

## **2 SUBDIVISION OF THE LAND AND THE REMOVAL OF NATIVE VEGETATION 82-88 AHERN ROAD PAKENHAM**

FILE REFERENCE INT1870400

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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### **RECOMMENDATION**

That a Notice of Decision to Grant Planning Permit T170831 be issued for Subdivision of the land and the removal of native vegetation at 82-88 Ahern Road, Pakenham VIC 3810 subject to the conditions attached to this report.

### **Attachments**

- |   |  |         |
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| 1 | Development Plans                                  | 1 Page  |
| 2 | Locality Map                                       | 1 Page  |
| 3 | Copy of Objections, circulated to Councillors only | 5 Pages |

### **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T170831
APPLICANT:	Peter and Monique Verbaten
LAND:	82-88 Ahern Road, Pakenham VIC 3810
PROPOSAL:	Subdivision of the land and the removal of native vegetation
PLANNING CONTROLS:	General Residential Zone Development Contributions Plan Overlay Schedule 1
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:**

The subject site includes a restrictive covenant E991227 that relates to the creation of an easement for the gas pipeline easement that is located within the parent property which now is located on the property to the north. The application has no statutory requirement for referral to the authority and given the gas pipeline is not located within the subject site comment was not sought. The application will not breach this restrictive covenant.

### **SUBJECT SITE**

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The site is located on the west side of Ahern Road approximately 80 metres north of Allan Close in Pakenham. The site is generally rectangular in shape with a frontage of 83.09 metres and depth of 258.6 metres with an overall area of 2.14 hectares.

The site slopes from north west to south east with a moderate slope across the site and is not burdened by any easements.

The site is currently developed with a single storey brick dwelling located on the north side, well setback from the site frontage and common boundaries. The dwelling includes a garage and outbuilding surrounding the dwelling with a cluster of vegetation surrounding this, including a number of large canopy trees, with additional scattered vegetation and habitat areas near the Ahern Road frontage for the remaining areas of the site generally grassed areas with some scattered vegetation. The existing driveway and crossover are located on the north side with a gravel driveway located adjacent to the north boundary.

Surrounding use and development includes:

North: The land to the north is current developed with a single storey brick dwelling located centrally within the site well setback from the site frontage and common boundaries. The dwelling includes a garage and outbuilding with a cluster of vegetation surrounding the dwelling including a number of large canopy trees, with additional scattered vegetation and grassed areas for the remaining areas of the site. The existing driveway and crossover are located on the north side with a gravel driveway located within the gas pipeline easement. The site has been subject to recent approvals for multi dwelling development.

South: The properties to the south includes the rear boundaries of a number of properties fronting Pownceby Court. These properties are generally developed with single storey dwellings setback 12.7 – 16.7 metres from the common boundary with open space areas located between the common boundaries and dwelling. A number of these properties include some canopy planting near the common boundary. The western portion of the common boundary including reserve which accommodates a footpath connecting Ahern Road with Allan Close.

East: The land to the east includes a number of single dwellings with frontage to Thwaites Road which are developed with single dwellings setback 7.7 – 11 metres from the subject site with private open space accommodating grassed areas and outbuildings between the common boundary and the dwellings.

West: The land to the west is the Ahern Road road-reserve including nature strip, with scattered small trees and overhead power lines with road including kerb and channel and two way sealed road adjacent to the subject site. The properties to the west include an open public reserve and some residential development.

The area is generally single storey dwellings with pitched roof form and modern design with canopy vegetation a feature of the area.

### PROPOSAL

The proposal includes the subdivision of the land into twenty eight (28) lots and the removal of native vegetation.

#### Subdivision:

The subdivision includes the provision of twenty seven lots (Lots 1 – 27) with area between 442 – 673 square metres with access provided for each of the lots via a 15 – 16 metre road reserve extending from Allan Close on the south boundary with a court bowl arrangement and roads termination in the eastern portion of the lot. Each lot has varied widths although generally provide a width between 14 – 15 metres and lengths of between 32 – 34 metres. Lot 28 is proposed as a superlot for future medium density

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development with an area of 4,728 square metres located in the western portion of the lot with frontage to both Ahern Road and access from Allan Close road extension proposed as part of the subdivision.

### Vegetation Removal:

The proposal includes the removal of a number of trees scattered throughout the site with the proposed subdivision including the removal of eight (8) trees located near the existing dwelling established on the site and for additional shrubs. The proposal has been amended to retain vegetation along the north boundary and within the superlot which includes a number of trees and habitat zone.

## PLANNING SCHEME PROVISIONS

### Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
  - Clause 11.01-1S Settlement
- Clause 12 Environmental and Landscape Values
  - Clause 12.01-1S Protection of biodiversity
  - Clause 12.01-2S Native vegetation management
- Clause 15 Built Environment and Heritage
  - Clause 15.01-3S Subdivision Design
  - Clause 15.01-4S Healthy neighbourhoods
  - Clause 15.01-5S Neighbourhood character
- Clause 16 Housing
  - Clause 16.01-1S Integrated housing
  - Clause 16.01-2S Location of residential development
  - Clause 16.01-3S Housing Diversity
  - Clause 16.01-4S Housing affordability
- 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
- 21.02-8 Resource conservation;
- 21.03-1 Housing; and
- 21.06-1 Design and built form.
- 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 66.01 Subdivision Referrals
- Clause 71.02 Operation of the Planning Policy Framework
  - Clause 71.02-3 Integrated Decision Making

## Zone

The land is subject to the **General Residential Zone – Schedule 1**

### Overlays

The land is subject to the following overlays:

- Development Contributions Plan Overlay (DCP01)

### PLANNING PERMIT TRIGGERS

The proposal for the subdivision of the land and removal of native vegetation 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 52.17 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 a sign on site.

Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- Impact on traffic safety, driver behaviour, noise and traffic volumes in the area particularly on Allan Close and Ahern Road;
- Impact that the medium density lot will have on the surrounds both in terms of the potential number of dwellings and associated traffic;
- Impact on flora and fauna for the area due to vegetation removal;
- Devalue surrounding properties and lack of time to object.

### 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	Approval subject to conditions
Country Fire Authority	Approval subject to conditions
Melbourne Water	Approval subject to conditions
South East Water	Approval subject to conditions
DELWP	While the application was initially referred to DEWLP, the amended application was no longer required to be referred and therefore no conditions are required.

### DISCUSSION

#### Planning Policy Framework

There is support in the Planning Scheme for the growth and development of Pakenham recognising the potential for substantial growth within the area. 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.

The increase in the number of lots does result the removal vegetation removal however, the vegetation removal has been minimised through the appropriate placement of lot boundaries and required building envelopes as detailed below. The vegetation removal will also be appropriate 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 the majority of vegetation on the site. The proposed lot arrangement and lot areas provide consistency with the surrounds. With the provision of a super lot which will be subject to future development approvals will ensure that the proposal provides for housing diversity in the area and any development will be required to be consistent with the surrounding neighbourhood and it is considered that the development is in accordance with the Planning Policy Framework.

### Cardinia Shire's Liveability Plan 2017-2029

Cardinia Shire's Liveability Plan has been developed to provide a clear framework for public health planning within the Shire, and it has a number of goals and actions relating to policy domains that include active travel, education, employment and housing. The application is considered consistent with this Plan as it supports an increase of housing and alternative housing types in close proximity to transport and services.

### **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 building envelopes for some lots, increased width of the proposed Allan Court extension and provision of a 5 metre drainage reserve in the south east corner of the site. A summary of the proposed subdivision response Clause 56:

- Clause 56.01 Subdivision site and Context and Design Response, 56.02 Policy Implementation & Clause 56.03 Liveable and sustainable communities: The proposed subdivision provides a site responsive design with the lot sizes are consistent with development in the immediate and wider site context as such achieves the objectives of these provisions.
- Clause 56.04 Lot Design: each lot has been designed with an appropriate width and length to allow for appropriate development of the site with some of the lots required to provide building envelopes to ensure the vegetation on the site and on adjacent land can be retained. This includes lots 7 – 10 and Lots 17 – 25 to be consistent with the vegetation report submitted Ecological Features and Constraints (Revised DELWP 2017) Paul Kelly and Associates Ecological Services dated 10 September 2018. These can be provided by permit condition. Additionally the lots have been appropriate orientated to ensure for energy efficiencies
- Clause 56.05 Urban Landscape: The site has allowed for the retention of vegetation in portions of the site with the habitat area and noted areas of vegetation retained within the superlot with future development approvals required for the development of this land. The design will allow for appropriate

street planting with lot areas able to allow for development that will comply with garden area requirements of the General Residential Zone.

- Clause 56.06 Access and Mobility Management: The design has provided for appropriate road alignment subject to the minor increase in the Allen Court width to 16 metres as requested by Council's Engineers. Further the provision of a drainage reserve in the south east corner will ensure that the site allows for improved pedestrian links between Ahern Road, Thwaites Road and Pownceby Court
- Clause 56.07 Integrated Water Management Clause 56.08 Site Management & Clause 56.09 Utilities: The subdivision has allowed for integrated water management and appropriate conditions to ensure water management is achieved to Council and Melbourne Water requirements will be addressed by permit conditions with issues regarding site management and utilities can be addressed by permit condition

### **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 although some alterations to the submitted plans have been requested by Council's engineering department including the increase in the Allan Close road extension to be a minimum 16 metre width with a road pavement of 6.5 metres. These changes can be addressed by permit conditions and are consistent with this clause in that it will provide for an appropriate road reserves in accordance with Council standards.

The second required reserve raised by Councils Engineering department relates to a 5 metre wide drainage reserve in the south east corner of the site extending from the court head to the south east corner this will provide connection with existing reserves with the provision of a pedestrian path that will allow for pedestrian linkages to Thwaites Road and Pownceby Court. The creation of this reserve will allow for pedestrian links and drainage provision for the site as such is consistent with this provision.

### **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.

It is considered that the proposal has avoided vegetation removal where possible, and has implemented measures such as building envelopes to minimise vegetation removal. The proposed tree removal is also not expected to compromise the environmental outcome for the area. Any impact on the vegetation retained within the super lot will be considered at the development application stage for this lot.

### **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 resident 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.

### **Clause 65 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 surrounding neighbourhood with the medium density lot noted as a concern by a number of the objectors.

It is noted that the adjoining property to the north has recent approval for a medium density development as such medium density is not uncommon in the immediate and wider site context. The assessment of the future developments integration with the surrounding area will be assessed at the stage of development approval being lodged and any development on this site is likely to undergo a notification process allowing for the viewing of the proposed development and opportunity to object if desired.

#### *Vegetation removal*

The objectors noted that the proposal results in vegetation removal uncharacteristic of the area and will impact on fauna. The majority of vegetation on the site is located along the boundaries of the site, and the proposed lot boundaries and building envelopes minimise the loss of any vegetation. The permit conditions requiring offsets and landscaping elsewhere on the site are expected to provide a net benefit. The application was amended after notification to retain all the native vegetation within the super lot as well as some trees within the subdivided lots.

#### *Increased traffic and reduced safety for the area*

A number of objectors raised concerns with increased traffic through increased density of the site and will result in reduce traffic and pedestrian safety in the area. 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. These conditions include including the increased width of the Allan Court extension and provision of drainage reserve and connecting pedestrian path in the south east corner of the site ensuring good pedestrian connections.

The proposal includes the provision of twenty eight lots and will not significantly increase traffic in the immediate and wider site context that cannot be accommodated within the existing and proposed road infrastructure. The subdivision is modest and any additional impact that may be caused by the development of the super lot will be assessed when the development proposal is lodged and consideration of traffic will be made at this stage.

#### *Devalue Properties & Length of time for objection*

The objections raised concerns with the proposal devaluing their properties. As established through a number of VCAT cases this is not a planning consideration.

The second concern raised by the objector was that the length of time that was given for an objection was not enough time to sell her property before it is devalued by the super lot. The proposed application has been notified in accordance with the Planning and Environment Act 1987.

### **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,

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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.

### 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) Building envelopes for lots 7 – 10 and Lots 17 – 25 to be consistent with the retention of vegetation shown in Ecological Features and Constraints (Revised DELWP 2017) Paul Kelly and Associates Ecological Services dated 10 September 2018.
  - c) Provision of a 5.0 metre wide reserve for municipal and drainage purposes extending from the proposed court head to the south east corner of the subject land.
  - d) A notation on the plan that boundary fences along the 5.0 metres wide reserve will be less than 1 metre in height from the court head to the main building line of any future dwellings on the adjoining lots.
  - e) Notation of road reserve width of Allan Close as 16.0 metres.
  - f) Notation of a road pavement width of Allan Close as a minimum of 6.5 metres
  - g) A court head design that will accommodate the turning movements of an 8.8 metre long service vehicle.
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. To offset the removal of 0.289 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
  - a) A general offset of 0.053 general habitat units:
    - located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
    - with a minimum strategic biodiversity score of at least 0.173
  - b) Prior to the issue of the Statement of Compliance, evidence that the required offset for the subdivision has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
    - an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority and/or



- credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
  - c) Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
4. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must show and include:
- a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) [https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)
  - b. The type of species to be used for street tree planting in various stages of the subdivision. The plant schedule must be consistent with adjoining sites where roads are continued through.
  - c. Key themes, landscape principles and character that will define the subdivision.
  - d. Locations of substations.
  - e. Entrance treatments.
  - f. Locations of any protected trees or patches of protected native vegetation to be retained
  - g. The tree protection zone for each protected tree must be clearly shown on the site plan.
  - h. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
- (Please note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority).*
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, the permit holder must:

- a) Provide construct concrete vehicle crossings to service all lots to the satisfaction of the Responsible Authority.
- b) Construction of a 2.5 metre wide concrete shared pathway within the required municipal and drainage reserve, extending from the proposed court head to connect with the existing pedestrian pathway adjacent to the south/east corner of the subject land.
- 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) 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”.
- e) 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.
- f) Provide evidence in the form of a plumbers report that verifies the removal and backfilling of any septic tank system on the site to the satisfaction of the Responsible Authority.

10. Before a Statement of Compliance is issued for the subdivision, the building envelopes and a restriction on the height of boundary fences along the 5 metre high reserve 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, 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.

12. 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)*

Practical completion for landscape works will not be granted until ‘as constructed’ plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to

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A-SPEC website [www.a-specstandards.com.au/o-spec](http://www.a-specstandards.com.au/o-spec) for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

13. Before the statement of compliance is issued, a cash contribution to the satisfaction of the Responsible Authority must be provided for the provision or augmentation of public infrastructure in accordance with the relevant approved Development Contribution Plan.

*Please Note:* The current contribution is \$3,606 per additional lot created. The contribution is subject to periodic review, therefore the contribution may vary depending on when the contribution is paid.

14. Prior to issue of a Statement of Compliance is issued for 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.
15. Before a statement of compliance is issued for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
22. 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.

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23. 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.
24. 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.
25. 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.
26. 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.ds-spec.com.au](http://www.ds-spec.com.au).

Sketches of the details of the permanent survey marks.

### APA Group Conditions:

27. Easements in favour of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT
28. The Plan of Subdivision submitted for certification must be referred to APT O & M Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.

### AusNet Services Conditions:

29. 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*.
30. 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.

### **Country Fire Authority conditions:**

#### Hydrants

31. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

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

#### Roads

32. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- a) 3.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b) 3.2 Curves must have a minimum inner radius of 10 metres.
- c) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### **Melbourne Water conditions:**

33. Prior to the commencement of works the owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

34. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

35. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

36. Prior to certification of the plan of subdivision under the Subdivision Act 1988 the permit holder must submit to Melbourne Water a stormwater management strategy including associated modelling. The strategy and modelling must be approved by Melbourne Water and Council and must demonstrate the following:

- a) The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;
  - b) That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change.
  - c) The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property;
  - d) Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.
  - e) Stormwater Quality Treatment Assets are designed to comply with Melbourne Water's Constructed Wetlands Design Manual.
37. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
38. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
39. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
40. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
41. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
42. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
43. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
44. Easements and/or reserve widths for the purpose of overland flow paths are to be to the satisfaction of Melbourne Water and Council.
45. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
46. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

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

47. 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.
48. 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.
49. All lots on the Plan of Subdivision are to be provided with separate connections to out potable water supply and sewerage systems.



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50. 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 for subdivision 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.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)

### **Notes:**

- The site is within close proximity of a high pressure gas pipeline and is burdened by a restrictive covenant as such it is recommended that APA VTS (formally Gasnet) be contacted prior to works commencement to ensure works are completed in accordance with any of the authorities requirements.

### **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)

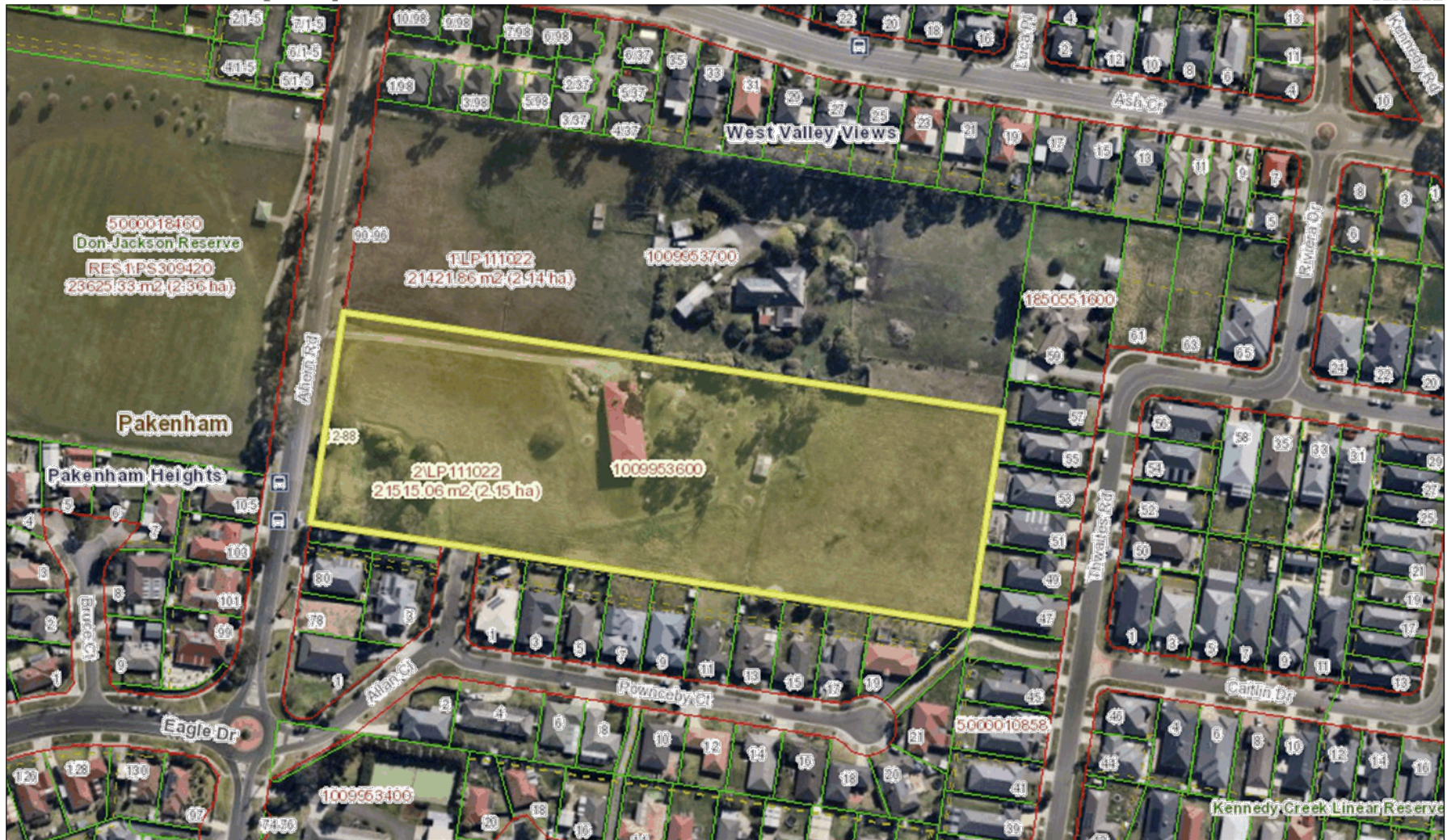
To lodge an application please visit our website: [www.southeastwater.com.au](http://www.southeastwater.com.au).







## T170831 - Locality map



100.9 0 50.45 100.9 Meters

1:1,986

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

27-Sep-2018

#### Notes

Subject site 82-88 Ahern Road,  
Pakenham highlighted

