

# **1 NINE (9) LOT SUBDIVISION IN TWO STAGES, REMOVAL OF NATIVE VEGETATION AND CREATION OF A RESTRICTION – 45 JEFFERSON ROAD GARFIELD**

FILE REFERENCE INT1859199

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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## **RECOMMENDATION**

That a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield VIC 3814 subject to the conditions attached to this report.

## **Attachments**

- |   |   |          |
|---|---|----------|
| 1 | Locality map  | 1 Page   |
| 2 | Plan of subdivision                                   | 1 Page   |
| 3 | Copies of objections - circulated to councillors only | 15 Pages |

## **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T170632
APPLICANT:	Tarryn Schrieber
LAND:	45 Jefferson Road, Garfield VIC 3814
PROPOSAL:	Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of easements.
PLANNING CONTROLS:	General Residential Zone (GRZ1) No Overlays
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing two (2) signs on site. Five (5) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood Character, environmental impacts
RECOMMENDATION:	Approval

## **BACKGROUND:**

Planning Permit T140226 was issued for Residential subdivision, creation of a reserve and removal of native vegetation for 39 Jefferson Road Garfield, this application created Jemima Court

**SUBJECT SITE:**

The subject land is located on the north west corner of Jefferson Road and Jemima Court in Garfield. The site is irregular in shape with a frontage of 50.92 metres, north boundary of 101.4 metres, west boundary of 58.31 metres and overall area of 5,583 square metres.

The site is relatively flat with no easements burdening the site.

The site is developed with a single dwelling located in the western portion of the site with access provided via the Jefferson Road frontage with outbuilding located near the Jemima Close frontage. The site includes scattered vegetation throughout the site including clusters in the north portion of the site.

Surrounding land-use and development:

- **North:** The north boundary of the site abuts the rear and side boundaries of residential properties fronting Lairds Rise each of the lots are generally 700 – 800 square metres and are developed with dwellings with varied setbacks from the common boundary.
- **South:** The abutting land to the south is the Jemima Court road-reserve including a nature strip with a footpath and two way sealed road with newly developed residential properties located further south.
- **East:** The abutting land to the east is the Jefferson Road road-reserve including a 10 metre wide nature strip with scattered vegetation a footpath and two way sealed road with residential properties located further east including low density residential areas.
- **West:** The land to the west is a battle-axed allotment that is developed with a recently constructed single dwelling and driveway located along the common boundary.

The site is located within an area with a mixture of lot sizes within the immediate and wider site context with GRZ1 on the south side of the road and LDRZ east side of properties on Jefferson Road.

**PROPOSAL:**

The proposal includes the staged subdivision of the land into nine (9) lots, removal of vegetation and creation of easements.

A summary of the proposal includes:

Subdivision:

- Stage 1 includes the subdivision of the land into seven lots including six lots with frontage to Jemima Court including four with direct frontage and two battle-axed lots. The lots vary between 620 – 754 square metres with the Stage 2 balance lot with an area of 1,510 square metres. Lots have widths varying between 16 – 18 metres. Each provided with a building envelope with setback of 7 metres from Jemima Court and between 1.5 – 2.5 metres from common boundaries.
- Stage 2 includes the subdivision of the balance into 3 lots resulting in an overall subdivision of the land into nine (9) lots. The proposed three lots have frontage to Jefferson Road with lot areas between 636 – 715 square metres. Lots have widths varying between 16 – 18 metres. Each provided with a building envelope with setback of 7 metres from Jemima Court and between 1.5 – 2.5 metres from common boundaries.

Vegetation Removal:

- The proposal includes the removal of a number of native trees scattered throughout the site including the north portion of the overall site and a number near the Jemima Court frontage. The

subdivision has been designed to protect the vegetation near the Jefferson Road frontage. The majority of vegetation to be removed is exotic and does not require planning approval.

- The proposal includes the removal of 0.06 hectares of remnant patches of vegetation.

#### Easements, Reserves and Restrictions

- Stage 1 includes the provision of drainage and sewerage easement to ensure all lots are adequately serviced with two carriageway easement proposed for the proposed battle-axed lots.
- Stage 2 includes the provision of drainage and sewerage easement to the three additional lots along the Jefferson Street frontage
- The proposal includes a restriction relating to the construction of dwellings to be within the building envelopes.

#### **PLANNING SCHEME PROVISIONS:**

##### **Planning Policy Framework (PPF)**

The relevant clauses of the PPF are:

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18.02 Movement Networks
- Clause 19.03 Development infrastructure.

##### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- 21.02-2 Landscape
- 21.02-3 Biodiversity
- 21.03-3 Rural townships
- 21.03-4 Rural residential and rural living development
- 21.05-1 Infrastructure provision
- 21.05-3 Local roads

##### **Relevant Particular/ General Provisions and relevant incorporated or reference documents**

The relevant provisions/documents are:

- Clause 52.02 Easements, restrictions and reserves
- Clause 53.01 Public Open Space contribution and subdivision
- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions;
- Clause 71.02 Operation of the Planning Policy Framework
- Garfield Township Strategy (2002)

#### **Zone**

The land is subject to the **General Residential Zone (GRZ1)**

### Overlays

The land is not subject to any overlays

### PLANNING PERMIT TRIGGERS

The proposal for the staged subdivision of the land into nine (9) lots, removal of native vegetation and creation of a restriction 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 for the subdivision of the land.
- Pursuant to Clause 52.02 Easements, restrictions and reserves a permit is required to create easements and restrictions.
- Pursuant to Clause 52.17 Native Vegetation, a permit is required to remove, destroy or lop native vegetation.

### 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; and
- Placing two (2) signs on site.

Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- No car parking is available on Jemima Court and the additional lots will impact on the safe use of the Court.
- Increased traffic will reduce safety in the area
- Vegetation removal is excessive and will impact on the character and fauna of the area:
- The proposal is not consistent with the Garfield Township Strategy and is inconsistent with the established built form and character of the area;
- Lot sizes not in keeping with the area, will not maintain the country feel and is an overdevelopment of the site;

### REFERRALS

The application was referred to the following authorities, and a summary of each response is provided.

Referral Authority	Response
AusNet	Approval subject to conditions

APA Group	Did not respond within the statutory timeframe
Melbourne Water	Does not object, no conditions
South East Water	Approval subject to conditions

## DISCUSSION

### Planning Policy Framework

There is support in the Planning Scheme for the growth and development of Garfield recognising the potential for substantial growth within the township. At the same time, state and local policies also recognise the need for any development to respond to key natural features, the surrounding landscape and the existing and preferred character of an area.

Relevant state policies such as clauses 15.01-3S (Subdivision design) and 15.01-5S (Neighbourhood character) encourage development to respond to its context and special characteristics of the local environment and protect and enhance native habitat. The protection of natural environment is reinforced by clauses 12.01-1S (Protection of biodiversity) and 12.01-2S (Native vegetation management), which aim to ensure that native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Local policies serve to reinforce these themes, with Clause 21.02-3 (Biodiversity) aiming to achieve a net gain in the quantity and quality of native vegetation in the municipality and maintain and enhance the diversity of indigenous habitats and species. Clause 21.03-3 (Rural townships) identifies Garfield as a 'large rural township' and seeks to maintain and enhance the distinct character and environmental qualities of each township within the Shire.

Garfield is recognised for its rural character and natural landscape and the subject site and surrounding area reinforce this character, with open and spacious landscapes that support medium and low density residential uses. It is considered the natural environment and landscape character will be enhanced through the landscaping buffer areas along the road boundaries, which will be reinforced via appropriate conditions and restrictions.

The increase in the number of lots does result in an increase in the extent of vegetation removal, however a thorough assessment of the native vegetation proposed to be removed revealed that the quality, health and useful life expectancy of the trees was not of a high enough standard to warrant its retention. The majority of the vegetation required to be removed is not native and does not require a permit for removal. Some vegetation removal has been minimised through the appropriate placement of lot boundaries and building envelopes, particularly within the road reserve. The vegetation removal will also be appropriately offset via permit conditions to ensure no net loss of in the contribution made by native vegetation to Victoria's biodiversity.

The proposal demonstrates a strong response to the residential development objectives as the site is located well within the urban growth boundary and protects vegetation within the streetscape of the site. The provision of landscape buffer areas will allow for revegetation while also providing habitat for the threatened Southern Brown Bandicoot and enhancing the natural streetscape character.

### Clause 32.08 General Residential Zone & Clause 56 Residential Subdivision

Pursuant to Clause 32.08-3 a planning permit is required to subdivide land. An application must meet the requirements of Clause 56 Residential Subdivision. This application meets the objectives

and generally meets the standards of this clause subject to the provision of a number of conditions including the provision of a building envelope for each lot consistent with the surrounding neighbourhood character as detailed below within the Garfield Township Strategy.

Pursuant to Clause 32.08-4 lots greater than 650 square metres which applies to each of the proposed lots must provide development that has a minimum 35% of the site for garden areas. The subdivision plans have not indicated how this can be achieved although given the lot areas and proposed building envelope it is envisaged that development can comply with this mandatory requirement.

### **Clause 52.02 Easements, Restrictions and Reserves**

A permit is required prior to a permit proceeding under Section 24A of the Subdivision Act 1988 to create, vary or remove a reserve. The proposal includes the creation of the road reserve and stage 2 includes the variation to existing easements consistent with the proposed lot arrangement. The application has been internally and externally referred to all relevant departments and authorities with no objections to the creation of the reserve or variation to the easement and as such, is consistent with this provision.

In order to ensure that appropriate vegetation protection and Southern Brown Bandicoot habitat can be created and protected on the site, a condition of the permit will require that a Section 173 Agreement is entered into requiring that developer to establish a seven metre wide vegetated corridor along the street frontage of Jefferson Road and Jemima Court. The corridor will be located within the front setbacks of the lots with a street frontage. The agreement will require that any future owners of the lots will be required to maintain the vegetated area.

### **Clause 52.17 Native Vegetation**

Clause 52.17 (Native Vegetation) provides further protection of vegetation, with an objective to ensure that the permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

As detailed by the vegetation assessment the development is a low risk pathway with the following an assessment of the proposal;

- *Biodiversity Considerations:* Much of the native vegetation proposed to be removed has been assessed as being of low retention suitability with many of the trees having poor structure and evidence of disease and damage. It is considered that the benefits of retaining this vegetation is outweighed by the risk that they would present in a residential setting. The retention of the vegetation within the road reserve has minimised the impact of the removal of native vegetation from the site. As detailed by the applicant's vegetation assessment and subject to permit conditions requiring offset management, the vegetation removal will have a minimal impact on biodiversity for the site and the offsetting is consistent with the requirements of this clause.
- *Offset Requirements:* The submitted information has provided clear indication of the proposed offset requirement of 0.003 general units with a minimum biodiversity score of 0.137. Offsets can be provided through permit conditions and must be in accordance *Permitted clearing of*

*native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) as the application was lodged prior to Planning Scheme Amendment VC138.

It is considered that the proposal has avoided vegetation removal where possible, and has implemented measures such as building envelopes to minimise impacts on vegetation proposed to be retained. The proposed tree removal is also not expected to compromise the environmental outcome for the area given the vegetation to be removed is relatively well separated from any stands of significant vegetation.

The landscaping buffers areas will help to provide for re-vegetation and habitat corridors, and appropriate conditions on the permit will ensure that they are provided prior to the Statement of Compliance by the developer and maintained by future landowners.

### **Clause 53.01 Public Open Space Contribution and Subdivision**

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

Schedule to Clause 53.01 specifies an amount of 8 per cent for the subdivision of land for urban residential purposes. The subject land is within the urban growth boundary of Garfield and is considered to create urban residential type allotments, and as such, the amount specified in the schedule is considered applicable to this proposal.

### **Garfield Township Strategy**

The Garfield Township Strategy was adopted by Council in 2002 although has not been incorporated into the planning scheme. The Strategy sets out the key issues facing the Garfield Township and outlines a range of policies and actions to achieve the desired vision for Garfield.

The subject land forms part of the strategy area, and more specifically, forms part of Urban Residential, which identifies the need to retain the rural character with a high proportion of large lots, combined with wide nature strips and roads, and a significant canopy of street trees.

The strategy includes the following guidelines for land within Urban Residential Land:

- Lot size range 700 - 1000 square metres;
- Minimum front setback of 7 metres;
- Minimum side boundary setback of 2.5 metres
- Maximum building coverage should not exceed 50% of lot
- Minimum lot width of 18m
- Lot layout to maximise retention of existing trees
- Maintain generous street, footpath and easement widths in new development.

The proposed lots generally comply with the minimum lot width within the guidelines with the township strategy with the exception of lots 1, 2 and 9 where 16 metre frontages are proposed. The majority of the lots meets the guidelines and the location of the lots will ensure that the future development can suitably be integrated with the surrounds. As such it is considered that the overall subdivision meets the intentions of this guideline and is suitable in this instance.

The proposal includes lots between 620 – 754 square metres with an average lot size generally consistent with surrounding development and although all lots are not above 700 square metres, the proposed subdivision has been reduced from the original ten lot subdivision and provide areas and proportions consistent with the surrounding subdivision patterns. This combined with building envelope restrictions will ensure that the development of lot will be consistent with the rural residential character of the area and is consistent with the neighbourhood character.

In conclusion, the proposal contributes to the vision for Garfield by supporting growth while including measures such as building envelopes and landscaping to reinforce the rural character of the area and provide an improved outcome for key fauna habitats.

### **Clause 65.02 Decision Guidelines**

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is well designed consistent with adjoining subdivisions and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

### **Objections**

A response to the key themes of the objections is provided below.

#### *Character of the area and lot sizes*

The objectors raised concerns that the proposal is not consistent with the Garfield Township Strategy and is inconsistent with the established character of the area. It was suggested that the lot sizes are not in keeping with the area and will not assist in maintaining the country feel of the area. As outlined above the lots vary in area between 620 and 754 square metres. While a couple of the lots are below the minimum recommended, the subdivision layout effectively makes use of the irregular shaped site. The two battle axe lots are acceptable due to the depth of the current lot and are also similar to the adjoining lot to the west of the subject site. The size of the lots still allows for the provision of building envelopes that will ensure separation in the built form of future dwellings, and there is sufficient space on the lots to provide the 35% garden area as required by the Planning Scheme.

#### *Vegetation removal and impact on local fauna*

While it is recognised that the proposal results in the removal of the majority of the vegetation on the site, a large number of the trees are exotic species and do not require a permit to be removed. The native vegetation has been assessed and various site visits have been undertaken to assess that health and retention value of the trees. While a number of the trees may have been able to continue to grow on the site under the current circumstances the risk the trees present to the subdivided site outweighs their environmental value. Many of the trees have a low retention value due to either disease or damage or both. The trees that are present in the section of road reserve along Jefferson Road will be retained and protected with tree protection zones and the nearest building envelopes have been designed so as to not encroach into the root zones. Additional planting will be required within the 7 metre front setback from the road. A condition on the permit will require the developer to establish a landscape buffer along the street frontages which will provide a natural aesthetic and habitat for the southern brown bandicoots.

The applicant was required to undertake a targeted survey to establish whether there were any bandicoots present on the site. A report was provided which had been undertaken by a qualified and reputable ecologist who determine that there was no evidence of any Bandicoot residing at the site.



### Increased traffic and car parking issues

A number of objectors raised concerns with increased traffic and the demand for on street car parking. The application has been referred to Council's Engineering and Traffic Departments, who had no objection to the proposal subject to conditions that will be placed on any planning permit. The application is only for subdivision and any future dwellings constructed will be required to provide appropriate on-site car parking facilities. The on street car parking demand generated by this development will not be dissimilar to other residential subdivisions in the area.

### Amenity impacts

The objections raised concerns that the increased density will result in amenity impacts to the neighbouring residents. It is considered the proposal will not have any unreasonable amenity impacts for residents as the subdivision has been designed with a lot layout that responds to the zone and surrounding pattern of subdivision. It will incorporate additional measures such as landscaping and building envelopes to manage the future outcomes. The conditions of any planning permit will help to manage any negative impacts of the development.

### **Clause 65 Decision Guidelines**

Clause 65 requires the consideration of a range of matters, including the State Planning Policy Framework and the Local Planning Policy Framework and the purpose and decision guidelines of the relevant zone, overlay or other provisions. Other relevant guidelines of Clause 65 include the orderly planning of the area, the effect on the amenity of the area, and the matters set out in Section 60 of the Act.

The proposal is considered consistent with Clause 65 and will deliver an orderly planning outcome with minimal impact on the amenity of the area.

### **CONCLUSION**

The proposed subdivision is consistent with the strategic direction for the site and surrounds as such is consistent with both the State and Local Planning Policy Framework. The subdivision is consistent with planning scheme requirements and will not detrimentally impact on surrounding properties subject to appropriate permit conditions. Overall it is considered that the proposed subdivision is consistent with the orderly and proper planning of the area.

It is recommended that a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield subject to the following conditions:

### **CONDITIONS**

It is recommended that a Notice of Decision to Grant Planning Permit T170632 be issued for Nine (9) Lot Subdivision in Two (2) Stages, removal of native vegetation and creation of restriction at 45 Jefferson Road, Garfield VIC 3814 subject to the following conditions:

1. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.
  - b) Add a restriction to state the following:
    - i. No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the vegetation planting buffer.
  - c) Provide vehicle crossover envelopes for vehicle access to each lot including the consolidation of access for lots 7 & 8.
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. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the *Planning and Environment Act 1987*, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on each lot to be created, buildings may only be constructed within the building envelopes as shown on the endorsed plans of this permit.

This/these envelope(s) cannot be varied except with the consent of the Responsible Authority. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

4. Before the plan of subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987*:
  - a) The landscaping as shown on the approved landscape plan for the vegetation planting buffers is to be established and maintained, including weed control, to the satisfaction of the Responsible Authority and any dead or diseased plants replaced as soon as practicable.
  - b) Any re-vegetation must be undertaken in accordance with the approved landscape plan.
  - c) Except where necessary for fire control or management, no mowing or slashing may be carried out within the vegetation planting buffer.
  - d) Fencing must not be constructed within the landscape buffer area within 7 metres of street frontages and must meet the following requirements:
    - i. The fence must have a gap of at least 10cm between the ground and the first strand/rail or bottom of the fence;
    - ii. The fence must be of permeable design and construction;
    - iii. The posts must be spaced at least 20cm apart;
    - iv. At least 90% of the fence line must be open at ground level;
    - v. Barbed wire must not be used.
  - e) No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the landscape buffer.

The owner must pay the reasonable costs of preparation, execution and registration of the agreement.

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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. 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 favour of the relevant authority for which the easement or site is to be created.
8. 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.

### **Before Statement of Compliance**

9. Prior to issue of a Statement of Compliance of each stage, the permit holder must:
  - a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority and in accordance with any specifications as per Condition 1.
  - b) Provide appropriate driveway access and drainage connection points to all lots to the satisfaction of the Responsible Authority and in accordance with any specifications as per Condition 1.
  - c) 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 Melbourne Water.
  - d) The outfall drain through Lot 12 and adjoining school site to south must be designed and constructed to accommodate 100 ARI flows.
  - e) 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*".
  - f) 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.
10. Before a Statement of Compliance is issued for the subdivision of each stage, the building envelopes and vegetation planting buffers 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.
11. Before a Statement of Compliance is issued for the subdivision of Stage 1, the existing dwelling and all outbuildings must be removed from the site to the satisfaction of the Responsible Authority.
12. Before a Statement of Compliance is issued for the subdivision of Stage 1, a detailed landscape plan must be submitted to and approved by the Responsible Authority. The detailed landscape plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The detailed landscape

works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:

- a) Existing vegetation that is approved to be retained and associated tree protection zones
- b) New plantings including their layout to be provided in all road reserves and municipal reserves.
- c) A detailed 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.
- d) Landscaping and planting within all open areas of the subject land.
- e) Details of surface finishes of central access driveway.

All species selected must be to the satisfaction of the Responsible Authority and preference is for indigenous species

13. Before a statement of compliance is issued for the subdivision, the landscaping works shown on the approved detailed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. Please note – At Practical Completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

*(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)*

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in PDF and AutoCAD. The submitted information is to be to the satisfaction of the Responsible Authority.

14. Before a Statement of Compliance is issued for the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer landscape guidelines (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

*(Please contact Council's Development Services Unit in relation to the approval of the cash bond or bank guarantee)*

15. Before a statement of compliance is issued for Stage 1 of the subdivision evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. The applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). The general offset must:

- a) Contribute gain of 0.003 general biodiversity equivalence units be located within the Port Phillip and Westernport Catchment Management Authority boundary or Cardinia municipal district have a strategic biodiversity score of at least 0.110.

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, which is to include the ongoing management regime in

perpetuity. Every year, for ten 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

- b) a credit register extract from the Native Vegetation Credit Register

16. Prior to issue of a Statement of Compliance is issued for the Stage 1 of the subdivision, the applicant or owner of the land must pay to the Responsible Authority a cash payment equivalent to the value of 8 per cent of Net Developable Area of the land in lieu of the provision of land for Public Open Space in accordance with the Schedule to Clause 53.01 of the Cardinia Planning Scheme.

17. Before a statement of compliance is issued for each stage 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.

18. 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:*

- a) The relationship between the subject subdivision stage and surrounding land,
  - b) Proposed linkages to future streets, open space, regional path network and upstream drainage,
  - c) Works external to the subdivision, including both interim and ultimate access requirements,
  - d) Intersections with Category 1 roads showing interim and ultimate treatments,
  - e) Drainage and sewerage outfalls including any easements required over other property.
19. Before the installation of trees to be planted within the road reserve, an inspection of the plant stock must be undertaken by Council's Landscape Development unit. Any trees deemed unsuitable must not be planted within the streetscape.
20. The permit holder must notify Council's Landscape Development unit a minimum of seven (7) days before commencing street tree planting and landscaping within the road reserve so that surveillance of the works can be undertaken.
21. The landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- a) any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.; and
  - b) the Responsible Authority may direct maintenance activities to be undertaken.
- The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.
22. 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.
23. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.

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

The CEMP must address all environmental risks and include:

- a) 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; and
- f) Tree protection zones, trees to be retained and trees to be removed.

25. No fill or excavated material for or from this development is to 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.

26. 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.

27. Erosion must be controlled during construction in accordance with the Environment Protection Authority Guideline TG208/90 (as amended) or in accordance with such guideline, policy or role that replaces TG 208/90.

28. 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.

29. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsible Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

30. Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the Responsible Authority:

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

Sketches of the details of the permanent survey marks.

#### **AusNet Services Conditions:**

31. 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*.

32. 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 AUSNET ELECTRICITY SERVICES PTY LTD.
- d) Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of “Power Line” in the favour of “AUSNET ELECTRICITY SERVICES PTY LTD” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES 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.

#### **South East Water Conditions:**

33. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.

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

35. All lots on the Plan of Subdivision are to be provided with separate connections to out potable water supply and sewerage systems.



36. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

### **Permit Expiry**

This permit will expire if:

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

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

(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.)

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.

### **AusNet Services Notes:**

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 Notes:**

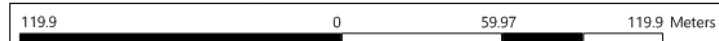
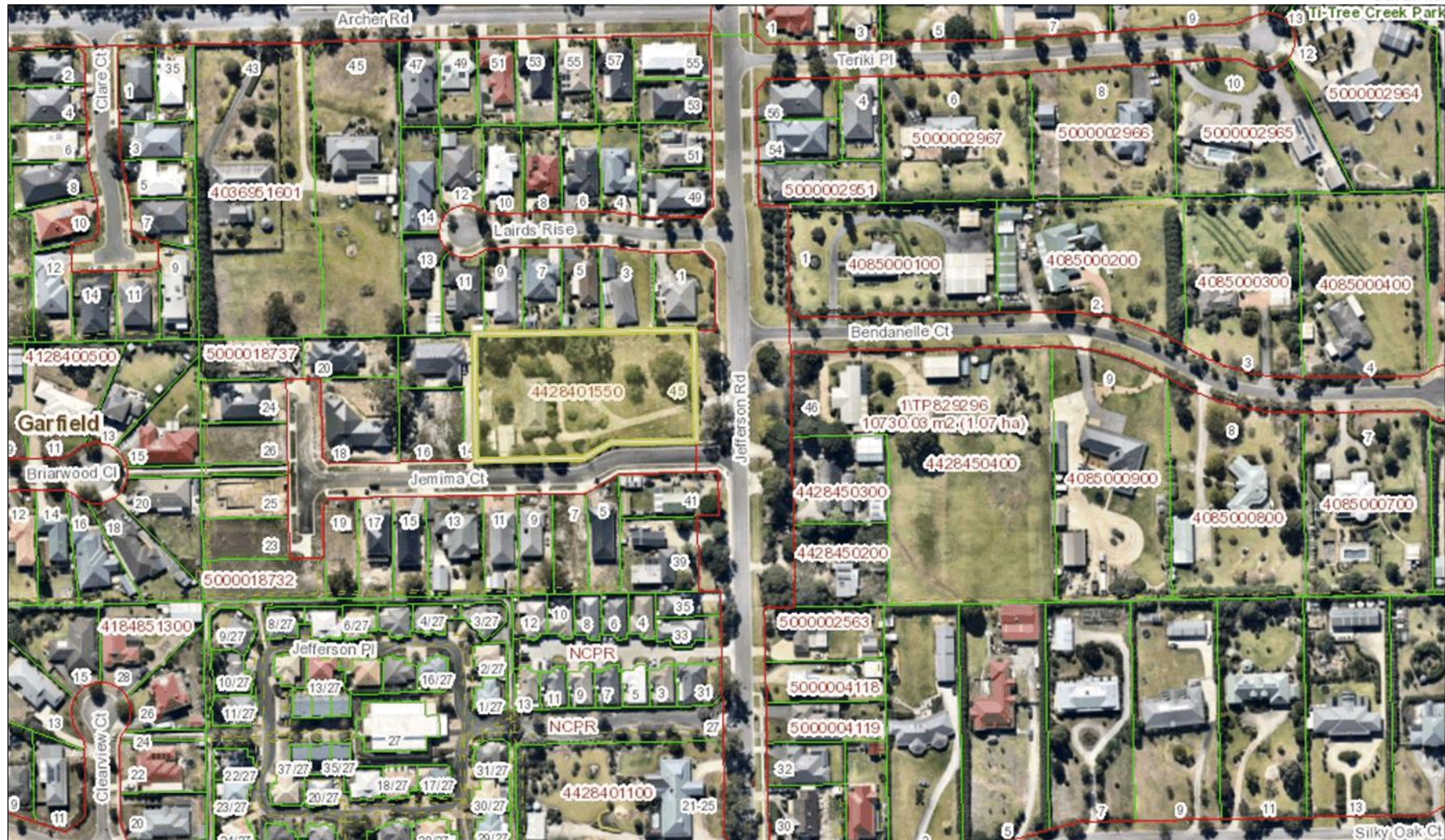
The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

The following South East Water agreement options are available:

- 1) Application to enter into a Development Agreement-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 Statement 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)

To lodge an application please visit our website: [www.southeastwater.com.au](http://www.southeastwater.com.au).

**T170632 PA - Site Plan**



1: 2,361

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

17-Aug-2018

**Notes**  
Subject site 45 Jefferson Road, Garfield - highlighted in yellow





JEFFERSON ROAD

JEMIMA COURT

**LANDSCAPE CONSTRUCTION & SPECIFICATIONS**

**PREPARATION OF SITES:**  
Site preparation to be carried out under suitable conditions and in accordance with standard horticultural practice. The use of machinery and tools that may damage soil structure is not acceptable. Garden beds and lawn edges shall be finished to a depth of 100mm and dressed to a surface drainage fall prior to planting. If erosion is required, this is to be distributed and collected into drainage pits per the manufacturer's instructions.  
Soils to be amended prior to sub-grade preparation, topsoiling and paving.

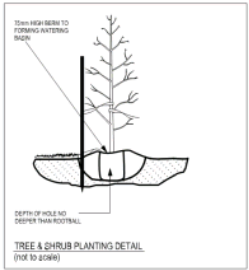
**SOIL PREPARATION:**  
Prepared topsoil to be supplied by an approved supplier to a depth of approximately 100-200mm (as required) for garden beds. Do not spread or mix soil. The topsoil is to be light to medium texture, low in organic matter, free from weed seeds and free from any other contaminants. The topsoil is to be amended to a depth of 100mm and dressed to a surface drainage fall prior to planting. If erosion is required, this is to be distributed and collected into drainage pits per the manufacturer's instructions.  
Soils to be amended prior to sub-grade preparation, topsoiling and paving.

**TIMBER EDGING:**  
Timber edging to be installed to a depth of approximately 100mm per the manufacturer's instructions. The timber edging shall be installed to a depth of approximately 100mm per the manufacturer's instructions. The timber edging shall be installed to a depth of approximately 100mm per the manufacturer's instructions.

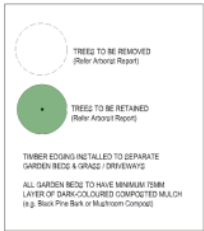
**PLANTING AND PLANTING:**  
Plants and plants to be planted in a depth of approximately 100-200mm (as required) for garden beds. Do not spread or mix soil. The topsoil is to be light to medium texture, low in organic matter, free from weed seeds and free from any other contaminants. The topsoil is to be amended to a depth of 100mm and dressed to a surface drainage fall prior to planting. If erosion is required, this is to be distributed and collected into drainage pits per the manufacturer's instructions.  
Soils to be amended prior to sub-grade preparation, topsoiling and paving.

**IRRIGATION:**  
An in-ground drip irrigation system is to be installed to water all planting areas.

**DRAINAGE:**  
Surface and subsurface drainage to be specified by a certified consulting engineer.



TOTAL NUMBER OF PROPOSED PLANTS = 230



PLANTING SCHEDULE						
	ID	Qty	Common Name	Botanical Name	Height x Width @ Maturity (m)	Pot Size (cm)
<b>Trees</b>	AB	12	Burgundy Myrtle	Agonis 'Burgundy'	5.0 x 3.0	30
	Ep	4	Snow Gum	Eucalyptus pauciflora	10 x 7.0	30
	LxLV	9	Crispe Myrtle	Lagotislaemia indica X L. laevis 'Nobisil'	8.0 x 7.0	30
<b>Shrubs</b>	Ce	21	White Cornus	Cornus alba	1.2 x 1.2	14
<b>Grasses</b>	Dix	91	Tasman Flax Lily	Dianella tasmanica	1.0 x 1.0	14
	L'W	102	Lime Wave	Lomandra 'Lime Wave'	0.8 x 0.8	14

A 11/17 Design 1

NO. DATE NOTE  
THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORK, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS.

Client

Address  
45 Jefferson Road  
Garfield

Project  
Proposed Subdivision

Drawing  
Landscape Plan

Zach Concept  
Landscape Design  
171 ANSON DRIVE, BARDINGHAM  
PO Box 9097  
P 02 2608 2120  
M 0411 289 007  
E zach.concepts@zachconcepts.com

Scale  
1:200

Date  
November 2017

Rev. Dwg No.  
A 1 of 1  
(A1)