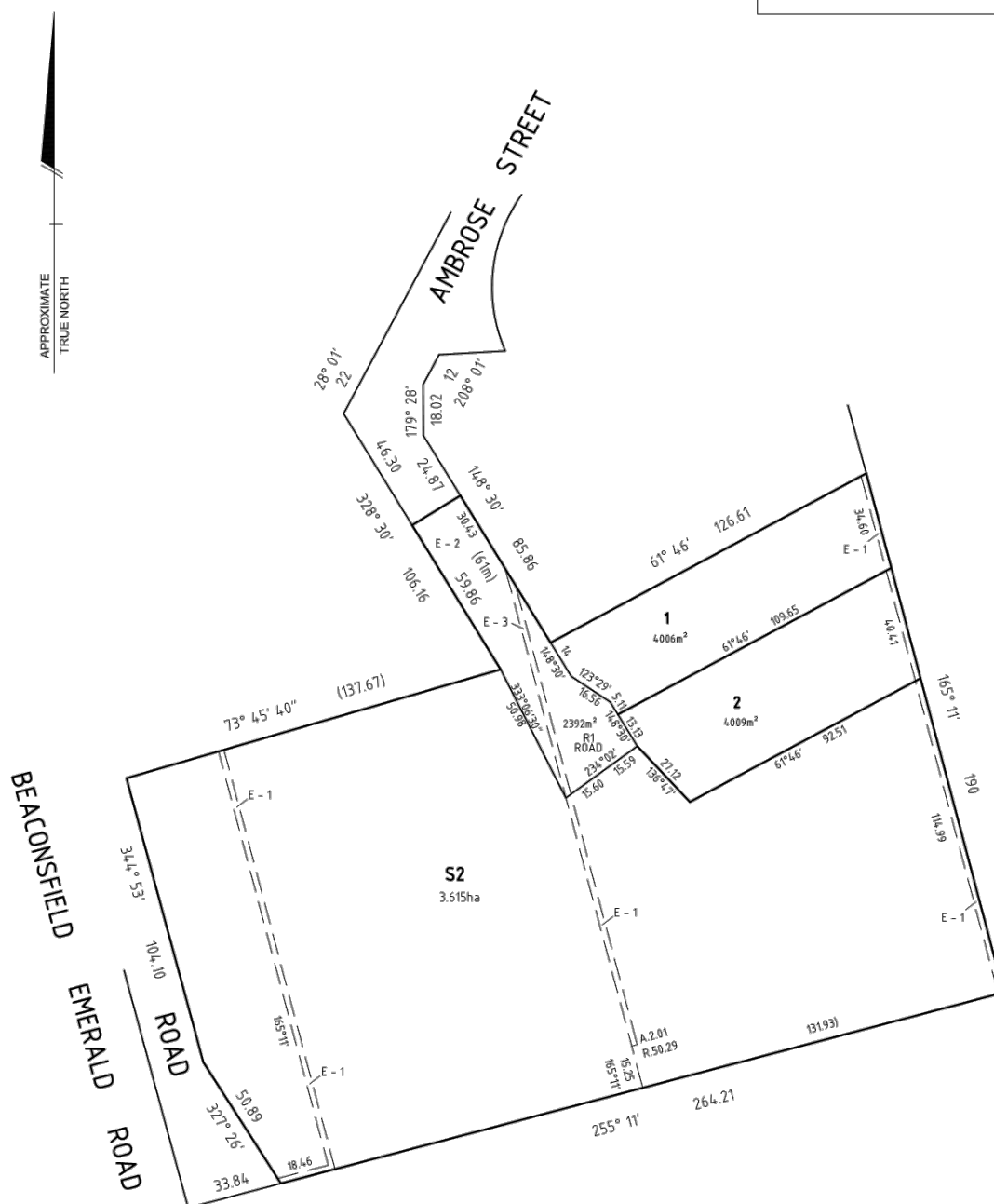
Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

18/11/2016

PLAN OF SUBDIVISION		EDITION 1		PS 727455 D					
LOCATION OF LAND PARISH: Gembrook TOWNSHIP: --- SECTION: --- CROWN ALLOTMENT: 43 & 44 (pt) CROWN PORTION: --- TITLE REFERENCE: Vol. 10580 Fol. 679 LAST PLAN REFERENCE: Lot S3 PS325761 M POSTAL ADDRESS: 44 Ambrose Street, Emerald 3782 (at time of subdivision) MGA CO-ORDINATES: E: 364 330 ZONE: 55 (of approx centre of land N: 5 799 790 GDA 94 in plan)			Council Name: Cardinia Shire Council <u>EXPLANATORY NOTE:</u> WARNING: This plan is unregistered. Alterations may be required by Council and the Registrar of Titles prior to Registration, Nobeliuss Land Surveyors accepts no responsibility whatsoever for any loss or damage suffered.						
VESTING OF ROADS AND/OR RESERVES			NOTATIONS						
<table border="1"> <thead> <tr> <th>IDENTIFIER</th> <th>COUNCIL/BODY/PERSON</th> </tr> </thead> <tbody> <tr> <td>R1 ROAD</td> <td>Cardinia Shire Council</td> </tr> </tbody> </table>		IDENTIFIER	COUNCIL/BODY/PERSON	R1 ROAD	Cardinia Shire Council	This is a Spear Plan <u>Other Purpose of Plan</u> 1. Remove S3 on PS325761M from the staging process to create lot A. 2. Subdivide lots A to create lots 1, 2, ROAD & S2 on this Plan.			
IDENTIFIER	COUNCIL/BODY/PERSON								
R1 ROAD	Cardinia Shire Council								
NOTATIONS									
DEPTH LIMITATION: DOES NOT APPLY									
SURVEY: This plan is based on survey. STAGING: This is a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No. ---									
EASEMENT INFORMATION									
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)									
Easements and rights implied by Section 12(2) of the Subdivision Act 1988 apply to all of the land in this plan.									
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of					
E-1 & E-2	Drainage	2.01	LP 13266	All Lots on LP 13266					
E-2 & E-3	Way, Drainage, Sewerage Gas, Electricity, Telephone and Data Transmission	See Plan	PS 325761M	Lot 7 on PS 325761M					
NOBELIUS LAND SURVEYORS  P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobeliuss.com.au		SURVEYORS FILE REF: 9862 LICENSED SURVEYOR: R. P. NOBELIUS VERSION 5		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2				



PS 727455 D

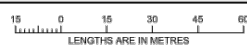


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SCALE
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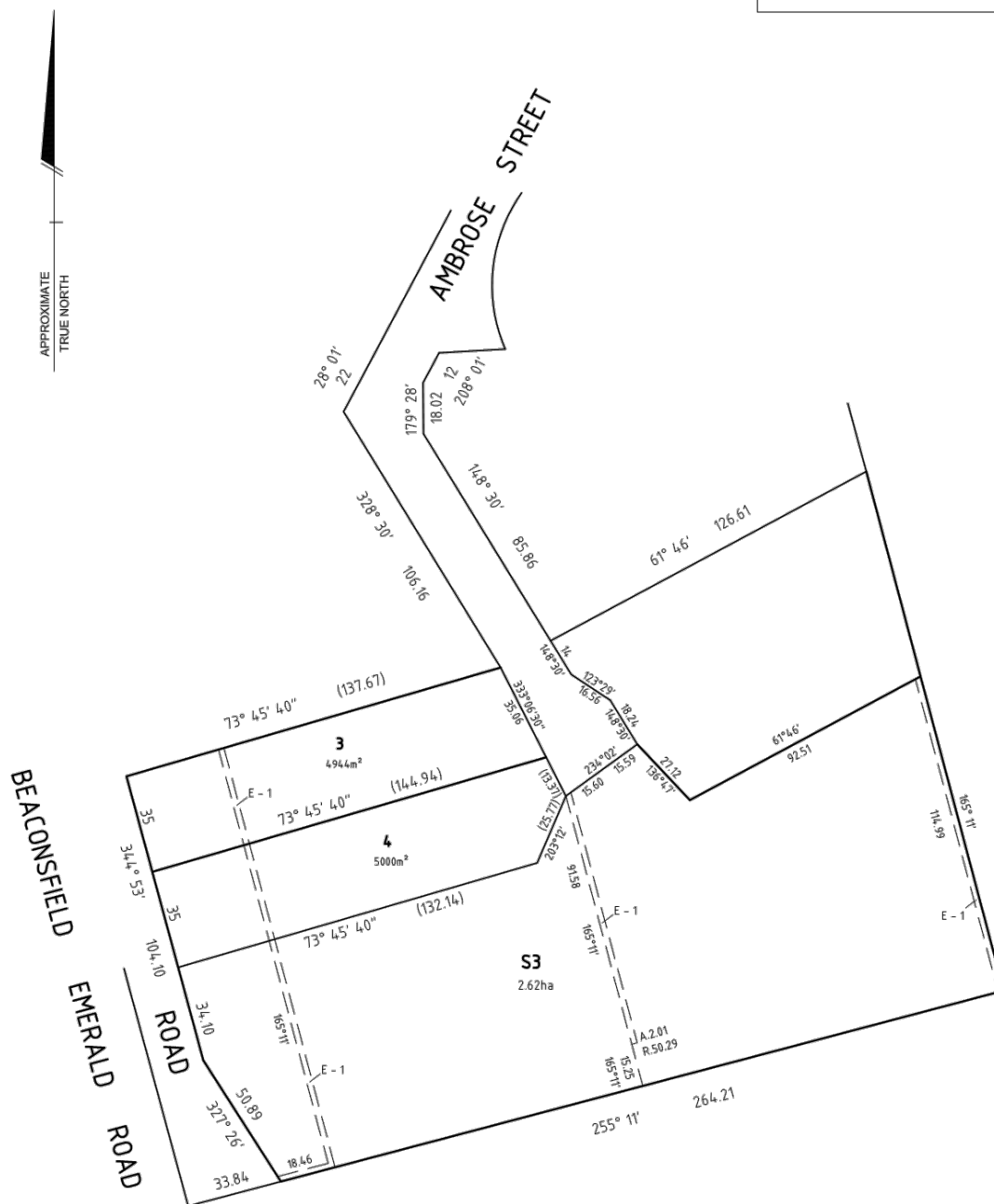


LICENSED SURVEYOR: R. P. NOBELIUS
VERSION 5

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SHEET

PS 727455 D/S2



WARNING: This plan is unregistered.
See Sheet 1 for Explanatory Note

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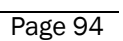
SCALE
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15 0 15 30 45 60
LENGTHS ARE IN METRES

LICENSED SURVEYOR: R. P. NOBELIUS
VERSION 5

ORIGINAL SHEET
SIZE: A3

SHEET




EMERALD

GNSS (MELBpos)



-  - GRATE
-  - SEWER PIT
-  - SIDE ENTRY PIT
-  - VALVE
-  - LIGHT POLE
-  - TRAFFIC LIGHT
-  - WATER METER
-  - PHOTO POSITION & DIRECTION
-  - PIT
-  - TELSTRA PIT
-  - POWER POLE
-  - SIGN
-  - HYDRANT
-  - DRAINAGE PIT
-  - ELEC. PIT
-  - GAS METER



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DRAWN BY : J. VAN ROY
DATE OF SURVEY : 17/07/1995
SURV. REF. NO. 9862