AGENDA
SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 20 March, 2019
North Wing Room 2 & 3
Darley Civic and Community Hub
182 Halletts Way, Darley
6.00pm

MEMBERS	
Cr. Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward
OFFICERS	
Mr. Derek Madden	CEO
Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Rob Fillisch	Manager Statutory Planning and Community Safety
Mr. Ewen Nevett	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Minute Taker

Item	Title	Responsibility	Page No.	Action
1.	**Welcome, Present and Apologies**	**Chair**		**Noting**
2	**Recording of Meeting**	**Chair**		**Noting**
3.	**Meeting Minutes**	**Chair**		**Noting**
3.1	Confirmation of previous minutes Wednesday 20 February, 2019.			Resolution
4.	**Conflict of Interest**	**Chair**		**Noting**
5.	**Growth & Development Reports**			**Discussion**
5.1	Planning Permit Number PA2018 217 – Use of the Land for Animal Keeping (5 Dogs) at 15 Duncan Street, Ballan.	S. Duff	Page 3	Resolution
5.2	Planning Permit Number PA2018 201 – Three (3) Lot Subdivision at 5 Flack Street, Ballan.	R. Fillisch	Page 13	Resolution

5.3	Amendment to Planning Permit PA2017 099 – Five (5) lot subdivision at 3 Corbetts Road Gordon.	M. Lovell	Page 32	Resolution
5.4	Planning Permit Number PA2018 339 – Waiver of car parking associated with the use and development of the land as a display home at 6 Cosgrove Drive, Maddingley.	M. Lovell	Page 44	Resolution
5.5	Planning Permit Number PA2018 340 – Waiver of car parking associated with the use and development of the land as a display home at 8 Cosgrove Drive, Maddingley.	M. Lovell	Page 71	Resolution
5.6	Planning Permit Number PA2018 200 – Two (2) Lot Re-Subdivision and Development and Use of a Dwelling at 1343 Glenmore Road, Glenmore.	T. Tonkin	Page 96	Resolution
5.7	Planning Permit Number PA2018 141 – Two (2) Lot Subdivision at 112 Tramway Lane, Darley.	B. Southee	Page 112	Resolution
6.	**Update on Trends, Issues and Other Matters**	**S. Sandhu**		**Discussion**
6.1	VCAT Consent Order Reference No. P2448/2018. Planning Permit PA2018 242– Fifty Seven (57) lot subdivision and Construction of Three (3) Dwellings on lots less than 300m2 at McCormack Road, Maddingley (Stage 20A of Stonehill Estate).	R. Fillisch	Page 126	Resolution
7.	**Date of Next Meeting**	**Chair**		**Noting**
7.1	Wednesday 17 April, 2019 6.00pm North Wing Room 2 & 3 Darley Civic and Community Hub, 182 Halletts Way, Darley			
8.	**Meeting Close**	**Chair**		**Noting**

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Number – PA2018217 – Use of the Land for Animal Keeping (5 Dogs) at 15 Duncan Street, Ballan.

Application Summary:	
Permit No:	PA2018217
Lodgement Date:	5 September, 2018
Planning Officer:	Samuel Duff
Address of the land:	Lot 1 on TP 209194 15 Duncan Street Ballan
Proposal:	Use of the Land for Animal Keeping (Five (5) dogs)
Lot size:	745m^2
Why is a permit required?	Use of the land for Animal Keeping over two (2) animals
Reason for being presented to S86 Development Assessment Committee.	Receipt of an objection and recommendation to refuse
Public Consultation	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	Offered a consultation meeting to the objector, however due to personal reasons, the objector was unable to attend.
Policy Implications	
Strategy Objective **3:**	Stimulating Economic Development
Context 3A:	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Robert Fillisch* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author* – Samuel Duff In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	The application was referred to Councils Environmental Health Department and Community Safety departments.
Any issues raised in referral responses?	Councils Community Safety department raised concerns over noise, odour and general amenity impacts. Community Safety also raised concerns over the appropriateness of the use due to the small lot size and its location in a residential area.
Preliminary concerns?	Several concerns were raised from the site visit. However, as some were related to separate acts are not applicable to this report. Planning issues raised include the location of the use in a residential area, concerns regarding possible amenity impacts on neighbouring land owners, concerns regarding the predominant hardstand surface which may trap odours, reverberate noise and limit natural area for the dogs. There was also questioning of the compliance of the operation with the appropriate legislation.
Any discussions with applicant regarding concerns?	A request for further information was sent to the applicant on 1 November 2018, enquiring about a management plan for the animals/site, housing plan and a disinfection/plan. Several follow up emails and calls between Council and the applicant ensued in late November. Another Council Planning Officer, Mark Lovell advised that the application would not progress without the Further Information Request being fulfilled and advised to get a consultant to help gather the appropriate documentation. The applicant then advised they would employ a local consultant to help draft some documents. The applicant submitted further documentation on 15 February, 2019 which has been reviewed by Council officers. The information received does not adequately address the underlying concerns, such as odour and noise of the planning permit application for the subject site. The information that was received was a Health Management Plan, Noise management Measures, Waste Removal and Hygiene Protocols as well as a site

	plan. Further analysis of this further information is in the Discussion section of this report.
Any changes made to the application since being lodged?	No
Brief history	The application to keep five (5) breeding animals on the subject site was lodged after a land use/compliance investigation bought the breach of the Planning Scheme to Councils attention. After this investigation, a Community Safety officer encouraged the applicant to apply for a planning permit. A preapplication meeting was held with the applicant and Planning and Community Safety officers. A site visit was undertaken on 24 September, 2018 between Planning and Community Safety officers. The application was advertised shortly afterwards. In mid-October, the application received an objection. A Request for Further Information was sent in November 2018 requesting the applicant to provide documentation regarding how certain amenity impacts were running, as this may mitigate some of the issues raised by the objection and Council officers' concerns.
Previous applications for the site?	A search of Council records has revealed that there are no previous planning permits associated with the site.
General Summary	The keeping and breeding of dogs has been occurring on the subject site for several years. Based on an investigation of Councils records, no planning permit has been issued for the purpose of dog breeding. The application is to allow the breeding of five (5) dogs (toy breeds – Pekingese and Chinese Crested) on the subject site. The keeping of five (5) animals requires a permit under the zoning controls. The applicant has not provided sufficient justification or information for Councils officers to be satisfied that a permit would not have a detrimental impact on the amenity of the surrounding land owners or to contravene the provisions of Clause 22.04 of the Planning Scheme.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council refuses to grant a planning permit for the Uses of the Land for Animal Keeping (five (5) dogs) for the land known as Lot 1 on TP 209194, located at 15 Duncan Street, Ballan.	

Site Description

The subject site is a 745 square meter site in the General Residential Zone of Ballan. The subject site is considerably developed with a dwelling and four (4) outbuildings onsite. The land itself is rather flat, with minimal vegetation on site. There are three (3) sheds in the back yard, one of which is used as storage and another which is filled with blankets and bedding for the animals to use as a 'bunk-house', the land between all of the outbuildings and the dwelling is concreted.

Opposite the site on Duncan Street is the Ballan Primary School in a Public Use Zone. Aside from the school, the immediate surrounds are predominantly General Residential Zone with dwellings on the vast majority. The site is approximately 250 meters to the east of the Ballan Council office and is approximately about 150 meters south of Inglis Street.

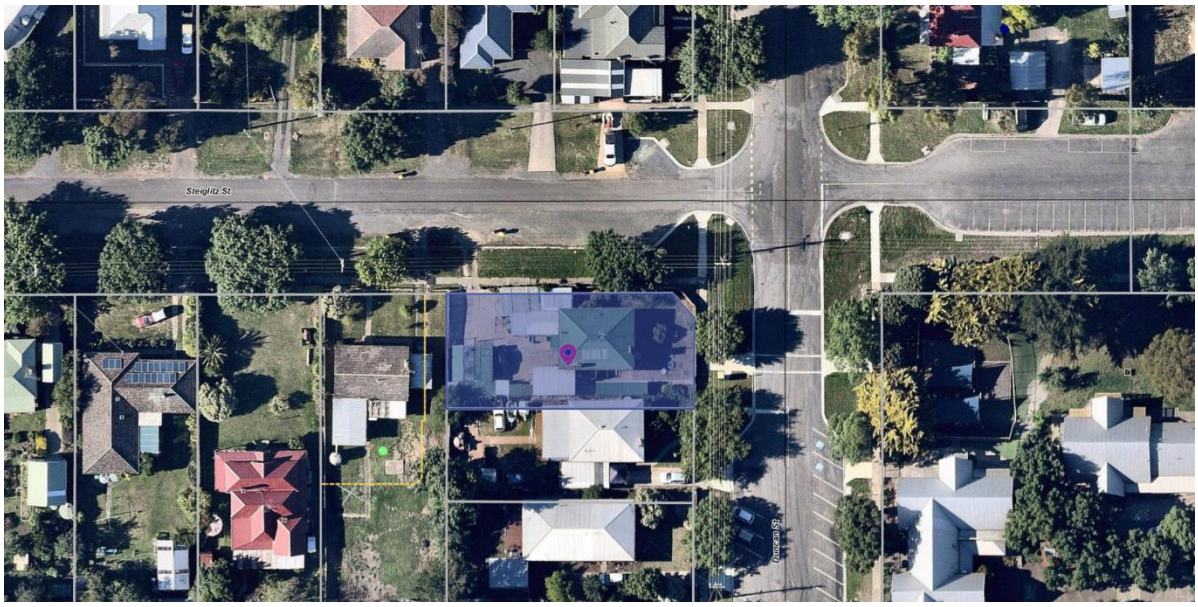

Figure 1 Subject site and surrounding built form

Proposal

The proposal is to utilise the site to keep and breed animals, which are predominantly Pekingese dogs, which is a breed that is typically considered as a *'toy breed'*. The keeping of animals can be a section 1 use, meaning that no permit is required, provided that the number of animals kept on site is under two (2) animals.

This application is seeking approval for five (5) breeding animals, which is a Section 2 use. This is in addition to the four (4) non-breeding animals that are kept on site as pets

History

A search of Council records has revealed that there have been no other planning permit applications associated with the site. However, it appears that seven (7) dogs were registered to the site ten (10) years ago through Councils Community Safety department

It is understood that this application was lodged because of a compliance issue. The applicant originally had 13 animals on site, however has since reduced the number to nine (9) as part of the planning application process

Public Notice

The application was notified to adjoining and surrounding landowners. As a result of this process, one (1) objection was received.

Summary of Objections

The objection that was received is on the following grounds with officer's comments accompanying them:

Objection	Any Relevant Requirements
The concerns that were raised include the following; That the site is within a residential area and, as such the land use is inappropriate. The objector advises it has previously had problems with barking and the smell of faeces emanating from the subject site. The objector has also raised that the applicants Membership to Dogs Victoria had expired and pondered as to why the applicant was still advertising dogs for sale.	Clause 32.08 Clause 22.04
Officer's Response: The subject site is a small residential lot and this type of site is not preferred for the use as the guideline specified under the local policy, Clause 22.04, which identifies that dog keeping and breeding facilities should be sited at least 500 metres away from residential areas. The Policy identifies that there should also be acoustic baffling on site to reduce noise and that adequate treatment for effluent treatment. The applicant has stated that they dispose of the solid waste into the household garbage bin, which then may sit there for up to a week. The applicant has provided limited details of how the liquid waste is managed, stating that the concrete is hosed down on a daily basis. Since the application has been lodged, the applicant has renewed their membership with Dogs Victoria.	

Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area:

Figure 2 Zoning Map of the subject site and surrounding land.

Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

Clause 11.03 Planning for Places.
Clause 13.07 Amenity and Safety.
Clause 14.02 Water.
Clause 21.03 Settlement and Housing.
Clause 21.08 Ballan.
Clause 22.04 Animal Keeping.

The proposal complies with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

PPF	**Title**	**Response**
Clause 11.03	Planning for places	While there is no development proposed as part of this application, the use could run indefinitely. As Ballan intensifies and develops further, there could be a greater impost onto the community
Clause 13.07	Amenity and Safety, specifically Clause 13.07-1S – Land use Compatibility	The objective is to safeguard the community amenity against the development and uses with potential off-site impacts. In this instance the proposed use not compatible in the area, with the current amenity having already been impacted by the keeping of the animals on site.
LPPF		
Clause 22.04	Animal Keeping	This policy addresses the key issues associated with the use of land for animal keeping. The policies outlined identify that animal keeping and breeding facilities should be located at least 500m from residential areas. Should this be unable to be achieved, then mitigation measures such as noise baffling kennels are to be implemented to address the amenity concerns.

Zone

Clause 32.08 – General Residential Zone, Schedule 1

The purpose of this Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The application is not consistent with the purpose of the General Residential Zone. Animal Keeping can be a Section 1 Use, which does not require a permit, provided that there are no more than two (2) animals kept on site.

As the application is proposing to use five (5) dogs for breeding it's a Section 2 use and must be considered in accordance with the purpose and objectives of the zone, pursuant to the provisions of Clause 32.08.

Overlays

Clause 42.01 – Environmental Significance Overlay, Schedule 1

The environmental objectives to be achieved under this overlay is:

- *To protect the quality and quantity of water produced within proclaimed water catchments.*
- *To provide for appropriate development of land within proclaimed water catchments*

The land is situated in an Environmental Significance Overlay, Schedule 1, which is for the Proclaimed Water Catchment Areas of Moorabool Shire Council. There are no permit triggers that relate to the use of land under the provisions of this overlay. The permit triggers under this overlay are for the buildings and works on a lot.

Relevant Policies

The C88 amendment, the Ballan Strategic Directions, has been adopted by Council and is in the process to be gazetted. The subject site would be included in a rezoning from General Residential Zone, schedule 1 to schedule 4. The reason for raising this document is to bring to Councils attention the strategic intent for the area. There are examples of infill development occurring in close proximity to the subject site, with a subdivision of the lot next door to the subject site. There is a concern that should this use be approved, there may be risk of escalated land use conflict with the increasing residential development surrounding the site It is considered that the effective management of this site is critical with the intensified residential growth encouraged within this area, this is something currently missing from the application and was requested in RFI November.

Particular Provisions

There are not thought to be any applicable particular provisions outlined in the planning scheme.

Discussion

This application is to keep five (5) breeding animals on a 745 square meter lot in the General Residential Zone of Ballan. Existing on site, aside from the five (5) animals that have been proposed to keep breeding, there are four (4) animals that have been spayed, which are kept as pets.

The land is within a General Residential Zone (GRZ). Animal Keeping is defined under the Moorabool Planning scheme as; land used to: a) breed or board domestic pets; or b) keep, breed or board racing dogs. In the GRZ, Animal Keeping for more than two (2) animals is a Section 2 Use and therefore requires a permit, but Council, pursuant to the Zoning controls, cannot allow more than five (5) breeding animals on site. The decision guidelines for non-residential uses questions whether the use is compatible with residential uses and whether the use generally serves the local community's needs. The amenity effects should also be taken into consideration, particularly in the scale and intensity of the use. Prior to the issue being bought to Councils attention, there were more than five (5) breeding dogs on site, some of which have since been removed from the site. On balance, the use at the previous and current scale is considered inappropriate on this site. As there are four pet animals already on site and would not be removed, the total number of dogs that would be kept on site would be nine (9). The high amount of hardstand area present on site would cause noise to reverberate around the site and it is unknown how runoff caused by hosing down the liquid waste would be managed, or how the runoff from the backyards impermeable surfaces would impact the surrounding area. The *Waste Removal and Hygiene Protocols* identified that waste is picked up and disposed of in household garbage bins and that the liquid waste on the hard surfaces is hosed down on a daily basis. No details of the treatment on the concrete has been provided, including a distinct lack of details on the sealant(s) of the concrete and whether or not a membrane is installed on the concrete.

The provisions of Clause 22.04 identifies the issues that have been identified the issues surrounding animal keeping and within the Shire and identifies a series of policies to discourage keeping and breeding of dogs in areas that *"… have a significant number of dwellings in close proximity…"* and requires that *"…facilities should be located at least 500 meters from residential areas, with a significant proportion of the buffer being provided in the boundary of the site…*". As the site is embedded within a primarily residential area, save for the primary school, and does not have an animal management plan in place to effectively mitigate issues such as odour, noise, buffers etc the site is considered as inappropriate for the purposes of domestic animal keeping. There is no development proposed in this application. The use is currently at a scale that is inappropriate for such a small lot in a residential area. Given that there would be no management plans in place to help to reduce the impact of the site, Council Officers cannot be satisfied that the approval of a planning permit would not have an impact on the surrounding land owners. The site in context of being in a residential area causes the appropriate buffers to not have been met.

The applicant has been served a Request for Further Information (RFI) with the intention that the applicant provide details on the following information:

- A Health Management Plan, which has been identified as a under Section 3 (5) of the Code of Practice for the Operation of Breeding and Rearing Businesses as a requirement.
- Housing Plan – Under Section 6 (5)(d) of the above code of practice, this plan was determined necessary, particularly in context of asking what acoustic baffling is or would be implanted on the site.
- Disinfection and Hygiene plan – this was in relation to the odour complaint.

Council asked for this information to determine if the appropriate measures could be in place in to help to mitigate the risks, as well as ensure as manage the amenity impacts. An email was sent in response which did not satisfy the requirements of the RFI.

During this period, a member of Dogs Victoria has conducted a site visit and advised Council that some Dogs Victoria members are exempt from the Code of Practice, provided that they meet the Dogs Victoria Rules, Regulations and Codes of Practice.

The applicant had advised that they would employ a planning consultant to help in the preparation of the above documents. These documents were received by Council on 15 of February. Prior to these documents being received by Council, the applicant consented to having her item be put up to Council. The additional documentation that was received was a Health Management Plan, a statement on *Noise Management Measures* and the as-before mentioned *Waste Removal and Hygiene Protocols*. The *Noise Management Measures* states that the animals do not bark at all as they are 'well trained' and spend most of their time inside the dwelling on site. The rear yard is visually screened (fenced) to prevent the dogs barking. The animals are not allowed in the front yard during school times to reduce the increased foot traffic causing the animals to react. The statement that the animals are 'well trained' is subjective and could change between the animals that could be kept on site if a permit was to be granted, therefore additional measures would still be considered necessary should the recommendation of refusal be overturned by Council.

Given that there is an objection for this application already, further delaying the application without a resolution would be inappropriate. Council officers have spent considerable amount of time working with the applicant in order to address the planning concerns raised in the early stages of the application. The applicant has been unable to be sufficiently mitigate these concerns primarily due to the size of the lot within the residential context the land finds itself in., the current buildings and works that have previously been undertaken not being built for purpose facilities for dog keeping.

Should Council decide to overturn the decision and approve the application and grant the Notice of Decision to Grant a Planning permit, permit notes should be included that require the animals to be registered with Councils Community Safety.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	**Response**
No external referrals were deemed necessary	However as stipulated above the application was referred to Dogs Vic for additional comment.
Community Health and Safety	Concerns raised, but advised that some permit conditions would be required if Council was to approve the application to mitigate the impacts to the adjoining land owners/occupants
Environmental Health	Consent – no conditions

Financial Implications

The recommendation of refusal to this land use application is not thought to have any financial implications to Council

Risk & Occupational Health & Safety Issues

The recommendation of approval of this development does not implicate any risk or OH&S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if required.

Options

Council could consider the following options:

- Issue a refusal to grant a permit in accordance with the recommendations of this report;
- Issue a permit with conditions outside of the recommendation of this report; or
- Should Council wish to consider an approval of the application, Councillor's should be mindful that infill development may occur in the surrounding area. Therefore, a sunset clause may be necessary to minimise future impacts on more surrounding land owners.

Conclusion

It is considered that this application is not supported by the Moorabool Planning Scheme, particularly the provisions of Clauses 22.04 and 32.08. Further to this, Council officers cannot be certain that the grant of a permit could be appropriately mitigated in the future.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a refusal to grant a planning permit for the Use of the Land for Animal Keeping (5 Dogs) at the land known as Lot 1 on TP 209194, located at 15 Duncan Street, Ballan on the following grounds:

1. **The proposal is inconsistent with the purposes of the General Residential Zone.**

2. **The proposal does not accord with the relevant Planning Policy Framework or the Local Planning Policy Framework of the Moorabool Planning Scheme, particularly Clause 22.04**

3. **There is insufficient information to assess the application.**

4. **The proposal does not represent the proper and orderly planning of the area.**

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 19 February, 2019

Item 5.2 Planning Permit Number PA2018 201 – Three (3) Lot Subdivision at 5 Flack Street, Ballan

Application Summary:	
Permit No:	PA2018201
Lodgement Date:	8 August, 2018
Planning Officer:	Robert Fillisch
Address of the land:	Crown Allotment 6, Section A, Parish of Ballan 5 Flack Street, Ballan 3342.
Proposal:	Three (3) Lot Subdivision
Lot size:	3833sq m
Why is a permit required?	Clause 32.08 – General Residential Zone – Subdivision. Clause 42.01 – Environmental Significance Overlay – Subdivision.
Reason for being presented to S86 Development Assessment Committee.	Objections received.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	Three (3), but one (1) later withdrawn.
Consultation Meeting:	No. The Council officer informally consulted with the objectors and applicant separately.
Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Satwinder Sandhu* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Robert Fillisch* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Yes – to internal Council units and external authorities including the relevant water boards and utility providers.
Any issues raised in referral responses?	Yes, Council's Strategic Planning unit object to the proposal. The reasons are outlined directly below.
Preliminary concerns?	Yes. The proposal is inconsistent with the Ballan Strategic Directions strategy which recommends minimum lot sizes of 1400sq m in this location, and also has the objective of ensuring wide frontages which the proposed design does not satisfy. Concerns were also raised about the limited backyard space for the existing dwelling on Lot 1.
Any discussions with applicant regarding concerns?	Yes. The Council officer initially wrote to the applicant and there was subsequent communication in an attempt to resolve the proposed lot configuration.
Any changes made to the application since being lodged?	Yes, the lot configuration was changed, the number of proposed crossovers reduced and a common property accessway included, however the number of lots was not reduced.
Brief history	Refer to heading 'Background to Current Proposal' below.
Previous applications for the site?	None.
General Summary	It is proposed to subdivide a vacant site into three lots of 1567sq m (Lot 1), 1006sq m (Lot 2) and 942sq m (Lot 3). Lot 1 would contain an existing dwelling and Lots 2 and 3 would be vacant lots. Two (2) objections were received which raised concerns about lot sizes less than 1400sq m, and that the current condition of Flack Street is unsuited to additional traffic and therefore the subdivider should contribute to upgrading the road. Overall, the proposal is considered to be generally responsive to the existing neighbourhood character typified by lots of generally 1800sq m-4100sq m and developed with single dwellings in spacious surroundings despite Council's adopted Ballan Strategic

	Directions policy recommending minimum 1400sq m lot sizes to achieve that policy's preferred character.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.	

Site Description

The site is identified as Crown Allotment 6, Section A, Parish of Ballan and known as 5 Flack Street, Ballan. The site is located on the south side of the street approximately 95m west of Old Ballanee Road and 250m east of Spencer Road and is a roughly rectangular shape with a 47.57m frontage, maximum depth of 82.68m and area of 3833sq m. The site contains a single storey dwelling and ancillary outbuildings, with scattered vegetation generally near the site boundaries. All reticulated services are available to the site which is relatively flat and not encumbered by any easements.

The site and surrounding neighbourhood is towards the northern edge of the Ballan township in the General Residential Zone, approximately 1.4km north of the Ballan town centre by road.

Lot sizes in the area vary, generally ranging from approximately 1850sq m to lots of a similar size to the subject site, which are more common. The mix of lots sizes reflects the incremental subdivision of land, but the extent of subdivision has generally maintained the low density character of the area. It is additionally noted that as recently as May 2018 Council approved nearby subdivisions with lot sizes of 956sq m, however works have not been completed to create these lots to enable titles to be released.

To the east and west of the subject site are rectangular shaped lots of approximately 3900sq m and 3800sq m containing single dwellings and ancillary outbuildings. Of particular note is a well-established planting of trees on 3 Flack Street to the east which partly overhang the subject site. To the south, fronting Berry Street, is an irregular shaped lot of approximately 4200sq m containing a single dwelling and ancillary outbuildings. To the north, across Flack Street, are several lots ranging in size from approximately 1800sq m to 4140sq m containing single dwellings and ancillary outbuildings.

Proposal

It is proposed to subdivide the site into three (3) lots, each approximately rectangular in shape. Lot 1 would have a 41.23m frontage to Flack Street, a maximum depth of 37.28m and an area of 1567sq m and contain the existing dwelling. Vehicle access to Lot 1 would be maintained via the existing crossover located towards the western boundary.

Lot 2 would be to the rear of Lot 1 and be 1006sq m in size, and Lot 3 with an area of 942sq m located further to the rear, both accessed from a driveway contained in common property parallel to the east title boundary with a width of 5.0-6.1m, length of 62.2m and area of 318sq m. The common property would be accessed via a proposed crossover to Flack Street.

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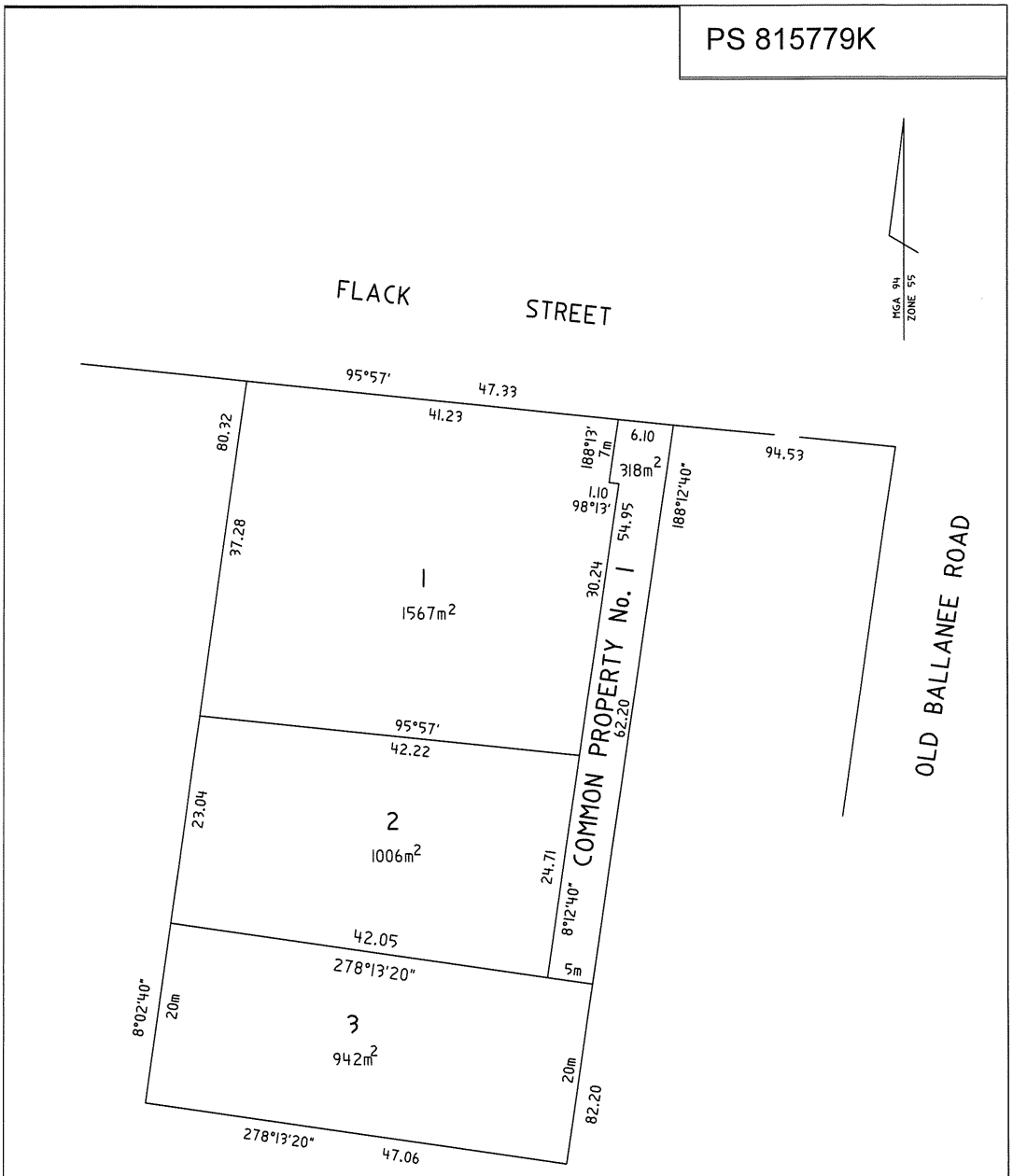
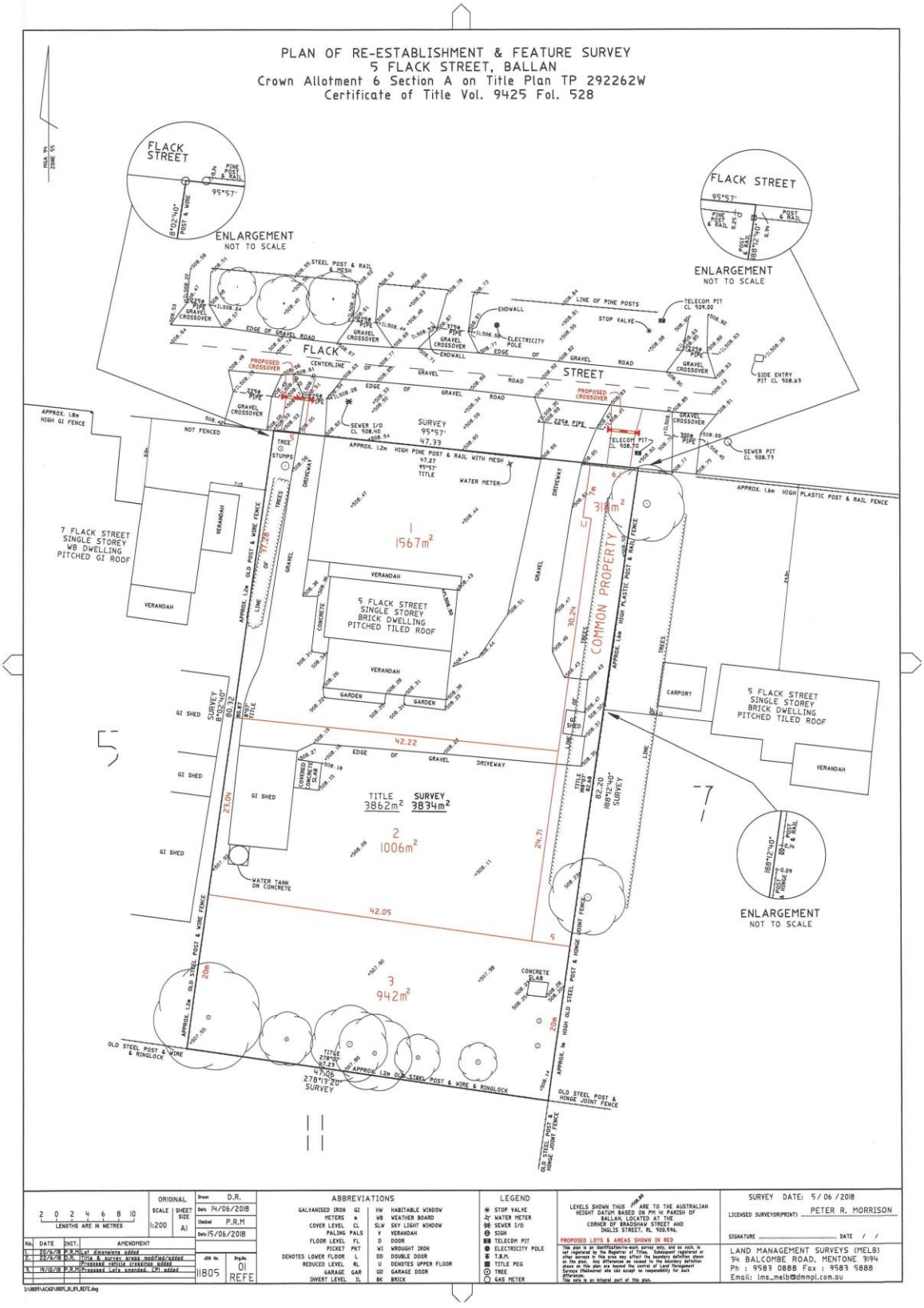


LAND MANAGEMENT SURVEYS (MELB) 34 BALCOMBE ROAD (PO BOX 158), MENTONE 3194 Ph : 9583 0888 Fax : 9583 5888 Email : lms_melb@dmmpl.com.au	SCALE 1:400	4 0 4 8 12 16 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	PETER R. MORRISON / VERSION 02			


PLAN OF RE-ESTABLISHMENT & FEATURE SURVEY
5 FLACK STREET, BALLAN
Crown Allotment 6 Section A on Title Plan TP 292262W
Certificate of Title Vol. 9425 Fol. 528
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COMMON PROPERTY
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TITLE
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24.71
30.24
20m
20m
5
7
11
ENLARGEMENT
NOT TO SCALE
SURVEY DATE: 5/06/2018
LICENSED SURVEYOR(PRINT) PETER R. MORRISON
SIGNATURE DATE / /
LAND MANAGEMENT SURVEYS (MELB)
34 BALCOMBE ROAD, MENTONE 3194
Ph : 9583 0888 Fax : 9583 5888
Email: lms_melb@dmmpl.com.au
ORIGINAL
SCALE 1:200
SHEET SIZE A1
Drawn D.R.
Date 14/06/2018
Checked P.R.M
Date 15/06/2018
JOB No. 11805
Drg.No. 01 REFE
ABBREVIATIONS
GALVANISED IRON GI
METERS m
COVER LEVEL CL
PALING PALS
FLOOR LEVEL FL
PICKET PKT
DENOTES LOWER FLOOR L
REDUCED LEVEL RL
GARAGE GAR
INVERT LEVEL IL
HW HABITABLE WINDOW
WB WEATHER BOARD
SLW SKY LIGHT WINDOW
V VERANDAH
D DOOR
WI WROUGHT IRON
DD DOUBLE DOOR
U DENOTES UPPER FLOOR
GD GARAGE DOOR
BK BRICK
LEGEND
STOP VALVE
WATER METER
SEWER I/O
SIGN
TELECOM PIT
ELECTRICITY POLE
T.B.M.
TITLE PEG
TREE
GAS METER
LEVELS SHOWN THUS 208.90 ARE TO THE AUSTRALIAN HEIGHT DATUM BASED ON PM 41 PARISH OF BALLAN, LOCATED AT THE CORNER OF BRADSHAW STREET AND INGLIS STREET, RL 500.596.
PROPOSED LOTS & AREAS SHOWN IN RED
This plan is an identification/re-mark survey only, and as such, is not registered by the Registrar of Titles. Subsequent registered or other surveys in this area may affect the boundary definition shown on the plan. Any differences as caused in the boundary definition shown on this plan are beyond the control of Land Management Surveys (Melbourne) who can accept no responsibility for such differences.
This note is an integral part of this plan.
LENGTHS ARE IN METRES
No. DATE INIT. AMENDMENT
1. 20/6/18 P.R.M. Lot dimensions added
2. 22/6/18 D.R. Title & survey areas modified/added
Proposed vehicle crossings added
3. 14/10/18 P.R.M. Proposed Lots amended. CPI added
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Background to Current Proposal

Amendment C88 to the Moorabool Planning Scheme was exhibited from August until October 2018 and seeks to implement Ballan Strategic Directions (June 2018), which is a Council adopted Strategy to guide land use and development in Ballan. Implementation of the Strategy includes the proposed rezoning of some land to guide how and where housing growth shall occur. As part of Amendment C88 the subject site is proposed to be rezoned from General Residential Zone, Schedule 1 to Neighbourhood Residential Zone, Schedule 6. A key change of the rezoning would be the requirement for minimum 1400sq m lot sizes where a subdivision proposal is approved. The proposal is not in accordance with Council's strategic intent for the site.

Public Notice

Notice of the application was given to adjoining and nearby landowners and occupants by mail on 31 October 2018 and a sign erected on site from 1-16 November 2018. Three (3) objections were received, one (1) of which was later withdrawn.

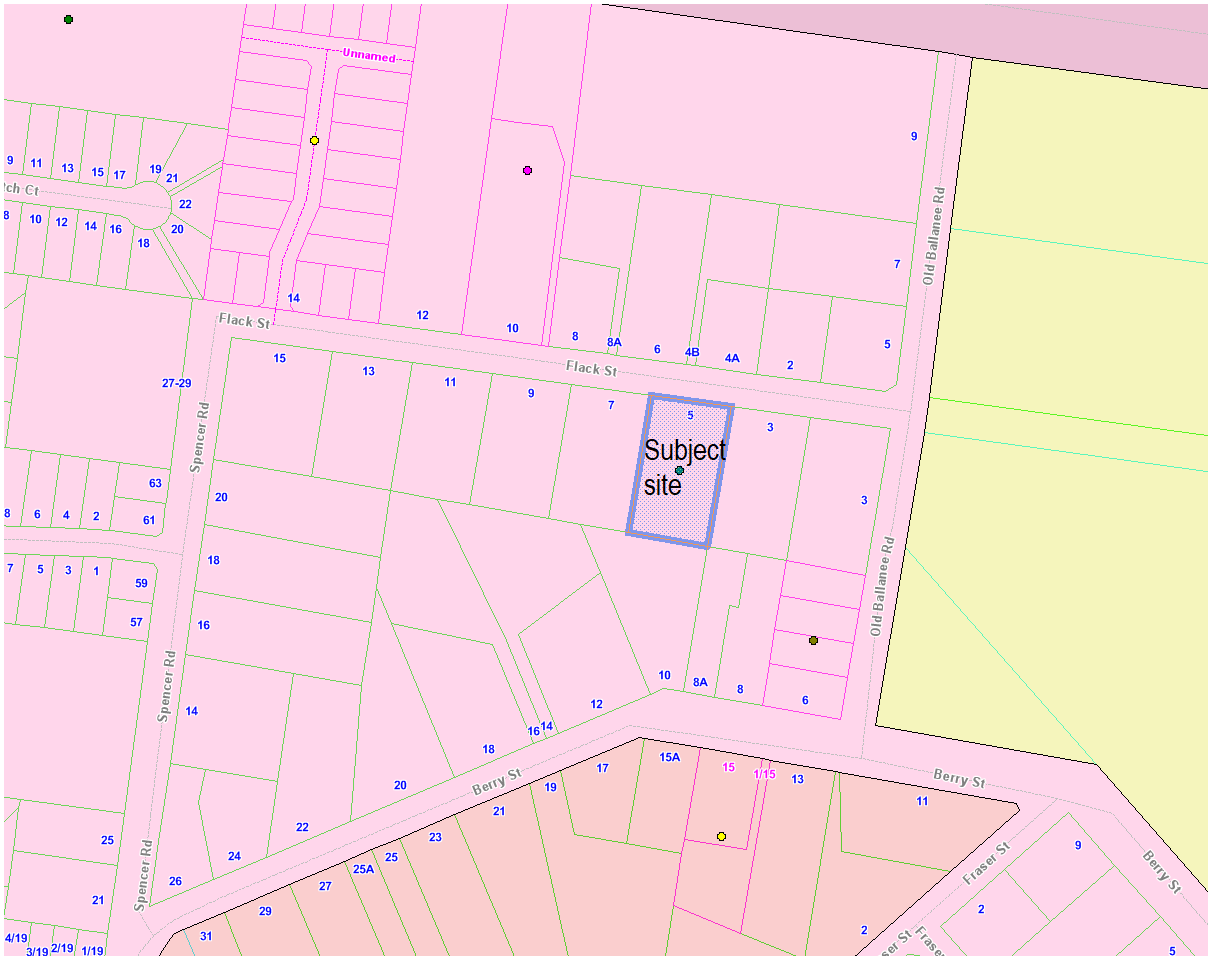
Summary of Objections

The objections received are detailed below with the officer's accompanying comments:

Objection	**Any Relevant Requirements**
Increased traffic with no corresponding improvement in road infrastructure. The subdivider should be required to either spray seal the existing road to the extent of their property boundary or pay an equivalent contribution to Council for spray sealing to be done by Council.	N/A
Officer's Response: Council does not currently have a formal developer contributions scheme in place to manage such issues as road upgrades for a subdivision of the scale proposed.	
The proposal does not meet the minimum 1400sq m lot size proposed by Planning Scheme Amendment C88 and consistent with Ballan Strategic Directions, which would preserve the amenity of the area. There would be no objection to a two lot subdivision but three lots would significantly affect our adjoining property. Whilst C88 is in process Council should not approve any subdivisions less than 1400sq m in this area.	Ballan Strategic Directions
Officer's Response: It is agreed that the proposal does not comply with the recommended minimum lot size recommended in Ballan Strategic Directions, however this policy is in its early stage of implementation and is only given limited weight. The Council officer liaised with the applicant to better align the design with the intent of the BSD by reconfiguring the lot layout but the number of proposed lots remains unchanged. The applicant has met their obligations in order for Council to determine the application and should any party not be satisfied with Council's determination can appeal the decision at VCAT.	

Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.02 Water.
- 15.01-3S Subdivision design.
- 15.01-5S Neighbourhood character.
- 16.01-2S Location of residential development.
- 21.02-3 Water and catchment management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

The proposal complies with the relevant sections of the PPF and LPPF.

Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-3 a permit is required to subdivide land. Subdivision must meet the requirements of Clause 56.

Overall the proposed subdivision is generally consistent with the purpose of the zone.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1. Under Clause 42.01-2 a permit is required to subdivide land. There are no relevant exemptions under Schedule 1.

Subject to conditions, the subdivision would be generally consistent with the overlay provisions.

Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act* 1987. The current Ballan Strategic Directions strategy was adopted by Council on 6 March, 2019.

<u>Urban Growth Policy</u>

The Urban Growth Policy states that:

> *The Moorabool Growth Strategy 2041 aims to provide a vision for the type of community Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by our current residents.*
>
> *The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.*

<u>Ballan Strategic Directions</u>

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character.
- Residential development.
- Movement network and connectivity.

- Open space and recreation.
- Community facilities.
- Non-residential uses and local employment.
- Drainage and servicing.

The subject site is in Precinct D in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct D are:

- Maintain the open, spacious character by retaining large lots with wide frontages and dwellings with substantial boundary setbacks.
- Low site coverage of buildings with dwellings in expansive grounds dominated by open space, landscaping and vegetation.
- Development will complement and enhance the natural landscape, including use of muted colours and tones that blend with the landscape.
- Retain the existing scale of built form noting that conventional residential lots in the Precinct are atypical and discouraged.
- No front fencing or otherwise low scale timber post and rail fencing is encouraged.

To assist in achieving the above objectives, it is proposed to rezone the site to the Neighbourhood Residential Zone and impose minimum 1400sq m lot sizes.

The proposal is inconsistent with the minimum lot size requirement recommended in Ballan Strategic Directions.

Particular Provisions

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. It is recommended that a condition of approval require a contribution equivalent to 5% of the site value.

Clause 56 Residential Subdivision

Subject to conditions, the proposal complies with the relevant provisions of ResCode (Clause 56).

Discussion

Overall, the proposal is considered to be consistent with relevant State and local planning policy, the General Residential Zone and Clause 56 of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as one of several towns which will support an increased population to absorb growth pressures in the region. The proposal would contribute to consolidated growth of the town, take advantage of existing infrastructure, and contribute to housing diversity and affordability. Growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding urban environment.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings with few examples of medium density housing and associated subdivision nearby.

The purpose of the GRZ includes the following:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies. The proposal must satisfy Clause 56 of the Moorabool Planning Scheme for subdivision by meeting all of the relevant objectives and should meet all of the standards.

Clause 21.08 of the Moorabool Planning Scheme is specific to Ballan and includes the following policy objective for housing:

- *To provide diversity in housing that is in character with the township and provides for continued growth of the town as a regional centre.*

The identified strategy to achieve this objective is stated as follows:

- *Encourage re-subdivision of large lots including limited well designed medium-density development within 500 metres of the town centre and railway station.*

As previously stated, the site is 1.4km from the town centre and 2.0km from the railway station, however this policy does not prevent such development occurring in other parts of the town, it clearly identifies where more intensive growth is particularly desirable, noting that the objective is to encourage growth which achieves a balance between consolidation and respect for the township character.

Guidance as to the desired township character is provided by the design objectives in Ballan Strategic Directions for Precinct D, set out earlier in this report, with the following objectives particularly relevant to this application:

- *Maintain the open, spacious character by retaining large lots with wide frontages and dwellings with substantial boundary setbacks.*
- *Low site coverage of buildings with dwellings in expansive grounds dominated by open space, landscaping and vegetation.*
- *Retain the existing scale of built form noting that conventional residential lots in the Precinct are atypical and discouraged.*

The proposal would maintain a 41.23m wide frontage to Flack Street generally consistent with surrounding frontage widths, thus the proposal would have limited impact on the existing streetscape. The lot dimensions, in particular vacant lots 2 and 3, would comfortably accommodate standard building envelopes of 10.0m x 15.0m, as required under Clause 56.04-2 while maintaining generous spaces for open space and landscaping.

Aside from considering Clause 56 for subdivision, under the General Residential Zone, Council must also consider:

- *The pattern of subdivision and its effect on the spacing of buildings*

The minimum dimensions of proposed lots 2 and 3 would be, respectively, 24.71m and 20.0m, and whilst substantially less than those of the adjoining and nearby lots in Flack Street would still provide reasonable scope for separation between future dwellings, depending on the particular layout of future development, and as previously stated no detriment to the streetscape.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	**Response**
Western Water Melbourne Water Southern Rural Water Central Highlands Water Powercor Downer Utilities	Consent Consent Consent with conditions Consent with conditions Consent with conditions Consent with conditions
Infrastructure Environmental Planning Strategic Planning	Consent with conditions Consent Objection

Financial Implications

The recommendation of approval of this application would not have any financial implications for Council.

Risk & Occupational Health & Safety Issues

The recommendation of approval of this application does not have any risk or OH&S implications for Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The applicant and objectors were invited to attend this meeting and address Council if desired.

Options

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision to Grant a Permit with amendments to the conditions in the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to consider suitable grounds of refusal based on why the proposal may not comply with the Moorabool Planning Scheme.

Conclusion

Overall, the proposed three lot subdivision to create lots of 1567sq m, 1006sq m and 942sq m is generally consistent with State and local planning policy, the General Residential Zone and Clause 56 in the Moorabool Planning Scheme. It is noted that the proposal is inconsistent with the Ballan Strategic Directions policy adopted by Council to guide the preferred future development of the town.

The proposal is generally consistent with the existing neighbourhood character and amenity of the area and would support the orderly growth of the township although the site is isolated from most services and facilities.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018201 for a Three (3) Lot Subdivision at Crown Allotment 6, Section A, Parish of Ballan, 5 Flack Street, Ballan 3342, subject to the following conditions:

Endorsed Plans:

1. **The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.**

Subdivision:

2. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

3. **Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**

Telecommunications:

4. **The owner of the land must enter into agreements with:**

    a) **A telecommunications network or service provider for the provision of telecommunication service 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.**

5. **Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**

    a) **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**

b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure:

6. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard rural residential vehicle crossing with culvert on Flack Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

7. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:

a. The development as a whole must be self draining.
b. Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
c. Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
d. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".

8. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.

9. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.

10. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

12. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

13. **Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**

    a. **Location of vehicle crossings**
    b. **Details of the underground drainage**
    c. **Location of drainage legal points of discharge**
    d. **Standard details for vehicle crossings and legal points of discharge**
    e. **Civil notes as required to ensure the proper construction of the works to Council standard.**

Powercor:

14. **The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.**

15. **The applicant shall:-**

    a. **Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.**
    b. **Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.**
    c. **The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**
    d. **Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
    e. **Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**

Southern Rural Water:

16. **The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.**

17. **Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.**

18. **The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities' requirements and relevant legislation.**

Central Highlands Water:

19. **Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.**

20. **Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.**

21. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

22. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

23. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Downer Utilities:

24. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

Permit Expiry:

25. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Permit Note:

<u>Powercor</u>

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 19 February, 2019

PLAN OF SUBDIVISION

EDITION 1

PS 815779K

LOCATION OF LAND

PARISH: BALLAN

TOWNSHIP: BALLAN

SECTION: A

CROWN ALLOTMENT: 6

CROWN PORTION:

TITLE REFERENCE: VOL: 9425 FOL: 528

LAST PLAN REFERENCE: TP 292262W

POSTAL ADDRESS: 5 FLACK STREET, BALLAN 3342
(at time of subdivision)

MGA CO-ORDINATES: E: 255 020 ZONE: 55
(of approx centre of land in plan) N: 5835 830 GDA 94

DISCLAIMER:

WARNING: THIS PLAN IS UNREGISTERED, NOR HAS A PLANNING PERMIT ISSUED FOR THE SUBDIVISION HEREON.

THIS PLAN WAS PREPARED BY LAND MANAGEMENT SURVEYS (MELBOURNE) TO SUPPORT AN APPLICATION UNDER PLANNING & ENVIRONMENT ACT 1987 AND THE SUBDIVISION ACT 1988 TO SUBDIVIDE THE LAND.

THIS PLAN MAY BE SUBJECT TO AMENDEMENT PRIOR TO REGISTRATION.

LAND MANAGEMENT SURVEYS (MELBOURNE) ACCEPTS NO RESPONSIBILITY WHATSOEVER FOR ANY LOSS OR DAMAGE SUFFERED HOWSOEVER ARISING TO ANY PERSON OR ORGANISATION WHO USE OR RELY UPON THIS PLAN FOR ANY PURPOSE OTHER THAN THE PURPOSE FOR WHICH IT WAS PREPARED.

THIS NOTE FORMS AN INTEGRAL PART OF THIS PLAN.

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS.
For details of any owners corporations including purpose, responsibility, entitlement & liability see owners corporation search report, owners corporation additional information and if applicable, owners corporation rules.

NOTATIONS

DEPTH LIMITATION 15.24m

SURVEY:
This plan is based on survey.

STAGING:
This is not a staged subdivision.
Planning Permit No.

This survey has been connected to permanent marks No(s).

In Proclaimed Survey Area No. 148

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

LAND MANAGEMENT SURVEYS (MELB)
34 BALCOMBE ROAD (PO BOX 158),
MENTONE 3194
Ph : 9583 0888 Fax : 9583 5888
Email : lms_melb@dmmpl.com.au

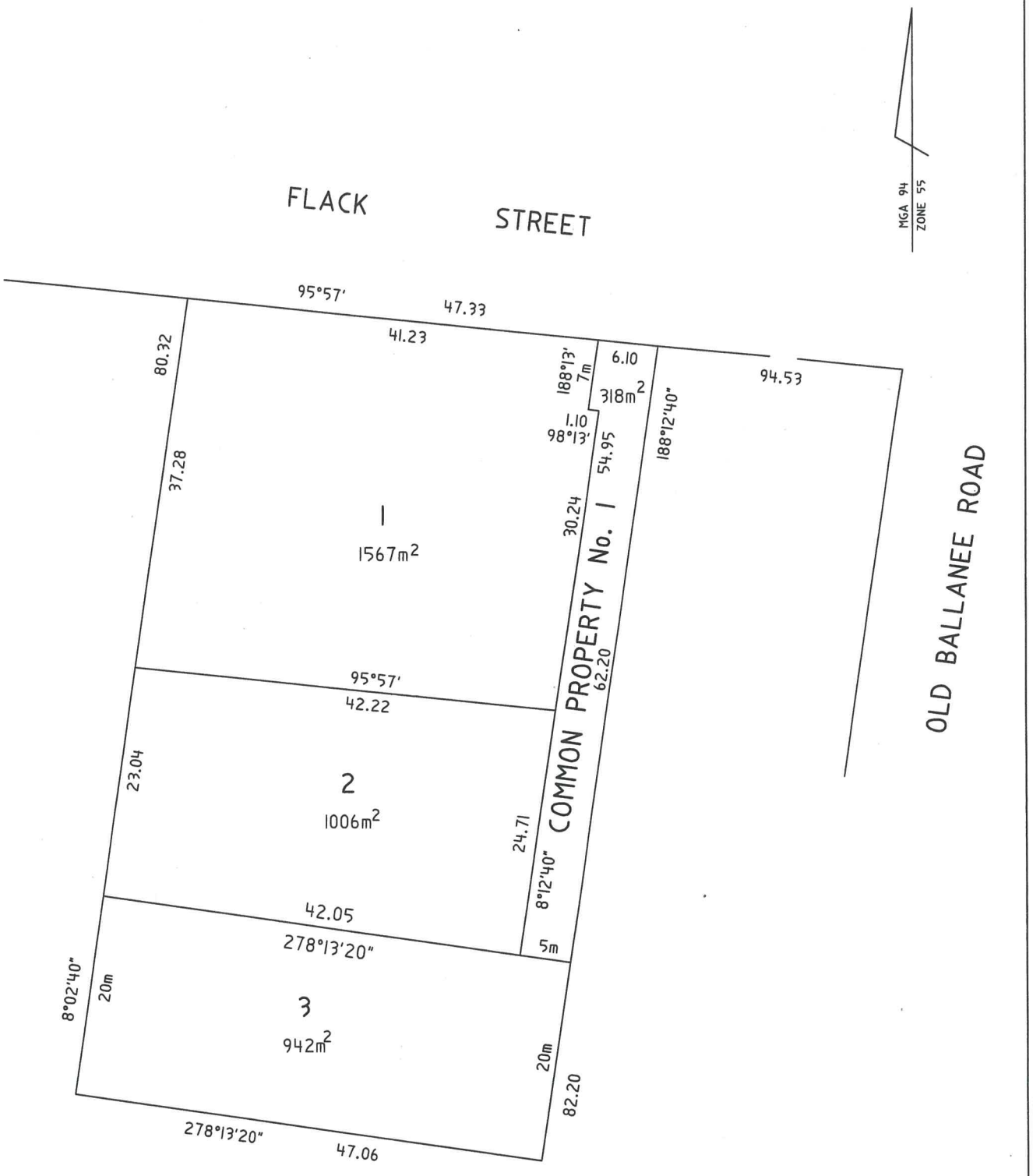
SURVEYORS FILE REF: 11805

ORIGINAL SHEET SIZE: A3

SHEET 1 OF 2

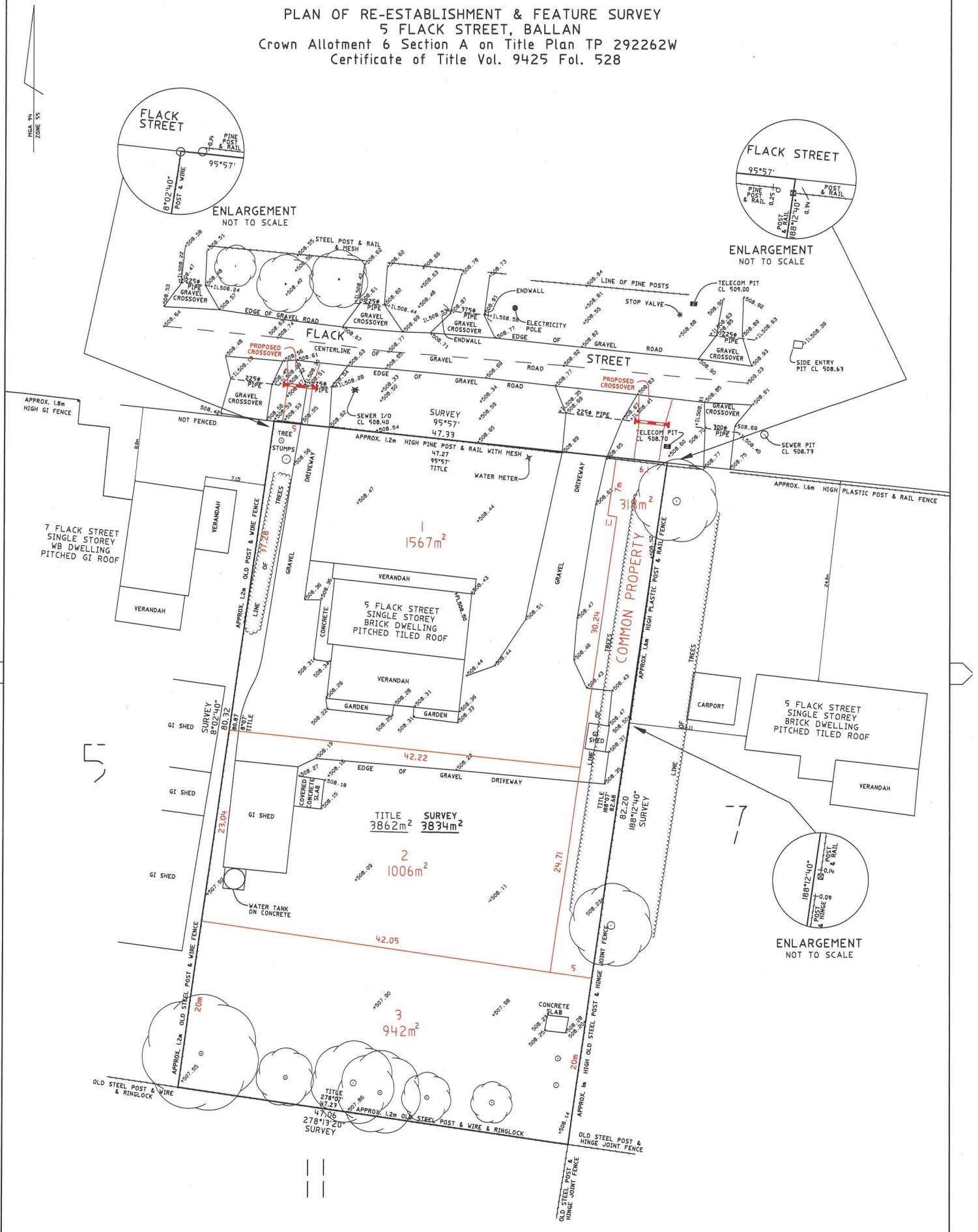
PETER R. MORRISON / VERSION 02

PS 815779K



LAND MANAGEMENT SURVEYS (MELB) 34 BALCOMBE ROAD (PO BOX 158), MENTONE 3194 Ph : 9583 0888 Fax : 9583 5888 Email : lms_melb@dmmpl.com.au	SCALE 1:400	4 0 4 8 12 16 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	PETER R. MORRISON / VERSION 02			

PLAN OF RE-ESTABLISHMENT & FEATURE SURVEY
5 FLACK STREET, BALLAN
Crown Allotment 6 Section A on Title Plan TP 292262W
Certificate of Title Vol. 9425 Fol. 528



No.	DATE	INIT.	AMENDMENT
1.	20/6/18	P.R.M	Lot dimensions added
2.	22/6/18	D.R.	Title & survey areas modified/added
			Proposed vehicle crossings added
3.	19/10/18	P.R.M	Proposed Lots amended, CPI added

2 0 2 4 6 8 10
LENGTHS ARE IN METRES

ORIGINAL SCALE 1:200 SHEET SIZE A1

Drawn D.R.
Date 14/06/2018
Checked P.R.M
Date 15/06/2018

JOB No. 11805 Drg.No. 01 REFE

ABBREVIATIONS

GALVANISED IRON	GI	HW	HABITABLE WINDOW
METERS	m	WB	WEATHER BOARD
COVER LEVEL	CL	SLW	SKY LIGHT WINDOW
PALING PALS		V	VERANDAH
FLOOR LEVEL	FL	D	DOOR
PICKET	PKT	WI	WROUGHT IRON
DENOTES LOWER FLOOR	L	DD	DOUBLE DOOR
REDUCED LEVEL	RL	U	DENOTES UPPER FLOOR
GARAGE	GAR	GD	GARAGE DOOR
INVERT LEVEL	IL	BK	BRICK

LEGEND

- STOP VALVE
- WATER METER
- SEWER I/O
- SIGN
- TELECOM PIT
- ELECTRICITY POLE
- T.B.M.
- TITLE PEG
- TREE
- GAS METER

LEVELS SHOWN THUS +508.50 ARE TO THE AUSTRALIAN HEIGHT DATUM BASED ON PM 41 PARISH OF BALLAN, LOCATED AT THE CORNER OF BRADSHAW STREET AND INGLIS STREET, RL 500.596.

PROPOSED LOTS & AREAS SHOWN IN RED

This plan is an identification/re-mark survey only, and as such, is not registered by the Registrar of Titles. Subsequent registered or other surveys in this area may affect the boundary definition shown on the plan. Any differences as caused to the boundary definition shown on this plan are beyond the control of Land Management Surveys (Melbourne) who can accept no responsibility for such differences.
This note is an integral part of this plan.

SURVEY DATE: 5/06/2018

LICENSED SURVEYOR(PRINT) ..... PETER R. MORRISON

SIGNATURE ..... DATE / /

LAND MANAGEMENT SURVEYS (MELB)
34 BALCOMBE ROAD, MENTONE 3194
Ph : 9583 0888 Fax : 9583 5888
Email: lms_melb@dmmp.com.au

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Item 5.3 Amendment to Planning Permit PA2017 099 – 3 Corbetts Road Gordon: Five (5) Lot Subdivision

Application Summary:	
Permit No:	PA2017-099.
Amendment Lodgement Date:	27 August, 2018.
Amend an application in process lodged:	11 January, 2019.
Planning Officer:	Mark Lovell.
Address of the land:	Crown Allotment 4, Section 20, Township of Gordon, Parish of Kerrit Bareet. 3 Corbetts Road, Gordon.
Proposal (as amended):	To amend PA2017099 – conditions 1b, 1d, 5, 21, 25 and 26. Include the removal of vegetation in the permit preamble.
Lot size:	6972m2.
Why is an amendment required?	Change to permit conditions and a new permit trigger of tree removal.
Reason for being presented to S86 Development Assessment Committee	Application and permit conditions previous assessed by the Development Assessment Committee of Council (DAC).
Public Consultation:	
Was the application advertised?	No.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Nil.
Consultation meeting:	None for the amendment.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2B:	Natural Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Robert Fillisch* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Mark Lovell* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Not re-referred. As there is no change to the lot numbers or lot sizes.
Any issues raised in referral responses?	N/A
Preliminary Concerns?	Yes, Officers advised the applicant that some of the conditions intended to be removed or amended had been discussed in detail in a prior Council DAC meeting and would not be supported.
Any discussions with applicant regarding concerns	Yes, the applicant initially wanted to continue with contesting fourteen (14) separate conditions and after a meeting with Council officers reduced the number of contested conditions to six (6).
Any changes made to the application since being lodged?	Yes, an application to amend in process was lodged on 11 January, 2019
Brief history	PA2017-099 was issued on 9 May, 2018 authorising a five (5) lot subdivision. The permit expires for commencement and certification on 9 May, 2019. This application to amend PA2017-099 was presented to Council at S86 Development Assessment Committee on 21 November, 2018. Where it was determined that it be deferred on the basis that amended documentation was being seen for the first time at the meeting therefore officers were not in a position to advise.
Previous applications for the site?	PA2011-291 for a two lot subdivision and a second dwelling was refused on 26 June, 2012.
General summary	The applicant has requested to remove a number of permit conditions that was previously presented at DAC meeting and without any lodgement an application for review with VCAT against conditions on a permit. With changes to the garden space provisions, two conditions, 1b and 5 can be removed.

	Some initially contested conditions have been resolved after discussions with the land owner and their planning consultant. However, conditions regarding building setbacks, and footpath construction are not valid to be removed having regard to the planning scheme provisions. The applicant has also removed trees on site during this planning application amendment and has not sort to obtain the necessary planning permission. The applicant also wants to remove three street trees. Tree removal is not supported based on neighbourhood character grounds and the objectives of the Significant Landscape Overlay.
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a refusal to Amend a Permit for PA2107099 authorising a Five (5) lot subdivision for the land at Crown Allotment 4, Section 20, Township of Gordon, Parish of Kerrit Bareet otherwise known as 3 Corbetts Road, Gordon.	

Site Description

The subject lot is located on the southern side of Corbetts Road and the western side of Cartons Road, Gordon. The lot is in an irregular square shaped arrangement and has a 90.73 metres wide Corbett Road frontage and 92.18 metres wide Cartons Road frontage for a total land area of 6972m2.

There is an unmade road reserve adjacent to the western property boundary which is not part of the subject land. The site contains an existing dwelling currently unoccupied, ancillary shed and internal fencing separating a number of rear paddocks. The site has a moderate sloped topography and according to the spot level survey slopes from RL 93.17 in the south-east corner up to RL99.92 in the north-west corner. A small number of established trees facing Corbetts Road have recently been removed.

The surrounding area has an open feel with dwellings situated on large lots with established vegetation. The undulating and hilly topography and low scale of development contributes to a distinctly semi-rural character. This is further enhanced by nearby patches of forested land and cleared grazing and horticultural land.

The site is on the edge of the Neighbourhood Residential Zone with the Rural Living Zone located on the opposite side of Cartons Road, east of Foxes Lane. The southern adjacent property is crown land with a waterway that is located within a Public Park and Recreation Zone (PPRZ).

Background

Council considered an application for five (5) lot subdivision at a S86 Development Assessment Committee (DAC) meeting held on 21 March, 2018 and determined to issue a Notice of Decision to Grant a Permit with conditions. There was no objector appeal and the permit was issued on 9 May, 2018.

There was no appeal against any of the permit conditions. The appeal period for permit conditions expired on 21 May, 2018 which is two months after the issue of the Notice of Decision.

The applicant lodged an amendment request on 27 August, 2018 seeking to amend or remove fourteen (14) permit conditions.

Council considered the amendment request at a S86 Development Assessment Committee (DAC) meeting held on 21 November, 2018. It was determined to defer the item to allow for further discussion between then applicant and Council officers.

After discussions with the applicant on 7 December, 2018, a number of conditions were clarified. Condition 1b and 5 can be removed due to changes to the planning controls covering the garden space provisions. Condition 21 was agreed to be altered to remove some words to allow for an easier understanding.

An application to amend in process was lodged on 11 January, 2019. The conditions that the applicant stills wants to contest are conditions 1b, 1d, 5, 21, 25 and 26. The conditions where officers have not reached agreement to remove or amend are 1d (building setbacks), 25 (footpath construction) and 26 (footpath construction). As part of the application to amend in process, the applicant requested to remove two further street trees.

Proposed Amendment

The applicant seeks to remove or alter several permit conditions, as follows:

- Remove condition 1b requiring the submission of plan showing the garden space areas.
- Remove condition 1d requiring the submission of plan with nominated setbacks for future dwellings on each lot.
- Remove condition 5 requiring a creation of restriction on title in accordance with condition 1b.
- Amend condition 21 regarding design for road construction as required by Council's Infrastructure to remove the requirement for a geotechnical investigation.
- Remove condition 25 regarding Corbetts Road footpath construction as required by Council's Infrastructure.
- Remove condition 26 regarding Cartons Road footpath construction as required by Council's Infrastructure.

The applicant also seeks to alter the plans to include removal of three trees from the Council road reserve adjacent to the subject land and trees within their title boundary.

On 12th October, 2018, Council became aware that large trees within the property had been removed without planning approval. Therefore, the applicant requires retrospective approval for tree removal within their property boundary.

Site photo of tree removal taken 12 October, 2018.

Public Notice

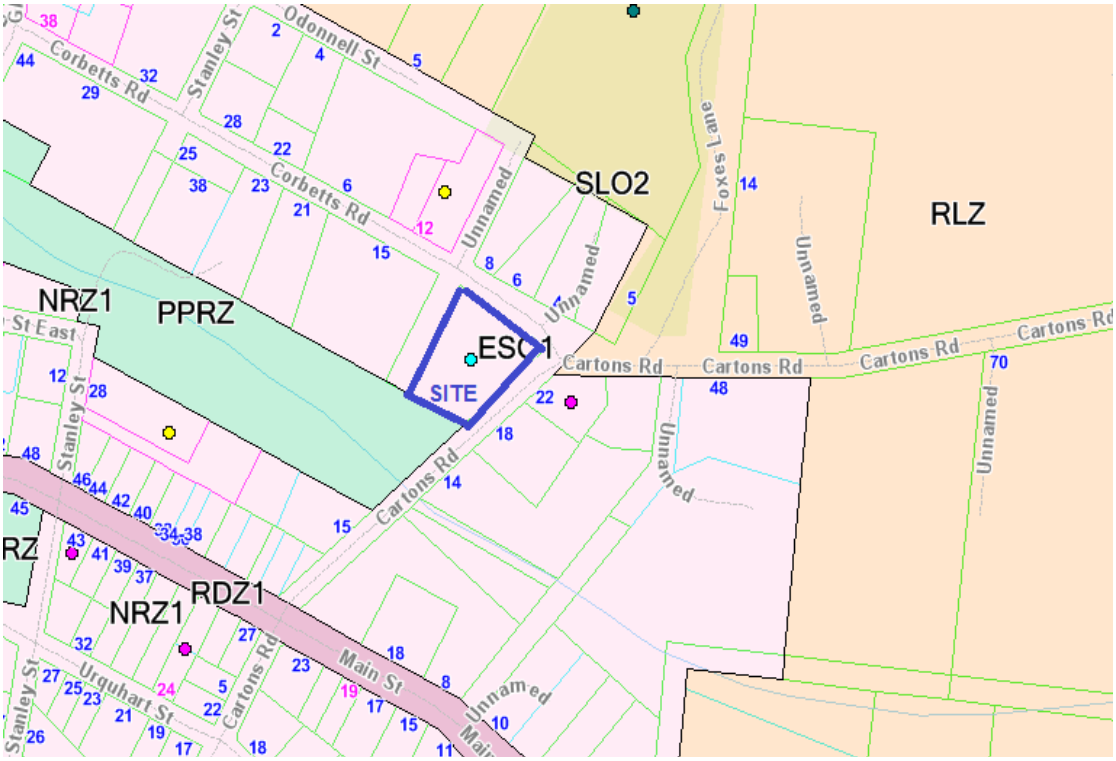
The amended application was not advertised as there is no increase in lots or changes to the lot dimensions.

Summary of Objections

No objections received to the amendment request.

Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The following changes to the planning scheme have occurred since the issue of the permit on 9 May, 2018:

- Amendment VC148 was gazetted on 31 July, 2018 reforming all planning schemes under the Smart Planning Program and major changes to the Victorian Planning Provisions. The changes would not alter the recommendation.

- Amendment VC147 made gazetted on 14 September, 2018 making administrative changes to all planning schemes. The changes would not alter the recommendation.

- Amendment VC150 was gazetted on 21 September, 2018 implementing actions from Planning for Sustainable Animal Industries Report. The changes would not alter the recommendation

- Amendment VC143 was gazetted on 4 October, 2018 inserting a new Commercial 3 Zone and introducing requirements for residential solar energy facilities. The changes would not alter the recommendation.

- Amendments VC152, VC154 and VC155 were gazetted on 26 October, 2018 amending the crisis accommodation and community care provisions, introduced integrated water management provisions and minor changes to the heritage and energy efficiency state provisions. The changes would not alter the recommendation

Zone

The subject site is in the Neighbourhood Residential Zone, Schedule 1 (NRZ1).

There is no new permit trigger to alter/remove permit conditions.

Overlays

<u>Environmental Significance Overlay Schedule 1 (ES01)</u>

The subject site is in the Environmental Significance Overlay Schedule 1 and the provisions of Clause 42.01 apply.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Under Part 2 of Schedule 1 of the overlay has the following environmental objectives to be achieved.

- To protect the quality and quantity of water produced within proclaimed water catchments.
- To provide for appropriate development of land within proclaimed water catchments.

Under Clause 42.01-2 a planning permit is required to remove vegetation. The permit amendment would need to consider the objectives and decision guidelines of Clause 42.01.

Decision guidelines contained in Clause 42.01-5 are:

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property. Any other matters specified in a schedule to this overlay.

Design & Development Overlay Schedule 2 and 5 (DD02 and DD05)

The subject site is in the Design & Development Overlay Schedules 2 and 5.

There are no new triggers under these overlays.

Significant Landscape Overlay Schedule 2 (SLO2)

The subject site is in Significant Landscape Overlay and the provisions of Clause 42.03 apply

The purpose of the overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Under Part 1 of Schedule 2 of the overlay has the following statement to explain the key aspects to the Schedule.

Gordon is regarded as a village community with a distinct pattern of single storey dwellings with generous side and rear setbacks that complement the landscaped setting. There are major strands of remnant vegetation and isolated trees within the town that are set amongst a backdrop of shelter belt plantings and forested ridgelines. Exotic tree plantings form major windbreaks in parts of the township, particularly towards the Paddock Creek corridor, and surrounds. These features make strong statements and a significant contribution to the character of the township. Considerable care needs to be taken to ensure that the landscape and the character of the town are not compromised through the removal of vegetation.

Under Part of Schedule 2 of the overlay has the following landscape objectives to be achieved.

- To retain and protect significant trees, vegetation and windbreaks that are significant component of local identity and landscape of the township character of Gordon.
- To protect vegetation and trees of special significance, natural beauty, interest and importance. To retain trees where they have high amenity value, unless identified as an environmental weed. To support the retention and planting of further exotic and indigenous trees.

Under Clause 42.03-2 permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. The permit amendment would need to consider the objectives and decision guidelines of Clause 42.03.

The decision guidelines contained in Clause 42.03-5 are:

- The Municipal Planning Strategy and the Planning Policy Framework.

- The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.
- The conservation and enhancement of the landscape values of the area. The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.
- The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.
- The impact of buildings and works on significant views. Any other matters specified in a schedule to this overlay.

Particular Provisions

Clause 52.17 Native Vegetation

The proposal involves the removal of native vegetation.

The purpose of this particular provision is:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) the Guidelines:
    1. Avoid the removal, destruction or lopping of native vegetation.
    2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
    3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Under Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation including dead native vegetation. Decision guidelines are listed under Clause 52.17-4.

Planning & Environment Act (1987)

To amend a permit condition, the provisions of Section 72 of the Planning & Environment Act apply, as follows:

Application for amendment of permit:

1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

2) This section does not apply to:
    a. a permit issued at the direction of the Tribunal; or
    b. a permit issued under Division 6.

3) In this section a reference to a permit includes any plans, drawings or other documents approved under a permit.

Discussion

Garden Space

VC110 was gazetted on 27 March, 2017 and introduced the state wide garden space provisions for dwelling developments and subdivisions of land. This planning scheme amendment was poorly worded and the definition of garden space was open to interpretation. VC143 was gazetted on 15 May, 2018 which is after the issue of the planning permit PA2017099. VC143 revised the garden space provisions and introduced exemptions for the creation of vacant lots greater than 400m2. Based on the current planning controls, the garden space requirements do not apply as all lots are greater than 400m2. On this basis, condition 1b and 5 can be removed.

Building Setbacks

The building setbacks introduced by condition 1d allows for front setbacks of at least 10 metres and allows for side setbacks of at least 5 metres which is consistent with the Design & Development Overlay Schedule 5. This condition was created to ensure future dwellings are not inappropriately positioned close to front and side boundaries in order to respect the unique neighbourhood character elements of Gordon. The lots are large in area at over 1000m2 and these building setbacks will not present any issues for future owners constructing dwellings on each of the lots. The setbacks proposed allows the subdivision to comply with the neighbourhood character objectives of Rescode, Clause 56. There is no justification to remove this condition.

Infrastructure Conditions

Subdivision of vacant lots with limited infrastructure services requires new lots to be fully serviced and have adequate infrastructure provisions especially in the public realm such as footpaths, drainage and street lighting. It is not unreasonable to expect that infrastructure will be provided at the owner's expense.

Condition 21 as part of negotiations with the applicant was resolved to be amended to remove the words referencing geotechnical investigation replaced with 'to the satisfaction of the Responsible Authority'.

Conditions 25 and 26 are regarding a footpath construction. Footpaths allow for safe pedestrian movements through the area. The area does not contain footpaths and residents are required to walk on narrow roadways or grassy road verges. It is also restrictive for people with limited mobility. As more lots are developed and subdivided this will enable a network of footpaths connecting residents from this section of Gordon to the township area. There is no adequate justification for having no footpaths is this locality.

Tree Removal

The applicant has stated a tree in the Carton Road reserve needs to be removed to allow for an open drain to be upgraded and also requested two other trees in the Corbetts Road Reserve be removed. The applicant has submitted NVIM report which shows that the three trees achieved a basic pathway assessment with an offset requirement of 0.024 general habitat units.

As with any Council road reserve, drains and vegetation can co-exist and designed in way to protect native vegetation. Given the lack of street trees in this location, removing the only street trees along each street frontage undermines the landscape setting in this section of Gordon and is not consistent with the broad objectives of the Significant Landscape Overlay Schedule 2.

The applicant during course of this planning application in October, 2018 has removed large non-native trees within their property boundary without planning permission. The applicant was requested as part of a further information letter to state whether any trees were intended to be removed in the property. The applicant had not responded to the request for over a month and then the trees were removed in the knowledge that planning permission was required. The applicant advised the owner didn't want the trees.

The Significant Landscape Overlay Schedule 2 acknowledges that exotic trees form windbreaks and this makes a significant contribution to the township especially along the Paddock Creek corridor. The proposed lots sizes are large at over 1000m2 in area and the tree location close the Corbetts Road frontage allows retention of these trees. Given the site is largely cleared land in a location where large trees are present on surrounding lots, there appears to be no justification to completely 'moonscape' the site. Without adequate justification, tree removal is not supported. There is also no justification to remove native trees along the road reserve in Corbetts Road and Cartons Road.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

No new referrals were undertaken.

Financial Implications

The recommendation of refusal of this amendment application would not represent any financial implications to Council. Should Council consider approving this application there would be no costs associated with any VCAT appeal.

Risk and Occupational Health and Safety Issues

The recommendation of refusal of this amendment does not implicate any risk or OH & S issues to Council.

Communications Strategy

No notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987.

Options

- Issue a refusal to amend a permit in accordance with the recommendation of this report; or
- Should Council wish to consider approving the amendment of the application, Councillors need to explore reasons based on the proposal complying with the Moorabool Planning Scheme.

Conclusion

The planning permit as issued carefully considered all of the planning scheme provisions including the Planning Policy Framework, the Local Planning Policy Framework, zone and overlay controls. The permit was then issued as a result of a S86 Development Assessment Committee (DAC) of Council where both the applicant and objector were invited to intend.

It is considered that the changes to the Planning Scheme which have occurred since the permit was issued would not alter the decision as a whole. The only exception to this applies to the

garden space provisions that support the removal of conditions 1b and condition 5. Due to the exemption these conditions can be removed independent of this application under Section 71 of the Planning & Environment Act.

The proposed amendment to remove the requirement to condition 25 and 26 is not justified considering new infrastructure services are required to ensure a minimal level of safety and function for new residents on subdivided lots. The building setbacks provide streetscape amenity and open front setback areas. With the trees removed without planning approval, the applicant will need to be subject to appropriate level of planning enforcement.

The only acceptable changes to the existing permit conditions are conditions 1b and 5 due to the altered operation of the garden space provision and as agreed with the applicant to change the wording of condition 21 to allow for more broader application by stating to the satisfaction of the Responsible Authority.

The conditions which should remain unchanged are conditions 1d, 25 and 26. Tree removal including native vegetation removal should not be supported on a largely cleared property as the existing vegetation provides landscape values to the local area.

The applicant has requested a decision based on all of the amendments as a whole rather than splitting their amendment request. Overall, the amendments proposed as a whole, are inappropriate and inconsistent with the current planning controls. The proposed amendments should be not supported.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a refusal to amend a permit for a five (5) lot subdivision:

1. **The proposed amendments to remove trees including native trees is inconsistent with the objectives and purpose of the Significant Landscape Overlay Schedule 2.**

2. **The proposed amendments to remove infrastructure conditions will not provide adequate services to future occupants and surrounding users.**

3. **The proposed amendments to remove building setbacks is inconsistent with Rescode standard C6, Neighbourhood Character.**

4. **The proposed amendments do not represent the orderly subdivision of land that seeks to create vacant lots.**

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 19 February, 2019

LEGEND

ELECTRICITY O'HEAD — E —
ELECTRICITY U'GROUND
BOUNDARY - LOT
SEWER U'GROUND
EDGE OF BITUMEN
DRIVEWAY
BUILDING
TELSTRA U'GROUND — S —
CERAMIC PIPE INVERT
OPEN DRAIN
EXISTING SURFACE
GATE
TREE
ELECTRICITY POLES
SEWER PIT
STOP VALVE
FIRE PLUG
TELSTRA PITS
TELSTRA MARKER
WATER METER

MGA94 ZONE 54

WARNING

BEWARE OF UNDERGROUND SERVICES

THE LOCATIONS OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN

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development & environment consultants
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www.beveridgewilliams.com.au

CAD REFERENCE: 1700710pp.dwg

SURVEYORS REF. 1700710 VERSION 06
ORIGINAL SHEET SIZE A3
SURVEYOR: RJ
CHECKED: SM
DRAWN: KM
DATE: 05/12/18

SCALE 1:750
0 7.5 15 22.5 30
LENGTHS ARE IN METRES

PLAN OF PROPOSED SUBDIVISION

PARISH OF KERRIT BAREET
TOWNSHIP OF GORDON
SECTION 20, CROWN ALLOTMENT 4
3 Corbetts Road, Gordon

Item 5.4 Planning Permit Number PA2018 339 – Waiver of car parking associated with the use and development of the land as a display home at 6 Cosgrove Drive, Maddingley.

Application Summary:	
Permit No:	PA2018 339
Lodgement Date:	22 December, 2018
Planning Officer:	Mark Lovell
Address of the land:	Lot 1628 on Plan of Subdivision 810903P 6 Cosgrove Drive, Maddingley.
Proposal:	Waiver of car parking associated with the use and development of the land as a display home.
Lot size:	448m2.
Why is a permit required?	Clause 32.08-3 - Use of the land for a display home Clause 32.08-9 - Building and Works Clause 52.06-3 - Waiver of car parking.
Reason for being presented to Development Assessment Committee.	Waiver of car parking.
Public Consultation	
Was the application advertised?	Yes.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of Objections:	No objections were received.
Consultation Meeting:	Not required.
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 3:	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Robert Fillisch* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Mark Lovell* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Council's Infrastructure and Council's Environmental Health.
Any issues raised in referral responses?	No.
Preliminary concerns?	No.
Any discussions with applicant regarding concerns?	Nil.
Any changes made to the application since being lodged?	No.
Brief history	The subject site is vacant land within Stonehill Estate. There have been no previous development permits issued for this site.
Previous applications for the site?	Nil.
General Summary	The proposed waiver of car parking is acceptable given the use of the land is temporary as a display home and will at a later point revert to a residential dwelling with the required minimum car spaces which will be located in the garage space. Visitors to the display home can utilise the existing on street car parking and the applicant has agreed to provide a temporary car park on nearby land. This will not create any unreasonable impacts within a new residential estate.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Planning Permit for the waiver of car parking associated with the use and development of the land as a display home at Lot 1628 on Plan of Subdivision 810903P otherwise known as 6 Cosgrove Drive, Maddingley.	

Site Description

The subject site is located on the northern side of Cosgrove Drive, east of Gladman Road, Maddingley. The lot has a maximum width of 14 metres and a maximum length of 32 metres for a total land area of 448m2. The site is vacant and has a relatively flat topography. There is no vegetation on site.

The surrounding area is a mixture of detached dwellings under construction or vacant lots reflective of a new residential estate.

Proposal

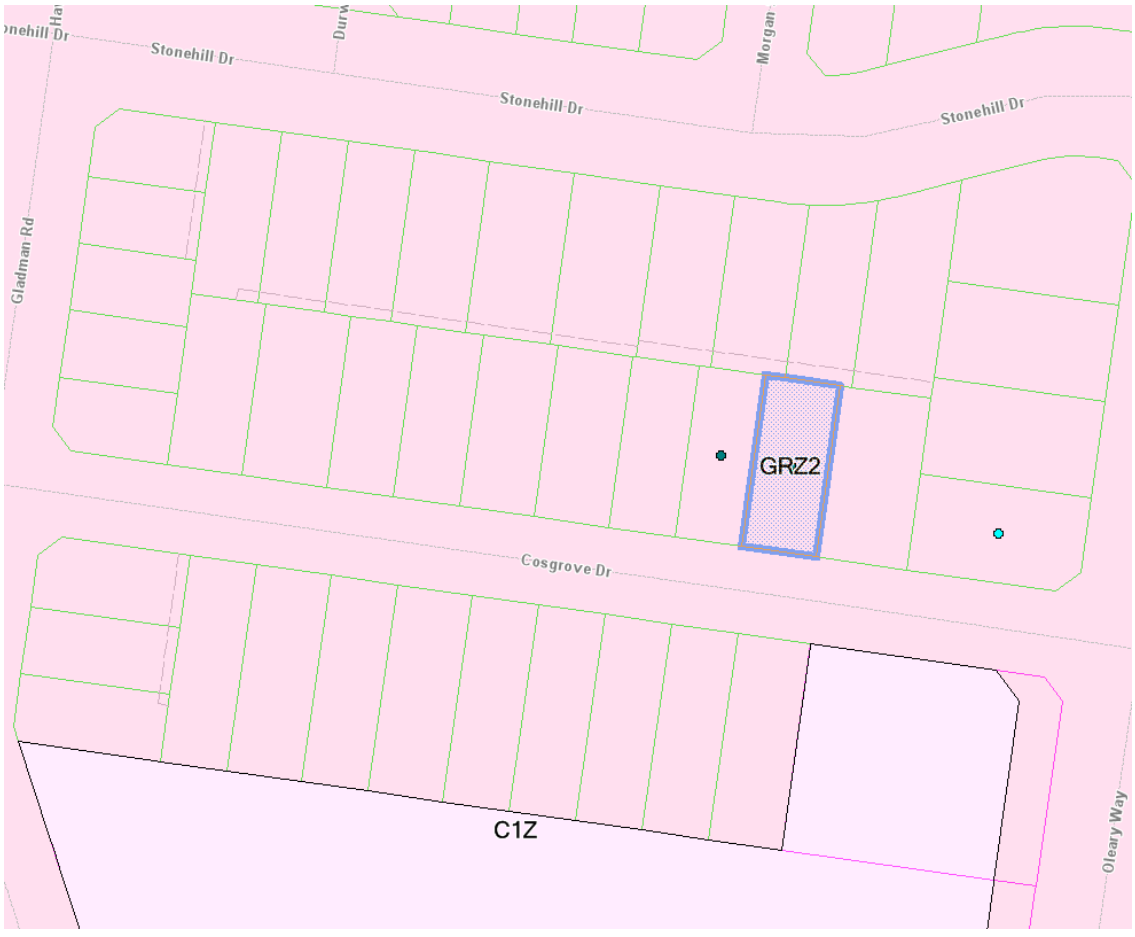
The proposed use of the land is part of the Stonehill Estate, the site is proposed to be utilised for a display home which comprises of two bedrooms, family/meals room, theatre, kitchen, kitchen laundry and bathroom. The proposal has a garage space and tandem car space however it is expected there will no vehicles will be parked on site during the display period typical of a display home. The display home is single storey in height and will have floor to ceiling level of 2.74 metres. The display home will consist of rendered brickwork, tiled roofing, and Colorbond fascia's, downpipes and guttering. It is understood that the future use of this site will be for the display home to be converted into a formal dwelling.

Public Notice

The application was notified to adjoining and surrounding landowners. There were no objections received.

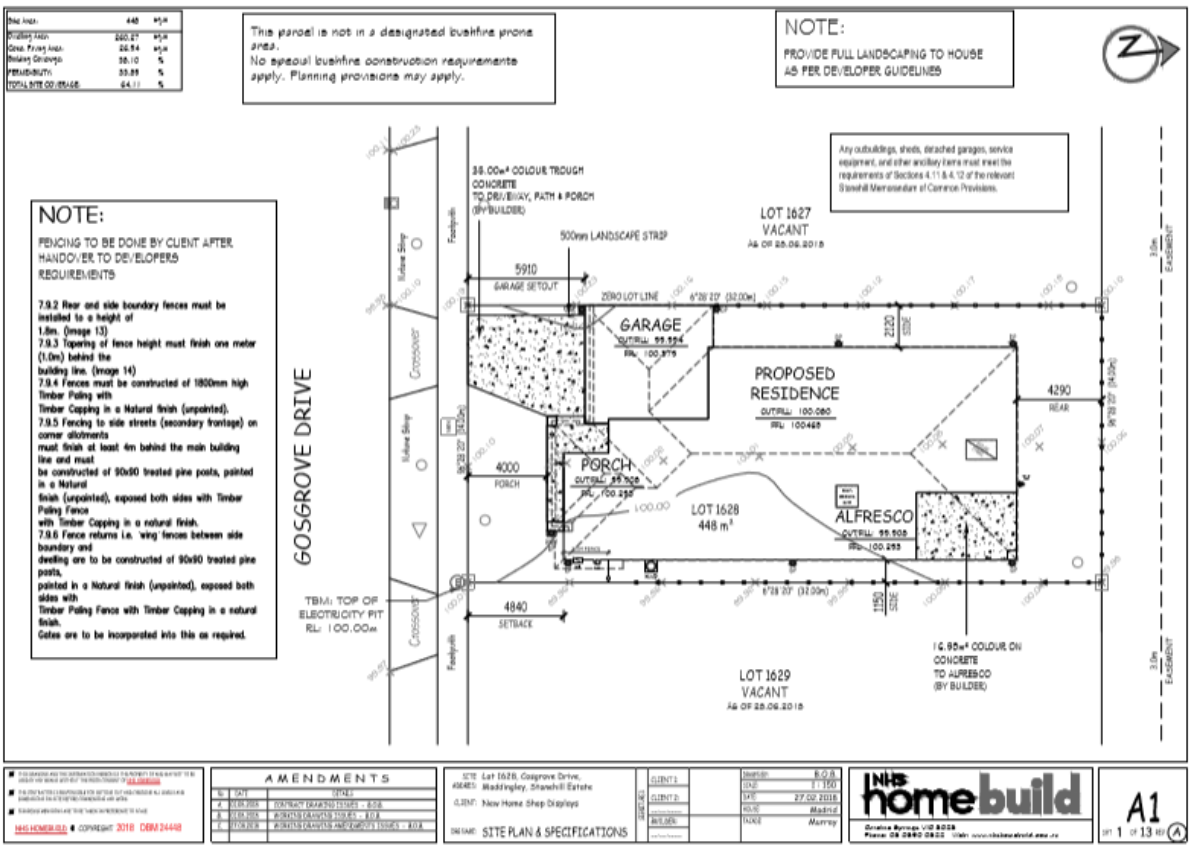
Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area.

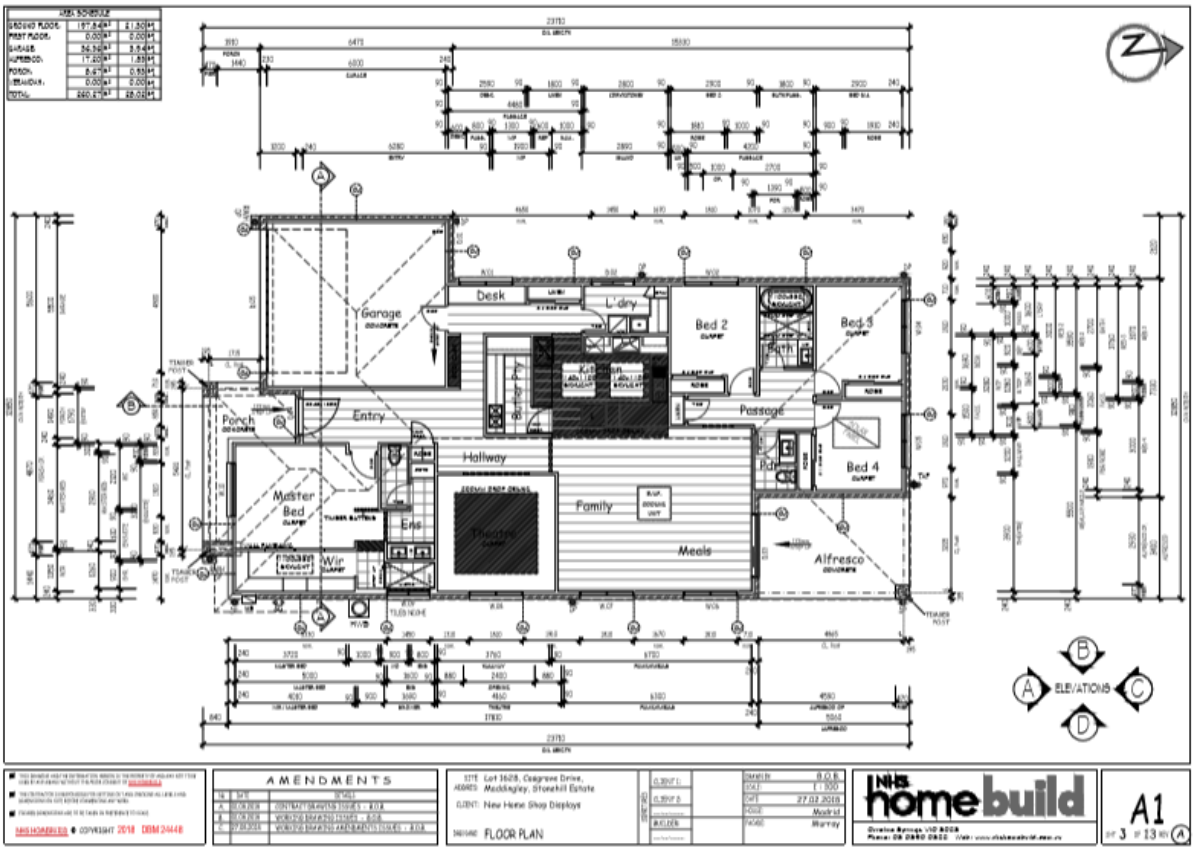


Gladman Rd
C1Z
Flynn Walk

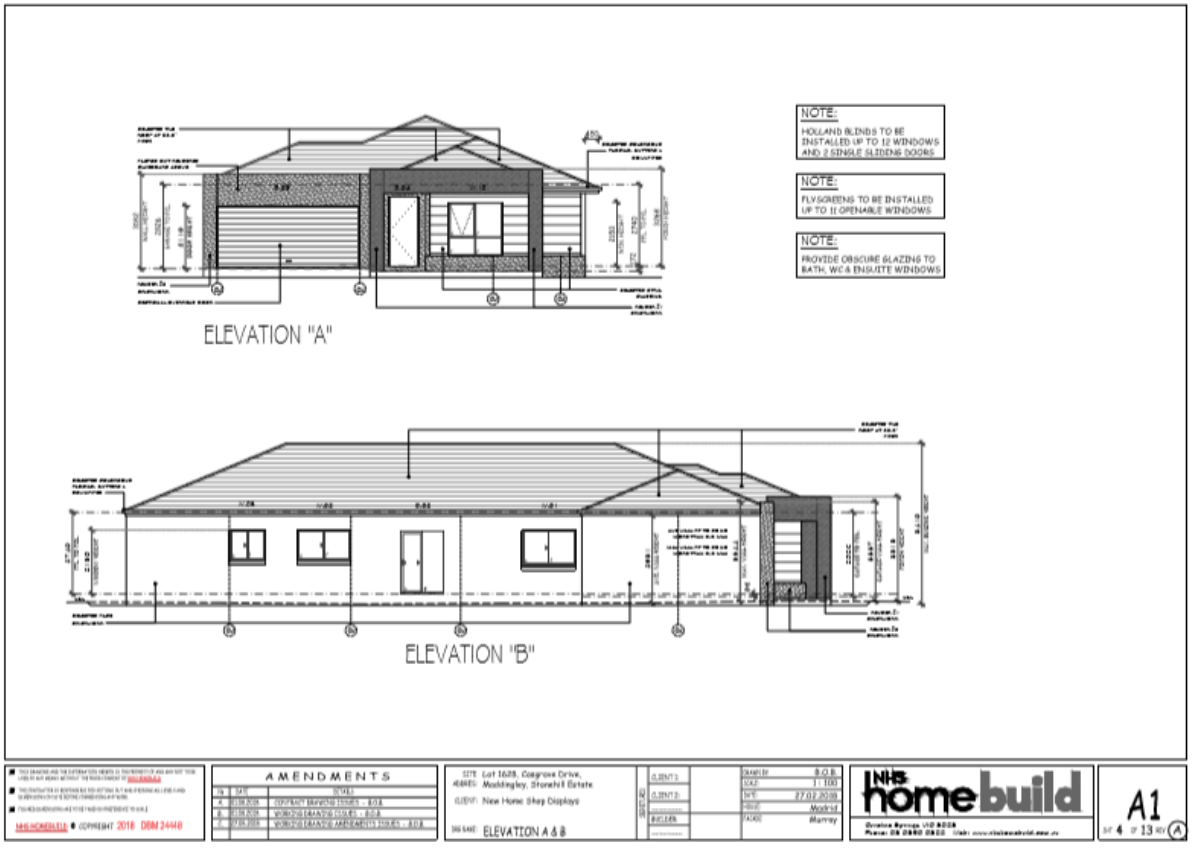
Site Plan


This parcel is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.
NOTE:
PROVIDE FULL LANDSCAPING TO HOUSE AS PER DEVELOPER GUIDELINES
NOTE:
FENCING TO BE DONE BY CLIENT AFTER HANDOVER TO DEVELOPERS REQUIREMENTS
7.9.2 Rear and side boundary fences must be installed to a height of 1.8m. (Image 13)
7.9.3 Tapering of fence height must finish one meter (1.0m) behind the building line. (Image 14)
7.9.4 Fences must be constructed of 1800mm high Timber Paling with Timber Capping in a Natural finish (unpainted).
7.9.5 Fencing to side streets (secondary frontage) on corner allotments must finish at least 4m behind the main building line and must be constructed of 90x90 treated pine posts, painted in a Natural finish (unpainted), exposed both sides with Timber Paling Fence with Timber Capping in a natural finish.
7.9.6 Fence returns i.e. wing fences between side boundary and dwelling are to be constructed of 90x90 treated pine posts, painted in a Natural finish (unpainted), exposed both sides with Timber Paling Fence with Timber Capping in a natural finish.
Gates are to be incorporated into this as required.
Any outbuildings, sheds, detached garages, service equipment, and other ancillary items must meet the requirements of Sections 4.11 & 4.12 of the relevant Stonehill Memorandum of Common Provisions.
38.00m² COLOUR TROUGH CONCRETE TO DRIVEWAY, PATH & PORCH (BY BUILDER)
500mm LANDSCAPE STRIP
LOT 1627 VACANT AS OF 25.06.2018
5910
GARAGE SETOUT
ZERO LOT LINE
GARAGE
PROPOSED RESIDENCE
4290
REAR
4000
PORCH
LOT 1628
448 m²
ALFRESCO
GOSGROVE DRIVE
TBM: TOP OF ELECTRICITY PIT RL: 100.00m
4840
SETBACK
LOT 1629 VACANT AS OF 25.06.2018
16.95m² COLOUR ON CONCRETE TO ALFRESCO (BY BUILDER)
AMENDMENTS
SITE PLAN & SPECIFICATIONS
homebuild
A1

Floor Plan



Elevation Plan



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.03-3S Peri-urban areas.
- Clause 18.02-4S Car Parking.
- Clause 21.03-4 Landscape and Neighbourhood Character.

Zone

The subject site is in the General Residential Zone, Schedule 2 (GRZ2).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Specific to Schedule 2, has the following neighbourhood character objectives:

- To maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens.
- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighourhood character.
- To encourage new development to be sympathetic to the existing landscape. To encourage an increase in landscaping within the public and private realm.
- To ensure garages, carports, and second storey development do not visually dominate dwellings or streetscapes.

Under Clause 73.03, a display home is defined as a building constructed as a dwelling but used to display to encourage people to buy or construct similar dwellings.

Under Clause 32.08-2, a display home is not a listed use and therefore falls within Section 2, a permit required use. Under Clause 32.08-9 a permit is required for building and works associated with a Section 2 use. Decision guidelines are listed under Clause 32.08-13. including general guidelines.

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone. The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Overlays

Development Plan Overlay Schedule 3

Pursuant to Clause 43.04-1 of the Moorabool Planning Scheme a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay in accordance with the Development Plan.

The objectives of Schedule 3 of the Development Plan Overlay are:

- Release of land for residential development in a logical, cost effective and sequential manner;
- Efficient use of infrastructure, and land, whilst managing any impacts on the environment and amenity;
- Co-ordinated provision of community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds; and
- Preparation of an integrated Development Plan generally in accordance with the West Maddingley Concept Plan shown in Clause 5.0 of this schedule.

The development plan was endorsed on 9 August, 2011 in accordance with Clause 43.04.

The use and development does not trigger a permit under this overlay.

Particular Provisions

Clause 52.06 (Car Parking)

The proposed use is for a display home. Under Clause 52.06-5, five car spaces to each dwelling for five or fewer contiguous dwellings. The proposal will not provide any on site car spaces. A permit is required under Clause 52.06-3 to waiver the car parking requirement.

Before granting a permit, the responsible authority must consider, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  – Efficiencies gained from the consolidation of shared car parking spaces.
  – Public car parks intended to serve the land.
  – On street parking in non-residential zones.
  – Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre. Any car parking deficiency associated with the existing use of the land.

- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas. Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

Discussion

Use and Development

The proposed building form, setback, styling and positioning is typical of a single storey residential dwelling. The proposal will blend readily with the new housing stock that is currently under construction in Stonehill Estate. With reference to Part 7 of Schedule 2 of General the Residential Zone, the display home will have generous open space areas including north facing secluded private open spaces. The applicant has submitted a landscape plan with notation stating that it will comply with the requirements of Section 7 of the relevant Stonehill Memorandum of Common Provision including provision of at least one large tree. As the display home is intended to be converted into a permanent dwelling in the future, it does not require external changes as it will be compliant with the relevant Rescode standards during the Building Permit stage. The use and development are appropriate and reflect a use that would expected in a new residential estate.

Adequacy of Car Parking

The site is located in a new residential estate with most of the northern side not developed at this stage. The applicant has undertaken a traffic assessment by OneMileGrid Traffic Engineers. This assessment determined the use would not generate high visitor usage and the area is not established with a number of vacant lots without residents which has not maximised the existing on street car parking spaces.

There is a scope for visitors to park on street and it should not present any traffic concerns or excessive use of the on street parking bays. Council's Infrastructure had no objection to the application and noted the car park demand in the surrounding area during the operational period of the proposed Display Home is likely to be minimal, as bulk of the residential subdivision will remain under construction during that period.

Display homes do generate visitors however occupying times are short in duration and often occur during the weekend period. The use does not operate during the night period. The location is an important consideration as there are no other surrounding activities that are generating high demand for on street car parking in this area. The on street car parking spaces can accommodate the use without adversely affecting the surrounding area. This application is in association with an identical planning application by the same permit applicant at 8 Cosgrove Drive. The cumulative impact therefore needs to be examined. Two side by side display homes by the same operator would not adversely affect the on the street parking demand. Any further application will need to be assessed on its merits however if a display village of five or more homes is proposed in is this location. A low scale, two side by side display homes would create minimal off site impacts created by car parking demand generated from visitors. The proposal is conjunction with the related planning application at 8 Cosgrove Drive are appropriate have regard to the decision guidelines of Clause 52.06.

The applicant has agreed to provide a temporary car park on nearby land for the use of visitors to the display homes. The planning application is for specific title where no car parking is provided for the use that necessitated an assessment against the Clause 52.06 decision guidelines. The temporary car park is on separate title and the applicant has advised visitors will be alerted to its presence and this should not present any new traffic or amenity concerns.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	**Response**
Infrastructure	Consent subject to conditions.

Financial Implications

There are no financial implications in approving this use and development application.

Risk & Occupational Health & Safety Issues

The recommendation of approval of this use and development does not implicate any risk or OH&S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if required.

Options

Council could consider the following options:

- Issue a permit in accordance with the recommendations of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusal of the application, Councillor's need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

Conclusion

The proposed use and development for a display home is considered consistent with the objectives of the General Residential Zone and the broad planning scheme provisions contained in the Planning Policy Framework and Local Planning Policy Framework. The proposal reflects the orderly development of a new residential estate that will be comprised of residential dwellings. Standard amenity conditions will apply to this use application. The proposed waiver of car parking requirement is considered acceptable given the current and future demand of on street car parking bays and the activities occurring on surrounding land.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit for the waiver of car parking associated with the use and development of the land as a display home at Lot 1628 on Plan of Subdivision 810903P otherwise known as 6 Cosgrove Drive, Maddingley, subject to the following conditions

Endorsed Plan

1. **The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.**

Amenity

2. **The amenity of the area must not be detrimentally affected by the use or development, through the:**
   a) **Transport of materials, goods or commodities to or from the land;**
   b) **Appearance of any building, works or materials;**
   c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
   d) **Presence of vermin;**
   e) **Any other way.**

3. **Should complaints be received regarding unnecessary congestion caused by the lack of on-site carparking provided, the use shall cease until alternative arrangements are made.**

Infrastructure

4. **Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.**

5. **Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**

6. **Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**

7. **Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Permit Expiry

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

   a) **The development and the use are not started within two years of the date of this permit;**
   b) **The development is not completed within four years of the date of this permit.**

Permit Note:

Unless a permit is not required in accordance with the provisions of Clause 52.05, no advertising signs maybe displayed without planning approval.

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 19 February, 2019

Site Area:	448	sq.m
Dwelling Area:	260.27	sq.m
Conc. Paving Area:	26.94	sq.m
Building Coverage:	58.10	%
PERMEABILITY:	35.89	%
TOTAL SITE COVERAGE:	64.11	%

This parcel is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.

NOTE:

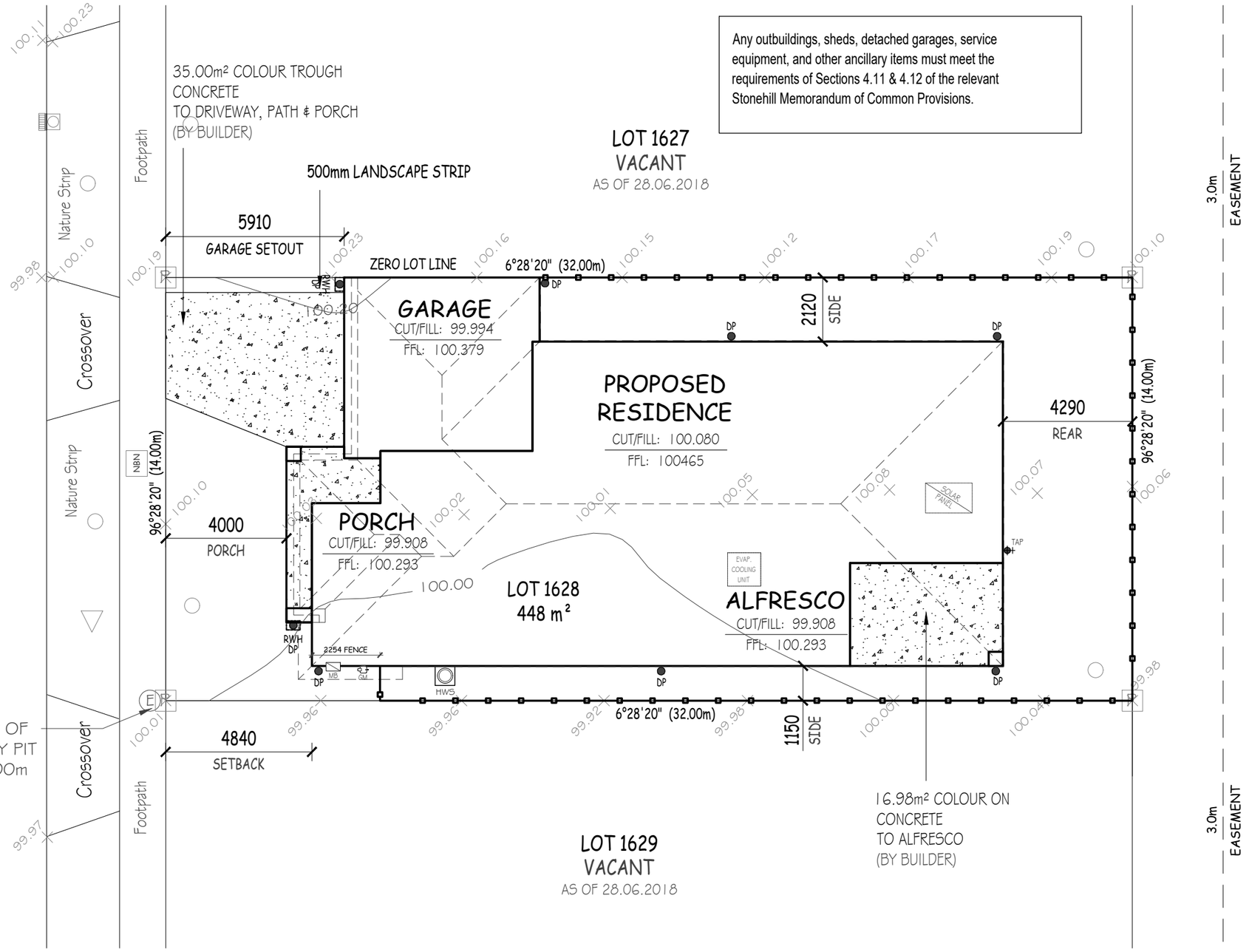
PROVIDE FULL LANDSCAPING TO HOUSE AS PER DEVELOPER GUIDELINES

NOTE:

FENCING TO BE DONE BY CLIENT AFTER HANDOVER TO DEVELOPERS REQUIREMENTS

7.9.2 Rear and side boundary fences must be installed to a height of
1.8m. (Image 13)
7.9.3 Tapering of fence height must finish one meter (1.0m) behind the
building line. (Image 14)
7.9.4 Fences must be constructed of 1800mm high Timber Paling with
Timber Capping in a Natural finish (unpainted).
7.9.5 Fencing to side streets (secondary frontage) on corner allotments
must finish at least 4m behind the main building line and must
be constructed of 90x90 treated pine posts, painted in a Natural
finish (unpainted), exposed both sides with Timber Paling Fence
with Timber Capping in a natural finish.
7.9.6 Fence returns i.e. 'wing' fences between side boundary and
dwelling are to be constructed of 90x90 treated pine posts,
painted in a Natural finish (unpainted), exposed both sides with
Timber Paling Fence with Timber Capping in a natural finish.
Gates are to be incorporated into this as required.

Any outbuildings, sheds, detached garages, service equipment, and other ancillary items must meet the requirements of Sections 4.11 & 4.12 of the relevant Stonehill Memorandum of Common Provisions.



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AMENDMENTS

No	DATE	DETAILS
A.	01.08.2018	CONTRACT DRAWING ISSUES - B.O.B.
B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: SITE PLAN & SPECIFICATIONS

SIGNATURES: CLIENT 1: CLIENT 2: —.—.— BUILDER: —.—.—

DRAWN BY:	B.O.B.
SCALE:	1 : 150
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

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SITE PLAN

-CONTRACTOR IS RESPONSIBLE FOR SETTING OUT AND CHECKING ALL LEVELS AND MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.

-ALL WORK IS SUBJECT TO INSPECTION AND APPROVAL OF BUILDING SURVEYOR.

-ALL WORK SHOWN TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT 'BUILDING CODE OF AUSTRALIA' AND ALL REFERENCED STANDARDS.

-CONSTRUCT & DISCHARGE 90 DIA. P.V.C STORM WATER DRAIN TO LEGAL POINT OF DISCHARGE AS DIRECTED BY THE RELEVANT AUTHORITY. MIN FALL 1:100. PROVIDE INSPECTION OPENINGS AT 9000 MAX. CTRS. OR AT EVERY CHANGE OF DIRECTION. DP DENOTES 100x50 DOWNPIPES AT 12000 MAX. CTRS. DP5 DENOTES 100x50 DOWNPIPES WITH SPREADER. PROVIDE 100 DIAM SEWER-GRADE S.W DRAIN UNDER SLAB AND DRIVEWAY.

-DRAINAGE ARTICULATION TO BE PROVIDED BY DRAINER IN ACCORDANCE WITH AS2870-2011 INCLUSIVE OF SLOPE AWAY FROM ALL FOUNDATIONS AT 50MM OVER 1000MM FROM DWELLING.

-DESIGN LEVELS SHOWN ARE TO AN ARBITRARY DATUM AND ARE TO BE USED AS A GUIDE ONLY. BUILDER TO CHECK AND VERIFY ON SITE PRIOR TO ANY WORK CARRIED OUT. ALL LEVELS ON DRAWINGS ARE NOMINAL AND MAY BE ADJUSTED DUE TO SITE CONDITIONS UP TO 50MM EITHER WAY.

FLOOR PLAN

-DIMENSIONS ARE SHOWN TO TIMBER FRAME ONLY AND DO NOT ALLOW FOR PLASTER BOARD SHEETING OR OTHER SUCH FINISHES.

BH -DENOTES BULKHEAD OVER OPENINGS. BULKHEADS ARE TO BE 340mm DEEP. BULKHEAD HEIGHTS TO ENSUITES & WALK IN ROBES ARE TO MATCH BED 1 DOOR HEIGHT.

CJ -INDICATES MASONRY CONTROL JOINTS.

MB -DENOTES METER BOX, TELEPHONE & GAS METER (IF REQUIRED)

-DENOTES INSULATION IN WALL BETWEEN GARAGE & HOUSE. WALL TO HAVE PLASTERBOARD BOTH SIDES.

-INDICATES LOCATION OF SMOKE DETECTORS

-DENOTES CONDUIT UNDER SLAB FOR POWER, WATER OR BOTH TO ISLAND BENCH. TO RUN ADJACENT TO SINK WASTE.

SOLAR PANEL -DENOTES HOT WATER SERVICE SOLAR PANEL LOCATION ON ROOF. NUMBER OF SYMBOLS REFERS TO NUMBER OF PANELS REQUIRED.
IF SOLAR PANEL REQUIRED, LOCATION IS NOMINAL ONLY. INSTALLERS TO LOCATE AND TO COMPLY WITH MANUFACTURERS REQUIREMENTS AND AS/NA 3500-PLUMBING AND DRAINAGE.

MH -565x565mm PERSONAL ACCESS OPENING TO BE LOCATED AS PER PLAN & TO SUIT TRUSS SETOUT. LOCATION IS INDICATIVE ONLY AND IS TO BE CONFIRMED BY BUILDING SUPERVISOR IN CONJUNCTION WITH PLACEMENT OF DUCTED HEATING UNIT.

RA -INDICATES HEATING SYSTEM RETURN AIR VENT

W.11 -DENOTES THE WINDOW NUMBER & SHEET NUMBER FOR WINDOW SCHEDULE. SCHEDULE NOMINATES WINDOW SIZES AND HEAD HEIGHTS.

B ---- -DENOTES THE DETAIL NUMBER & SHEET NUMBER FOR DETAILS REFERENCED IN THE DRAWING SET.

67x18 SINGLE BEVEL MDF SKIRTING BOARD UNLESS OTHERWISE NOTED IN SPECS.

67x18 SINGLE BEVEL MDF ARCHITRAVES SKIRTING BOARD UNLESS OTHERWISE NOTED IN SPECS.

-FOR GARAGE LVL LOCATION & CONNECTIONS REFER TO DETAILS ON PLANS.

-GARAGE DOORS ARE SECTIONAL PANELS UNLESS OTHERWISE SPECIFIED. WIDTH AS NOMINATED ON PLAN.

-BRICK PIERS TO PORCHES & PORTICOS REQUIRE A 90x90mm TREATED PINE POST POSITION AS SHOWN ON PLAN.

-DOORS TO ROBES TIMBER SLIDING AS NOMINATED ON PLANS. NUMBER OF DOOR LEAFS AS INDICATED.

-FOR ROBE & LINEN DETAILS REFER DETAILS ON PLANS - H1 (2100 INTERNAL DOORS) OR H2 (2340 INTERNAL DOORS).

TAP -FRONT WATER TAP TO BE LOCATED AT METER UNLESS OTHERWISE NOTED.

-REFER TO SITE PLAN FOR WHETHER TERMITE TREATMENT IS REQUIRED.

GM -GAS METER TO BE LOCATED 500mm MINIMUM FROM THE ELECTRICAL EARTH STAKE.

-WHEN 600mm EAVES ARE NOMINATED TO BRICK VENEER WALLS, TRUSS PITCHING POINT TO BE CANTILEVERED 150mm.

-TREADS TO STAIRS MUST HAVE A SURFACE OR NOSING WITH A SLIP-RESISTANCE CLASSIFICATION COMPLIANT WITH THE N.C.C.

-THE BUILDER RESERVES THE RIGHT TO MAKE MINOR ALTERATIONS TO FLOOR LEVELS, WINDOW POSITIONS, SITE EXCAVATION, HEATING DUCTS DURING CONSTRUCTION IN THE INTEREST OF PRODUCT IMPROVEMENT.

ELEVATIONS

-ANY RENDER FINISH SUBSEQUENTLY APPLIED TO THE SURFACE, SHALL NOT BE ALLOWED TO BRIDGE A DAMP PROOF COURSE, OR MAKE INEFFECTIVE ANY OTHER MOISTURE PROTECTION MEASURES. DAMP PROOF COURSE TO BE CUT HORIZONTALLY THROUGH THE RENDER.

ELECTRICAL

-ELECTRIC RESISTANCE SPACE HEATING SYSTEM THAT SERVES MORE THAN ONE ROOM MUST HAVE -
(a) SEPARATE ISOLATING SWITCHES FOR EACH ROOM; AND
(b) A SEPARATE TEMPERATURE CONTROLLER AND TIME SWITCH FOR EACH GROUP OF ROOMS WITH COMMON HEATING NEEDS; AND
(c) POWER LOADS OF NOT MORE THAN 110 W/m² FOR LIVING AREAS AND 150 W/m² FOR BATHROOMS.
-ARTIFICIAL LIGHTING
(a) THE LAMP POWER DENSITY OR ILLUMINATION POWER DENSITY OF ARTIFICIAL LIGHTING, EXCLUDING HEATERS THAT EMIT LIGHT, MUST NOT EXCEED -
(i) IN A CLASS 1 BUILDING 5W/m²; AND
(ii) ON A VERANDAH OR BALCONY ATTACHED TO A CLASS 1 BUILDING, 4 W/m²; AND
(iii) IN A CLASS 10 BUILDING, 3W/m²; AND
THE LAMP POWER DENSITY IS A WHOLE HOUSE CALCULATION BASED ON AN OVERALL SQUARE METERAGE AND NOT ROOM BY ROOM OR AREA BY AREA METERAGE. CALCULATION EXCLUSIONS INCLUDE:
(i) BATHROOM HEAT LAMPS,
(ii) A LIGHT POINT WITHIN A CEILING SPACE,
(iii) EXTERNAL SECURITY LIGHTING.

-SLIDE OUT RANGEHOOD SGPO TO BE MOUNTED IN CUPBOARD ABOVE.

-CANOPY RANGEHOOD SGPO TO BE MOUNTED AS PER MANUFACTURERS RECOMMENDATIONS.

-OVEN ISOLATOR SWITCH IS TO BE MOUNTED ABOVE BENCHTOP TO LEFT OR RIGHT OF COOKTOP IF REQUIRED.

-COOKTOP SGPO TO BE PLACED IN ADJACENT CUPBOARD.

-DISHWASHER SGPO TO BE PLACED IN ADJACENT CUPBOARD.

-PROVIDE SGPO TO MICROWAVE SPACE.

-BATHROOM DGPO TO BE MOUNTED ON PLASTERBOARD WALL BETWEEN VANITY & SHOWER.

-ENSUITE DGPO TO BE MOUNTED ON WALL TO SIDE OF VANITY ABOVE TILING.

-GENERAL ROOM GPOs, TV & TELEPHONE OUTLETS TO BE MOUNTED 300mm ABOVE FFL.

-REFRIGERATOR SGPO TO BE @ 1500mm ABOVE FFL.

-WHERE APPLICABLE KITCHEN TELEPHONE POINT TO BE ABOVE TILING.

-MASTER BEDROOM DGPOs TO BE 300mm ABOVE FFL & APPROX. 1000mm FROM CENTRE OF WALL.

-LIGHT SWITCHES TO BE @ 1050mm ABOVE FFL.

-ALL MEASUREMENTS ARE TO CENTRELINE OF SWITCH PLATE.

-EXTERNAL FLOODLIGHTS TO BE MOUNTED 50mm BELOW THE FASCIA UNLESS OTHERWISE NOTED.

HEATING AND COOLING DUCTWORK

HTR a) HEATING AND COOLING DUCTWORK AND FITTINGS MUST -
(i) ACHIEVE THE R-VALUE SPECIFIED IN TABLE AND
(ii) BE SEALED AGAINST AIR LOSS -
(A) BY CLOSING ALL OPENINGS IN THE SURFACE, JOINTS AND SEAMS OF DUCTWORK WITH ADHESIVES, MASTICS, SEALANTS OR GASKETS IN ACCORDANCE WITH AS 4254 FOR A CLASS C SEAL; OR
(B) FOR FLEXIBLE DUCTWORK, WITH A DRAW BAND IN CONJUNCTION WITH A SEALANT OR ADHESIVE TAPE.
b) DUCT INSULATION MUST ;
(i) ABUT ADJOINING DUCT INSULATION TO FORM A CONTINUOUS BARRIER; AND
(ii) BE INSTALLED SO THAT IT MAINTAINS ITS POSITION AND THICKNESS, OTHER THAN AT FLANGES AND SUPPORTS; AND
(iii) WHERE LOCATED OUTSIDE THE BUILDING, UNDER A SUSPENDED FLOOR, IN AN ATTACHED CLASS 10A BUILDING OR IN A ROOF SPACE -
(A) BE PROTECTED BY AN OUTER SLEEVE OF PROTECTIVE SHEETING TO PREVENT THE INSULATION BECOMING DAMP; AND
(B) HAVE THE OUTER PROTECTIVE SLEEVE SEALED WITH ADHESIVE TAPE NOT LESS THAN 48MM WIDE CREATING AN AIRTIGHT AND WATERPROOF SEAL.
c) THE REQUIREMENTS OF (a) DO NOT APPLY TO HEATING AND COOLING DUCTWORK AND FITTINGS LOCATED WITHIN THE INSULATED BUILDING ENVELOPE INCLUDING A SERVICE RISER WITHIN THE CONDITIONED SPACE, INTERNAL FLOORS BETWEEN STORIES AND THE LIKE.
HEATING AND COOLING DUCTWORK AND FITTINGS - MINIMUM MATERIAL R-VALUE

INTERNALS

-VANITY DEPTHS TO CHANGE DEPENDING ON BASINS SELECTED, SIZES AS PER BELOW;
INSET BASIN - 500MM
SEMI-RECESSED - STYLUS VENCIA - 300MM
- LIANO & LEDA VASQUE - 380MM

ALL NOTES ARE TO BE READ IN CONJUNCTION WITH NOTES ON PLANS. WHERE THERE IS A DISCREPANCY BETWEEN THESE NOTES & NOTES ON THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.

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AMENDMENTS

No	DATE	DETAILS
A.	01.08.2018	CONTRACT DRAWING ISSUES - B.O.B.
B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate
CLIENT: New Home Shop Displays
DRG NAME: GENERAL NOTES

SIGNITURES: CLIENT 1: ____ CLIENT 2: ____ BUILDER: ____

DRAWN BY: B.O.B.
SCALE: N/A
DATE: 27.02.2018
HOUSE: Madrid
FACADE: Murray

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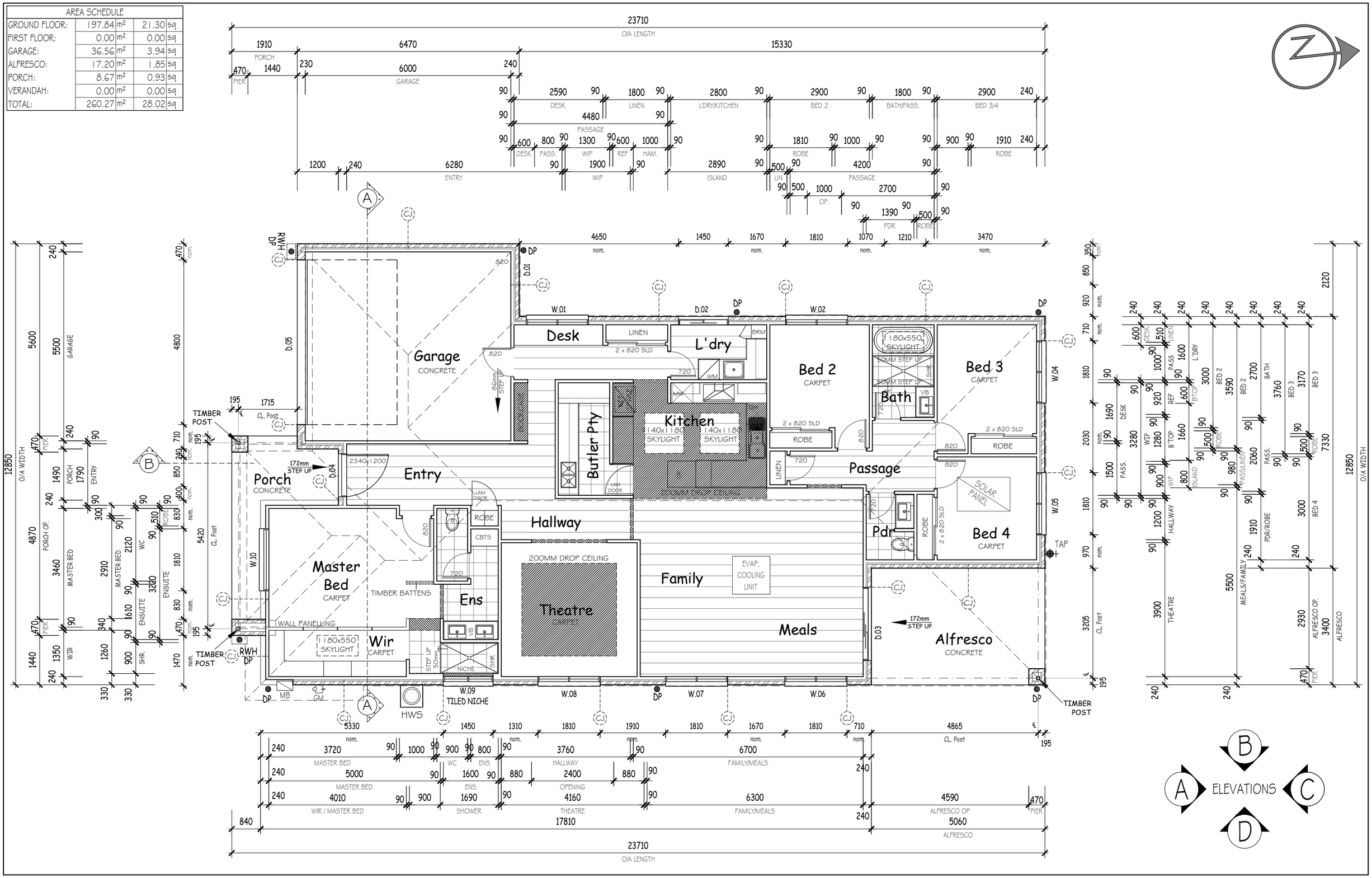
SHT 2 ~~OF~~ 13 REV A

AREA SCHEDULE				
GROUND FLOOR:	197.84	m²	21.30	sq
FIRST FLOOR:	0.00	m²	0.00	sq
GARAGE:	36.56	m²	3.94	sq
ALFRESCO:	17.20	m²	1.85	sq
PORCH:	8.67	m²	0.93	sq
VERANDAH:	0.00	m²	0.00	sq
TOTAL:	260.27	m²	28.02	sq



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SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: FLOOR PLAN

SIGNATURES: CLIENT 1: ___ CLIENT 2: ___ BUILDER: ___

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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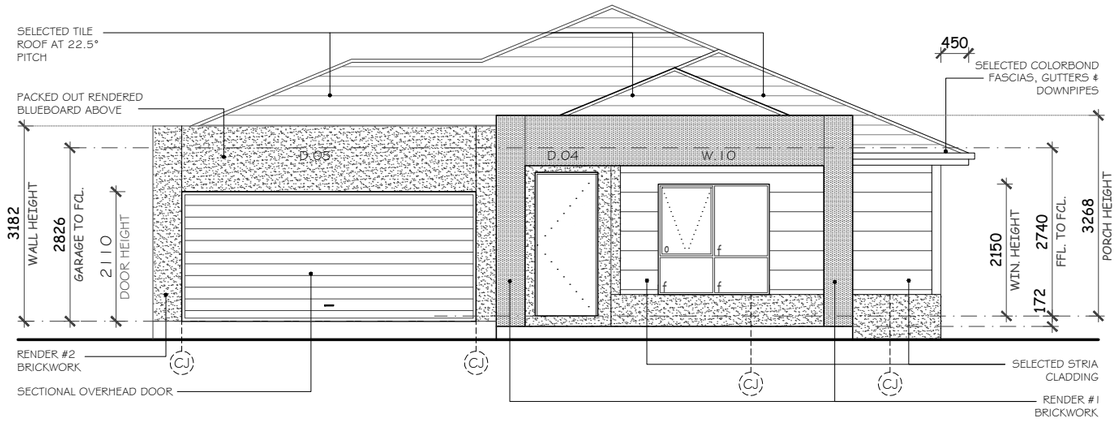
Caroline Springs VIC 3023
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1

SHT 3 OF 13 REV A



ELEVATION "A"

NOTE:

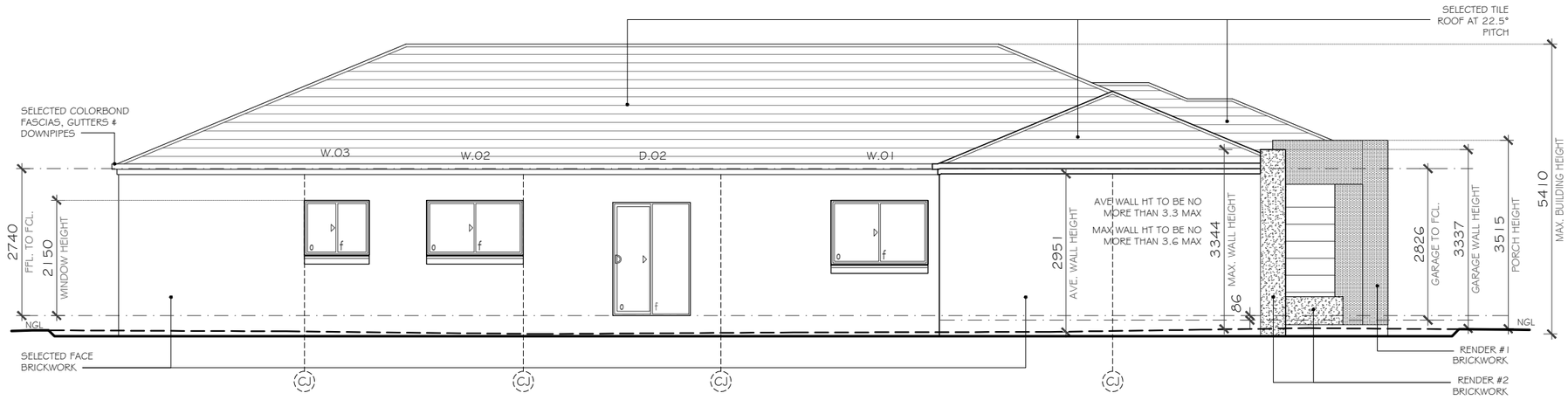
HOLLAND BLINDS TO BE INSTALLED UP TO 12 WINDOWS AND 2 SINGLE SLIDING DOORS

NOTE:

FLYSCREENS TO BE INSTALLED UP TO 11 OPENABLE WINDOWS

NOTE:

PROVIDE OBSCURE GLAZING TO BATH, WC & ENSUITE WINDOWS



ELEVATION "B"

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SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: ELEVATION A & B

SIGNATURES:

CLIENT 1: ____

CLIENT 2: ____

BUILDER: ____

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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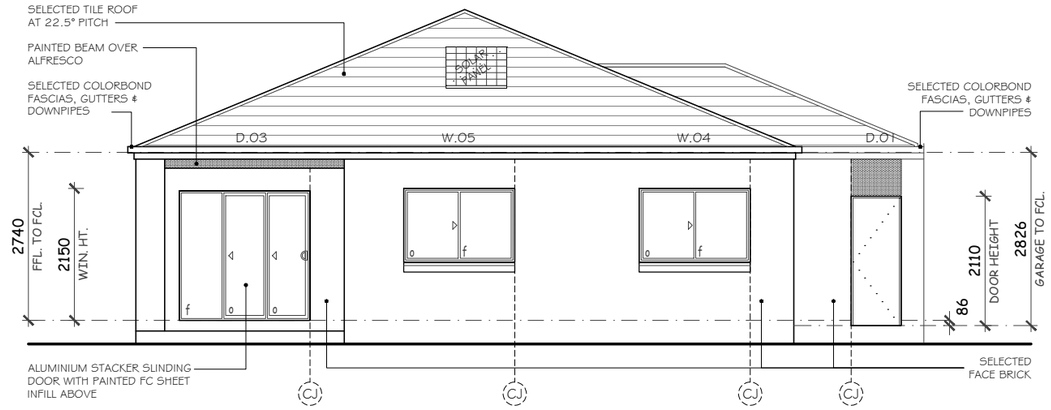
A1



ELEVATION "C"

NOTE:

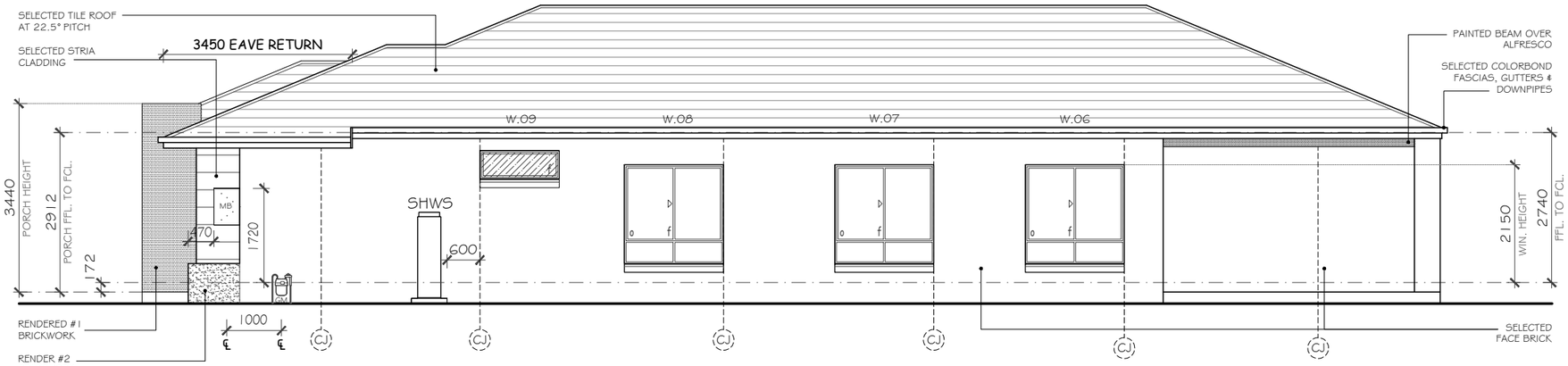
HOLLAND BLINDS TO BE INSTALLED UP TO 12 WINDOWS AND 2 SINGLE SLIDING DOORS

NOTE:

FLYSCREENS TO BE INSTALLED UP TO 11 OPENABLE WINDOWS

NOTE:

PROVIDE OBSCURE GLAZING TO BATH, WC & ENSUITE WINDOWS



ELEVATION "D"

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AMENDMENTS

No	DATE	DETAILS
A.	01.08.2018	CONTRACT DRAWING ISSUES - B.O.B.
B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: ELEVATION C & D

SIGNITURES: CLIENT 1: ___.___.___ CLIENT 2: ___.___.___ BUILDER: ___.___.___

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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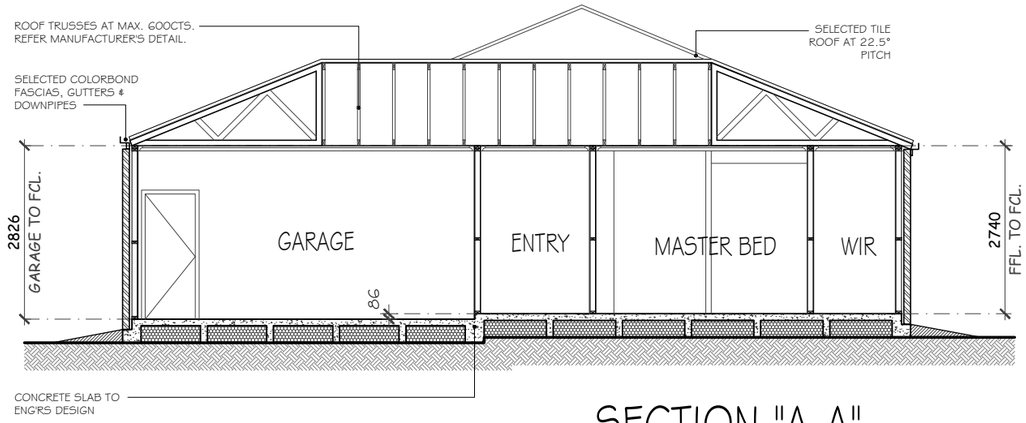
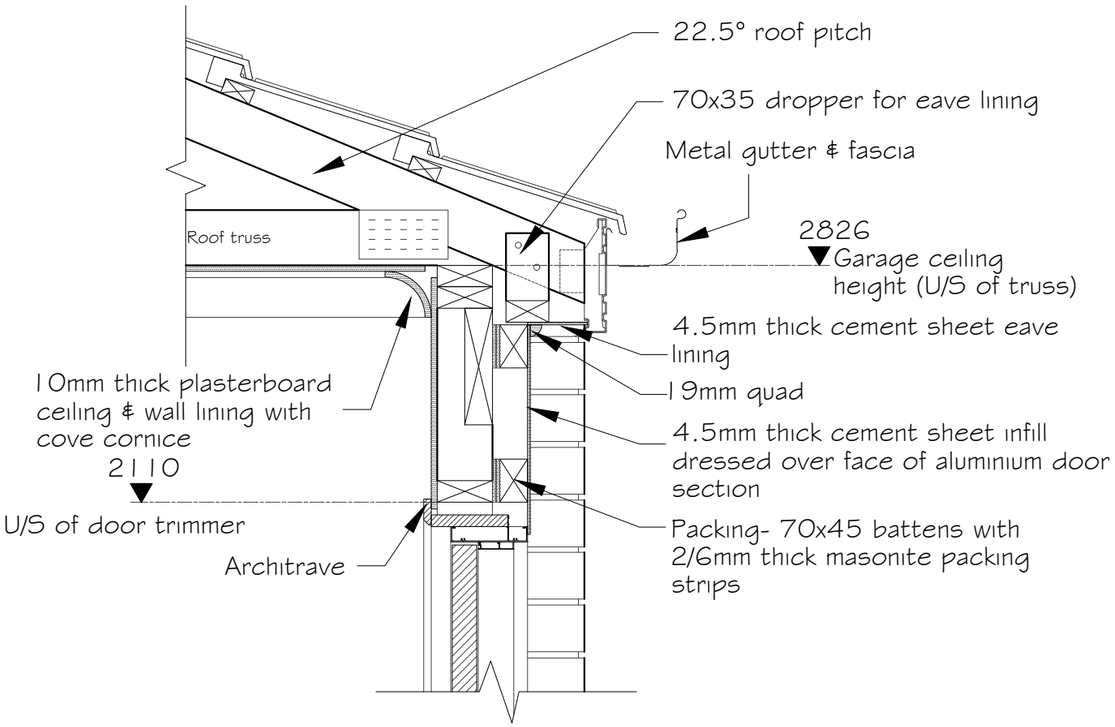
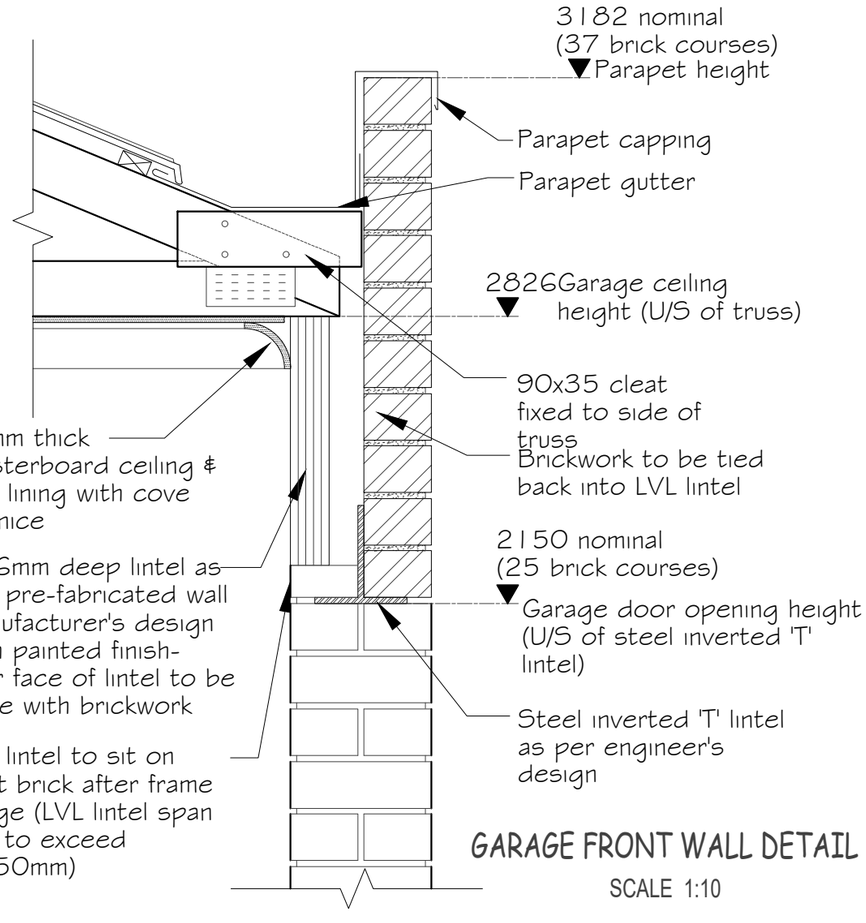


SECTION "A-A"



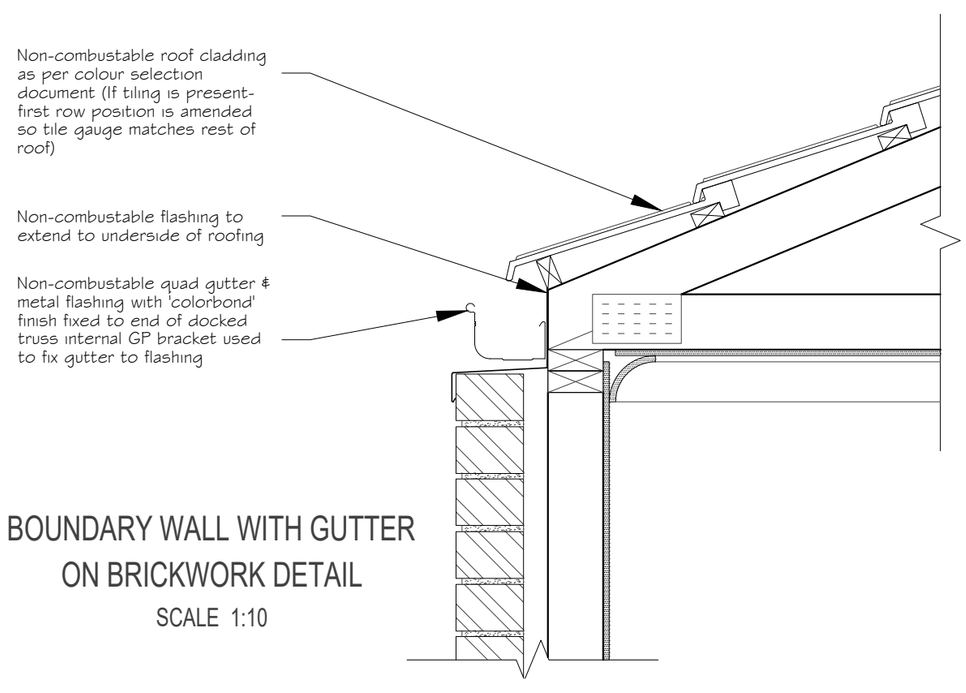
GARAGE REAR WALL AND EAVE DETAIL

SCALE 1:10



GARAGE FRONT WALL DETAIL

SCALE 1:10



BOUNDARY WALL WITH GUTTER ON BRICKWORK DETAIL

SCALE 1:10

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B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: SECTION

SIGNITURES: CLIENT 1: —.—.—— CLIENT 2: —.—.—— BUILDER: —.—.——

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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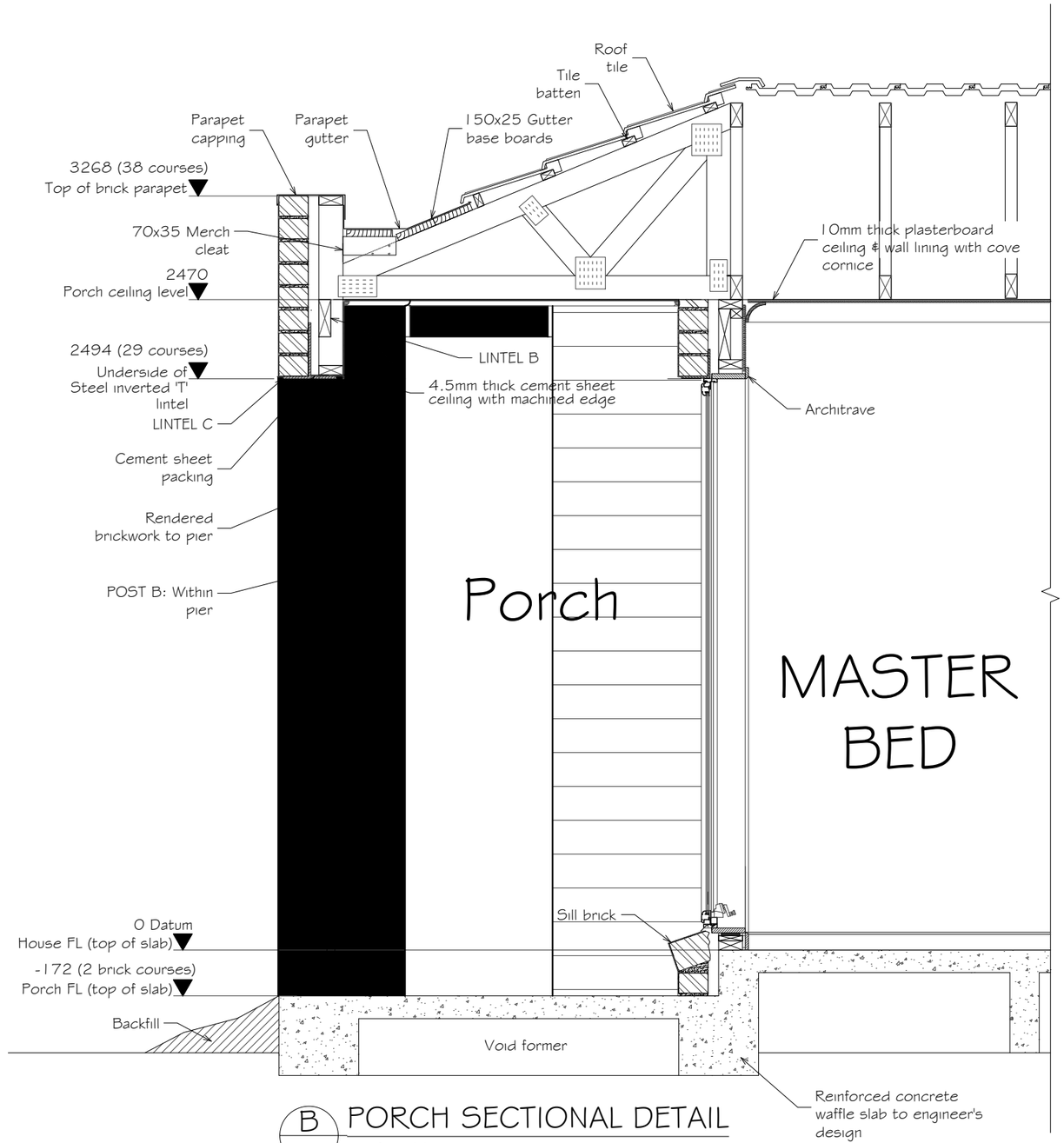
SHT 6 OF 13 REV A



B / - PORCH SECTIONAL DETAIL

SCALE: 1:20

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AMENDMENTS

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B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: PORCH DETAIL

SIGNATURES:

CLIENT 1: ____

CLIENT 2: ____

BUILDER: ____

DRAWN BY:	B.O.B.
SCALE:	1 : 20
DATE:	27.02.2018
HOUSE:	Madrid
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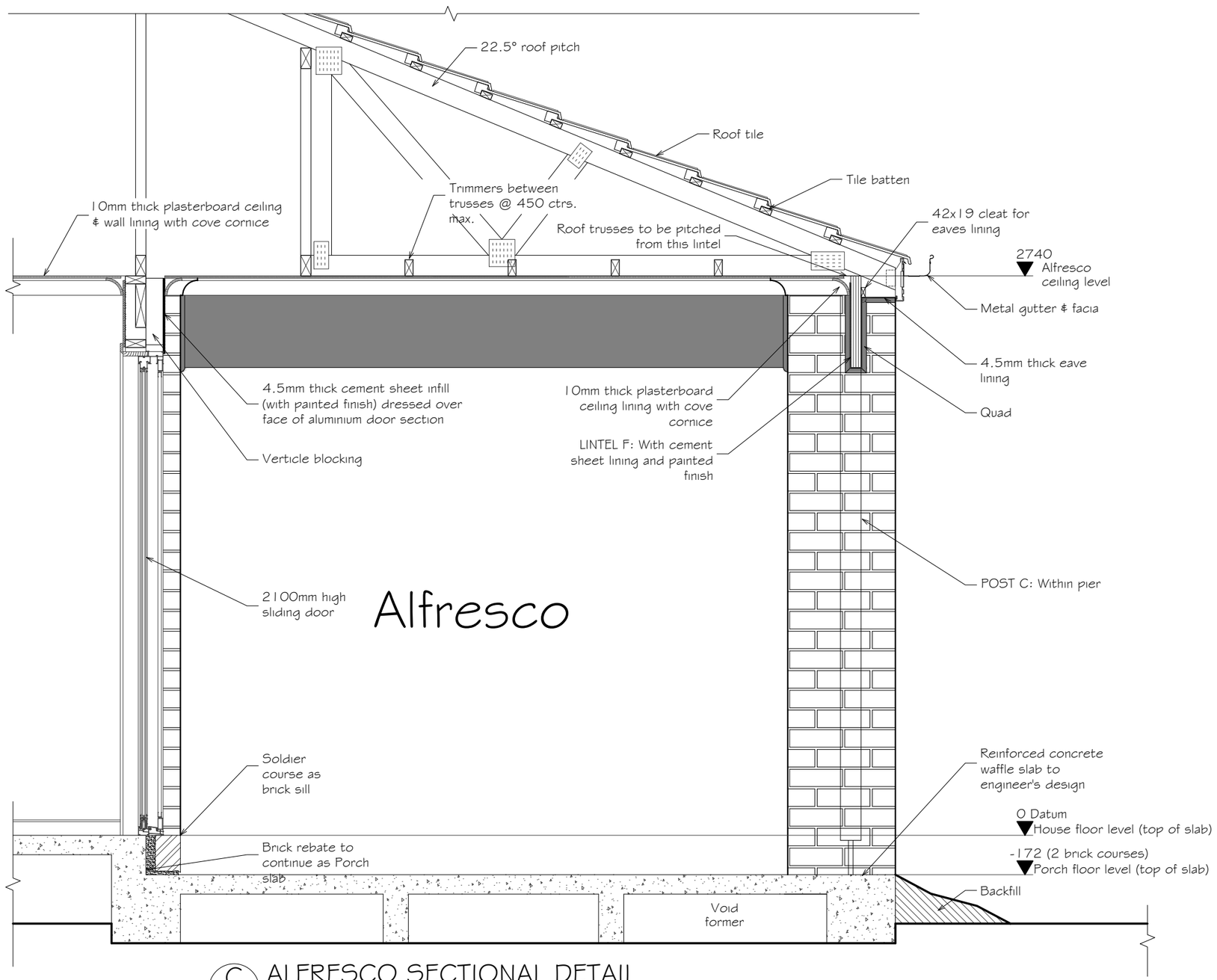
SHT 6A OF 13 REV A



C
-
ALFRESCO SECTIONAL DETAIL
SCALE: 1:20

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AMENDMENTS

No	DATE	DETAILS
A.	01.08.2018	CONTRACT DRAWING ISSUES - B.O.B.
B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate
CLIENT: New Home Shop Displays
DRG NAME: ALFRESCO SECTIONAL DETAIL

SIGNATURES:
CLIENT 1:
CLIENT 2:
BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 20
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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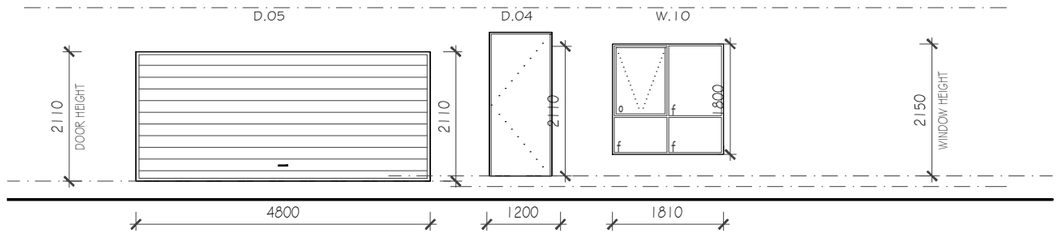
SHT 6B OF 13 REV A



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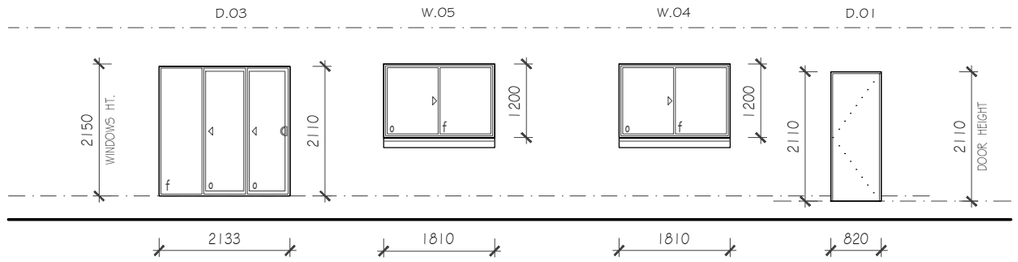

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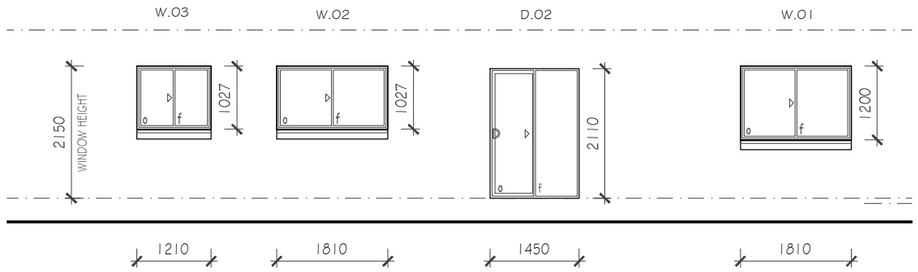
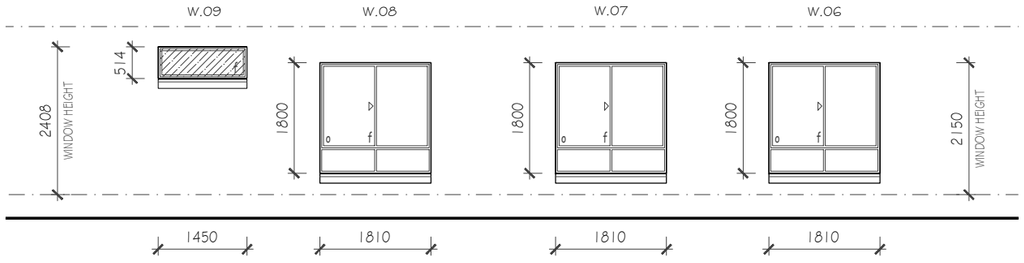


ELEVATION "B"



ELEVATION "D"

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AMENDMENTS

No	DATE	DETAILS
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B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: WINDOW & DOORS SCHEDULE

SIGNATURES:

CLIENT 1:

CLIENT 2:

BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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A1

SHT 7 OF 13 REV A

ELECTRICAL LEGEND

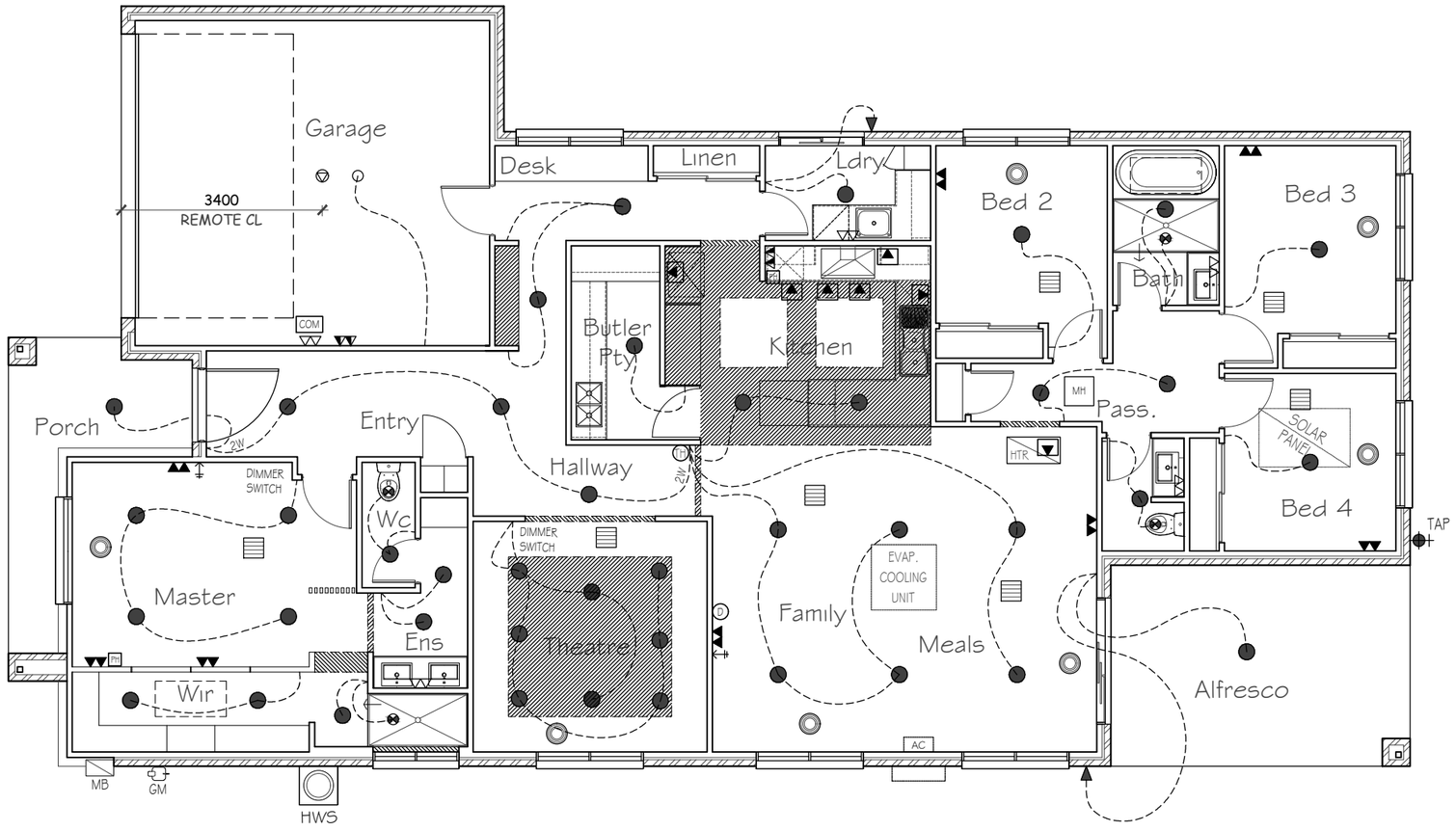
- POSITIONS INDICITIVE ONLY

	Single G.P.O. to ceiling
	Double G.P.O. to ceiling
	Single G.P.O. @ 1350mm
	Double G.P.O. @ 1350mm
	Single G.P.O. @ 1050mm
	Double G.P.O. @ 1050mm
	Single G.P.O. @ 300mm
	Double G.P.O. @ 300mm
	Single G.P.O. @ Nominal Height above floor level
	Double G.P.O. @ Nominal Height above floor level
	Single Water Proof G.P.O
	Double Water Proof G.P.O
	Single G.P.O (Dedicated Power Point)
	Double G.P.O (Dedicated Power Point)
	Single Water Proof G.P.O (Dedicated Power Point)
	Double Water Proof G.P.O (Dedicated Power Point)
	Batten Light Point
	LED Downlight (Sealed Unit)
D	Data Point
COM	Comunication Box (for future use)
PH	Telephone Point
	Single Paraflood Light With Sensor
	Single Paraflood Light
	Junction Box @ 1900 AFL
	Exhaust fan
	Smoke Alarm
	Television point
MB	Meter box
GM	Gas meter
MH	550mm x 550mm man hole
HTR	Ducted heating unit
EVAP. COOLING UNIT	Evaporative cooling unit
	Evaporative cooling point
AC	Air Conditioned Unit
RA	Heating Return Air
	Ducted heating point
TH	Thermostat
	Ceiling sweep fan with light
	Ceiling sweep fan (no light)
A	Alarm unit at 2500mm Ht. above Garage FFL
JB	Junction Box
	Fluorescent light point
S	Ducted vacuum unit
DV	Ducted vacuum outlet point
	Heat Lapms (2 globes / 1 heat)

INTERNAL AREA SCHEDULE				
GROUND FLOOR:	183.21	m²	19.72	sq
FIRST FLOOR:	0.00	m²	0.00	sq
GARAGE:	33.00	m²	3.55	sq
ALFRESCO:	16.98	m²	1.83	sq
PORCH:	8.06	m²	0.87	sq
VERANDAH:	0.00	m²	0.00	sq
TOTAL:	241.25	m²	25.97	sq

TYPE 1 NBN - BASIC KIT

1 OF - 600 SERIES HOME HUB
2 OF - CABLED TELEPHONE POINTS
2 OF - DATA POINT
1 OF - 32 CONDUIT FROM MDF TO HUB LOCATION
1 OF - 1 X DRAW CABLE (CAT 5E) TO PROVIDE CONNECTION



PROVISION OF ARTIFICIAL LIGHTING IN ACCORDANCE WITH NCC 3.12.5.5				
AREA	AREA (M2)	No OF LIGHTS (10W)	TOTAL PROPOSED WATTAGE (W)	WATTS PER M2
DWELLING	183.21	28	280	1.53
GARAGE	33.00	1	10	0.30
PORCH/ALFRESCO	25.04	2	20	0.80

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C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: ELECTRIC PLAN

SIGNITURES:
CLIENT 1:
CLIENT 2:
BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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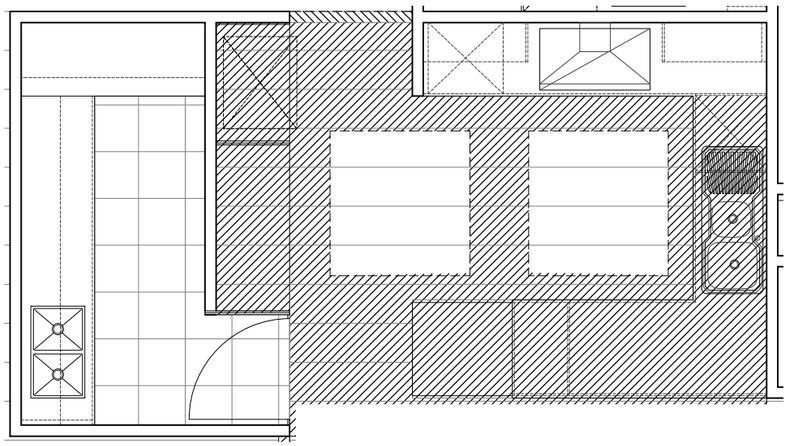
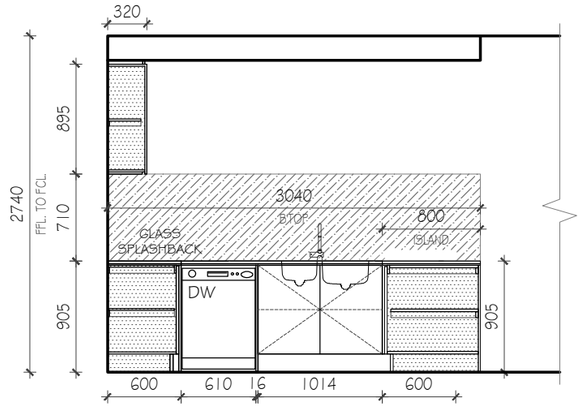
SHT 8 OF 13 REV A

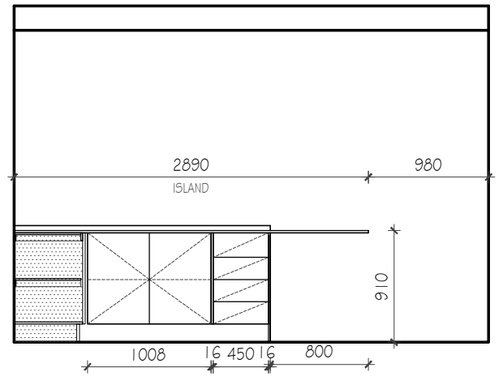


NOTE:
PROVIDE MDF BULKHEAD
TO ALL OVERHEAD CUPBOARDS

NOTE:
INTERNAL ELEVATIONS DRAWN
TO PLASTER

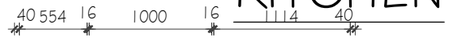


Elevation A



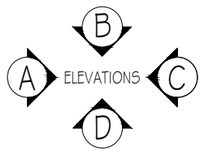
Elevation B

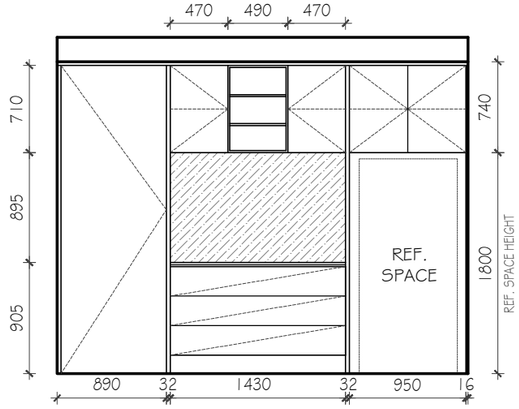
KITCHEN



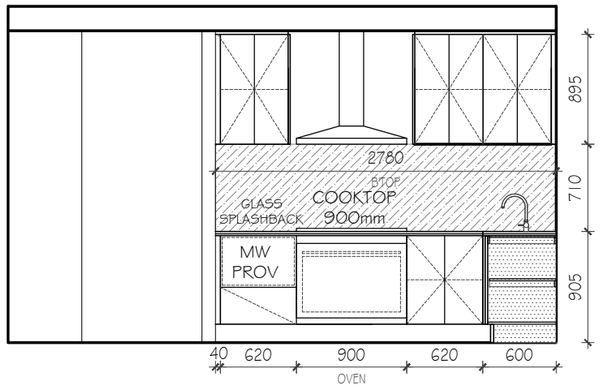
KITCHEN / BUTLER

SCALE 1/ 50

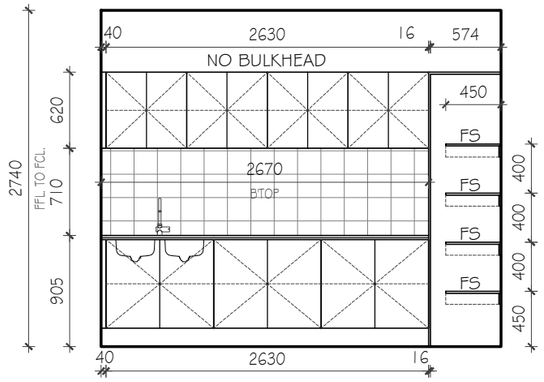




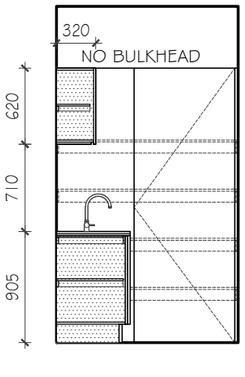
Elevation C



Elevation D

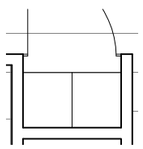


Elevation C



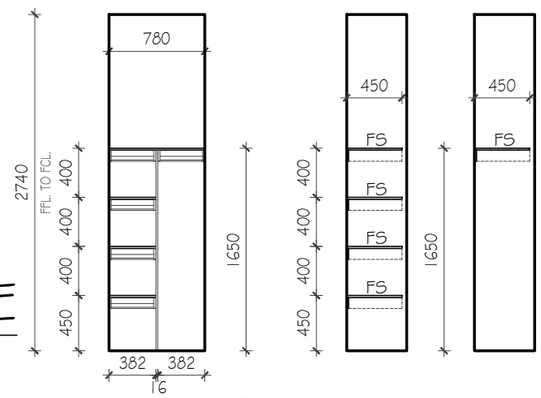
Elevation D

BUTLER



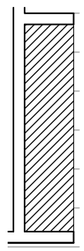
ENTRY ROBE

SCALE 1/ 50



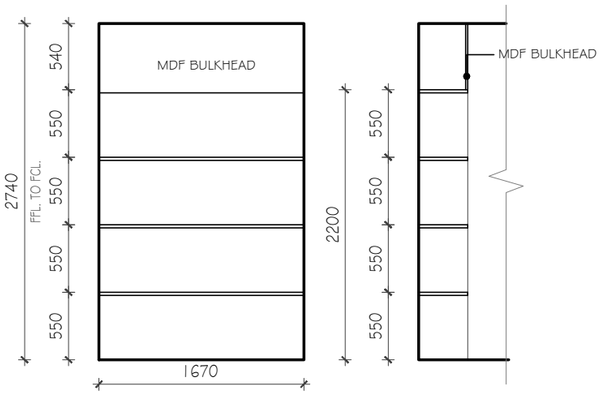
Elevation B Elevation C

ENTRY ROBE



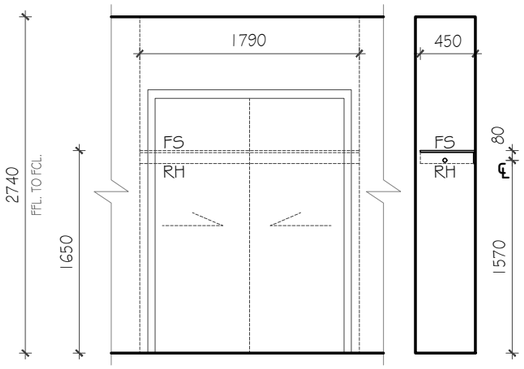
HALL BOOKCASE

SCALE 1/ 50



Elevation C

HALL BOOKCASE



ROBE STANDARD

ENTRY ROBE

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B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: INTERNAL ELEVATION

SIGNATURES:
CLIENT 1:
CLIENT 2:
BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 50
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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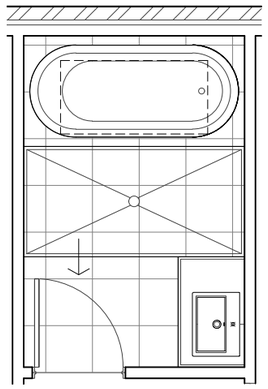
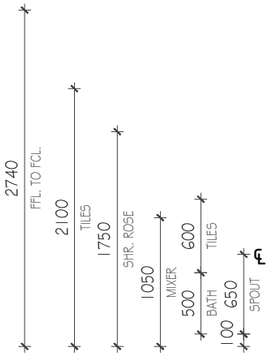
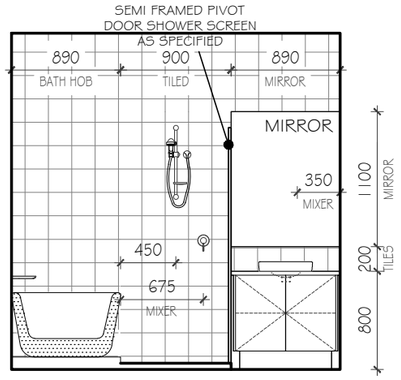
A1
SHT 9 OF 13 REV A







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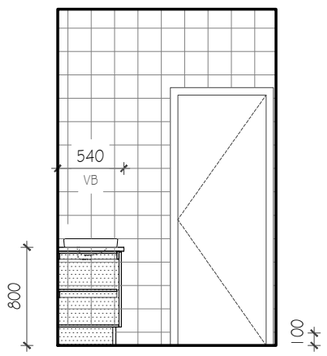
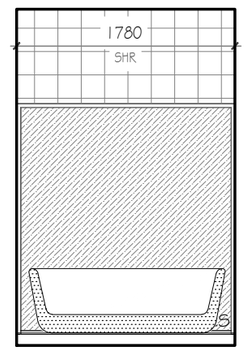
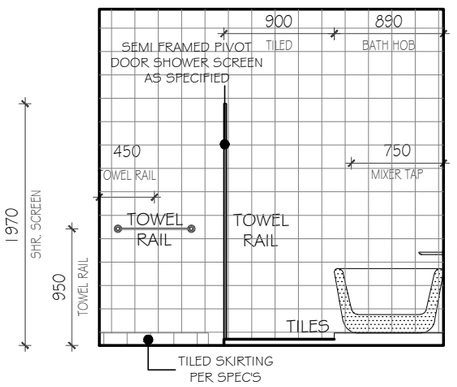


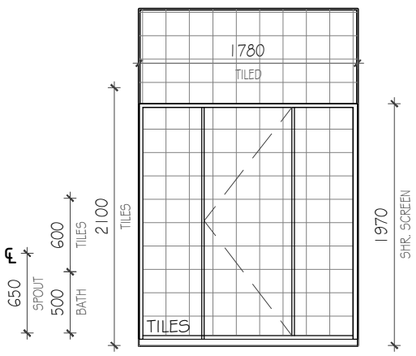
Elevation B



Elevation B'



Elevation C



Elevation D

BATHROOM

SCALE 1/50

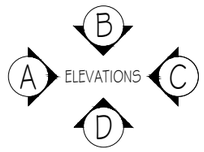
BATHROOM

NOTE:
20mm STONE BENCHTOPS TO BATHROOM

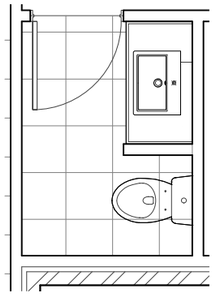
NOTE:
INTERNAL ELEVATIONS DRAWN TO PLASTER

NOTE:
33mm WOODMATT BENCHTOP TO POWDER ROOM ILO STANDARD

NOTE:
PROVIDE 60MM STONE TO PDR VANITY ILO STANDARD

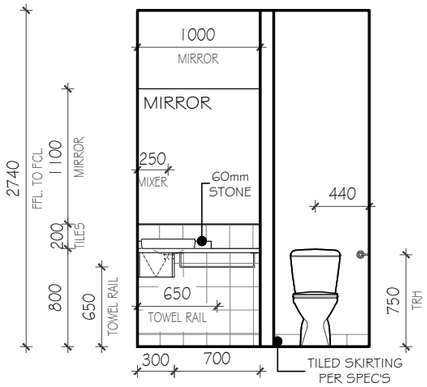


NOTE:
20mm STONE BENCHTOPS TO LAUNDRY ILO STANDARD



PDR

SCALE 1/50



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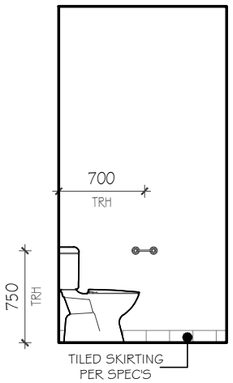
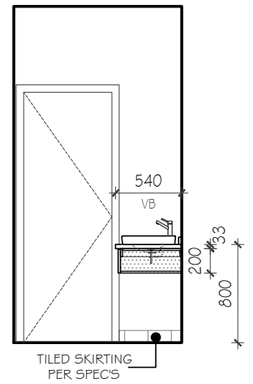
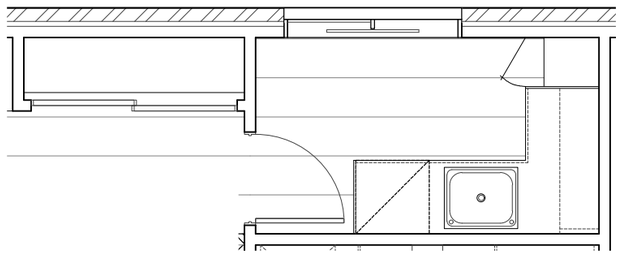


Elevation B



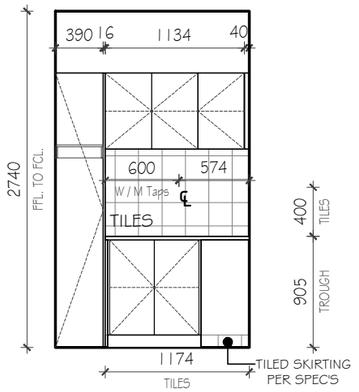
Elevation C

PDR

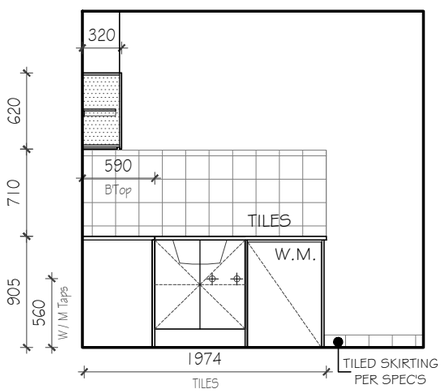


LAUNDRY / LINEN

SCALE 1/50

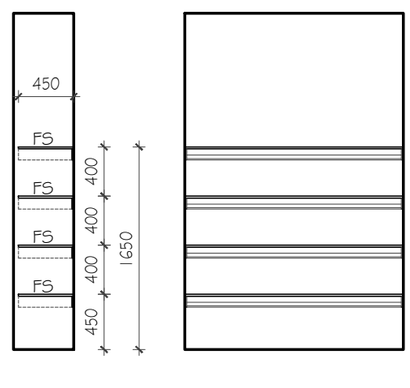


Elevation A



Elevation B

LAUNDRY



Elevation C

Elevation D

LINEN

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- FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALE.

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AMENDMENTS

No	DATE	DETAILS
A.	01.08.2018	CONTRACT DRAWING ISSUES - B.O.B.
B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: INTERNAL ELEVATION

SIGNATURES: CLIENT 1: / CLIENT 2: / BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 50
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

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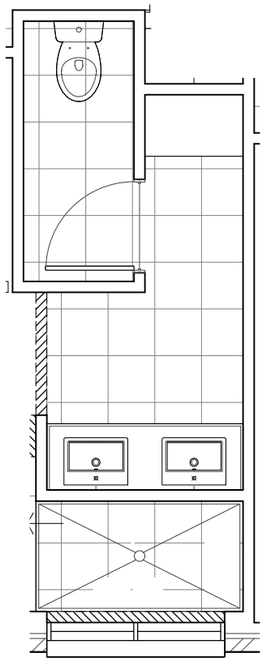
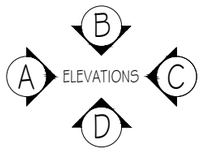
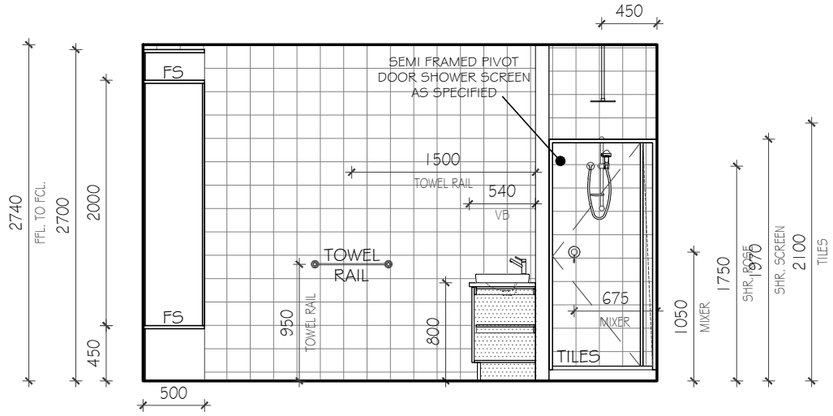


ENSUITE

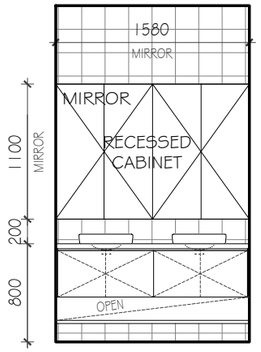
SCALE 1/50



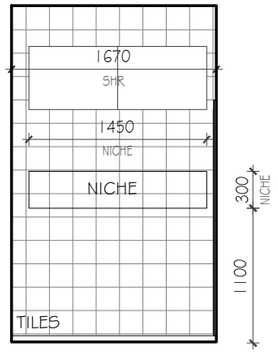


Elevation A

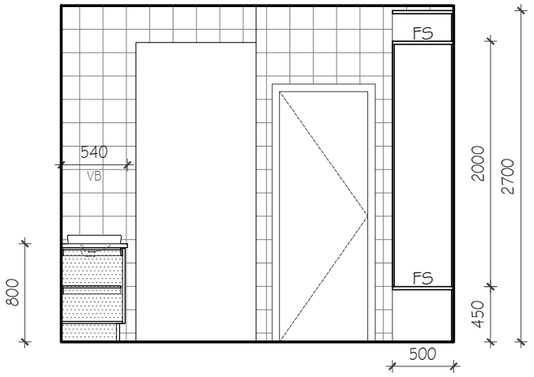
ENSUITE



Elevation B



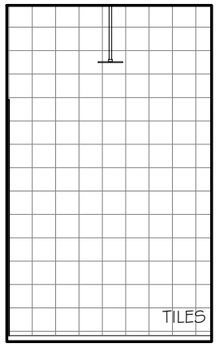
Elevation B'



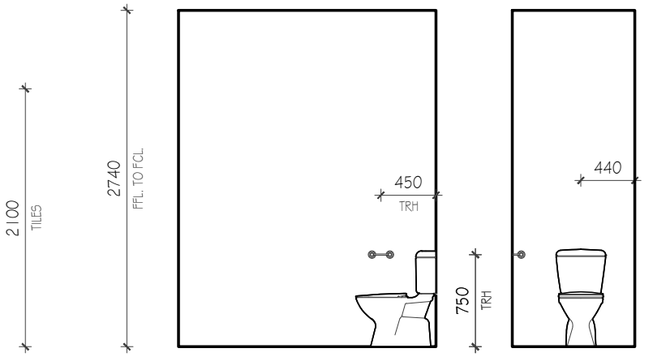
Elevation C

NOTE:
INTERNAL ELEVATIONS DRAWN TO PLASTER

NOTE:
20mm STONE BENCHTOPS TO ENSUITE



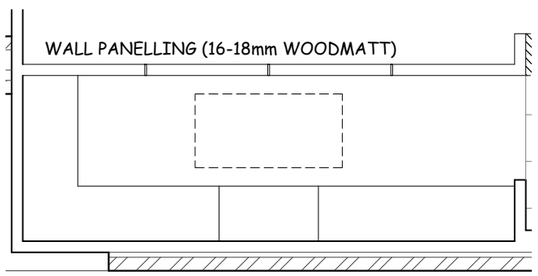
Elevation D'



Elevation C

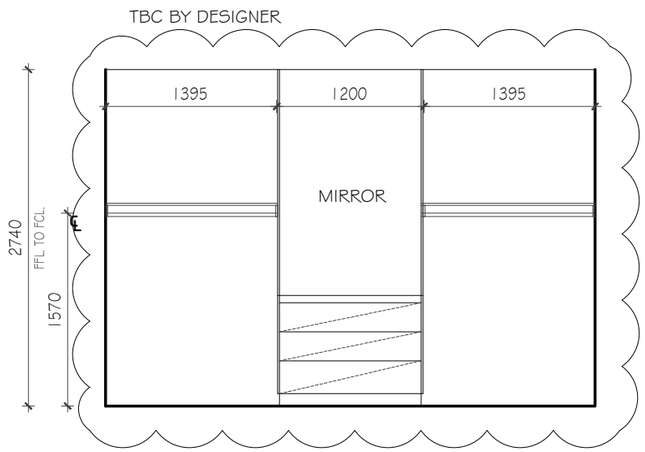
Elevation D

WC



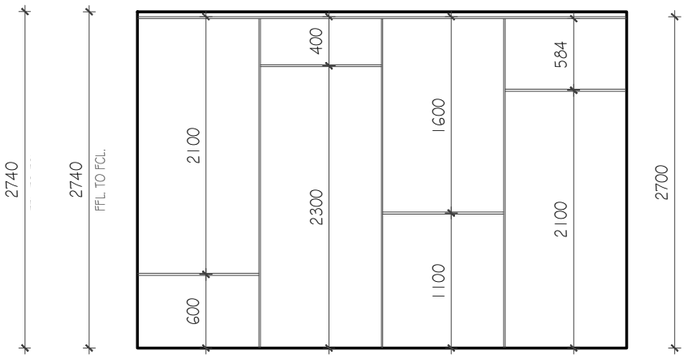
WIR & PANEL DESIGNE

SCALE 1/50



Elevation B

WIR



Elevation B

PANEL DESIGN

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SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: INTERNAL ELEVATION

SIGNATURES: CLIENT 1: ____ CLIENT 2: ____ BUILDER: ____

DRAWN BY:	B.O.B.
SCALE:	1 : 50
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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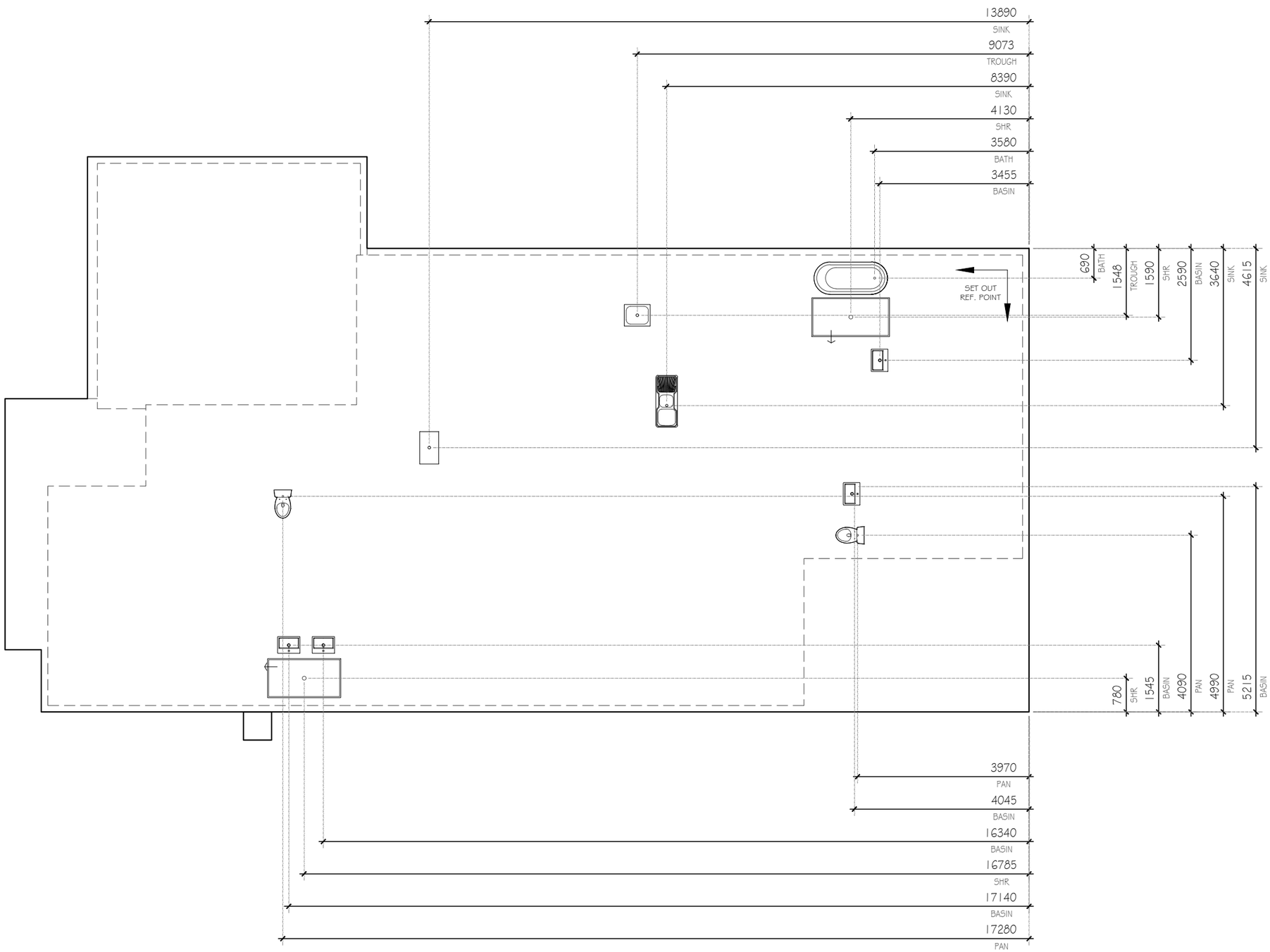
SHT 10 OF 13 REV A



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C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: HYDRAULIC PLAN

SIGNATURES:

CLIENT 1:	
CLIENT 2:	
__.__.____	
BUILDER:	
__.__.____	

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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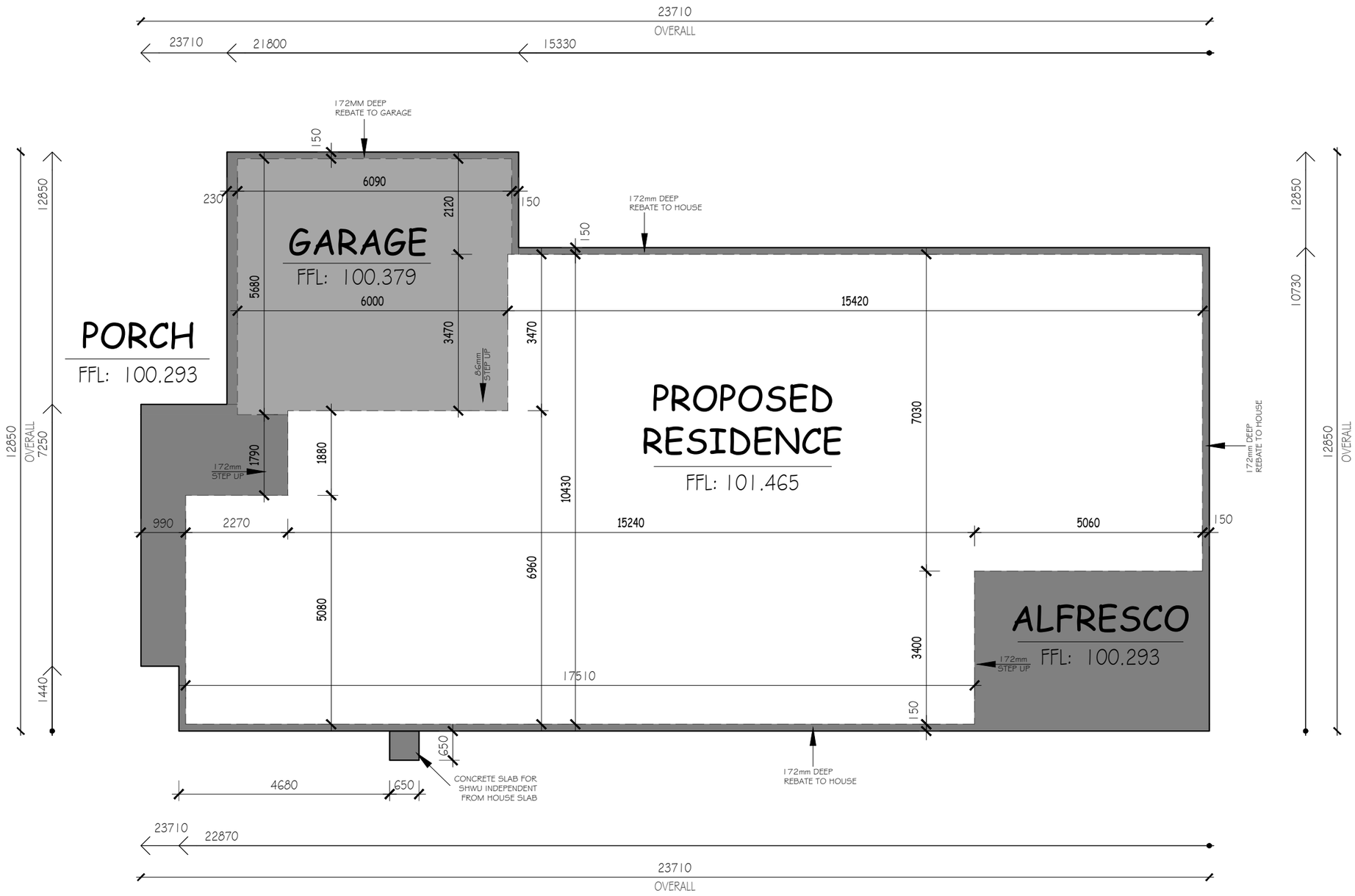
SHT 11 OF 33 REV A

HOUSE AREAS

GROUND : 260.27 sq.m



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B.	01.08.2018	WORKING DRAWING ISSUES - B.O.B.
C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: SLAB PLAN

SIGNATURES: CLIENT 1: / CLIENT 2: / BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 100
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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SHT 12 OF 13 REV A

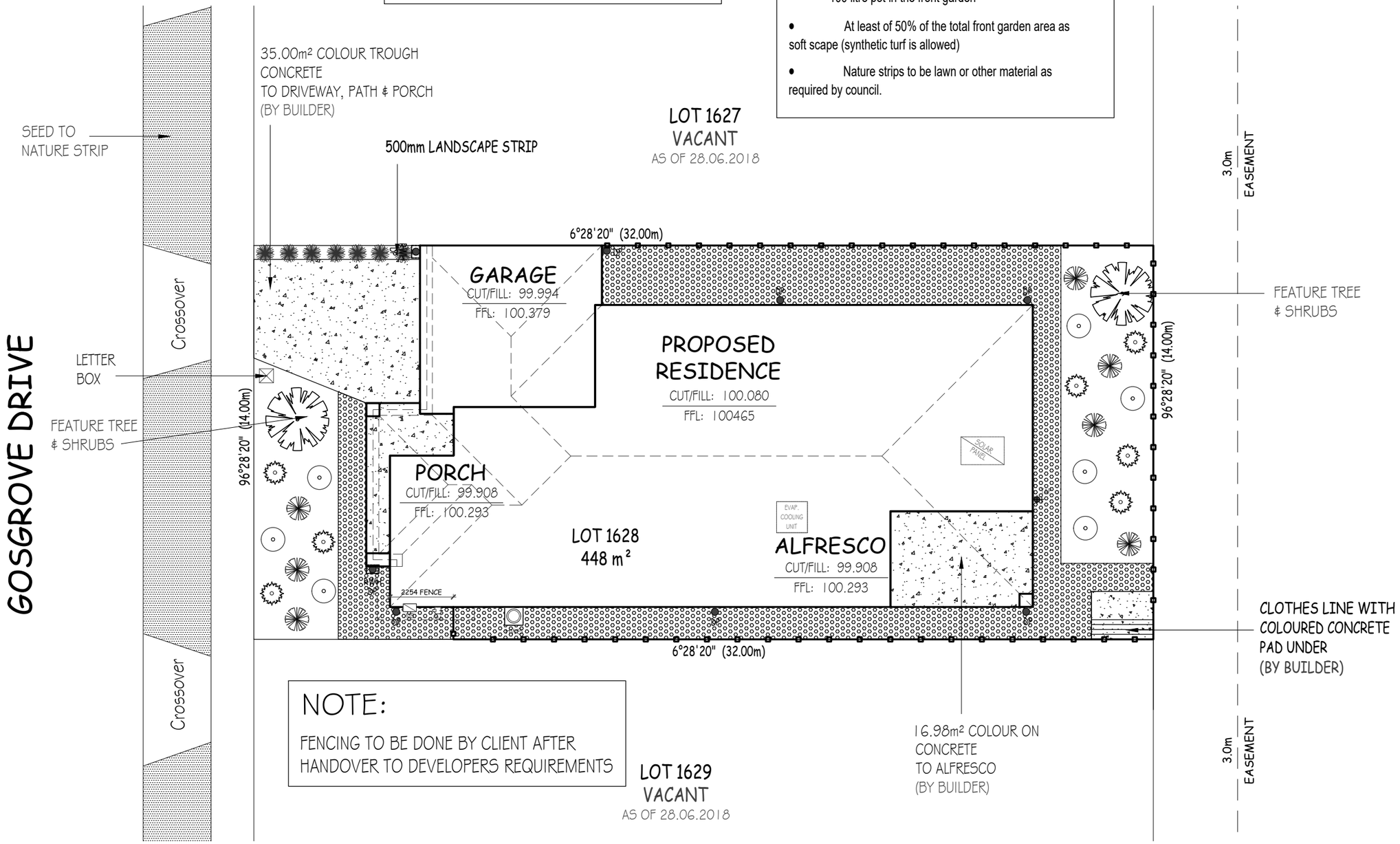
NOTE:

PROVIDE FULL LANDSCAPING TO HOUSE AS PER DEVELOPER GUIDELINES

Any outbuildings, sheds, detached garages, service equipment, and other ancillary items must meet the requirements of Sections 4.11 & 4.12 of the relevant Stonehill Memorandum of Common Provisions.

Landscaping must comply with the requirements of section 7 of the relevant Stonehill Memorandum of Common Provisions. This includes:

- at least one large tree installed from a minimum 100 litre pot in the front garden
- At least of 50% of the total front garden area as soft scape (synthetic turf is allowed)
- Nature strips to be lawn or other material as required by council.



NOTE:

FENCING TO BE DONE BY CLIENT AFTER HANDOVER TO DEVELOPERS REQUIREMENTS

LOT 1629 VACANT AS OF 28.06.2018

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C.	27.08.2018	WORKING DRAWING AMENDMENTS ISSUES - B.O.B.

SITE ADDRES: Lot 1628, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Displays

DRG NAME: LANDSCAPE

SIGNATURES:

CLIENT 1:

CLIENT 2:

BUILDER:

DRAWN BY:	B.O.B.
SCALE:	1 : 150
DATE:	27.02.2018
HOUSE:	Madrid
FACADE:	Murray

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SHT 13 OF 13 REV A

Item 5.5 Planning Permit Number PA2018 340 – Waiver of car parking associated with the use and development of the land as a display home at 8 Cosgrove Drive, Maddingley.

Application Summary:	
Permit No:	PA2018 340.
Lodgement Date:	22 December, 2018
Planning Officer:	Mark Lovell
Address of the land:	Lot 1627 on Plan of Subdivision 810903P 8 Cosgrove Drive, Maddingley.
Proposal:	Waiver of car parking associated with the use and development of the land as a display home.
Lot size:	448m2.
Why is a permit required?	Clause 32.08-3 - Use of the land for a display home. Clause 32.08-9 - Building and Works. Clause 52.06-3 - Waiver of car parking.
Reason for being presented to Development Assessment Committee.	Waiver of car parking.
Public Consultation	
Was the application advertised?	Yes.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of Objections:	No objections were received.
Consultation Meeting:	Not required.
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 3:	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Robert Fillisch* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Mark Lovell* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Council's Infrastructure and Council's Environmental Health.
Any issues raised in referral responses?	No.
Preliminary concerns?	No.
Any discussions with applicant regarding concerns?	Nil.
Any changes made to the application since being lodged?	No.
Brief history	The subject site is vacant land within Stonehill Estate. There has been no previous development permit issued for this site.
Previous applications for the site?	Nil.
General summary (pro's/con's of the proposal)	The proposed waiver of car parking is acceptable given the use of the land is temporary as a display home and will at a later point revert to a residential dwelling with the required minimum car spaces which will be provided in the garage space. Visitors to the display home can utilise the existing on street car parking and the applicant has agreed to provide a temporary car park on nearby land. This will not create any unreasonable impacts within a new residential estate.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Planning Permit for the waiver of car parking associated with the use and development of the land as a display home at Lot 1627 on Plan of Subdivision 810903P otherwise known as 8 Cosgrove Drive, Maddingley.	

Site Description

The subject site is located on the northern side of Cosgrove Drive, east of Gladman Road, Maddingley. The lot has a maximum width of 12.50 metres and a maximum length of 32 metres for a total land area of 400m2. The site is vacant and has a relatively flat topography. There is no vegetation on site.

The surrounding area is a mixture of detached dwellings under construction or vacant lots reflective of a new residential estate.

Proposal

The proposed use of the land is a dwelling to be used as a display home comprised of four bedrooms, family/meals room, theatre, kitchen, laundry and bathroom. The proposal has a double garage space and tandem car space however it is expected there will no vehicles will be parked on site during the display period typical of a display home. The display home is single storey in height and will have floor to ceiling level of 2.59 metres. The display home will consist of rendered brickwork, Colourbond® roofing, Colorbond® fascia's, downpipes and guttering and a sectional garage door.

Public Notice

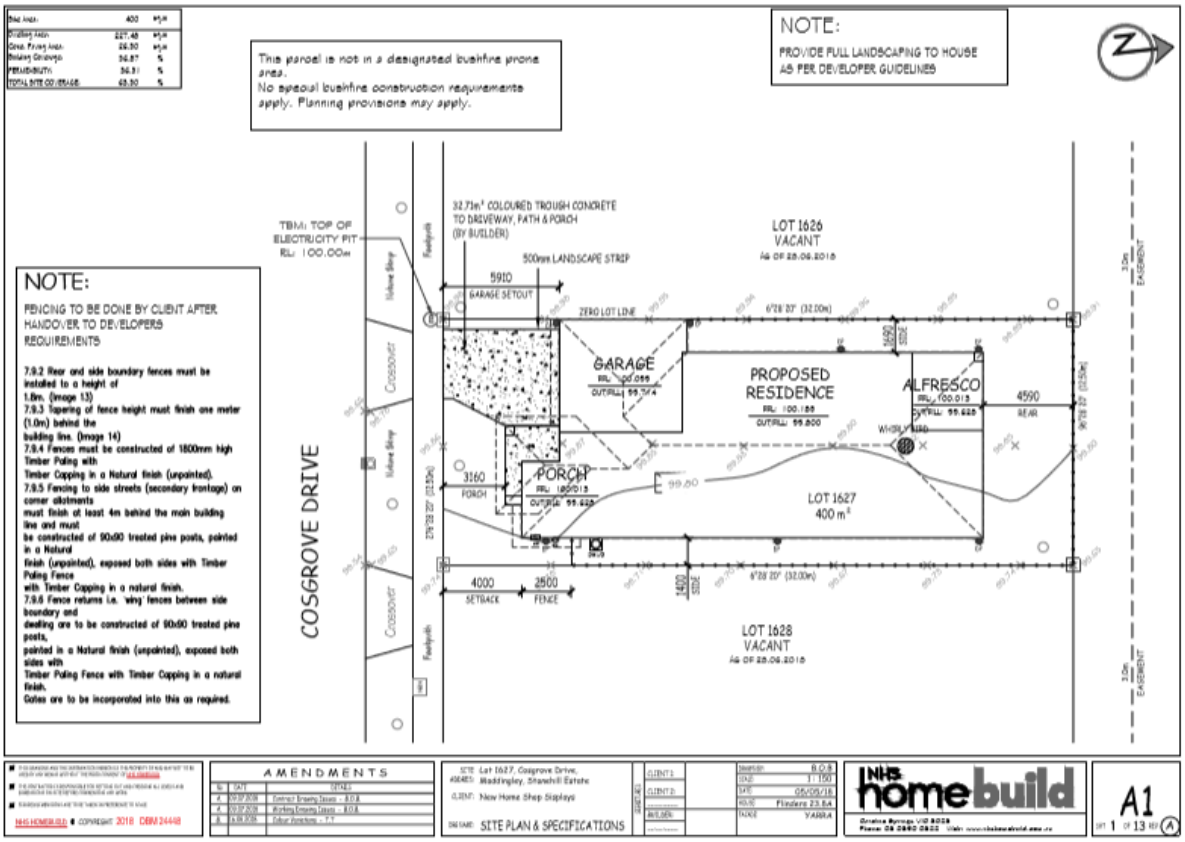
The application was notified to adjoining and surrounding landowners. There were no objections received.

Locality Map

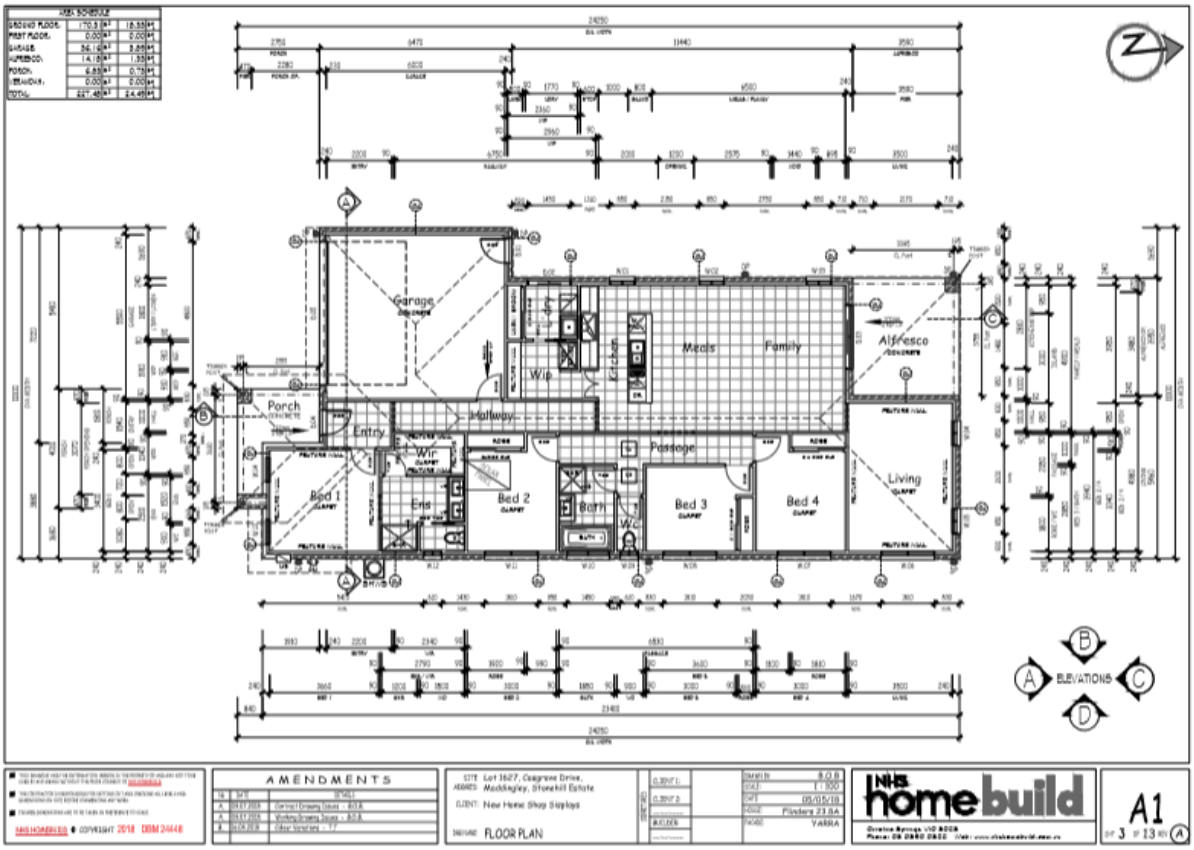
The map below indicates the location of the subject site and the zoning of the surrounding area.

Sweet Av
Gladman Rd
C1Z
Flynn Walk

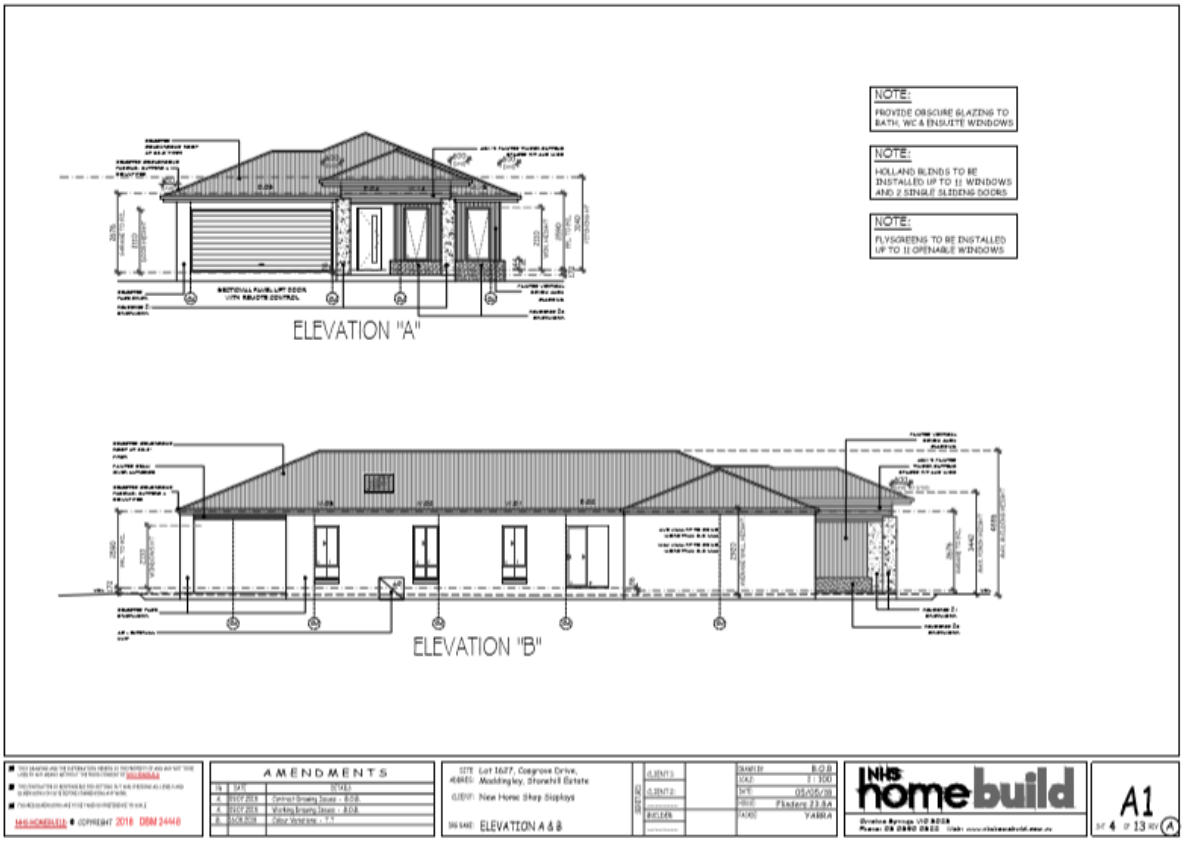
Site plan


NOTE:
PROVIDE FULL LANDSCAPING TO HOUSE AS PER DEVELOPER GUIDELINES
This parcel is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.
NOTE:
FENCING TO BE DONE BY CLIENT AFTER HANDOVER TO DEVELOPERS REQUIREMENTS
7.9.2 Rear and side boundary fences must be installed to a height of 1.8m. (Image 13)
7.9.3 Tapering of fence height must finish one meter (1.0m) behind the building line. (Image 14)
7.9.4 Fences must be constructed of 1800mm high Timber Paling with Timber Capping in a Natural finish (unpainted).
7.9.5 Fencing to side streets (secondary frontage) on corner allotments must finish at least 4m behind the main building line and must be constructed of 90x90 treated pine posts, painted in a Natural finish (unpainted), exposed both sides with Timber Paling Fence with Timber Capping in a natural finish.
7.9.6 Fence returns i.e. 'wing' fences between side boundary and dwelling are to be constructed of 90x90 treated pine posts, painted in a Natural finish (unpainted), exposed both sides with Timber Paling Fence with Timber Capping in a natural finish.
Gates are to be incorporated into this as required.
TBM: TOP OF ELECTRICITY PIT RL: 100.00m
32.71m² COLOURED TROUGH CONCRETE TO DRIVEWAY, PATH & PORCH (BY BUILDER)
500mm LANDSCAPE STRIP
5910
GARAGE SETOUT
ZERO LOT LINE
LOT 1626
VACANT
AS OF 28.06.2016
GARAGE
PROPOSED RESIDENCE
ALFRESCO
4590
REAR
3160
PORCH
LOT 1627
400 m²
4000
SETBACK
2500
FENCE
LOT 1628
VACANT
AS OF 28.06.2016
COSGROVE DRIVE
Crossover
Footpath
AMENDMENTS
SITE PLAN & SPECIFICATIONS
A1

Floor Plan



Elevation Plan



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.03-3S Peri-urban areas.
- Clause 18.02-4S Car Parking.
- Clause 21.03-4 Landscape and Neighbourhood Character.

Zone

The subject site is in the General Residential Zone, Schedule 2 (GRZ2).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Specific to Schedule 2, has the following neighbourhood character objectives:

- To maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens.
- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighourhood character.
- To encourage new development to be sympathetic to the existing landscape. To encourage an increase in landscaping within the public and private realm.
- To ensure garages, carports, and second storey development do not visually dominate dwellings or streetscapes.

Under Clause 73.03, a display home is defined as a building constructed as a dwelling but used to display to encourage people to buy or construct similar dwellings.

Under Clause 32.08-2, a display home is not listed use and therefore falls within Section 2, a permit required use. Under Clause 32.08-9 a permit is required for building and works associated with a Section 2 use. Decision guidelines are listed under Clause 32.08-13. including general guidelines.

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone. The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Overlays

Development Plan Overlay Schedule 3

Pursuant to Clause 43.04-1 of the Moorabool Planning Scheme a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay in accordance with the Development Plan.

The objectives of Schedule 3 of the Development Plan Overlay are:

- Release of land for residential development in a logical, cost effective and sequential manner;
- Efficient use of infrastructure, and land, whilst managing any impacts on the environment and amenity;
- Co-ordinated provision of community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds; and
- Preparation of an integrated Development Plan generally in accordance with the West Maddingley Concept Plan shown in Clause 5.0 of this schedule.

The development plan was endorsed on 9 August, 2011 in accordance with Clause 43.04.

The use and development does not trigger a permit under this overlay.

Particular Provisions

Clause 52.06 (Car Parking)

The proposed use is for a display home. Under Clause 52.06-5, five car spaces to each dwelling for five or fewer contiguous dwellings. The proposal will not provide any on site car spaces. A permit is required under Clause 52.06-3 to waiver the car parking requirement.

Before granting a permit, the responsible authority must consider, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  – Efficiencies gained from the consolidation of shared car parking spaces.
  – Public car parks intended to serve the land.
  – On street parking in non-residential zones.
  – Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre. Any car parking deficiency associated with the existing use of the land.

- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas. Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

Discussion

Use and Development

The proposed building form, setback, styling and positioning is typical of a single storey residential dwelling. The proposal will blend readily with the new housing stock that is currently under construction in Stonehill Estate. With reference to Part 7 of Schedule 2 of the General Residential Zone, the display home will have generous open space areas including north facing secluded private open spaces. The applicant has submitted a landscape plan with notation stating that it will comply with the requirements of Section 7 of the relevant Stonehill Memorandum of Common Provision including providing at least one large tree. As the display home will revert back to a dwelling, it does not require external changes as it will be compliant with the relevant Rescode standards during the Building Permit stage. The use and development are appropriate and reflect a use that would be expected in a new residential estate.

Adequacy of Car Parking

The site is located in a new residential estate with most of the northern side not developed at this stage. The applicant has undertaken a traffic assessment by OneMileGrid Traffic Engineers. This assessment determined the use would not generate high visitor usage and the area is not established with a number of vacant lots without residents which has not maximised the existing on street car parking spaces.

There is a scope for visitors to park on street and it should not present any traffic concerns or excessive use of the on street parking bays. Council's Infrastructure had no objection to the application and noted the car park demand in the surrounding area during the operational period of the proposed Display Home is likely to be minimal, as bulk of the residential subdivision will remain under construction during that period.

Display homes do generate visitors who will utilise motor vehicles however occupying times are short in duration and often occur during the weekend period. The use does not operate during the night period. The location is an important consideration as there are no other surrounding activities that are generating high demand for on street car parking in this area. The on street car parking spaces can accommodate the use without adversely affecting the surrounding area. This application is in association with an identical planning application by the same permit applicant at 6 Cosgrove Drive. The cumulative impact therefore needs to be examined. Two side by side display homes by the same operator with not adversely affect the on the street parking demand. Any further applications will need to be assessed on their merits however a display village of five or more homes is not appropriate in this location. A low scale, two side by side display homes will create minimal off site impacts created by car parking demand generated from visitors. The proposal in conjunction with the related planning application at 6 Cosgrove Drive are appropriate have regard to the decision guidelines of Clause 52.06.

The applicant has agreed to provide a temporary car park on nearby land for the use of visitors to the display homes. The planning application is for specific title where no car parking is provided for the use that necessitated an assessment against the Clause 52.06 decision guidelines. The temporary car park is on separate title and the applicant has advised visitors will be alerted to its presence and this should not present any new traffic or amenity concerns.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	**Response**
Infrastructure Environmental Health	No objection subject to four conditions. No objection.

Financial Implications

There are no financial implications in approving this use and development application.

Risk & Occupational Health & Safety Issues

The recommendation of approval of this use and development does not implicate any risk or OH&S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if required.

Options

Council could consider the following options:

- Issue a permit in accordance with the recommendations of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusal of the application, Councillor's need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

Conclusion

The proposed use and development for a display home is considered consistent with the objectives of the General Residential Zone and the broad planning scheme provisions contained in the Planning Policy Framework and Local Planning Policy Framework. The proposal reflects the orderly development of a new residential estate that will be comprised of residential dwellings. The proposed waiver of the car parking requirement is considered acceptable given the current and future demand of the on street car parking bays and the activities occurring on surrounding land will be minimal. The proposed use and development should be supported.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit for the waiver of car parking associated with the use and development of the land as a display home at Lot 1627 on Plan of Subdivision 810903P otherwise known as 8 Cosgrove Drive, Maddingley, subject to the following conditions:

Endorsed Plan

1. **The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.**

Amenity

2. **The amenity of the area must not be detrimentally affected by the use or development, through the:**
   (a) Transport of materials, goods or commodities to or from the land;
   (b) Appearance of any building, works or materials;
   (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   (d) Presence of vermin;
   (e) Any other way.

3. **Should complaints be received regarding unnecessary congestion caused by the lack of on-site carparking provided, the use shall cease until alternative arrangements are made.**

Infrastructure

4. **Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.**

5. **Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**

6. **Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**

7. **Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Permit Expiry

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

a) The development and the use are not started within two years of the date of this permit;
b) The development is not completed within four years of the date of this permit.

Permit Note:

Unless a permit is not required in accordance with the provisions of Clause 52.05, no advertising signs maybe displayed without planning approval.

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 19 February, 2019

Site Area:	400	sq.m
Dwelling Area:	227.48	sq.m
Conc. Paving Area:	26.50	sq.m
Building Coverage:	56.87	%
PERMEABILITY:	36.51	%
TOTAL SITE COVERAGE:	63.50	%

This parcel is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.

NOTE:

PROVIDE FULL LANDSCAPING TO HOUSE AS PER DEVELOPER GUIDELINES

NOTE:

FENCING TO BE DONE BY CLIENT AFTER HANDOVER TO DEVELOPERS REQUIREMENTS

7.9.2 Rear and side boundary fences must be installed to a height of
1.8m. (Image 13)
7.9.3 Tapering of fence height must finish one meter (1.0m) behind the
building line. (Image 14)
7.9.4 Fences must be constructed of 1800mm high Timber Paling with
Timber Capping in a Natural finish (unpainted).
7.9.5 Fencing to side streets (secondary frontage) on corner allotments
must finish at least 4m behind the main building line and must
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finish (unpainted), exposed both sides with Timber Paling Fence
with Timber Capping in a natural finish.
7.9.6 Fence returns i.e. 'wing' fences between side boundary and
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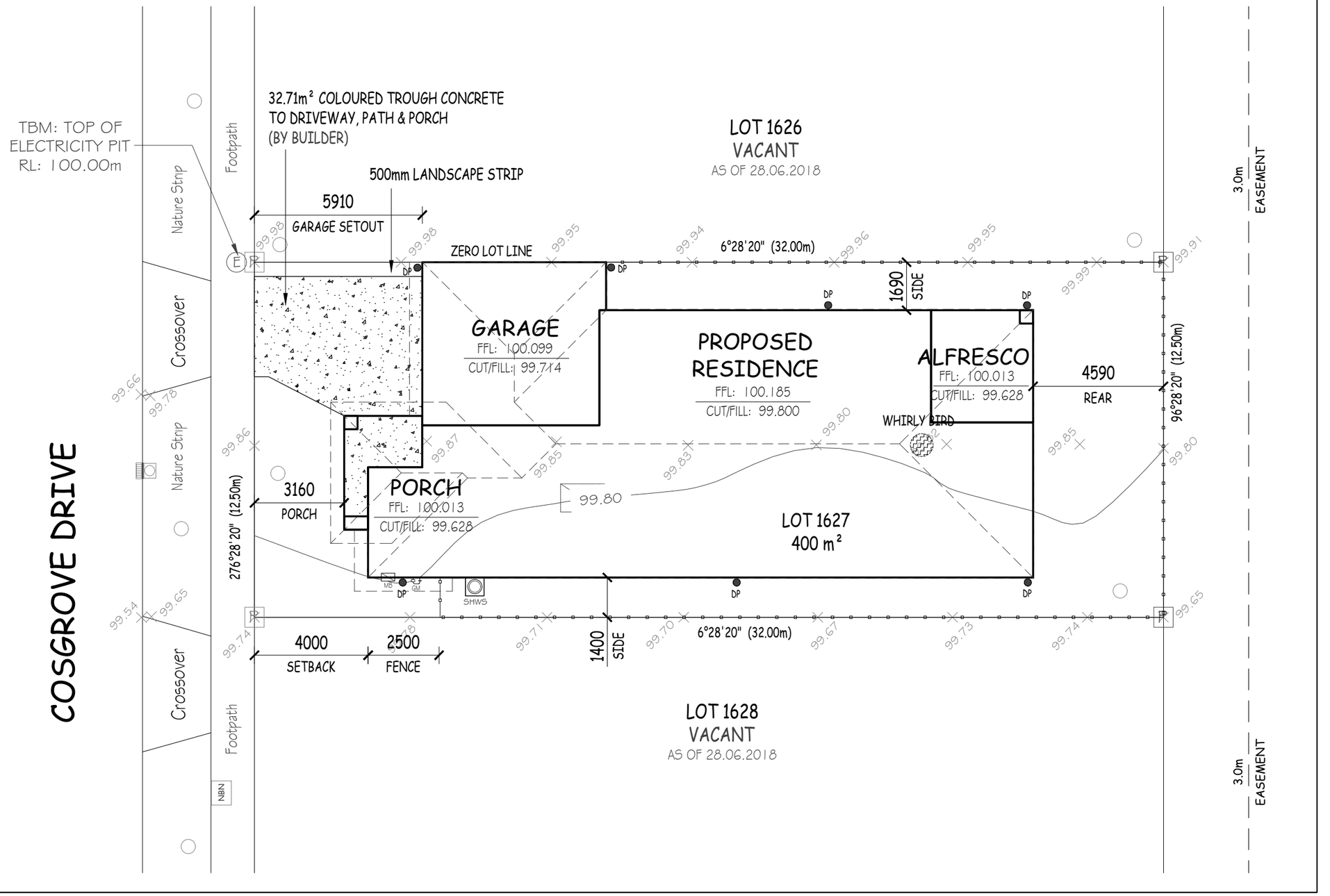
painted in a Natural finish (unpainted), exposed both sides with
Timber Paling Fence with Timber Capping in a natural finish.
Gates are to be incorporated into this as required.



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- THE CONTRACTOR IS RESPONSIBLE FOR SETTING OUT AND CHECKING ALL LEVELS AND DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK.
- FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALE.

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AMENDMENTS

No	DATE	DETAILS
A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate
CLIENT: New Home Shop Sisplays
DRG NAME: SITE PLAN & SPECIFICATIONS

SIGNATURES: CLIENT 1: —.—.— CLIENT 2: —.—.— BUILDER: —.—.—

DRAWN BY:	B.O.B
SCALE:	1 : 150
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

NHS homebuild
Caroline Springs VIC 3023
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1
SHT 1 of 13 REV A

SITE PLAN

-CONTRACTOR IS RESPONSIBLE FOR SETTING OUT AND CHECKING ALL LEVELS AND MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.

-ALL WORK IS SUBJECT TO INSPECTION AND APPROVAL OF BUILDING SURVEYOR.

-ALL WORK SHOWN TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT 'BUILDING CODE OF AUSTRALIA' AND ALL REFERENCED STANDARDS.

-CONSTRUCT & DISCHARGE 90 DIA. P.V.C STORM WATER DRAIN TO LEGAL POINT OF DISCHARGE AS DIRECTED BY THE RELEVANT AUTHORITY. MIN FALL 1:100. PROVIDE INSPECTION OPENINGS AT 9000 MAX. CTRS. OR AT EVERY CHANGE OF DIRECTION. DP DENOTES 100x50 DOWNPIPES AT 12000 MAX. CTRS. DP5 DENOTES 100x50 DOWNPIPES WITH SPREADER. PROVIDE 100 DIAM SEWER-GRADE S.W DRAIN UNDER SLAB AND DRIVEWAY.

-DRAINAGE ARTICULATION TO BE PROVIDED BY DRAINER IN ACCORDANCE WITH AS2870-2011 INCLUSIVE OF SLOPE AWAY FROM ALL FOUNDATIONS AT 50MM OVER 1000MM FROM DWELLING.

-DESIGN LEVELS SHOWN ARE TO AN ARBITRARY DATUM AND ARE TO BE USED AS A GUIDE ONLY. BUILDER TO CHECK AND VERIFY ON SITE PRIOR TO ANY WORK CARRIED OUT. ALL LEVELS ON DRAWINGS ARE NOMINAL AND MAY BE ADJUSTED DUE TO SITE CONDITIONS UP TO 50MM EITHER WAY.

FLOOR PLAN

-DIMENSIONS ARE SHOWN TO TIMBER FRAME ONLY AND DO NOT ALLOW FOR PLASTER BOARD SHEETING OR OTHER SUCH FINISHES.

BH -DENOTES BULKHEAD OVER OPENINGS. BULKHEADS ARE TO BE 340mm DEEP. BULKHEAD HEIGHTS TO ENSUITES & WALK IN ROBES ARE TO MATCH BED 1 DOOR HEIGHT.

CJ -INDICATES MASONRY CONTROL JOINTS.

MB -DENOTES METER BOX, TELEPHONE & GAS METER (IF REQUIRED)

-DENOTES INSULATION IN WALL BETWEEN GARAGE & HOUSE. WALL TO HAVE PLASTERBOARD BOTH SIDES.

-INDICATES LOCATION OF SMOKE DETECTORS

-DENOTES CONDUIT UNDER SLAB FOR POWER, WATER OR BOTH TO ISLAND BENCH. TO RUN ADJACENT TO SINK WASTE.

SOLAR PANEL -DENOTES HOT WATER SERVICE SOLAR PANEL LOCATION ON ROOF. NUMBER OF SYMBOLS REFERS TO NUMBER OF PANELS REQUIRED.
IF SOLAR PANEL REQUIRED, LOCATION IS NOMINAL ONLY. INSTALLERS TO LOCATE AND TO COMPLY WITH MANUFACTURERS REQUIREMENTS AND AS/NA 3500-PLUMBING AND DRAINAGE.

MH -565x565mm PERSONAL ACCESS OPENING TO BE LOCATED AS PER PLAN & TO SUIT TRUSS SETOUT. LOCATION IS INDICATIVE ONLY AND IS TO BE CONFIRMED BY BUILDING SUPERVISOR IN CONJUNCTION WITH PLACEMENT OF DUCTED HEATING UNIT.

RA -INDICATES HEATING SYSTEM RETURN AIR VENT

W.11 -DENOTES THE WINDOW NUMBER & SHEET NUMBER FOR WINDOW SCHEDULE. SCHEDULE NOMINATES WINDOW SIZES AND HEAD HEIGHTS.

B ---DENOTES THE DETAIL NUMBER & SHEET NUMBER FOR DETAILS REFERENCED IN THE DRAWING SET.

-67x18 SINGLE BEVEL MDF SKIRTING BOARD UNLESS OTHERWISE NOTED IN SPECS.

-42x12 SINGLE BEVEL MDF ARCHITRAVES SKIRTING BOARD UNLESS OTHERWISE NOTED IN SPECS.

-FOR GARAGE LVL LOCATION & CONNECTIONS REFER TO DETAILS ON PLANS.

-GARAGE DOORS ARE SECTIONAL PANELS UNLESS OTHERWISE SPECIFIED. WIDTH AS NOMINATED ON PLAN.

-BRICK PIERS TO PORCHES & PORTICOS REQUIRE A 90x90mm TREATED PINE POST POSITION AS SHOWN ON PLAN.

-DOORS TO ROBES TIMBER SLIDING AS NOMINATED ON PLANS. NUMBER OF DOOR LEAFS AS INDICATED.

-FOR ROBE & LINEN DETAILS REFER DETAILS ON PLANS - H1 (2100 INTERNAL DOORS) OR H2 (2340 INTERNAL DOORS).

TAP -FRONT WATER TAP TO BE LOCATED AT METER UNLESS OTHERWISE NOTED.

-REFER TO SITE PLAN FOR WHETHER TERMITE TREATMENT IS REQUIRED.

GM -GAS METER TO BE LOCATED 500mm MINIMUM FROM THE ELECTRICAL EARTH STAKE.

-WHEN 600mm EAVES ARE NOMINATED TO BRICK VENEER WALLS, TRUSS PITCHING POINT TO BE CANTILEVERED 150mm.

-TREADS TO STAIRS MUST HAVE A SURFACE OR NOSING WITH A SLIP-RESISTANCE CLASSIFICATION COMPLIANT WITH THE N.C.C.

-THE BUILDER RESERVES THE RIGHT TO MAKE MINOR ALTERATIONS TO FLOOR LEVELS, WINDOW POSITIONS, SITE EXCAVATION, HEATING DUCTS DURING CONSTRUCTION IN THE INTEREST OF PRODUCT IMPROVEMENT.

ELEVATIONS

-ANY RENDER FINISH SUBSEQUENTLY APPLIED TO THE SURFACE, SHALL NOT BE ALLOWED TO BRIDGE A DAMP PROOF COURSE, OR MAKE INEFFECTIVE ANY OTHER MOISTURE PROTECTION MEASURES. DAMP PROOF COURSE TO BE CUT HORIZONTALLY THROUGH THE RENDER.

ELECTRICAL

-ELECTRIC RESISTANCE SPACE HEATING SYSTEM THAT SERVES MORE THAN ONE ROOM MUST HAVE -
(a) SEPARATE ISOLATING SWITCHES FOR EACH ROOM; AND
(b) A SEPARATE TEMPERATURE CONTROLLER AND TIME SWITCH FOR EACH GROUP OF ROOMS WITH COMMON HEATING NEEDS; AND
(c) POWER LOADS OF NOT MORE THAN 110 W/m² FOR LIVING AREAS AND 150 W/m² FOR BATHROOMS.
-ARTIFICIAL LIGHTING
(a) THE LAMP POWER DENSITY OR ILLUMINATION POWER DENSITY OF ARTIFICIAL LIGHTING, EXCLUDING HEATERS THAT EMIT LIGHT, MUST NOT EXCEED -
(i) IN A CLASS 1 BUILDING 5W/m²; AND
(ii) ON A VERANDAH OR BALCONY ATTACHED TO A CLASS 1 BUILDING, 4 W/m²; AND
(iii) IN A CLASS 10 BUILDING, 3W/m²; AND
THE LAMP POWER DENSITY IS A WHOLE HOUSE CALCULATION BASED ON AN OVERALL SQUARE METERAGE AND NOT ROOM BY ROOM OR AREA BY AREA METERAGE. CALCULATION EXCLUSIONS INCLUDE:
(i) BATHROOM HEAT LAMPS,
(ii) A LIGHT POINT WITHIN A CEILING SPACE,
(iii) EXTERNAL SECURITY LIGHTING.

-SLIDE OUT RANGEHOOD SGPO TO BE MOUNTED IN CUPBOARD ABOVE.

-CANOPY RANGEHOOD SGPO TO BE MOUNTED AS PER MANUFACTURERS RECOMMENDATIONS.

-OVEN ISOLATOR SWITCH IS TO BE MOUNTED ABOVE BENCHTOP TO LEFT OR RIGHT OF COOKTOP IF REQUIRED.

-COOKTOP SGPO TO BE PLACED IN ADJACENT CUPBOARD.

-DISHWASHER SGPO TO BE PLACED IN ADJACENT CUPBOARD.

-PROVIDE SGPO TO MICROWAVE SPACE.

-BATHROOM DGPO TO BE MOUNTED ON PLASTERBOARD WALL BETWEEN VANITY & SHOWER.

-ENSUITE DGPO TO BE MOUNTED ON WALL TO SIDE OF VANITY ABOVE TILING.

-GENERAL ROOM GPOs, TV & TELEPHONE OUTLETS TO BE MOUNTED 300mm ABOVE FFL.

-REFRIGERATOR SGPO TO BE @ 1500mm ABOVE FFL.

-WHERE APPLICABLE KITCHEN TELEPHONE POINT TO BE ABOVE TILING.

-MASTER BEDROOM DGPOs TO BE 300mm ABOVE FFL & APPROX. 1000mm FROM CENTRE OF WALL.

-LIGHT SWITCHES TO BE @ 1050mm ABOVE FFL.

-ALL MEASUREMENTS ARE TO CENTRELINE OF SWITCH PLATE.

-EXTERNAL FLOODLIGHTS TO BE MOUNTED 50mm BELOW THE FASCIA UNLESS OTHERWISE NOTED.

HEATING AND COOLING DUCTWORK

HTR a) HEATING AND COOLING DUCTWORK AND FITTINGS MUST -
(i) ACHIEVE THE R-VALUE SPECIFIED IN TABLE AND
(ii) BE SEALED AGAINST AIR LOSS -
(A) BY CLOSING ALL OPENINGS IN THE SURFACE, JOINTS AND SEAMS OF DUCTWORK WITH ADHESIVES, MASTICS, SEALANTS OR GASKETS IN ACCORDANCE WITH AS 4254 FOR A CLASS C SEAL; OR
(B) FOR FLEXIBLE DUCTWORK, WITH A DRAW BAND IN CONJUNCTION WITH A SEALANT OR ADHESIVE TAPE.
b) DUCT INSULATION MUST ;
(i) ABUT ADJOINING DUCT INSULATION TO FORM A CONTINUOUS BARRIER; AND
(ii) BE INSTALLED SO THAT IT MAINTAINS ITS POSITION AND THICKNESS, OTHER THAN AT FLANGES AND SUPPORTS; AND
(iii) WHERE LOCATED OUTSIDE THE BUILDING, UNDER A SUSPENDED FLOOR, IN AN ATTACHED CLASS 10A BUILDING OR IN A ROOF SPACE -
(A) BE PROTECTED BY AN OUTER SLEEVE OF PROTECTIVE SHEETING TO PREVENT THE INSULATION BECOMING DAMP; AND
(B) HAVE THE OUTER PROTECTIVE SLEEVE SEALED WITH ADHESIVE TAPE NOT LESS THAN 48MM WIDE CREATING AN AIRTIGHT AND WATERPROOF SEAL.
c) THE REQUIREMENTS OF (a) DO NOT APPLY TO HEATING AND COOLING DUCTWORK AND FITTINGS LOCATED WITHIN THE INSULATED BUILDING ENVELOPE INCLUDING A SERVICE RISER WITHIN THE CONDITIONED SPACE, INTERNAL FLOORS BETWEEN STORIES AND THE LIKE.
HEATING AND COOLING DUCTWORK AND FITTINGS - MINIMUM MATERIAL R-VALUE

INTERNALS

-VANITY DEPTHS TO CHANGE DEPENDING ON BASINS SELECTED, SIZES AS PER BELOW;
INSET BASIN - 500MM
SEMI-RECESSED - STYLUS VENCIA - 300MM
- LIANO & LEDA VASQUE - 380MM

ALL NOTES ARE TO BE READ IN CONJUNCTION WITH NOTES ON PLANS. WHERE THERE IS A DISCREPANCY BETWEEN THESE NOTES & NOTES ON THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.

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AMENDMENTS

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A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate
CLIENT: New Home Shop Sisplays
DRG NAME: GENERAL NOTES

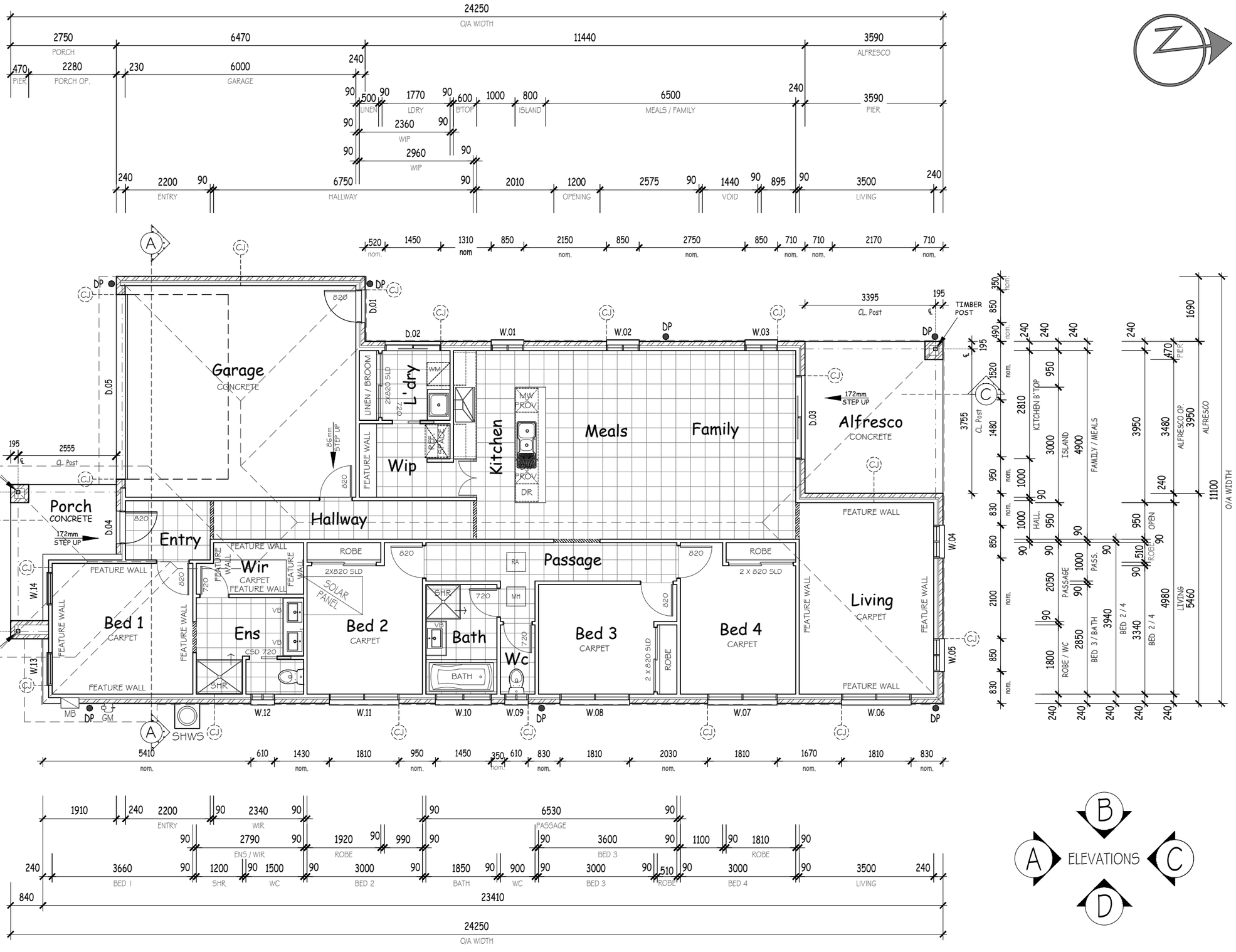
SIGNITURES: CLIENT 1: ____ CLIENT 2: ____ BUILDER: ____

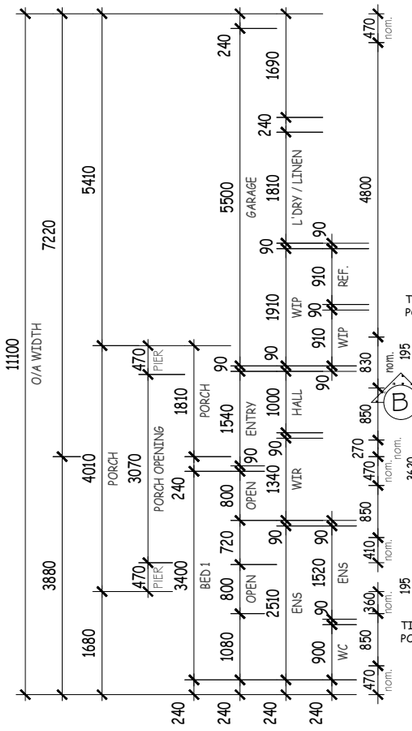
DRAWN BY: B.O.B
SCALE: N/A
DATE: 05/05/18
HOUSE: Flinders 23.8A
FACADE: YARRA

NHS homebuild
Caroline Springs VIC 3023
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1
SHT 2 ~~OF 13~~ REV A

AREA SCHEDULE				
GROUND FLOOR:	170.31	m²	18.33	sq
FIRST FLOOR:	0.00	m²	0.00	sq
GARAGE:	36.16	m²	3.89	sq
ALFRESCO:	14.18	m²	1.53	sq
PORCH:	6.83	m²	0.73	sq
VERANDAH:	0.00	m²	0.00	sq
TOTAL:	227.48	m²	24.49	sq





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AMENDMENTS

No	DATE	DETAILS
A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: FLOOR PLAN

SIGNATURES: CLIENT 1: CLIENT 2: BUILDER:

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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Caroline Springs VIC 3023
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1 SHT 3 OF 13 REV A

ELEVATION "A"

NOTE:

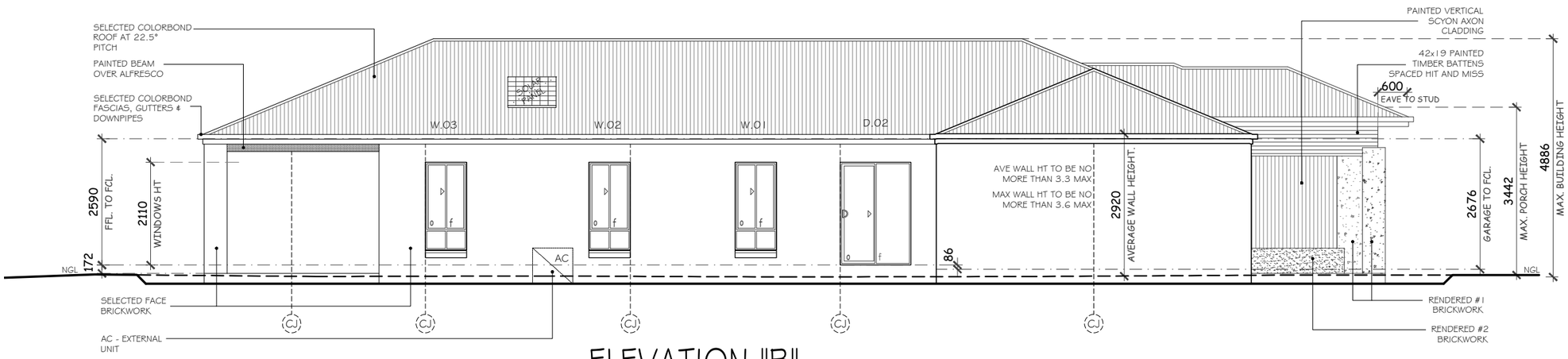
PROVIDE OBSCURE GLAZING TO BATH, WC & ENSUITE WINDOWS

NOTE:

HOLLAND BLINDS TO BE INSTALLED UP TO 11 WINDOWS AND 2 SINGLE SLIDING DOORS

NOTE:

FLYSCREENS TO BE INSTALLED UP TO 11 OPENABLE WINDOWS



ELEVATION "B"

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AMENDMENTS

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A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: ELEVATION A & B

SIGNATURES: CLIENT 1: ____ CLIENT 2: ____ BUILDER: ____

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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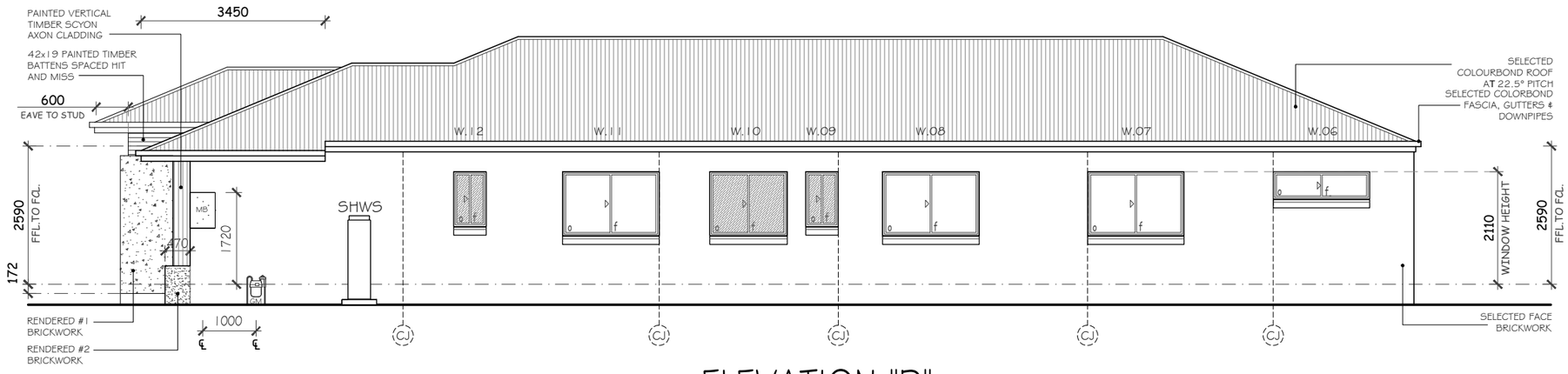
A1

ELEVATION "C"



ELEVATION "D"

NOTE:

PROVIDE OBSCURE GLAZING TO BATH, WC & ENSUITE WINDOWS

NOTE:

HOLLAND BLINDS TO BE INSTALLED UP TO 11 WINDOWS AND 2 SINGLE SLIDING DOORS

NOTE:

FLYSCREENS TO BE INSTALLED UP TO 11 OPENABLE WINDOWS

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AMENDMENTS

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A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: ELEVATION C & D

SIGNATURES: CLIENT 1: ___.___.____ CLIENT 2: ___.___.____ BUILDER: ___.___.____

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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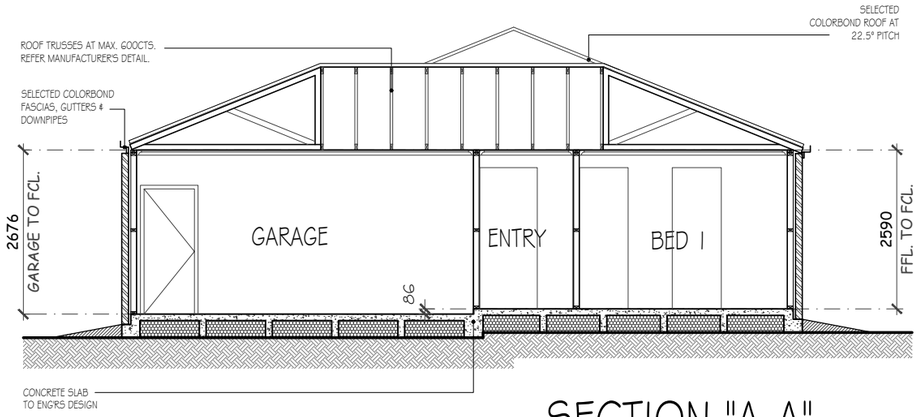
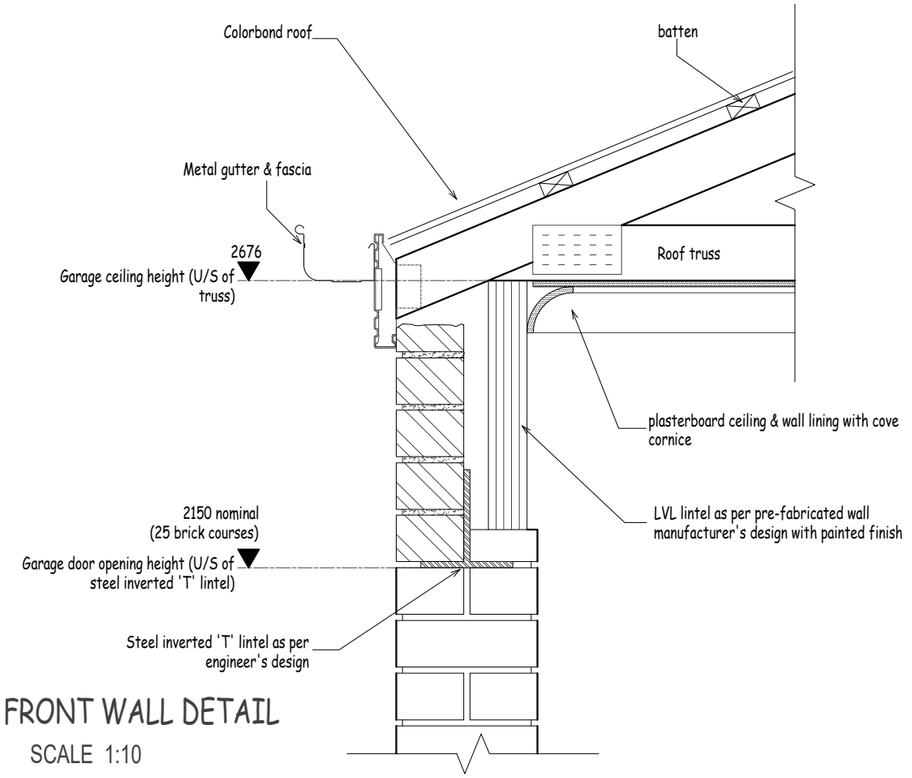
SHT 5 OF 13 REV A

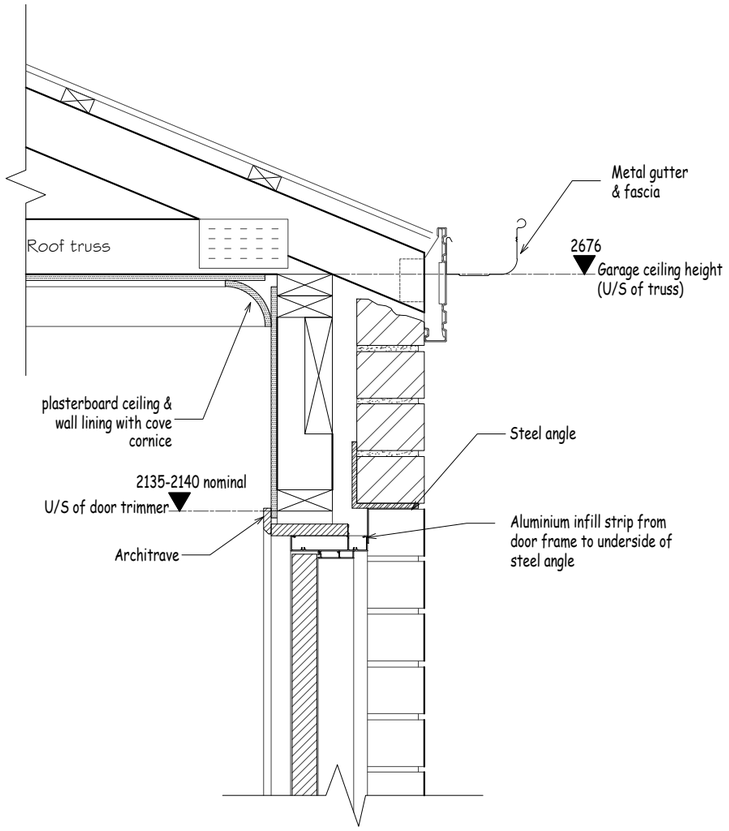


SECTION "A-A"



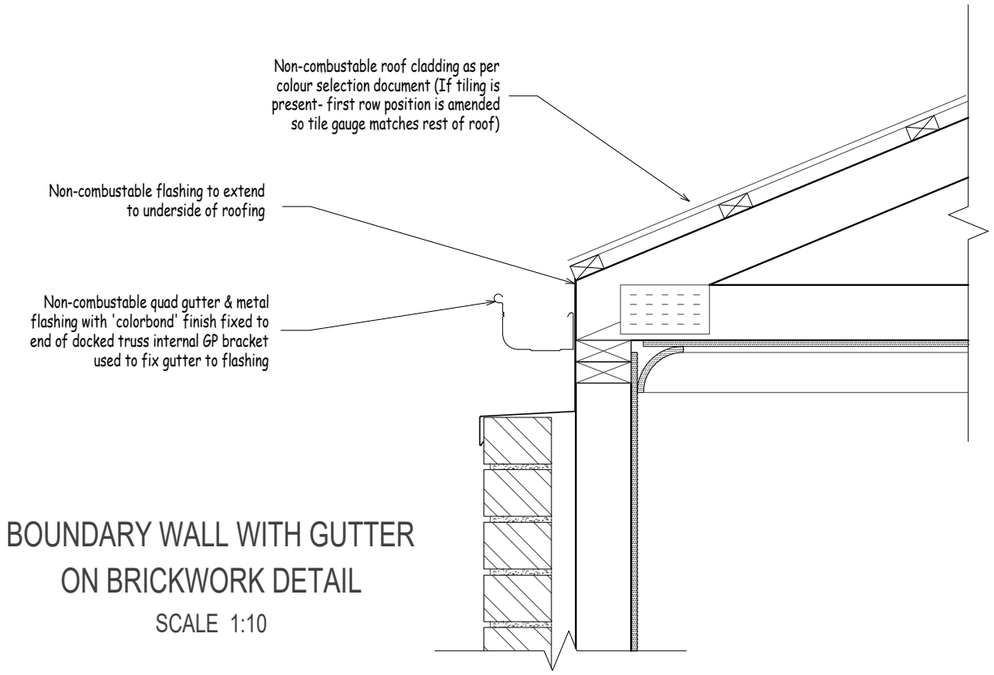
GARAGE FRONT WALL DETAIL

SCALE 1:10



GARAGE REAR WALL AND EAVE DETAIL

SCALE 1:10



BOUNDARY WALL WITH GUTTER ON BRICKWORK DETAIL

SCALE 1:10

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AMENDMENTS

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A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: SECTION

SIGNATURES: CLIENT 1: ___ CLIENT 2: ___ BUILDER: ___

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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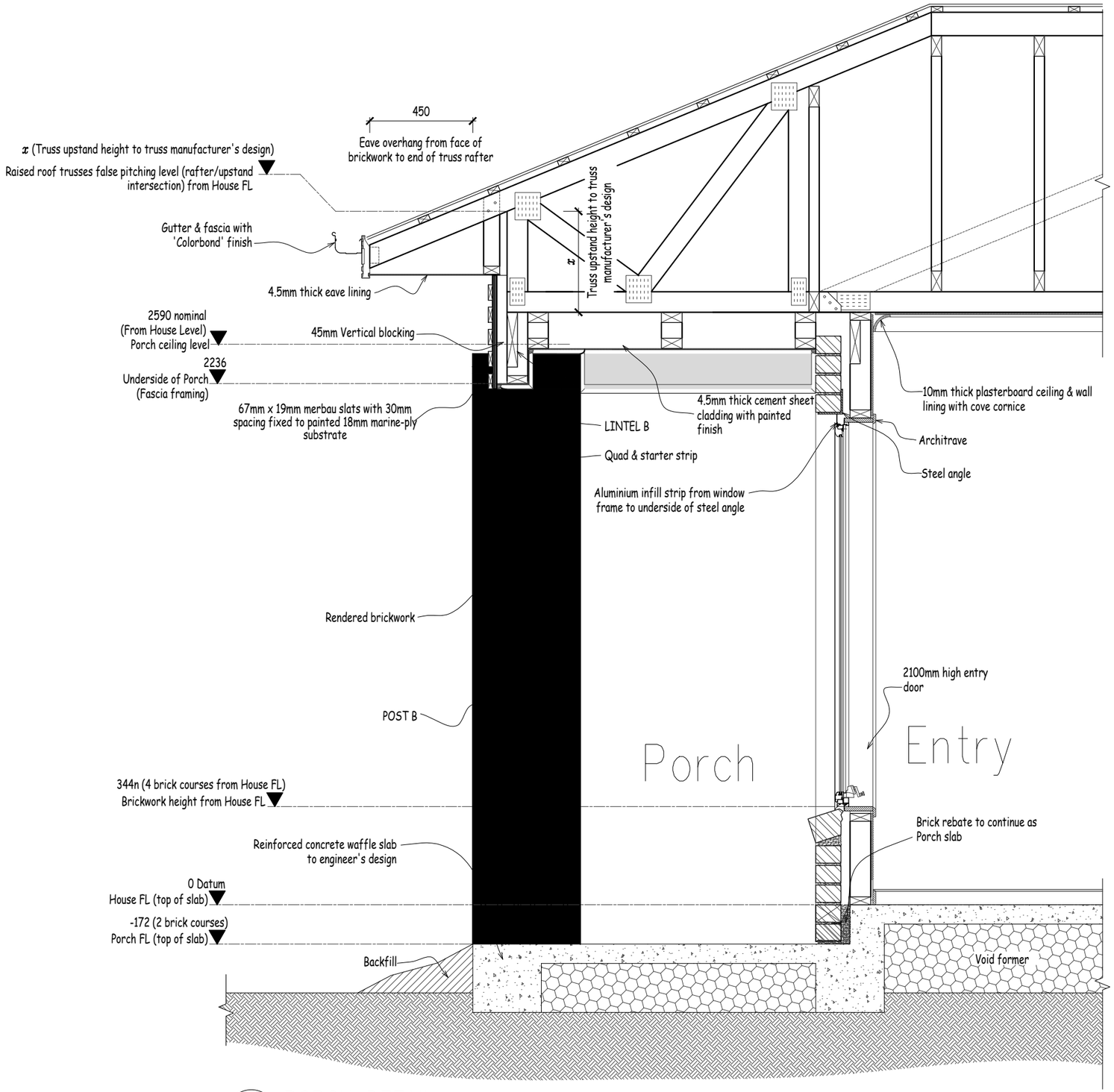
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1



Z / A2 PORCH DETAIL
SCALE: 1:20

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SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate
CLIENT: New Home Shop Sisplays
DRG NAME: SECTION

SIGNATURES: CLIENT 1: / CLIENT 2: / BUILDER:

DRAWN BY: B.O.B
SCALE: 1 : 100
DATE: 05/05/18
HOUSE: Flinders 23.8A
FACADE: YARRA

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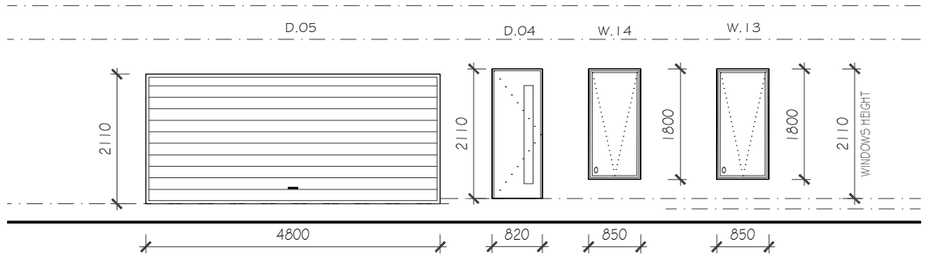
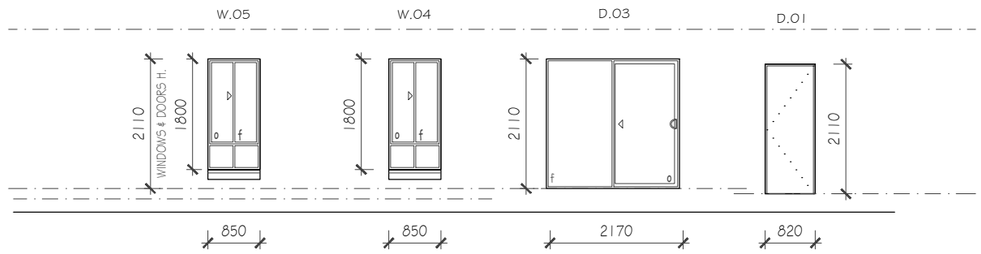
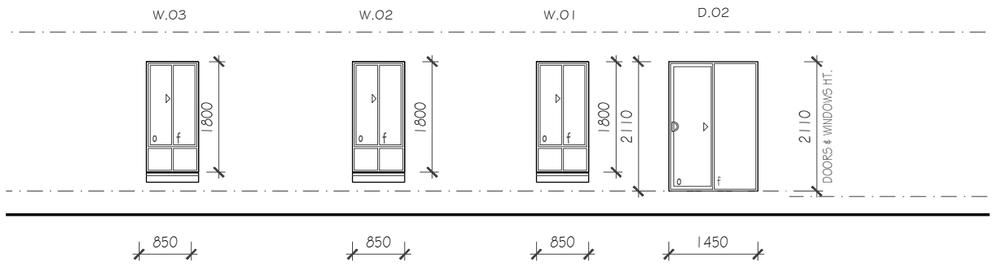
A1
SHT 6 OF 13 REV A



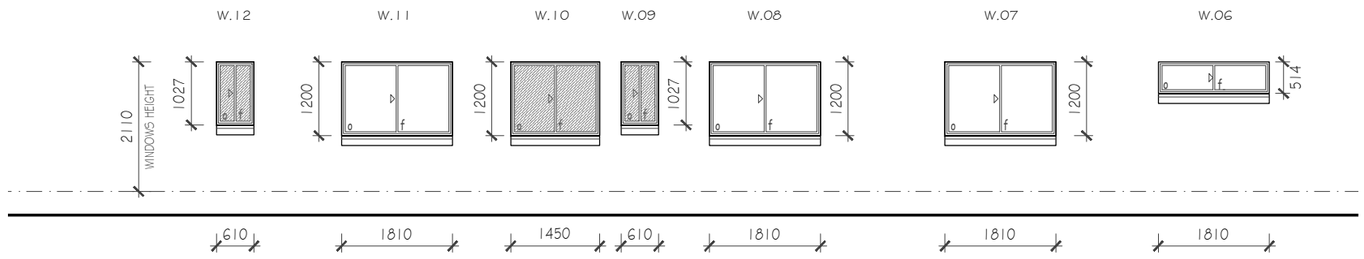
ELEVATION "A"



ELEVATION "C"



ELEVATION "B"



ELEVATION "D"

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A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: WINDOW & DOORS SCHEDULE

SIGNATURES:

CLIENT 1:	
CLIENT 2:	
__.__.____	
BUILDER:	
__.__.____	

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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A1

SHT 7 of 13 REV A

ELECTRICAL LEGEND

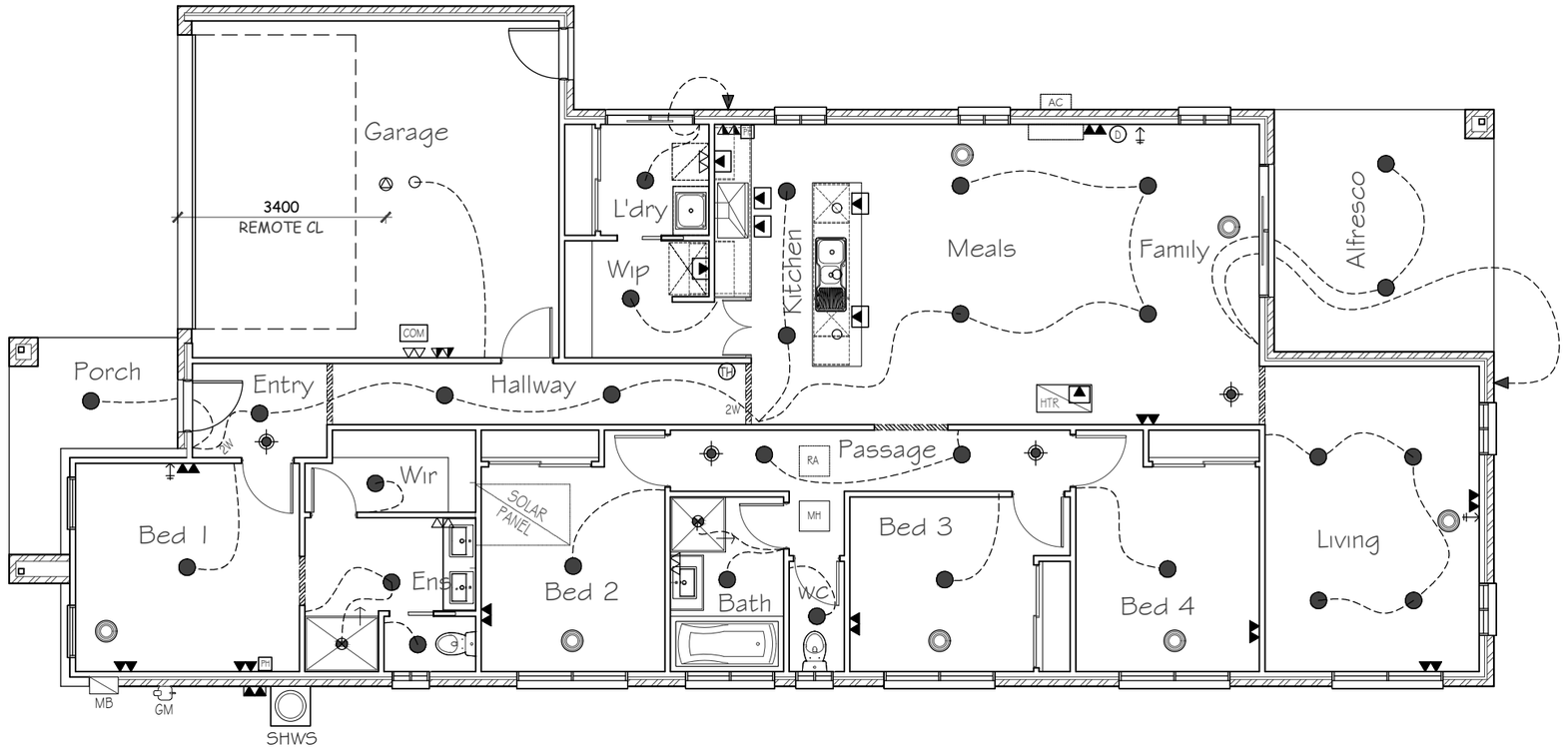
- POSITIONS INDICITIVE ONLY

	Single G.P.O. to ceiling
	Double G.P.O. to ceiling
	Single G.P.O. @ 1350mm
	Double G.P.O. @ 1350mm
	Single G.P.O. @ 1050mm
	Double G.P.O. @ 1050mm
	Single G.P.O. @ 300mm
	Double G.P.O. @ 300mm
	Single G.P.O. @ Nominal Height above floor level
	Double G.P.O. @ Nominal Height above floor level
	Single Water Proof G.P.O
	Double Water Proof G.P.O
	Single G.P.O (Dedicated Power Point)
	Double G.P.O (Dedicated Power Point)
	Single Water Proof G.P.O (Dedicated Power Point)
	Double Water Proof G.P.O (Dedicated Power Point)
	Batten Light Point
	LED Downlight (Sealed Unit)
D	Data Point
COM	Comunication Box (for future use)
PH	Telephone Point
	Single Parafood Light With Sensor
	Single Parafood Light
	Junction Box @ 1900 AFL
	Exhaust fan
	Smoke Alarm
	Television point
MB	Meter box
GM	Gas meter
MH	550mm x 550mm man hole
HTR	Ducted heating unit
EVAP. COOLING UNIT	Evaporative cooling unit
	Evaporative cooling point
AC	Air Conditioned Unit
RA	Heating Return Air
	Ducted heating point
TH	Thermostat
	Ceiling sweep fan with light
	Ceiling sweep fan (no light)
	Alarm unit at 2500mm Mt. above Garage FFL
JB	Junction Box
	Fluorescent light point
	Ducted vacuum unit
	Ducted vacuum outlet point
	Heat Lapms (2 globes / 1 heat)

INTERNAL AREA SCHEDULE				
GROUND FLOOR:	150.64	m²	16.22	sq
FIRST FLOOR:	0.00	m²	0.00	sq
GARAGE:	33.00	m²	3.55	sq
ALFRESCO:	14.39	m²	1.55	sq
PORCH:	6.21	m²	0.67	sq
VERANDAH:	0.00	m²	0.00	sq
TOTAL:	204.25	m²	21.99	sq

TYPE 1 NBN - BASIC KIT

1 OF - 600 SERIES HOME HUB
2 OF - CABLED TELEPHONE POINTS
2 OF - DATA POINT
1 OF - 32 CONDUIT FROM MDF TO HUB LOCATION
1 OF - 1 X DRAW CABLE (CAT 5E) TO PROVIDE CONNECTION



PROVISION OF ARTIFICIAL LIGHTING IN ACCORDANCE WITH NCC 3.12.5.5				
AREA	AREA (M2)	No OF LIGHTS (10W)	TOTAL PROPOSED WATTAGE (W)	WATTS PER M2
DWELLING	150.64	23	230	1.53
GARAGE	33.00	1	10	0.30
PORCH/ALFRESCO	20.60	3	30	1.46

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A.	09.07.2018	Working Drawing Issues - B.O.B.
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SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate
CLIENT: New Home Shop Sisplays
DRG NAME: ELECTRIC PLAN

SIGNITURES: CLIENT 1: ___ CLIENT 2: ___ BUILDER: ___

DRAWN BY: B.O.B
SCALE: 1 : 100
DATE: 05/05/18
HOUSE: Flinders 23.8A
FACADE: YARRA

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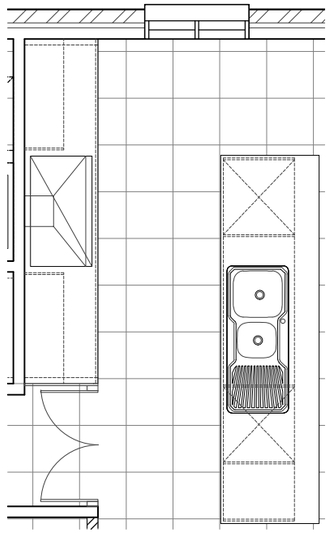
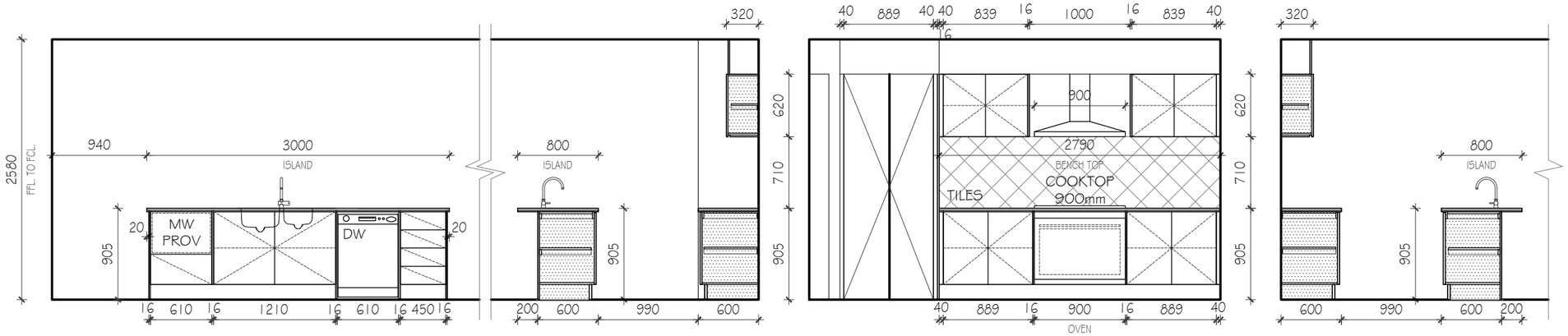
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1
SHT 8 OF 13 REV A



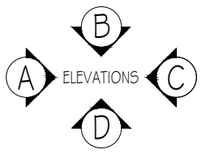
KITCHEN

SCALE 1/50



Elevation A Elevation B Elevation C Elevation D

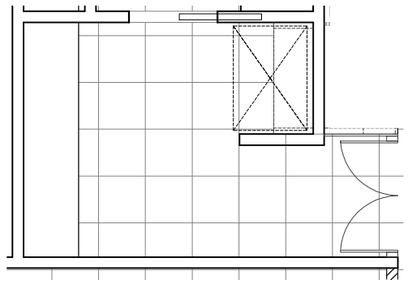
KITCHEN



NOTE:
PROVIDE MDF BULKHEAD TO ALL OVERHEAD CUPBOARDS

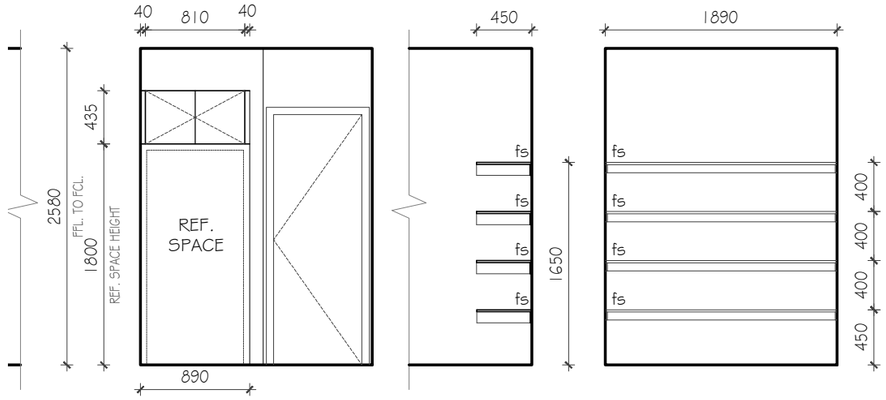
NOTE:
INTERNAL ELEVATIONS DRAWN TO PLASTER

NOTE:
20mm STONE BENCHTOPS TO KITCHEN ILO STANDARD



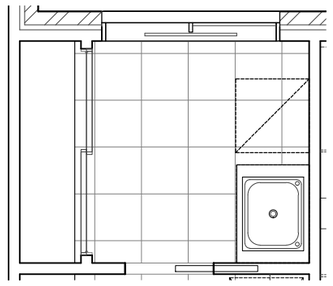
WIP

SCALE 1/50



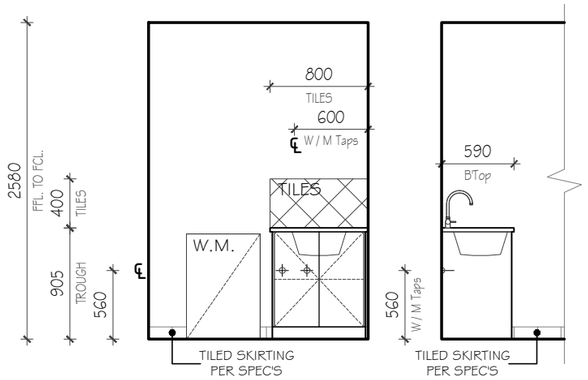
Elevation A Elevation B Elevation C

WIP



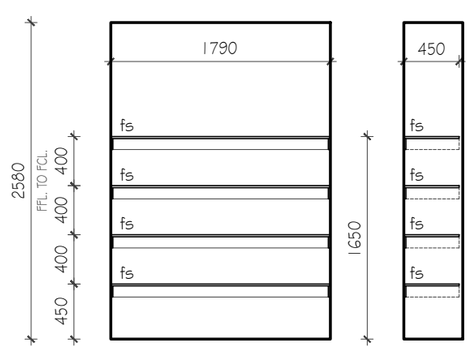
LAUNDRY & LINEN

SCALE 1/50



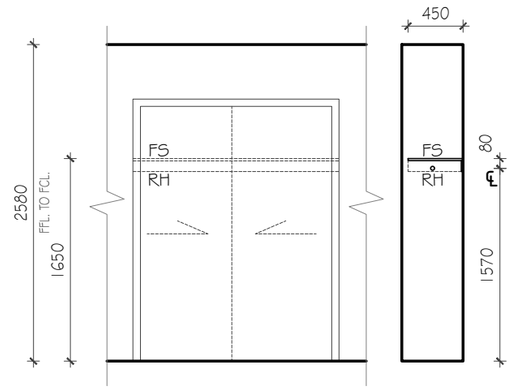
Elevation A Elevation B

LAUNDRY



Elevation C & D

LINEN



ROBE STANDARD

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SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: INTERNAL ELEVATION

SIGNATURES: CLIENT 1: CLIENT 2: BUILDER:

DRAWN BY:	B.O.B
SCALE:	1 : 50
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

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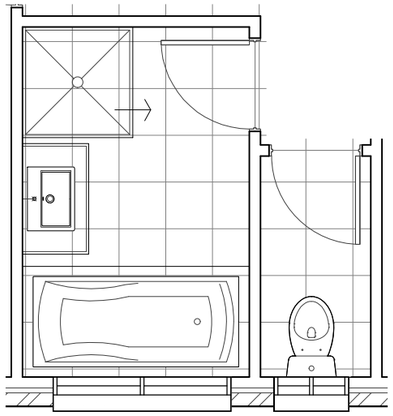
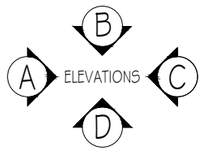
SHT 9 OF 13 REV A

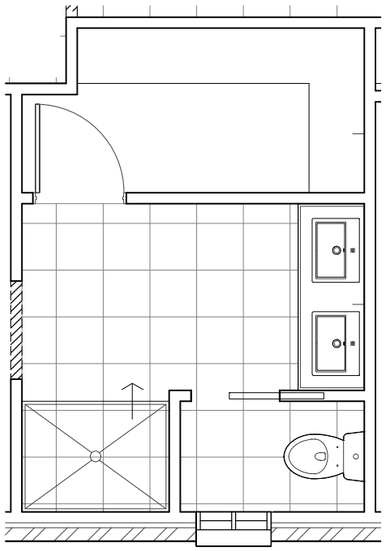


BATHROOM & WC

SCALE 1/50

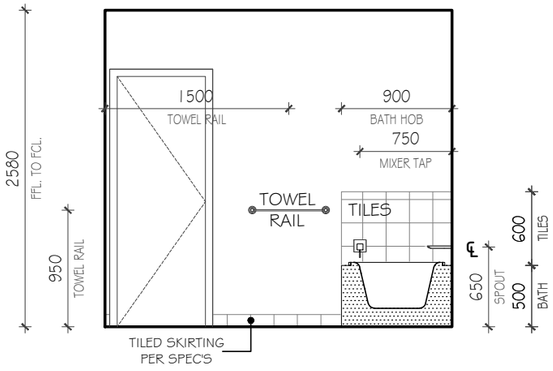


NOTE:
INTERNAL ELEVATIONS DRAWN TO PLASTER

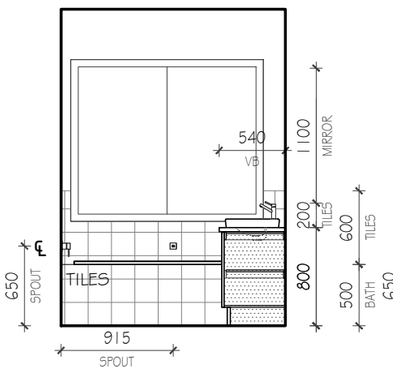


ENSUITE & WIR

SCALE 1/50



Elevation A



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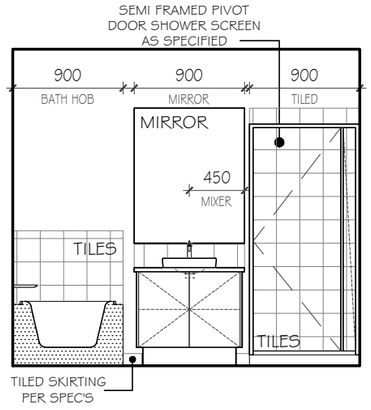

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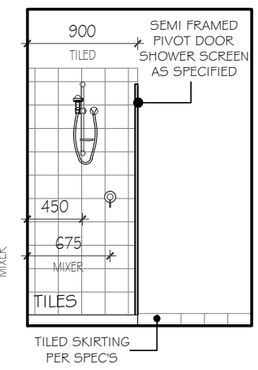

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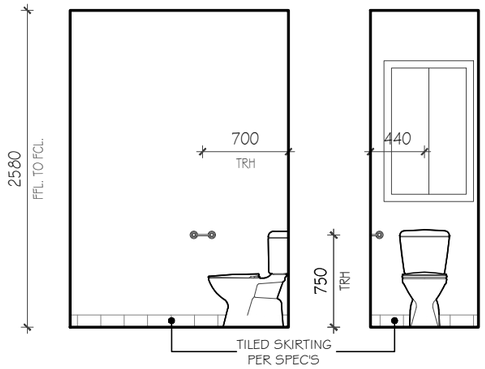

Elevation A

Elevation B

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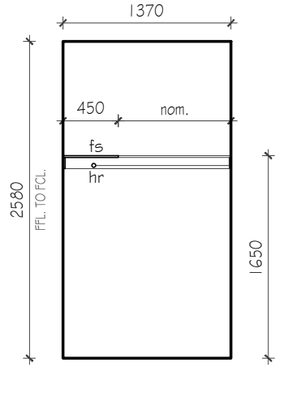

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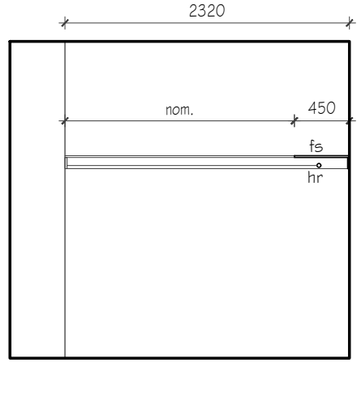

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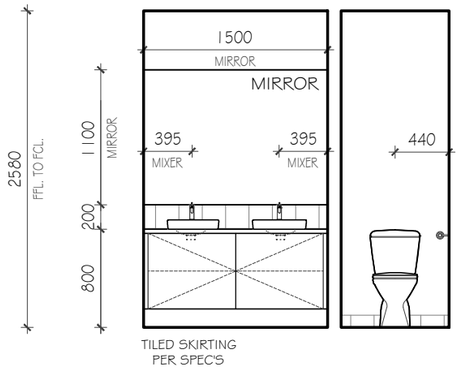

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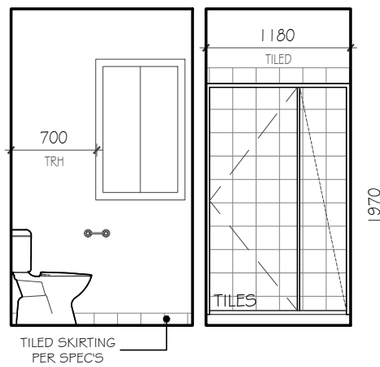

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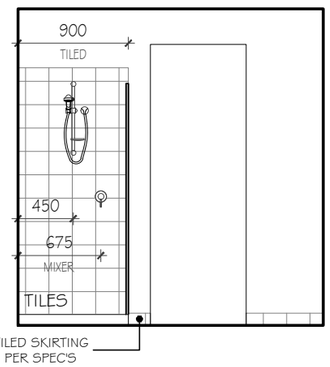

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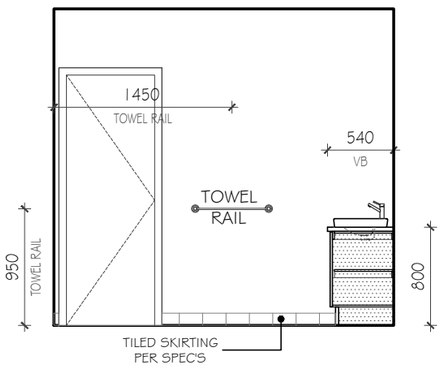

Elevation D

ENSUITE

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AMENDMENTS

No	DATE	DETAILS
A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: INTERNAL ELEVATION

SIGNATURES: CLIENT 1: / CLIENT 2: / BUILDER:

DRAWN BY:	B.O.B
SCALE:	1 : 50
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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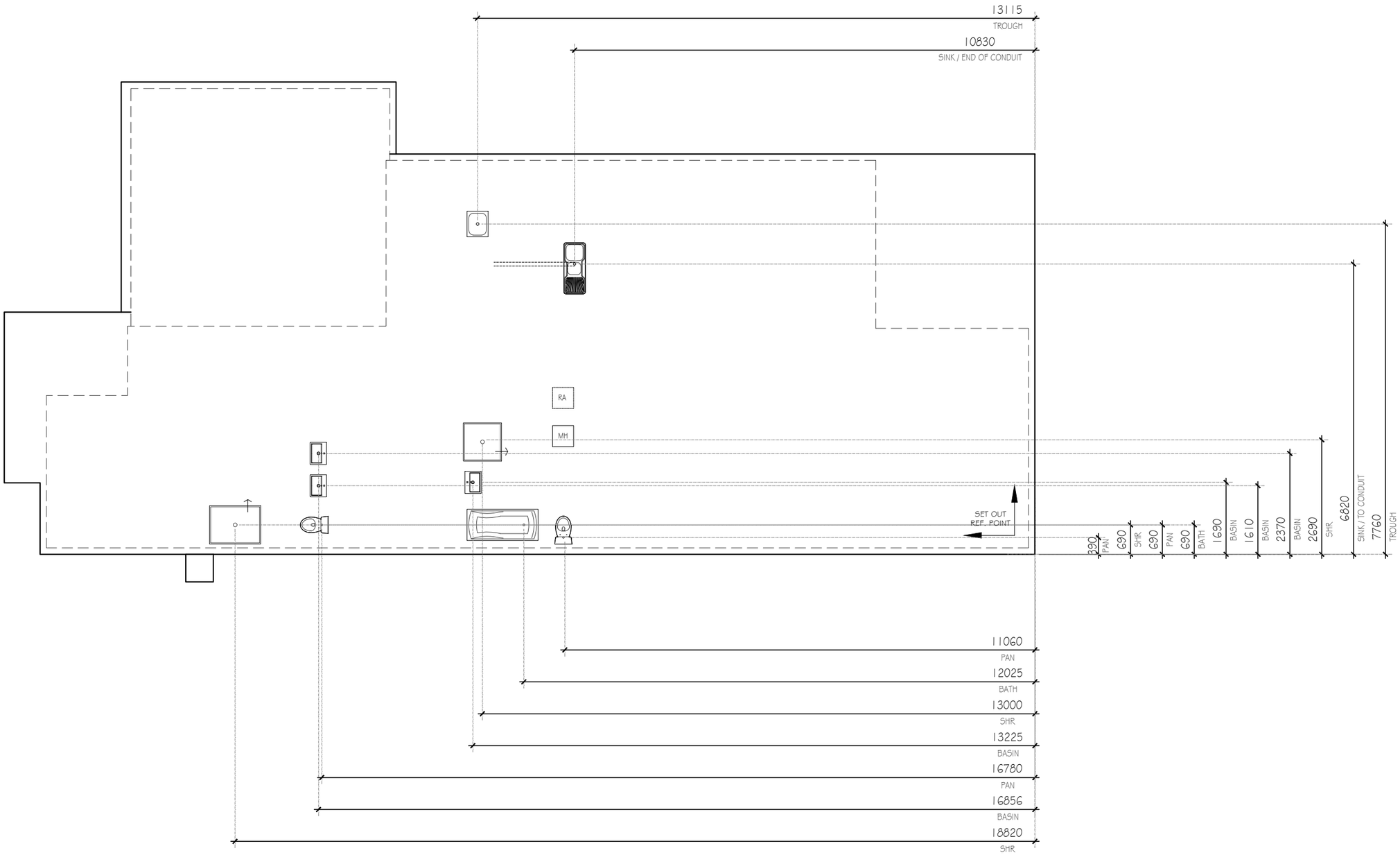
Caroline Springs VIC 3023
Phone: 03 8390 0322 Web: www.nhshomebuild.com.au

A1

SHT 10 OF 13 REV A



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A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: HYDRAULIC PLAN

SIGNITURES:

CLIENT 1:

CLIENT 2:

—.—.—

BUILDER:

—.—.—

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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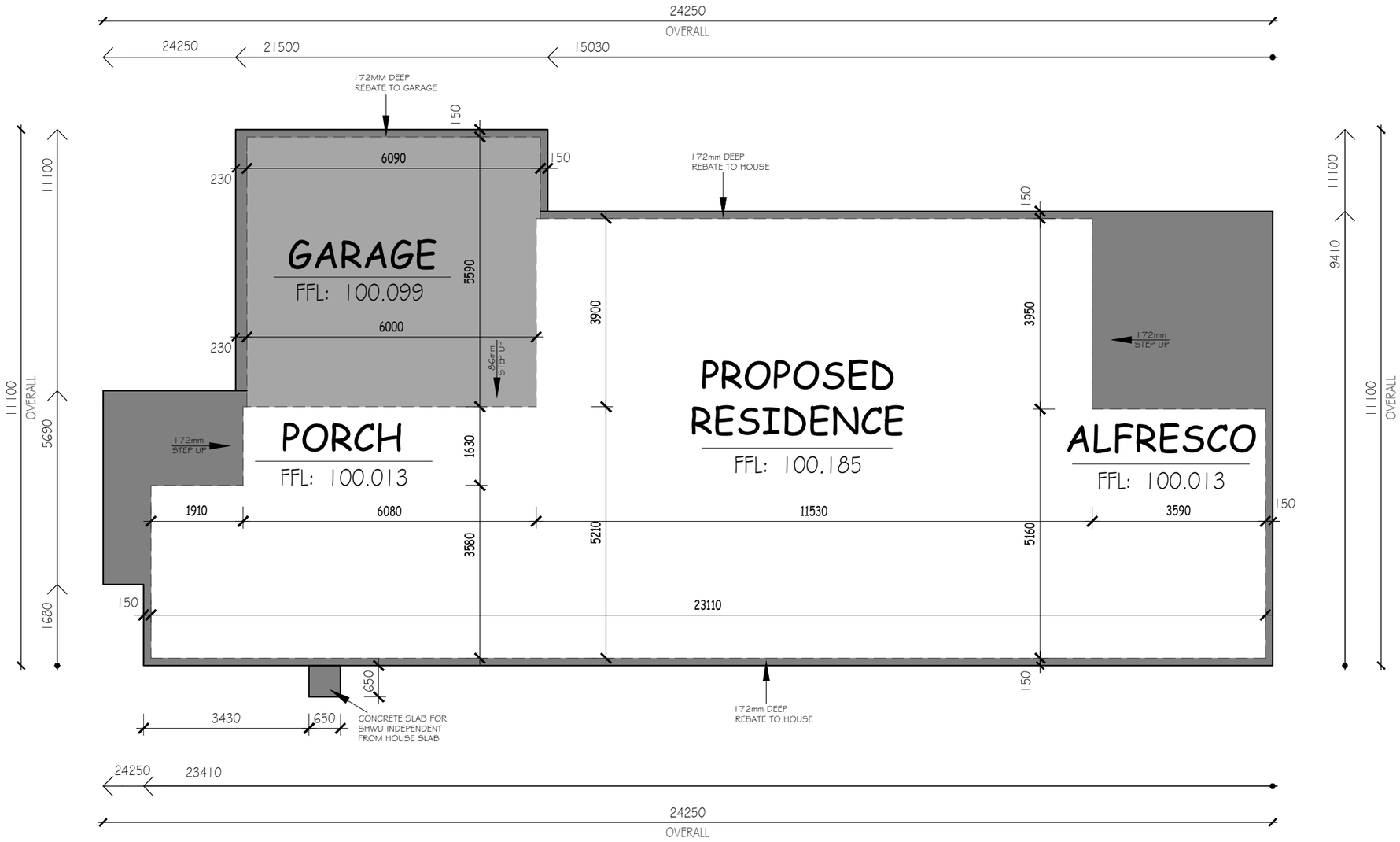
A1

SHT 11 OF 13 REV A

HOUSE AREAS

GROUND : 227.48 sq.m



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AMENDMENTS

No	DATE	DETAILS
A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: SLAB PLAN

SIGNATURES:

CLIENT 1:

CLIENT 2:

BUILDER:

DRAWN BY:	B.O.B
SCALE:	1 : 100
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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SHT 12 OF 13 REV A

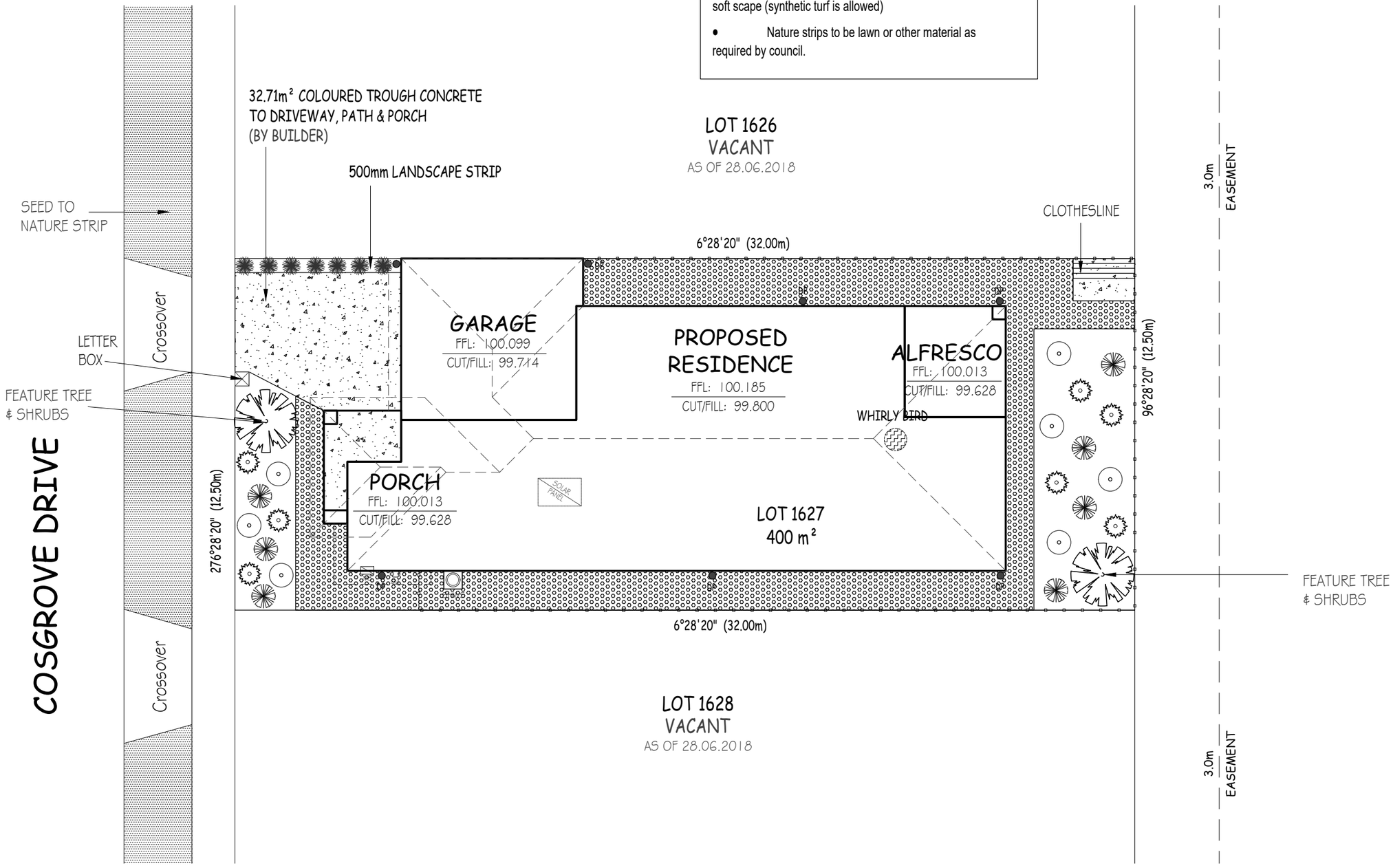
NOTE:

PROVIDE FULL LANDSCAPING TO HOUSE
AS PER DEVELOPER GUIDELINES

Any outbuildings, sheds, detached garages, service equipment, and other ancillary items must meet the requirements of Sections 4.11 & 4.12 of the relevant Stonehill Memorandum of Common Provisions.

Landscaping must comply with the requirements of section 7 of the relevant Stonehill Memorandum of Common Provisions. This includes:

- at least one large tree installed from a minimum 100 litre pot in the front garden
- At least of 50% of the total front garden area as soft scape (synthetic turf is allowed)
- Nature strips to be lawn or other material as required by council.



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AMENDMENTS

No	DATE	DETAILS
A.	09.07.2018	Contract Drawing Issues - B.O.B.
A.	09.07.2018	Working Drawing Issues - B.O.B.
B.	16.08.2018	Colour Variations - T.T

SITE ADDRES: Lot 1627, Cosgrove Drive, Maddingley, Stonehill Estate

CLIENT: New Home Shop Sisplays

DRG NAME: LANDSCAPE

SIGNATURES: CLIENT 1: ____ CLIENT 2: ____ BUILDER: ____

DRAWN BY:	B.O.B
SCALE:	1 : 150
DATE:	05/05/18
HOUSE:	Flinders 23.8A
FACADE:	YARRA

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SHT 13 of 13 REV A

Item 5.6 Planning Permit Number PA2018 200 – Two (2) Lot Re-Subdivision and Development and Use of a Dwelling at 1343 Glenmore Road, Glenmore

Application Summary:	
Permit No:	PA2018 200
Lodgement Date:	7 August, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Crown Allotment 5F, Section 4, Parish of Bungeeltap & Lot 1 on PS 128444, 1343 Glenmore Road, Glenmore 3340.
Proposal:	Two (2) Lot Re-Subdivision and Development and Use of a Dwelling.
Lot size:	32.37ha & 96.07ha
Why is a permit required?	Clause 35.07 – Farming Zone – Subdivision and Use and Development of a Dwelling. Clause 42.01 – Environmental Significance Overlay – Subdivision and buildings and works.
Reason for being presented to S86 Development Assessment Committee.	Recommendation for refusal.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	None
Consultation Meeting:	Not applicable.
Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Robert Fillisch* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Tom Tonkin* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Yes – to Infrastructure, Environmental Health, Southern Rural Water and Pacific Hydro.
Any issues raised in referral responses?	No.
Preliminary concerns?	How the re-subdivision would benefit the entire landholding, considering the lots would be separately disposable, with the smaller lot's size, dimensions, and development for a dwelling limiting its capacity for farming independent of Lot 2. Further information was requested in relation to the farm management plan and assessment against the Farming Zone provisions.
Any discussions with applicant regarding concerns?	Prior to advertising the application, the Council Officer wrote to the applicant about the abovementioned concerns.
Any changes made to the application since being lodged?	Plans and documentation amended in accordance with the further information request, but no changes to the overall proposal.
Brief history	None applicable.
Previous applications for the site?	None.
General Summary	It is proposed to re-subdivide the property to create lots of 120.2ha and 8.27ha, and to use and develop the smaller lot for a dwelling. The larger lot contains an existing dwelling and the proponent asserts that the proposal would assist in farming and rehabilitating the land. The proposal is inconsistent with relevant State and local planning policy and the Farming Zone provisions for agricultural land use and rural housing development. The proposal is inconsistent with the orderly planning of rural land, resulting in the increased fragmentation of agricultural land for non-farming related activity and the intensification of residential activity in an area zoned to support agriculture.
Summary Recommendation	

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the grounds included at the end of this report.

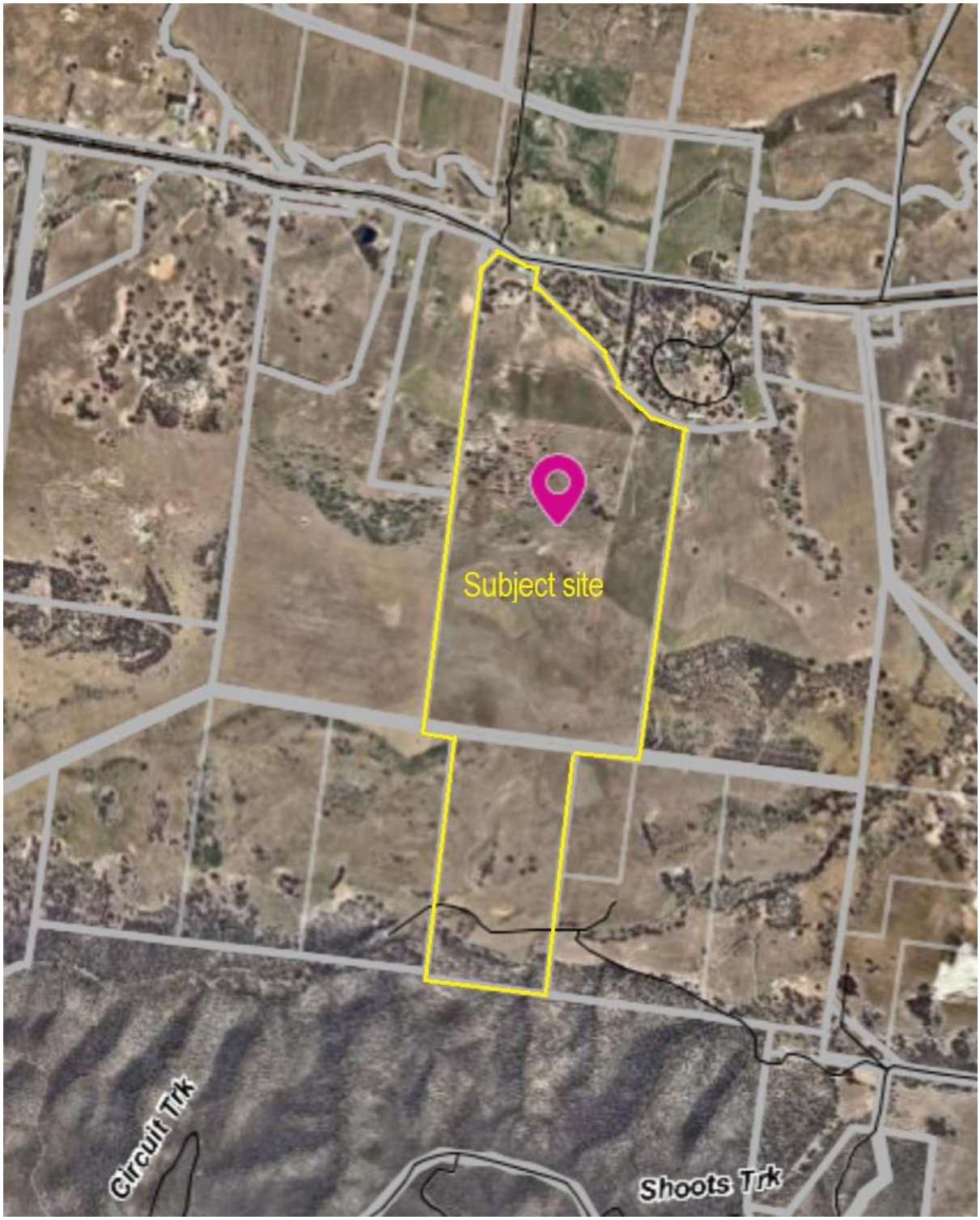
Site Description

The site comprises two contiguous lots, identified as Crown Allotment 5F, Section 4, Parish of Bungeeltap & Lot 1 on PS 128444 and combined are known as 1343 Glenmore Road, Glenmore. Crown Allotment 5F is a rectangular shaped parcel of 32.37ha, through which Spring Creek meanders with land between the creek and the southern boundary steeply sloping and heavily vegetated directly bordering the Brisbane Ranges National Park. North of the creek is predominantly cleared grazing land, topographically varying from a floodplain extending to hilly land further to the north culminating in a plateau which extends across the border of Lot 1 further to the north, before descending steeply to the north to predominantly cleared slopes used for grazing. Towards the northern frontage of Lot 1 is an existing dwelling, ancillary outbuildings, farm sheds and two dams set in treed surroundings. Tributaries of Parwan Creek flow through the northern part of the site. The lots are separated by an unmade Government road and Crown Allotment 5 is encumbered by a 20.0m wide carriageway easement running in a generally east-west direction in favour of the adjoining land to the west enabling access to Reids Road further to the east. Lot 1 is encumbered by a 20.0m wide powerline easement near its northwest corner.

The subject site is used for a commercial cattle breeding enterprise and for horse agistment. There are currently 50 breeding cows and their calves, several replacement heifers and a bull. There has been significant land degradation caused by past farming activity resulting in degraded soils and pest weed and vermin problems and the landowners are progressively rehabilitating the site in conjunction with Grow West, Landcare and Melbourne Water by planting trees, fencing off land around the escarpment and waterways and doing works to mitigate soil erosion and improve biodiversity. Approximately 50ha of the site is arable and used to grow fodder crops.

The site and most surrounding land is in the Farming Zone and characterised by mostly cleared land used for grazing. Lot sizes vary significantly in the immediate area and dwellings are not uncommon along the Glenmore Road corridor. To the northwest of Lot 1, fronting Glenmore Road is a 0.21ha lot containing a dwelling. To the west of the site is a 19.8ha lot containing a single dwelling and ancillary outbuildings. Also to the west is a 71.0ha lot containing a single dwelling and ancillary outbuildings. To the east is a 90.73ha vacant lot used for grazing. To the northeast, fronting Glenmore Road, is a parcel of land in the Public Park and Recreation Zone occupied by the Lady Northcote YMCA complex. To the north, across Glenmore Road, is a landholding comprising multiple titles which combine for an area of approximately 750ha supported by a single dwelling close to Glenmore Road. The land to the south, comprising the Brisbane Ranges National Park, is in the Public Conservation and Resource Zone.

The site has a power and water supply but no other reticulated services.



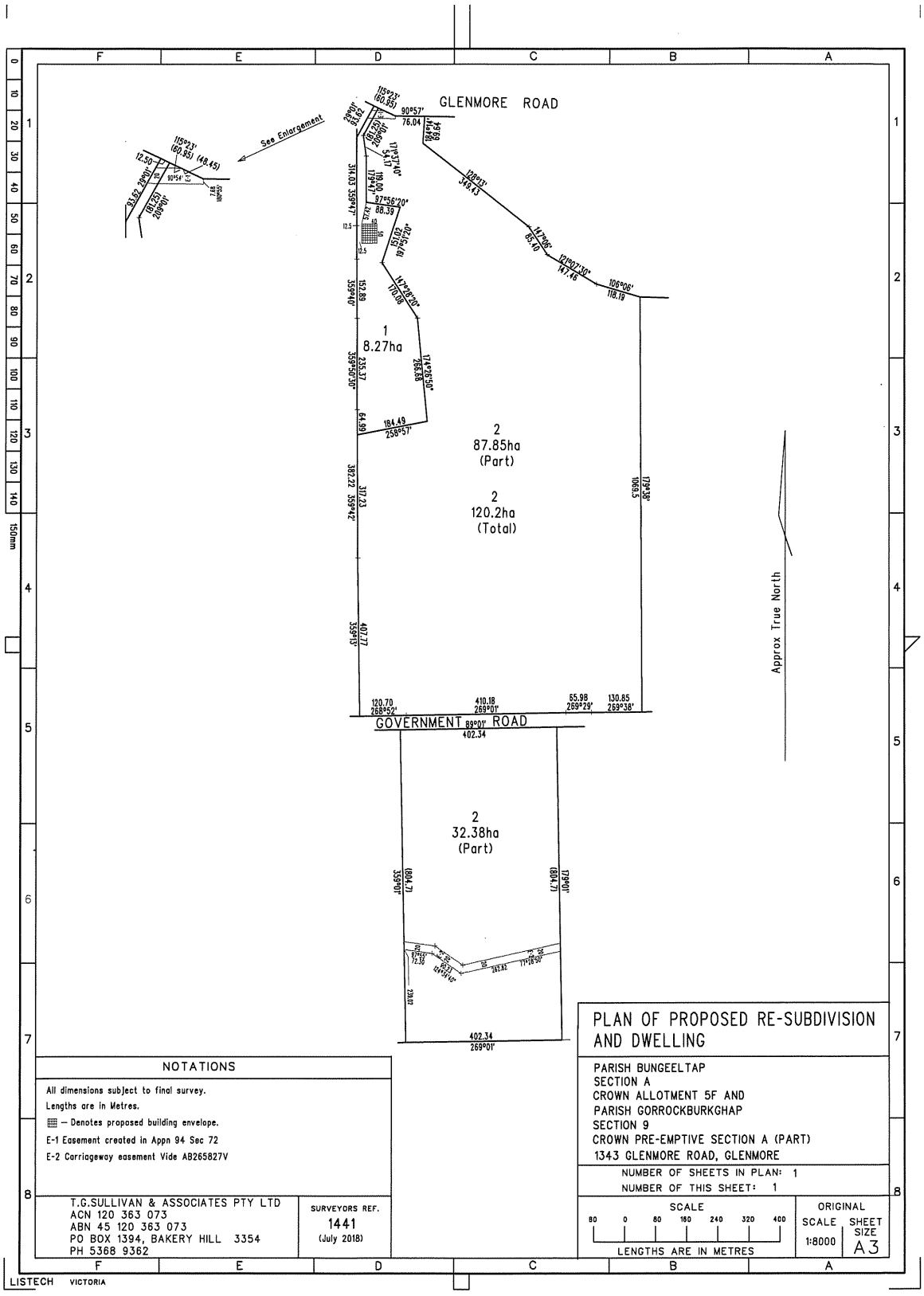
Proposal

It is proposed to re-subdivide the land into two (2) lots and use and develop the proposed smaller lot for a dwelling.

Proposed Lot 1 would have an area of 8.27ha, occupy the northwest portion of the property and be an irregular shape with a 12.5m wide frontage to Glenmore Road and depth of 860.9m. It is proposed to construct a dwelling on Lot 1 comprising three bedrooms, bathroom, laundry and open plan kitchen, meals and living area, and be of a contemporary design with a low pitched roof and cladding including steel and timber. No vegetation removal would be required.

Proposed Lot 2 would occupy the balance of the land and have an area of 120.2ha and contain the existing dwelling and other existing improvements.

The proposed re-subdivision and dwelling are stated to be in support of the ongoing farming and rehabilitation of the property, as previously described, by providing a dwelling on a separate title for the landowners' daughter to enable her to assist in the long term operation of the farm including land rehabilitation. The stated benefit of re-subdividing would reconfigure the lot boundaries to provide direct road access to the smaller lot with ready access to reticulated power and a phone line, noting the isolated location and virtually landlocked condition of the existing Crown Allotment 5F.

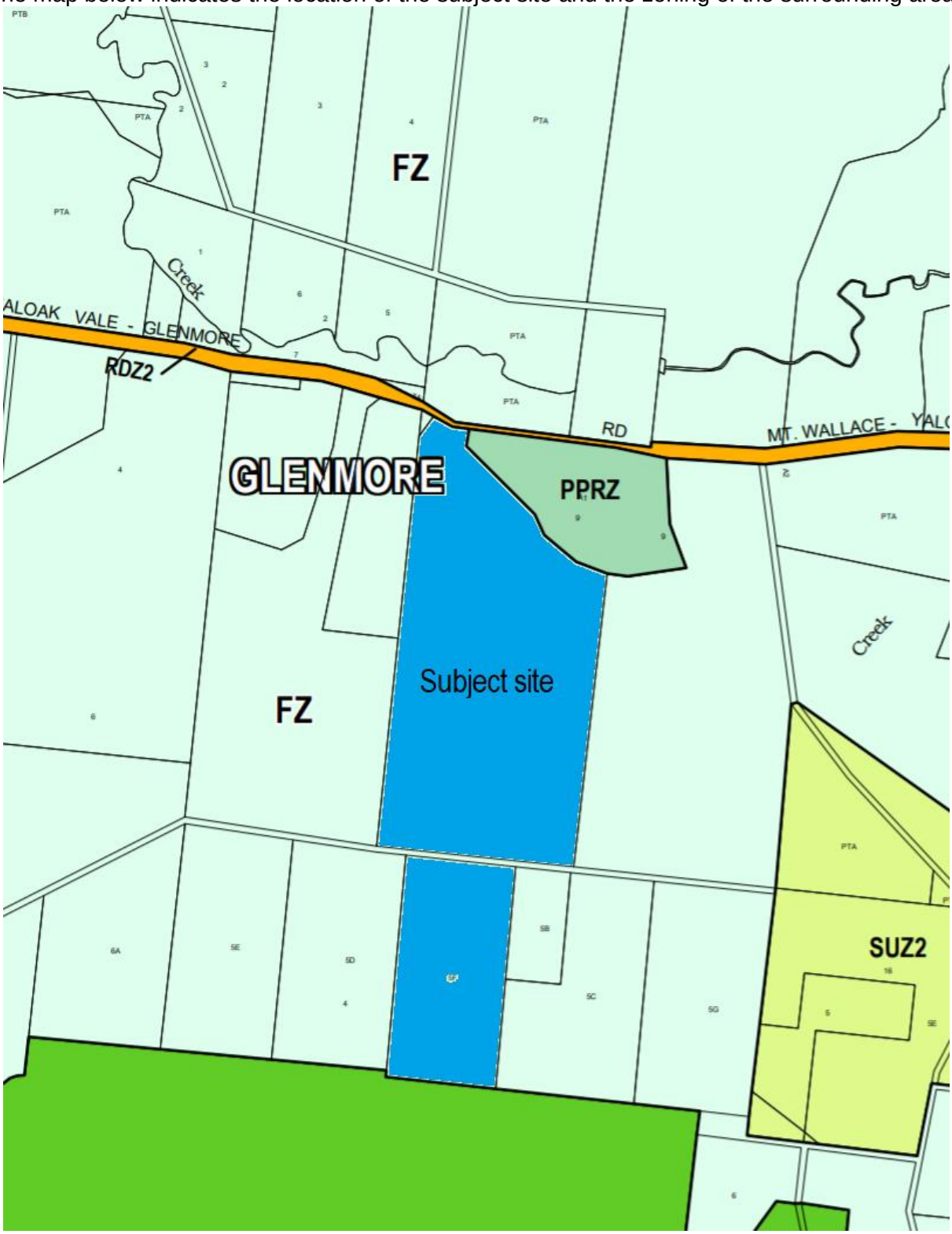


Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 21 November 2018 and a sign erected on site from 27 November until 12 December 2018. No objections were received.

Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.01-1S Protection of agricultural land.
- 14.02 Water.
- 15.01-6S Design for rural areas.
- 21.02-2 Non-Urban Landscapes.
- 21.02-3 Water and Catchment Management.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.03-6 Rural Lifestyle Opportunities.
- 21.04-2 Agriculture.
- 22.02 Special Water Supply Catchments.
- 22.03 Houses and House Lot Excisions in Rural Areas.

The proposal complies with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

PPF	**Title**	**Response**
Clause 11.03-3S	Per-urban areas	The proposal would intensify residential use of the site and fragment farm land.
Clause 14.01-1S	Protection of agricultural land	The proposal increases residential use of farm land and reduces the capacity of the land to support agriculture.
LPPF		
Clause 21.02-2	Non-Urban Landscapes	The proposal would increase residential development in a rural location which erodes the rural character of the area.
Clause 21.03-4	Landscape and Neighbourhood Character	The proposed dwelling's long-term benefit to agriculture is not sufficiently justified.
Clause 21.03-6	Rural Lifestyle Opportunities	The proposal would fragment farm land.
Clause 21.04-2	Agriculture	The proposal would not sufficiently support long term productive and sustainable farming of the site.
Clause 22.03	Houses and House Lot Excisions in Rural Areas	The proposed re-subdivision would not increase agricultural productivity.

Zone

The subject site is in the Farming Zone. The purpose of the Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Under Clause 35.07-1 a permit is required to use and develop a lot of less than 40ha for a dwelling, and under Clause 35.07-3 a permit is required to subdivide land.

Overall, the proposed subdivision and development of a dwelling is inconsistent with the zone provisions.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 due to the site being in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required for development and subdivision. Reticulated sewer is not available to the site, and there are no relevant exemptions under the Schedule. The application was referred to Southern Rural Water as the determining referral authority, who consent unconditionally to the proposal, and Council's Environmental Health officer, who consents subject to conditions.

The site is also affected by Design and Development Overlay, Schedule 2. A permit is required to construct buildings and works and subdivide land, however there is an exemption under Schedule 2 where non-reflective building cladding is proposed, as in this instance. Accordingly, no permit is required under this overlay.

Relevant Policies

Council's Rural Housing Policy, adopted on 19 September 2012, gives direction for assessing planning permit applications which propose new residential development of land in the Farming Zone. The Policy encourages residential development in farming areas which satisfies the purpose of the Farming Zone and supports agricultural opportunities. The proposal is broadly in accordance with this policy for sites of 8-20ha, although it is noted that the site is not located in an area where development is particularly encouraged, as per the Policy's Map 1 – Rural Development Areas.

Particular Provisions

None applicable.

Discussion

Overall, the proposed subdivision and use and development for a dwelling is considered to be inconsistent with relevant State and local planning policy, the Farming Zone and the decision guidelines at Clause 65 of the Moorabool Planning Scheme.

The Moorabool Planning Scheme provides discretion for a permit to be granted to use and develop land for a dwelling on a lot less than 40ha. Where a permit is required, the decision guidelines of the Farming zone require a range of matters be considered.

In relation to dwellings in the Farming Zone the decision guidelines require that the responsible authority consider whether a dwelling:

- *Will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

In relation to agricultural issues in the Farming Zone the decision guidelines require that the responsible authority also consider:

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

The proponent asserts that the proposed dwelling and re-subdivision would support an existing cattle breeding and cropping operation, and land rehabilitation program. The proposed re-subdivision would essentially relocate a currently isolated 32ha parcel from the rear of the property to the front but reduce it in size to 8ha for a dwelling lot. The existing 96ha lot would be increased in size to 120ha.

The application includes a farm management plan in support of the proposal, essentially indicating a continuation of current activities. It is accepted that the landowners would benefit from the assistance offered by an additional resident committed to farming and rehabilitating the property. Whilst this may be a functional arrangement for the proponent, Council must consider the long-term potential implications of the proposal, and whether it would have any detrimental impacts on the agricultural viability of the property or surrounding land. The key issue is that it is virtually impossible to ensure that any owner of proposed Lot 1 is directly involved with the farming activities occurring on Lot 2, as the proponent intends. More to the point, by allowing an 8.27ha lot with a dwelling, there is a risk that that property will become a rural lifestyle property used in isolation from surrounding, mostly larger properties, and contribute to fragmentation of farming land, with no long-term benefit to Lot 2, and possibly detrimental if future occupants of Lot 1 object to farming activities incompatible with residential amenity. Whilst these issues would appear to be irrelevant to the landowners' particular situation, the creation of a separately disposable title improved with a dwelling is not considered to be orderly planning for this area. It is accepted that there are several dwellings in relative proximity to the subject site on variously sized landholdings, including smaller than the proposed Lot 1. Their presence is considered to be largely irrelevant in any argument in support of the proposal; based on the proponent's information those dwellings seem to provide little benefit to farming the respective properties. Setting aside the concerns with the re-subdivision, the proposed dwelling's location relative to the larger landholding is generally acceptable, being positioned towards the western boundary to minimize obstruction of farming activities or substantial loss of viable land. The size and form of the dwelling is relatively modest and would not have any detrimental impacts on the rural landscape.

State and local planning policy seeks to protect viable agricultural land for that purpose, and prevent incompatible land uses from encroaching and permanently removing that land from agricultural use. The proposed Lot 1 represents the incremental loss of land from productive agricultural use for conversion to 'rural lifestyle' lots.

By allowing the proposed dwelling on the land the site's use for residential purposes is intensified, and its agricultural viability eroded. This is characteristic of incremental fragmentation of farming land.

Such an outcome is not supported by either State or local planning policy which includes the following objectives:

- *To manage growth in peri-urban areas to protect and enhance their identified valued attributes.* (Clause 11.03-3S)
- *To protect the state's agricultural base by preserving productive farmland.* (Clause 14.01-1S)
- *To maintain and enhance the natural environment and the Shire's rural identity and character.* (Clause 21.02-2)

Further to these objectives, State and local planning policy includes the following relevant strategies:

- *Prevent dispersed settlement and provide for non-urban breaks between urban areas.* (Clause 11.03-3S).
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.* (Clause 14.01-1S).
- *Prevent inappropriately dispersed urban activities in rural areas.* (Clause 14.01-1S).
- *Limit new housing development in rural areas by directing housing growth into existing settlements.* (Clause 14.01-1S).
- *In considering a proposal to use, subdivide or develop agricultural land, consider the desirability and impacts of removing the land from primary production, given its agricultural productivity.* (Clause 14.01-1S).
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.* (Clause 14.01-1S).
- *Focus rural living development in areas close to urban centres with good access to services and facilities where there is minimal impact on productive agriculture and horticulture or areas with environmental values.* (Clause 21.03-5).

Notwithstanding the site's land management issues and constraints imposed by factors including topography, the site is evidently productive for its current purpose and forms part of a larger rural area in the wider Melbourne rural hinterland. The proposal undermines these attributes for the reasons outlined above.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	**Response**
Southern Rural Water Pacific Hydro	Consent Consent
Infrastructure Environmental Health	Consent with conditions Consent with conditions

Financial Implications

The recommendation of refusal of this application would not have any financial implications for Council.

Risk & Occupational Health & Safety Issues

The recommendation of refusal of this approval does not have any risk or OH&S implications for Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The applicant was invited to attend this meeting and address Council if desired.

Options

Council could consider the following options:

- Issue a refusal in accordance with the recommendations of this report;
- Issue a refusal with amendments to the grounds within the recommendation of this report; or
- Issue a permit subject to conditions.

Conclusion

Overall, the proposed use and development for a dwelling and two lot re-subdivision is inconsistent with relevant State and local planning policy and the Farming Zone in respect of agricultural land use and rural housing development. The proposal is inconsistent with the orderly planning of rural land, resulting in the increased fragmentation of agricultural land for non-farming related activity.

Recommendation

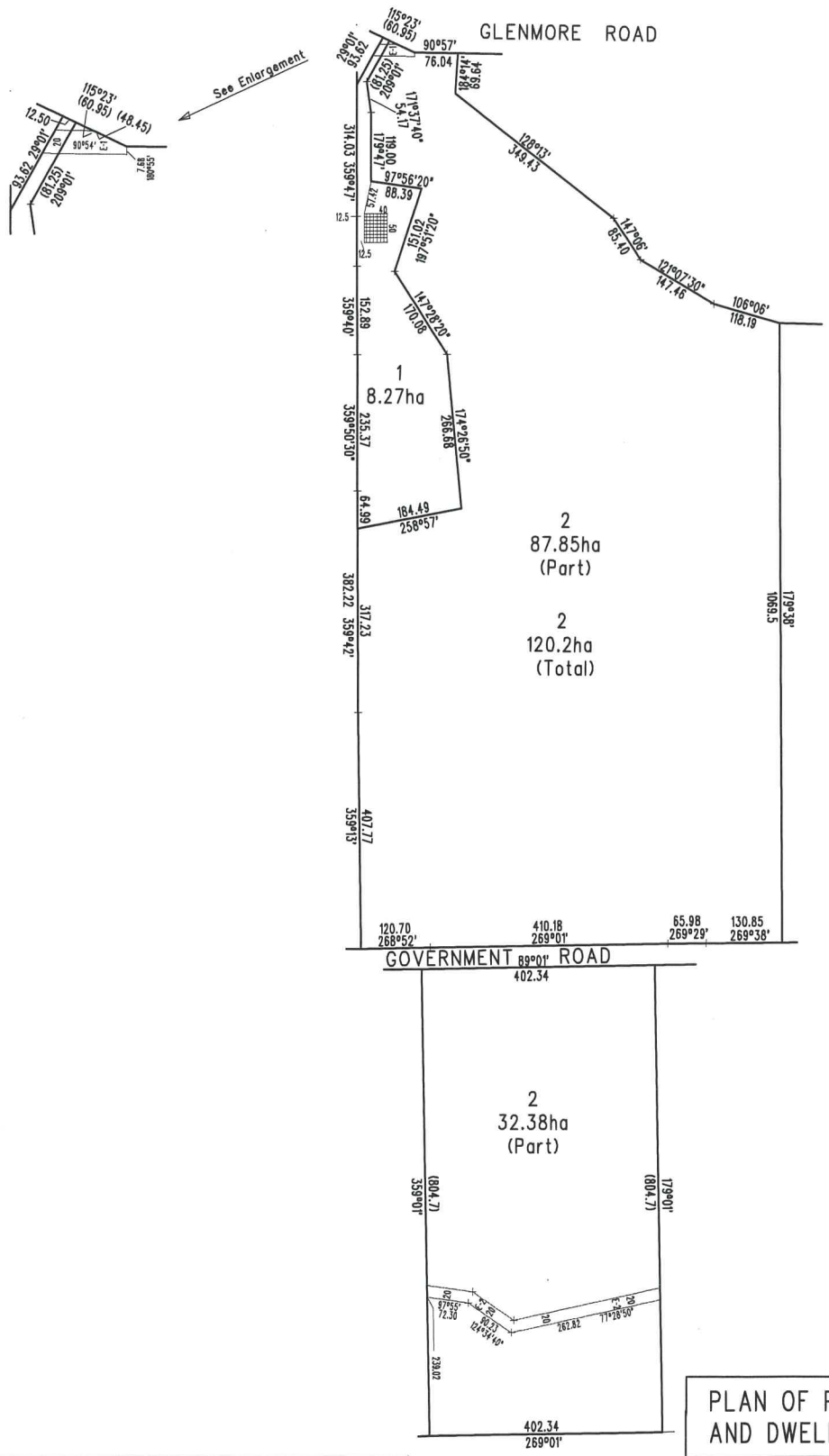
That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018200 for Two (2) Lot Re-Subdivision and Development and Use of a Dwelling at Crown Allotment 5F, Section 4, Parish of Bungeeltap & Lot 1 on PS 128444, 1343 Glenmore Road, Glenmore 3340, on the following grounds:

1. **The proposal is inconsistent with the purpose of the Farming Zone.**

2. **The proposal does not comply with the Planning Policy Framework or Local Planning Policy Framework of the Moorabool Planning Scheme relevant to the use and development of rural land.**

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 19 February, 2019



NOTATIONS

All dimensions subject to final survey.

Lengths are in Metres.

▦ — Denotes proposed building envelope.

E-1 Easement created in Appn 94 Sec 72

E-2 Carriageway easement Vide AB265827V

T.G.SULLIVAN & ASSOCIATES PTY LTD
ACN 120 363 073
ABN 45 120 363 073
PO BOX 1394, BAKERY HILL 3354
PH 5368 9362

SURVEYORS REF.
1441
(July 2018)

PLAN OF PROPOSED RE-SUBDIVISION AND DWELLING

PARISH BUNGEELTAP
SECTION A
CROWN ALLOTMENT 5F AND
PARISH GORROCKBURKGHAP
SECTION 9
CROWN PRE-EMPTIVE SECTION A (PART)
1343 GLENMORE ROAD, GLENMORE

NUMBER OF SHEETS IN PLAN: 1
NUMBER OF THIS SHEET: 1

SCALE
80 0 80 160 240 320 400
LENGTHS ARE IN METRES

ORIGINAL SCALE 1:8000
ORIGINAL SHEET SIZE A3

W.5
SCREEN
W.4
W.3
WIR
BED 3
LIVING
BATH
SKL 1
BED 2
WIR
W.6
W.2
W.8
W.7
W.9
115 sqm
ENTRY
W.1
MASTER BED
WIR
MEALS
KITCHEN
LDRY
W.10
W.11
W.12

Item 5.7 Planning Permit Number PA2018 141 – Two (2) Lot Subdivision at 112 Tramway Lane, Darley

Application Summary:	
Permit No:	PA2018 141
Lodgement Date:	27 June, 2018
Planning Officer:	Bronwyn Southee
Address of the land:	Lot 1 on PS 307493N 112 Tramway Lane, Darley 3340
Proposal:	Two (2) Lot Subdivision
Lot size:	15.29ha
Why is a permit required?	35.07-3 Farming Zone – Subdivision. 42.01-2 Environmental Significance Overlay – Subdivision.
Reason for being presented to S86 Development Assessment Committee.	Recommending refusal.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	Nil
Consultation Meeting:	As there were no objections to the proposal this was not required.
Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A**:**	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Robert Fillisch* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Bronwyn Southee* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Yes – Environmental Planning, Infrastructure.
Any issues raised in referral responses?	Yes – Environmental Planning raised concerns with further intensifying an already environmentally constrained site.
Preliminary concerns?	Yes – the proposal is inconsistent with the objectives of the Farming Zone, particularly Clause 35.07-3.
Any discussions with applicant regarding concerns?	Yes – the applicant believes a single house excision can be on a lot greater than 2ha.
Any changes made to the application since being lodged?	No – the applicant was requested to amend its application to make the house lot 2ha in accordance with Clause 22.03.
Brief history	Nil.
Previous applications for the site?	PA2011350 – extensions to dwelling.
General summary	The subject proposal is for a two lot subdivision of a 15.29ha Farming Zoned property. There is an existing dwelling on the subject site, rather than undertaking a standard house excision the applicant is applying for a two lot subdivision of a single Farming Zoned property which isn't generally supported. The applicant has advised that it is progressing a larger lot excision on the basis that the site is heavily constrained and the larger lot sizes allows this land to be more effectively managed. As this is a two lot subdivision, a permit should not be issued in accordance with Clause 22.03.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council refuse to grant a planning permit for the Two (2) Lot Subdivision on Lot 1 on PS 307493N alternatively known as 112 Tramway Lane, Darley.	

Site Description

The site is identified as Lot 1 on PS 307493N, known as 112 Tramway Lane, Darley. The land currently includes a single storey dwelling, associated outbuildings and tennis court with gravel driveway access off Tramway Lane.

The adjoining surrounding properties to the north, west and south are included in the Farming Zone while the adjoining property to the east is included in the Low Density Residential Zone, which in turn adjoins land to its east included in the General Residential Zone. The subject land could, therefore, be described as being on the outskirts of the Darley residential area.

The topography of the land ranges in elevation from 172 metres to 246 metres, with the majority of the terrain comprising steep, rocky sandstone slopes with there being a significantly large and established erosion gully on the property with another secondary erosion gully further developing on the land. There is significant sediment flow over the land as a result of these gullies, resulting in weed dispersal.

The surrounding area is a mix of small agricultural holdings used included in the Farming Zone that are used for hobby farms in contrast to the residential estates to the east that are included in the General Residential Zone and larger acreage lots in the Low Density Residential Zone.

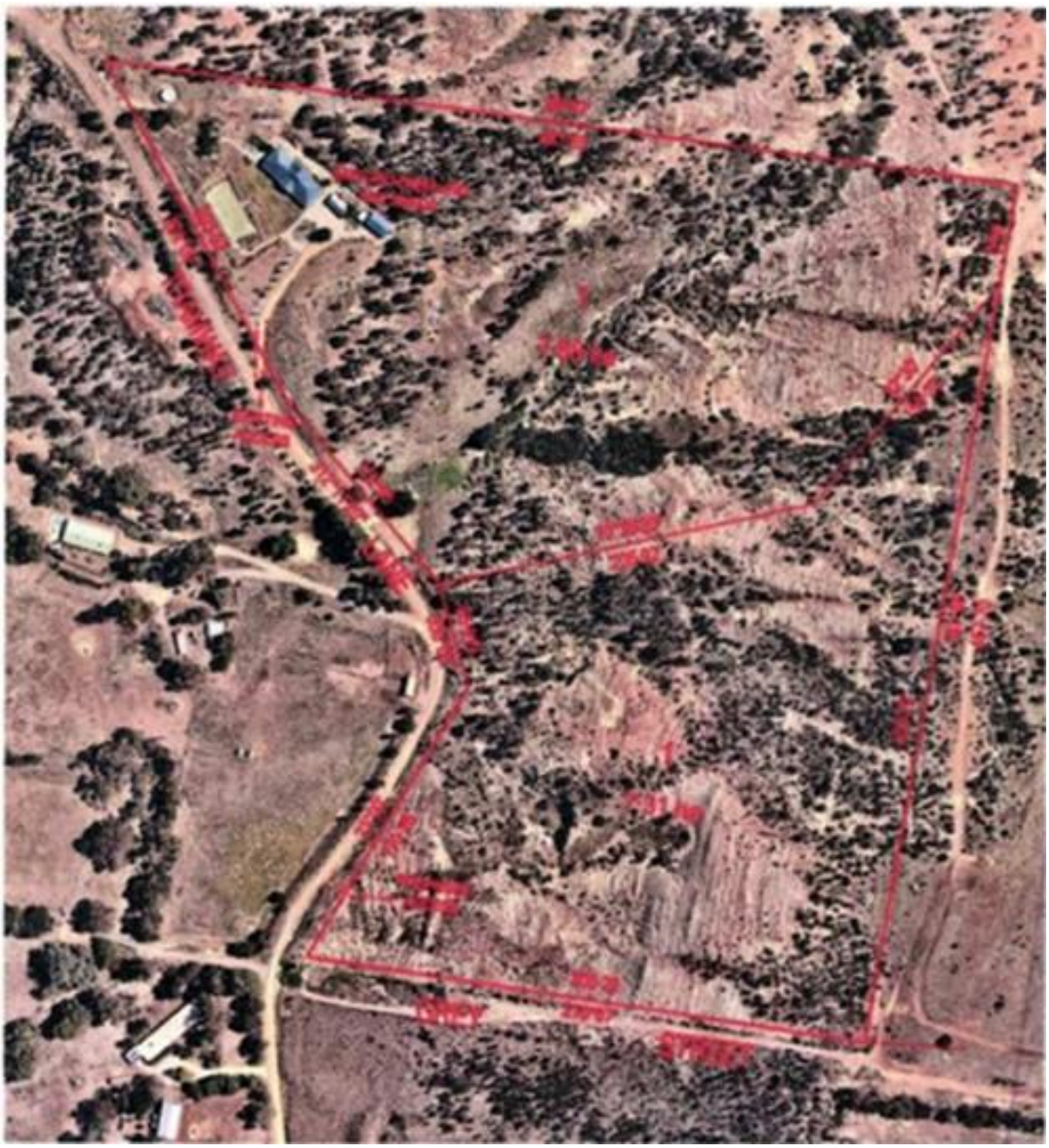
Proposal

The subject site has a total land area of 15.29ha and is included in the Farming Zone. It is proposed to subdivide the site into two lots comprising the following:

- Lot 1 – Existing dwelling and outbuildings on 7.98ha; and
- Lot 2 – Vacant land with total area of 7.31ha.

Both proposed lots will include driveway access off Tramway Lane. The applicant is seeking the subdivision proposal under '*Clause 22.03 – Houses and House Lot Excisions in Rural Areas'* under the Moorabool Planning Scheme. The proposed subdivision essentially excises the existing dwelling from the balance of the agricultural land.

A Land Management Plan has been provided with the application. The aim of this plan is to reduce erosion of the existing significant gullies, reduce sediment flow and to rehabilitate the land with native vegetation with a reduction in weed dispersal.



Proposed 2 Lot subdivision.

Background to Current Proposal

Nil.

History

Nil.

Public Notice

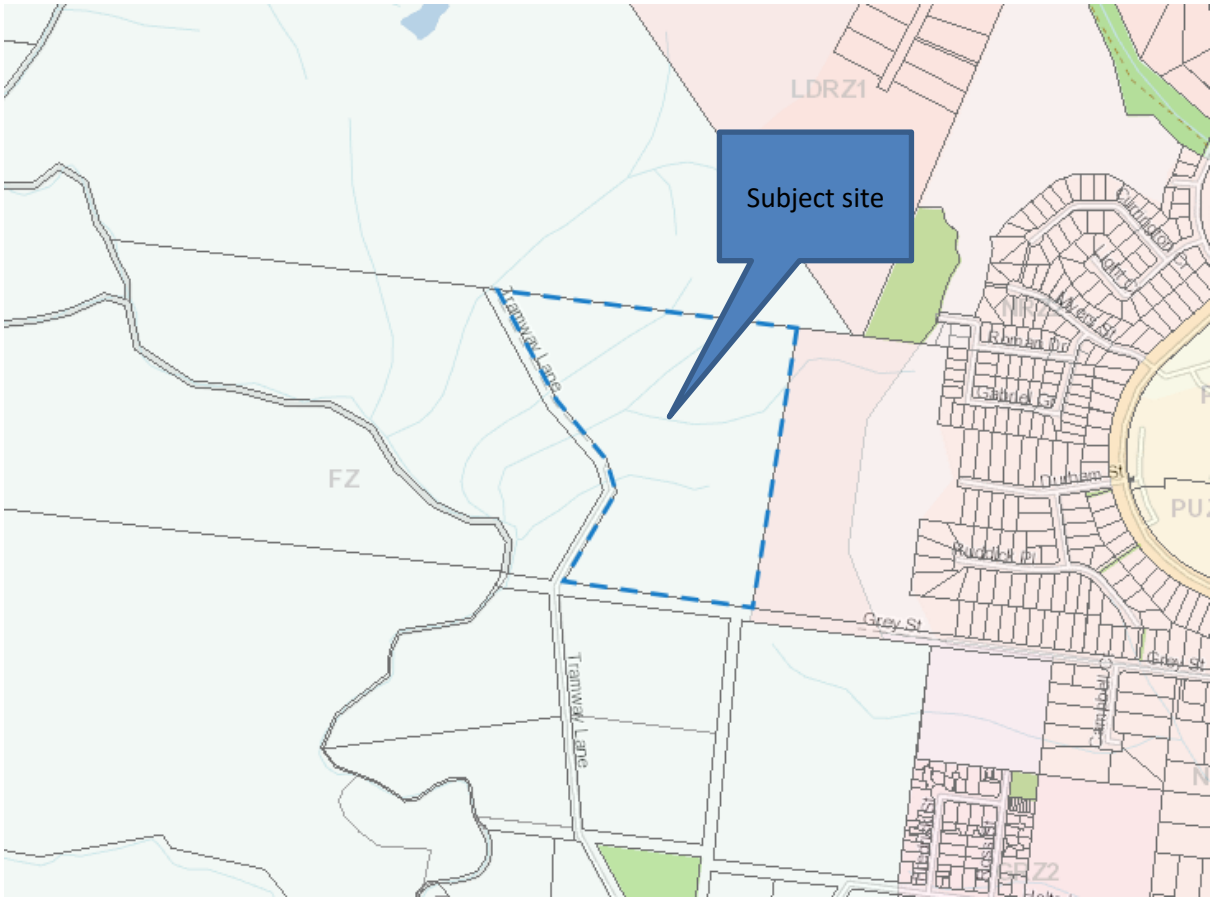
The application was notified to adjoining and surrounding landowners and two signs were erected on site. No objections were received.

Summary of Objections

Nil.

Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.07-2 Peri-urban areas.
- 11.08 Central Highlands.
- 14.01 Agriculture.
- 14.02 Water.
- 15.01-5 Cultural identity and neighbourhood character.
- 21.02-3 Water and Catchment Management.
- 21.03-4 Landscape and Neighbourhood Character.
- 22.03 Houses and House Lot Excisions in Rural Areas.

The proposal complies with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

PPF	**Title**	**Response**
Clause 14.01	Agriculture	The proposal would provide the ability for a dwelling on the new lot which would result in the development and sterilisation if Farming zoned land.
LPPF		
Clause 21.03-6	Rural Lifestyle Opportunities	The proposal would fragment an already constrained site.
Clause 22.03	Houses and House Lot Excisions in Rural Areas	The proposed reason for a larger lot house excision due to the site constraints is considered inconsistent with the intent of the policy and objectives of the farming zone.

Zone

Farming Zone

The subject site is included in the Farming Zone. Pursuant to Clause 35.07-3, a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. Under the Schedule the minimum subdivision area is 100ha, which is not met with this current application.

The purpose of the Farming Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Under Clause 35.07-3, '*A permit may be granted to create smaller lots if any of the following apply:*

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.'*

The applicant is also seeking the subdivision be undertaken in consideration of '*Clause 22.03 – House and House Lot excisions in Rural Areas'* under the Moorabool Planning Scheme.

Overlays

Design and Development Overlay - Schedule 2

The site is affected by the Design and Development Overlay – Schedule 2 – Visual amenity and building design. Under Clause 43.02-2, a permit is required to subdivide land. Under Clause 3.0 of Schedule 2 there is an exemption from this requirement, therefore, in this instance a permit is not required.

Environmental Significance Overlay – Schedule 2

The site is partly affected by the Environmental Significance Overlay – Schedule 2 – Waterway Protection. Under Clause 42.01-2, a permit is required to subdivide land. There are no relevant exemptions under Schedule 2. The area of land affected by the Overlay is overly minimal compared to the total land area.

The objectives of ESO 2 are:

- *To protect the habitat significance of vegetation.*
- *To provide for appropriate development of land within 100 metres of either side of a waterway.*
- *To prevent pollution and increased turbidity of water in natural waterways.*
- *To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of waterways.*
- *To conserve existing flora and fauna habitats close to waterways and to encourage*
- *Generation and regeneration of habitats.*

Clause 66.01 of the Moorabool Planning Scheme does not require the referral of two lot subdivisions.

Significant Landscape Overlay - Schedule 1

The site is affected by the Significant Landscape Overlay - Schedule 1 and under Clause 42.03-2 and Schedule 1, there is no permit trigger to subdivide land.

Relevant Policies

Nil.

Particular Provisions

Nil.

Discussion

The proposed two lot subdivision does not accord with relevant State and local planning policy, Environmental Significance Overlay and decision guidelines at Clause 65 of the Moorabool Planning Scheme. However, the proposed subdivision is contrary to the Farming Zone given that each lot does not meet the minimum lot size under the Zone (100ha).

Under Clause 35.07-3, '*A permit may be granted to create smaller lots if any of the following apply:*

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two (2) lot subdivision.'*

The proposal would essentially create a separate lot for the existing dwelling and outbuildings (Lot 1) and the balance land (Lot 2) would create a vacant lot that could be sold in the future. One of the major issues with this proposal is the applicant is proposing a two (2) lot subdivision that does not meet the requirements of the minimum lot size in the Farming Zone nor its proposing a house lot excision which does not meet the maximum house lot size required of 2ha.

The applicant provided a Land Management Plan for the property that shows the land requires significant rehabilitation to avoid any additional erosion given the significant gullies already established on the property, which has resulted in significant weed dispersal.

The Land Management Plan has highlighted the land management issues facing this property, including:

- Erosion control;
- Weed control;
- Pest animal reduction;
- Revegetation requirement; and
- Protection of remnant native species.

It is apparent that the property is not suitable for the keeping of livestock given the topography and the likelihood of it being consolidated into a larger parcel in the future would seem to be limited given the obvious problems with it. In light of these physical constraints and associated land management issues, it is unlikely that an adjoining landowner would seek to acquire the parcel with its inherent physical limitations and associated problems. In terms of its assessment under the Farming Zone, it is considered that the proposed subdivision would allow for the ability of a second dwelling to be applied for, it is also considered that just because the land is constrained the answer isn't to subdivide and sell off as the fragmentation of farming zoned land isn't the answer either.

The application was referred to Environmental Planning who objected to the application on the following grounds:

> *It is noted that under the Farming Zone, the proposal for a two (2) lot subdivision is not currently supported.*
>
> *Further to this, in reviewing the application, Environmental Planning does not support the proposed two (2) lot subdivision at 112 Tramway Lane, Darley, as it has not been demonstrated that the subdivision will lead to an improved environmental outcome at the site. The site is heavily constrained and does not warrant further intensification.*

In regard to Clause 22.03 of the Moorabool Planning Scheme, the following Objective is relevant:

- *To ensure that subdivision and dwellings in rural areas are required to increase agricultural productivity.*

It is considered, just because the subject land isn't viable for agricultural activities doesn't necessitate a subdivision which would result in the other parcel be sold off with the ability to apply for a dwelling. As the subject land abuts Bald Hill there may be an opportunity to enter into a partnership to help rehabilitate the land in accordance with the land management plan submitted. Alternatively the landowner is encouraged to re-review its application in accordance with the scheme and apply for a 2ha house lot excision that complies with the scheme.

General Provisions

Clause 65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision;
- the existing use and possible future development of the land and nearby land;
- the availability of subdivided land in the locality, and the need for the creation of further lots;
- the effect of development on the use or development of other land which has a common means of drainage;
- the subdivision pattern having regard to the physical characteristics of the land including existing vegetation;
- the density of the proposed development;
- the area and dimensions of each lot in the subdivision;
- the layout of roads having regard to their function and relationship to existing roads;
- the movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots;
- the provision and location of reserves for public open space and other community facilities;
- the staging of the subdivision;
- the design and siting of buildings having regard to safety and the risk of spread of fire;
- the provision of off-street parking;
- the provision and location of common property;
- the functions of any Body Corporate; the availability and provision of utility services, including water, sewerage, drainage, electricity and gas;
- if the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot;
- whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Referrals

Authority	**Response**
Infrastructure Environmental Planning	Consent subject to conditions Objection.

Financial Implications

The recommendation of refusal of this application would not have any financial implications for Council.

Risk & Occupational Health & Safety Issues

The recommendation of approval of this development does not implicate any risk or OH&S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if required.

Options

Council could consider the following options:

- Issue a refusal in accordance with the recommendations of this report; or
- Should Council wish to consider approving the application, Councillor's need to explore reasons/conditions which may be contrary to the objectives, provisions and clauses of the Moorabool Planning Scheme.

Conclusion

The proposed two (2) lot subdivision to create an oversized homestead lot of 7.98ha and a second balanced lot 7.30ha is inconsistent with the Moorabool Planning Scheme objectives of the Farming Zone and Planning Policy and Local Planning Policy Framework. It is therefore recommended that this application be refused.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a refusal to grant Planning Permit PA2018141 for a Two (2) Lot Subdivision at Lot 1 on PS 307493N alternatively known as 112 Tramway Lane, Darley.

1. **The proposed lot size of the homestead lot (7.98ha) does not comply with the maximum lot size of 2ha requirements of 22.03 - Houses and House Lot Excisions in Rural Areas of the Moorabool Planning Scheme.**

2. **The proposal does not comply with the Planning Policy Framework or Local Planning Policy Framework of the Moorabool Planning Scheme relevant to Farming Zoned land.**

3. **The proposed subdivision is contrary to the minimum lot areas as specified under Clause 35.07-3 of the Moorabool Planning Scheme.**

4. **The proposed subdivision would result in the fragmentation of Farming Zoned land.**

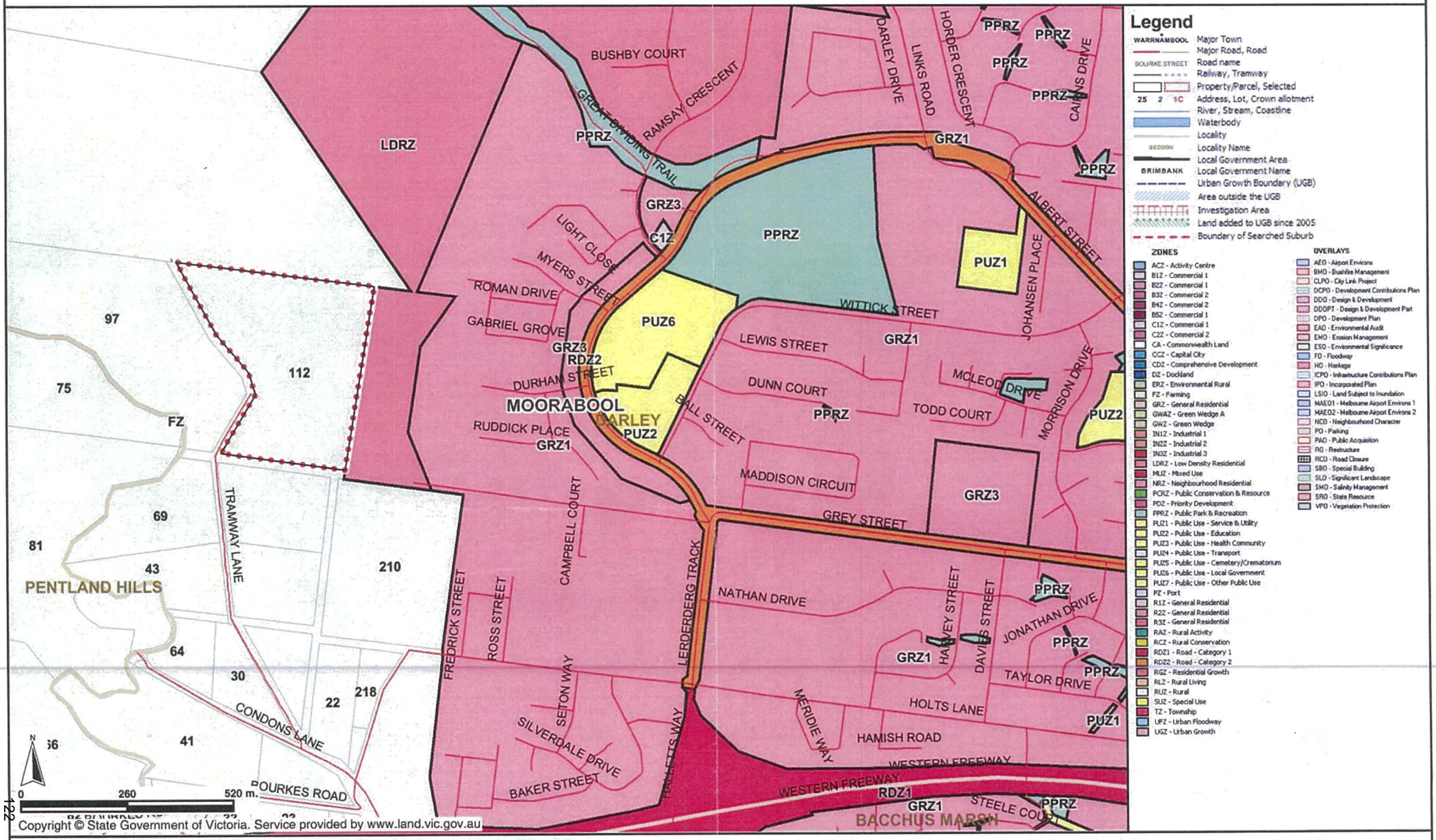
Report Authorisation

Authorised by:
Name: Satwinder Sandhu
Title: General Manager, Growth and Development
Date: 21 February, 2019

Planning Map

112 Tramway Lane, Darley - Location Map

Department of Environment, Land Water and Planning



Legend

- Major Town
- Major Road, Road
- Road name
- Railway, Tramway
- Property/Parcel, Selected
- Address, Lot, Crown allotment
- River, Stream, Coastline
- Waterbody
- Locality
- Locality Name
- Local Government Area
- Local Government Name
- Urban Growth Boundary (UGB)
- Area outside the UGB
- Investigation Area
- Land added to UGB since 2005
- Boundary of Searched Suburb

ZONES

- ACZ - Activity Centre
- B1Z - Commercial 1
- B2Z - Commercial 1
- B3Z - Commercial 2
- B4Z - Commercial 2
- B5Z - Commercial 1
- C1Z - Commercial 1
- C2Z - Commercial 2
- CA - Commonwealth Land
- CCZ - Capital City
- CDZ - Comprehensive Development
- DZ - Dockland
- ERZ - Environmental Rural
- FZ - Farming
- GRZ - General Residential
- GWAZ - Green Wedge A
- GWZ - Green Wedge
- IN1Z - Industrial 1
- IN2Z - Industrial 2
- IN3Z - Industrial 3
- LDRZ - Low Density Residential
- MUZ - Mixed Use
- NRZ - Neighbourhood Residential
- PCRZ - Public Conservation & Resource
- PDZ - Priority Development
- PPRZ - Public Park & Recreation
- PUZ1 - Public Use - Service & Utility
- PUZ2 - Public Use - Education
- PUZ3 - Public Use - Health Community
- PUZ4 - Public Use - Transport
- PUZ5 - Public Use - Cemetery/Crematorium
- PUZ6 - Public Use - Local Government
- PUZ7 - Public Use - Other Public Use
- PZ - Port
- R1Z - General Residential
- R2Z - General Residential
- R3Z - General Residential
- RAZ - Rural Activity
- RCZ - Rural Conservation
- RDZ1 - Road - Category 1
- RDZ2 - Road - Category 2
- RGZ - Residential Growth
- RLZ - Rural Living
- RUZ - Rural
- SUZ - Special Use
- TZ - Township
- UFZ - Urban Floodway
- UGZ - Urban Growth

OVERLAYS

- AEO - Airport Environs
- BMO - Bushfire Management
- CLPO - City Link Project
- DCPO - Development Contributions Plan
- DDO - Design & Development
- DDOPT - Design & Development Part
- DPO - Development Plan
- EAO - Environmental Audit
- EMO - Erosion Management
- ESO - Environmental Significance
- FO - Floodway
- HO - Heritage
- ICPO - Infrastructure Contributions Plan
- IPO - Incorporated Plan
- LSIO - Land Subject to Inundation
- MAEO1 - Melbourne Airport Environs 1
- MAEO2 - Melbourne Airport Environs 2
- NCO - Neighbourhood Character
- PO - Parking
- PAO - Public Acquisition
- RO - Restructure
- RCO - Road Closure
- SBO - Special Building
- SLO - Significant Landscape
- SMO - Salinity Management
- SRO - State Resource
- VPO - Vegetation Protection

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Map Centre - Melways 333 E1

Map Scale 1:12,309

November 13, 2017 10:55:39 AM

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122

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112 Tramway Lane, Darley

Map Centre - Melways 333 C1

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Map Scale 1:2,968
November 13, 2011 10:46:05 AM

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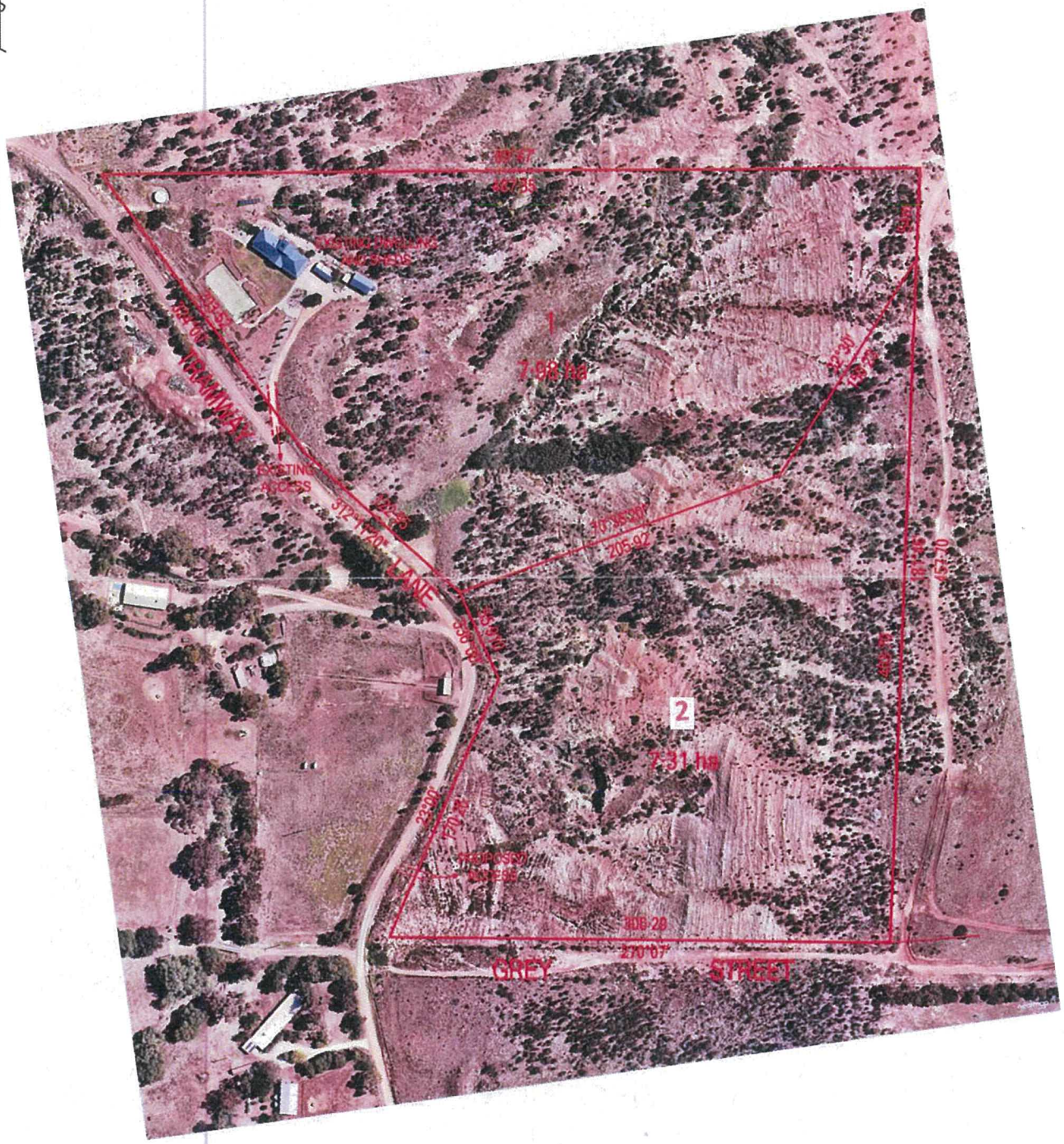
PROPOSED PLAN OF SUBDIVISION

LOT 1 ON PS307493N

112 TRAMWAY LANE, DARLEY



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LAND SURVEYORS
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M 0408 994 985
admin@walshmobbs.com.au
www.walshmobbs.com.au

LICENSED SURVEYOR (PRINT) ROWAN MOBBS

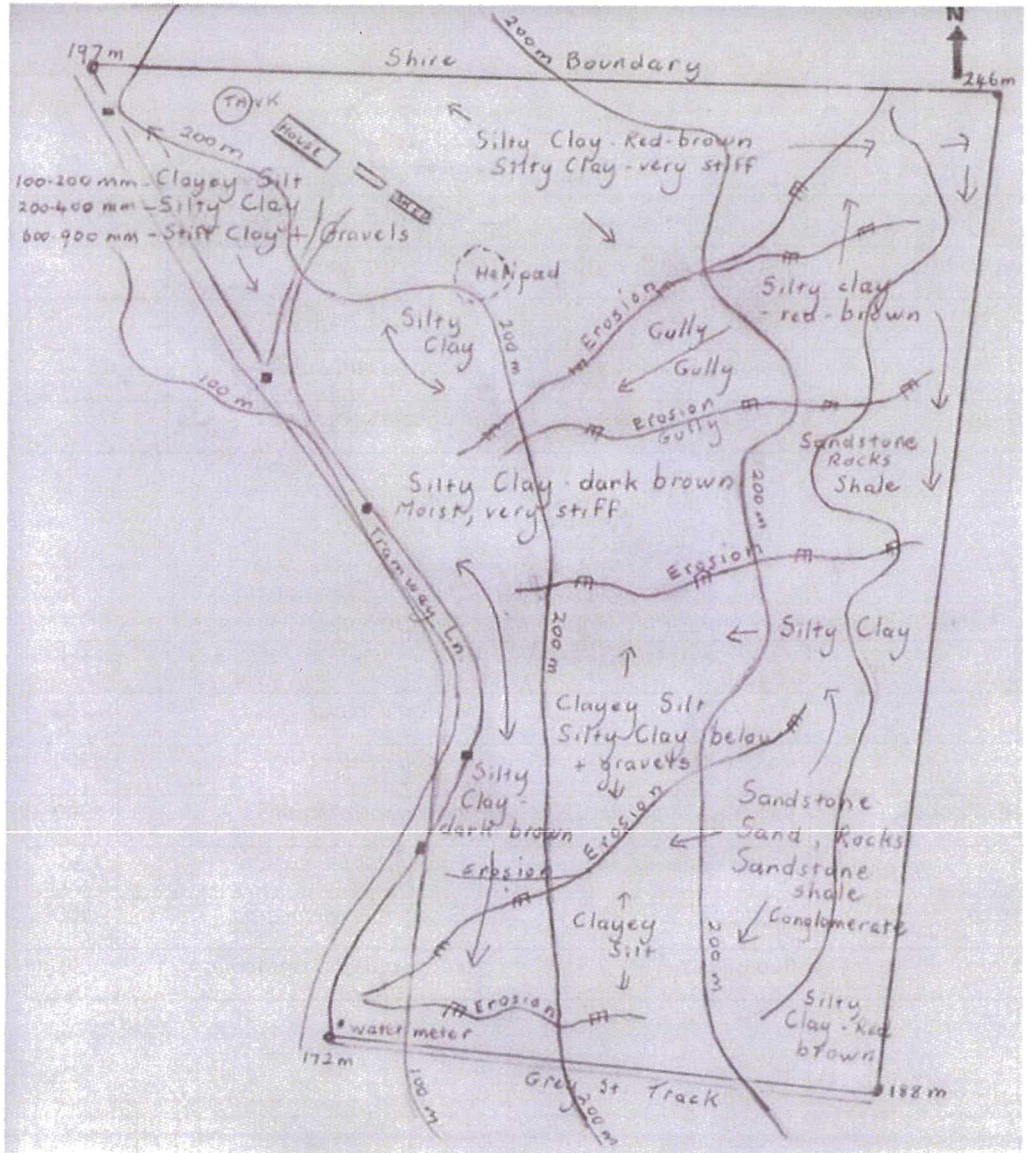
28 MAY 2018

REF 3189

VERSION 1

Photograph 2 – Aerial view from west

Diagram 3 - Soil Type and Distribution



6. Update on Trends, Issues and Other Matters

Item 6.1 VCAT Consent Order Reference No. P2448/2018. Planning Permit PA2018 242– Fifty Seven (57) lot subdivision and Construction of Three (3) Dwellings on lots less than 300m2 at McCormack Road, Maddingley (Stage 20A of Stonehill Estate).

Application Summary:	
Permit No: VCAT Reference: Lodgement Date: Planning Officer: Address of the land: Proposal: Lot size:	PA2018 242 P2448/2018 7 March, 2019. Robert Fillisch Crown Allotment 3, Block 1, Parish of Parwan McCormack Road, Maddingley Fifty Seven (57) Lot Subdivision and Construction of Three (3) Dwellings on lots less than 300m2 in area. 14.39 hectares.
Why is a permit required?	Clause 32.08-3 - Subdivide of land. Clause 32.08-5 - Construction of a Dwelling on a lot less than 300m2.
Why is this application being presented to Council?	Council's refusal in November 2018 has now been appealed to VCAT. After discussions with all parties, the applicant is applying for approval of Consent Orders.
Public Consultation:	
Was the application advertised? Notices on site: Notice in Moorabool Newspaper: Number of Objections: Consultation meeting:	No, exempt from the notice provisions. N/A. N/A. N/A. N/A.
Policy Implications:	
Strategic Objective 3: **Context 3A:**	Stimulating Economic Development Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. *Manager – Satwinder Sandhu* In providing this advice to Council as the Manager, I have no interests to disclose in this report. *Author – Robert Fillisch* In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Not required.
Any issues raised in referral responses?	No.
Preliminary Concerns?	No.
Any discussions with applicant regarding concerns.	See discussion below.
Any changes made to the application since being lodged?	Yes the application is intended to be modified in accordance with the proposed consent orders.
Brief history	The planning application PA2018/242 was determined at Council's November Development Assessment Committee as a refusal. The applicant has lodged an appeal of Council's determination at VCAT. VCAT have set a Compulsory Conference for 17 April 2019 with a full hearing if required for 6 June, 2019.
Previous applications for the site?	Several permits have been issued for the site.
General Summary	The subdivision initially assessed by Council in November provided for a variety of lot sizes which were well connected to the established stages of Stonehill Estate. The key difference with the approved West Maddingley Development Plan Part 1 is the removal of the central reserve and a higher density ratio with an average lot size of 400m2. The plan has now been amended in consultation with officers to make the plan more reflective of the Maddingley Development Plan Part 1. The changes include: • Reduction of lots from 59 to 57; • Lots less than 300 square metres reduced from 8 to 3; • Lots between 300-350 square metres reduced from 12 to 9; • Lots above 350 square meters increased from 39 to 45;

	• Memorandum of Common Provisions (MCP) to apply to lots less than 350 square metres which will stipulate guidelines for development.; • MCP to apply on lots less than 300 square metres on corner lots stipulating they are to comprise of double storey dwellings; and • Average lot size increased from 400 to 412 square metres. The proposed changes compared to the development plan are considered acceptable and minor in the context of the entire estate. The proposed subdivision has a functional layout and there are no site constraints in developing each of the lots. The applicant intends to provide larger public open space reserves in future stage. The applicant proposed to provide Consent Orders to VCAT stating both parties agree to the changes. VCAT will then determine if they accept the Consent Orders, if so will issue orders for the permit to be granted subject to the Consent Orders.
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council agree to the Consent Orders approving a permit for a Fifty Seven (57) Lot Subdivision and Construction of Three (3) Dwellings on lot less than 300m2 at Crown Allotment 3, Block 1, Parish of Parwan, otherwise known as Stage 20A, Stonehill Estate, McCormacks Road, Maddingley.	

Proposal

It is proposed to subdivide the land into 57 lots. The lot sizes vary between 262m2 to 785m2. The breakup of lot sizes for this stage of Stonehill Estate are as follows:

Lot Size	Number of lots	% of total lots in Stage 20A
Less than 300m2	3	5.26
300m2-349m2	5	8.77
350m2-399m2	16	28.07
400m2-499m2	25	43.85
Greater than 500m2	8	14.03
TOTAL	**59**	**100**

With three (3) lots less than 300m2, any dwellings in these lots requires planning approval. The applicant requested approval be given for all three (3) lots rather than new owners applying for separate planning permits.

This approach has been adopted with some prior stages of Stonehill Estate with floor and elevation plans approved at a later point under a standalone permit condition. It is proposed to have a Memorandum of Common Provisions registered on these lots to provide guidance on future development.

No vegetation will be removed in this stage.

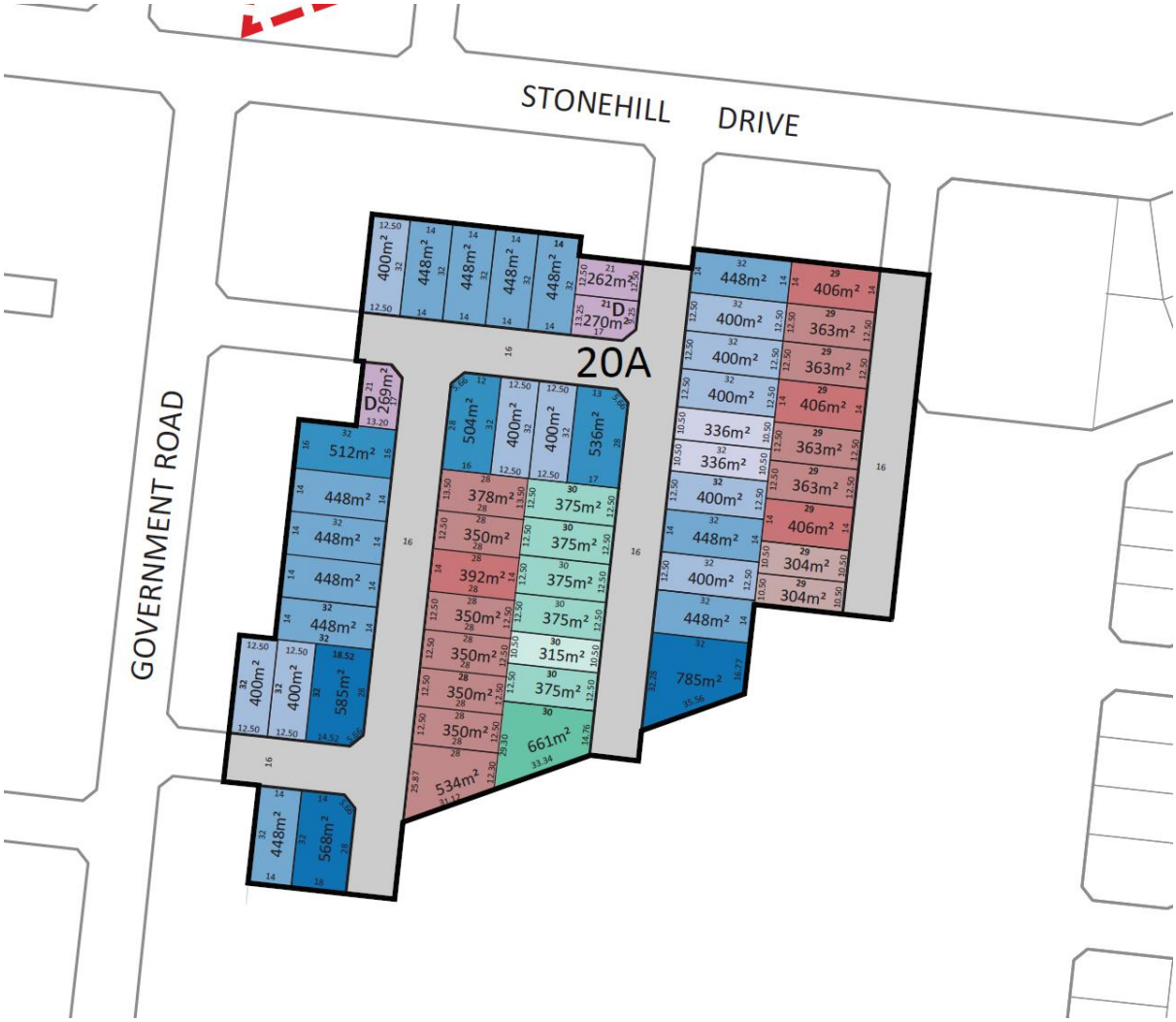


Figure 1: Stage 20A subdivision plan (Attachment 1)

Discussion

Since the application was determined at the s86 Development Assessment Committee meeting held in November 2018, the applicant has lodged an appeal against the refusal with VCAT. The following dates have been set by VCAT:

- Practice day hearing 1 March 2019;
- Compulsory Conference 19 April 2019; and
- Full hearing 6 June 2019.

The applicant has had discussions with various officers to determine what the main issues Council have with the previous layout. The issues relate to the following:

- Lot size particularly less than 350 square metres;
- Lot size with regard to allowing appropriate development; and
- Proximity to open space.

Following these discussion the applicant has provided Without Prejudice plans and Consent Order as is discussed in this report. A copy of the Consent Order is shown in Attachment 2.

The changes include:

- Reduction of lots from 59 to 57;
- Lots less than 300 square metres reduced from 8 to 3;
- Lots between 300-350 square metres reduced from 12 to 9;
- Lots above 350 square meters increased from 39 to 45;
- Memorandum of Common Provisions (MCP) to apply to lots less than 350 square metres which will stipulate guidelines for development;
- MCP to apply on lots less than 300 square metres on corner lots stipulating they are to comprise of double storey dwellings; and
- Average lot size increased from 400 to 412 square metres.

Officers have indicated support for the Consent Orders on the basis that the lots have been increased in size and any lot less than 350 square metres will require development in accordance with a Memorandum of Common Provisions (MCP). The MCP will be developed to the satisfaction of the Responsible Authority and provide guidelines on how development can be undertaken on the site.

The understanding of the requirements of the Development Plan were also discussed and it was envisaged that a clearer understanding of the Development Plan was required by both parties. In order to clarify Council and the developers position it is proposed to continue discussions and prepare some guidelines on the how the Development Plan is to be interpreted in regards to future applications. This will provide clear guidance to both parties. When the guidelines are developed a further report will be presented to Council in order to adopt these guidelines. The main objective of these guidelines would be to establish clear standards which would assist in better planning and amenity outcomes.

Lot Arrangement

The lot configuration are generally rectangular in shape and are of sufficient width and depth with active street frontages to accommodate a future dwelling in each lot. With this stage of Stonehill Estate, the lot densities are higher with an average lot size of 412m2 or 18 lots per hectare. The corner lot maintains the large lot sizes to allow an openness in the streetscape in these exposed locations. The early stages of Stonehill Estate, Stages 1 to 7, had density rates of between 11 to 13 lots per hectare. The lot and road layouts are consistent with the subdivision standards contained within Rescode, Clause 56. Each lot is functional and does not contain any site constraints that would prevent a future dwelling. The lot are orientated to gain good solar access.

Location of Public Open Space Reserves

Under the approved development plan in accordance with the Development Plan Overlay Schedule 3, showed a centrally positioned open space reserve (see below). This reserve is now removed.

The applicant however has increased the size of the public open space areas to the east as part of previous subdivisions of land and is intending to create a new public open space in later Stage 24 in accordance with the open space masterplan in Figure 4 below. The new reserve will be located on the western side of Government Road and is approximately 35 metres to east of the removed reserve in Stage 20A. The new reserve is of similar proportion to the removed reserve in Stage 20A.

Examining Stage 20A in isolation, there will be no public open space reserves within this stage. The applicant however has shown an overall landscape masterplan (see below) while Stage 20A is developed solely for residential lots, it will still have convenient access to nearby public open space reserves. The removal of the central reserve in Stage 20A removes all of the surrounding roads which wrapped around the reserve allowing for straighter road alignments and more uniform, rectangular shaped blocks.

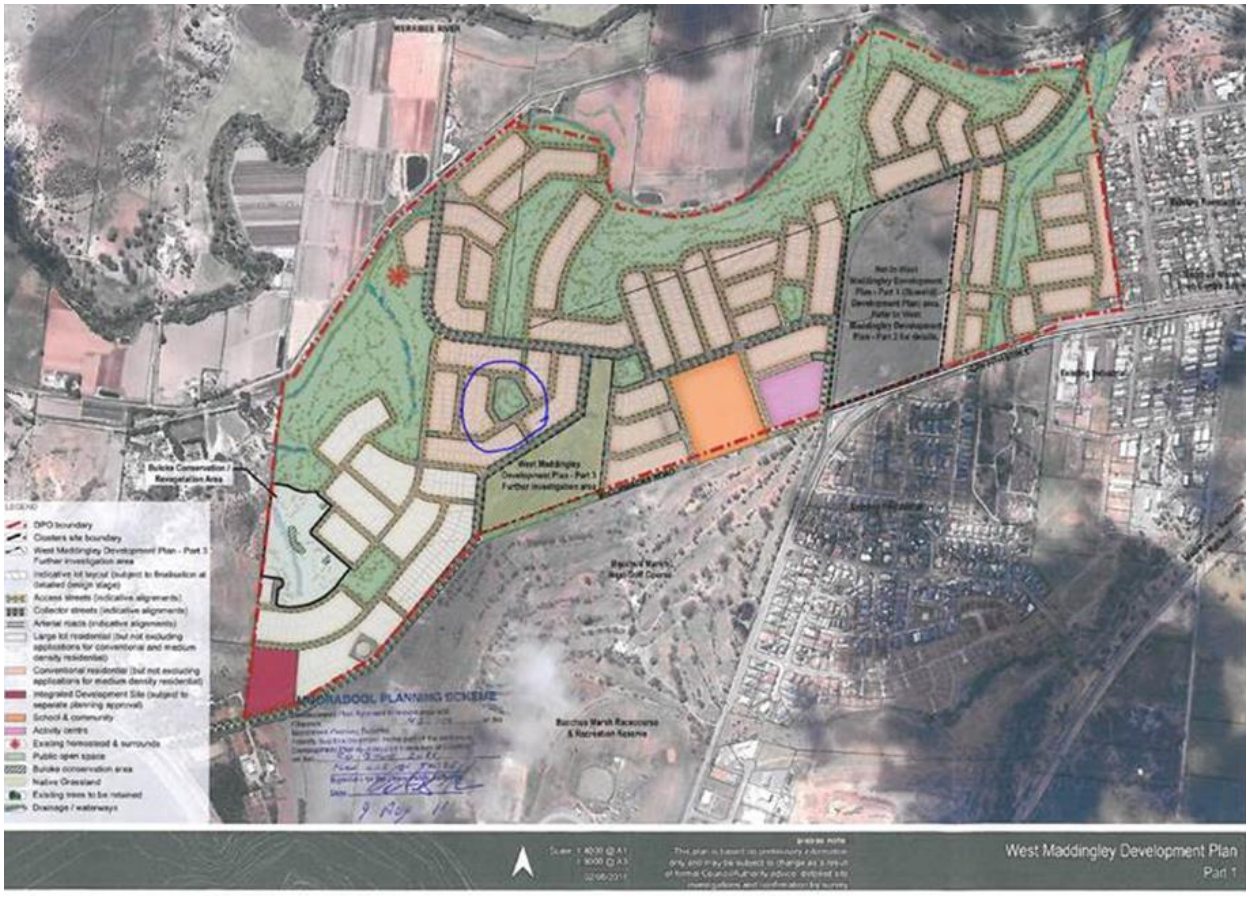


Figure 3: Blue circle identifying the central reserve under the approved Development Plan.

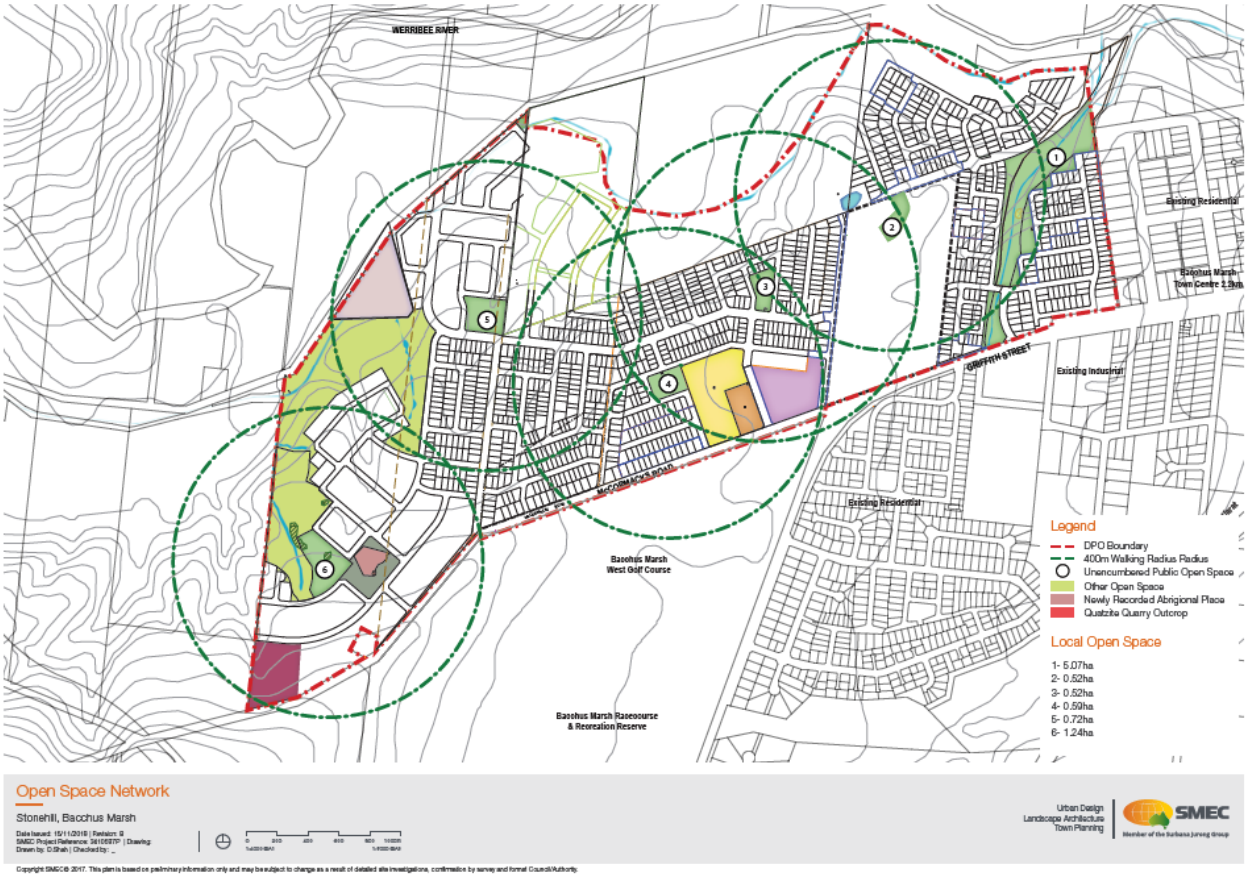


Figure 4: Open Space Masterplan inclusive of Stage 20A.

Lots less than 300m2

Three (3) of the proposed lots are less than 300m2. There is no intent of the permit applicant to construct dwellings in these lots but instead it seeks planning permission to approve dwellings to prevent future land owners when titles are released from having to apply for separate planning approvals with its associated delays and costs. The applicant has not provided development plans but strictly controls these lots with a Memorandum of Common Provisions (MCP) which are design controls attached to the parent title. The MCP requires land owners to obtain developer approval and adopts all of the Clause 54 standards within these provisions. The MCP exceeds a number of minimum specified requirements of the Rescode standards to achieve a higher level of design and finish compared to Clause 54. There would be conditions in place to ensure all of the Clause 54 standards have been satisfied in the approval of the MCP by Council and introducing a condition requiring endorsement of the final layout and elevation plans that have to comply with the MCP. This process previously used in Stonehill Estate has created well designed dwellings on small lots with suitable landscape treatments and minimal off site impacts. The proposed dwellings on these smaller sized lots will comply with the Clause 54 standards and therefore a separate Clause 54 assessment is not required in this instance.

Road Arrangement

The north-south internal roadways terminate at the southern end without connection. The purpose of this arrangement is to allow the roads to continue to the south into an area known as West Maddingley Part 3. This part of the estate does not have an approved development plan and there is no guarantee of the super lot been further subdivided. To prevent the situation of roads without courtbowls and lacking connection with adjacent streets, there will be a requirement to show an east-west roadway along the southern boundary of this subdivision. The road can be bonded rather than initially constructed in the event West Maddingley Part 3 is developed for residential purposes.

Cultural Heritage Management Plan

The subject site is covered by an area of cultural heritage sensitivity. The applicant for Stage 20A provided a Cultural Heritage Management Plan (CHMP). This CHMP included this site and some surrounding land with the exception been Stage 21 which is subject to a further CHMP. The Registered Aboriginal Party for the area is the Wathauarung Aboriginal Corporation (trading as Wadawurring) issued a Notice of Approval of the CHMP on 16 May, 2011 in accordance with Section 65 of the Aboriginal Heritage Act 2006.

Flora and Fauna

The applicant in the initial application, PA2018-121 proposed to remove native vegetation in the form of one (1) canopy tree. This tree is located in proposed Stage 21 and has and will be subject to a further planning application. There is no native vegetation removal as part of this current application.

Infrastructure Services

Servicing authorities did not identify any infrastructure concerns with the proposed subdivision, subject to conditions be imposed on the permit if approved. Each lot should be able to accommodate a future dwelling and can readily access local infrastructure services.

Financial Implications

The recommendation for approval of the Consent Orders would avoid the cost of our legal representatives attending two further VCAT hearings.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this subdivision and development does not implicate any risk or OH&S issues to Council.

Communications Strategy

Notice was not undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987. The applicant was invited to attend this meeting and invited to address Council if desired.

Options

Council could consider the following options:

- approve the consent orders which will allow a permit to issue; or
- not approve the consent order and then the matter will be resolved through the current VCAT process and determined by a VCAT member.

Conclusion

The proposed subdivision and development accords with the planning scheme provisions and the approved development plan under the Development Plan Overlay Schedule 3 which directs development within this residential estate. The application is exempt from the notice provisions. The proposed development on lots less than 350m2 will be controlled by design measures to be contained within a Memorandum of Common Provisions that will be attached to the new titles. A complete copy of the Memorandum of Common Provisions would need to be submitted prior to the certification of the Plan of Subdivision and has to be lodged to Council for approval. The subdivision of land makes efficient use of a vacant site and the road layouts and lot layouts will facilitate the orderly development on each lot.

The re-organisation of the public open spaces is still continuing with larger parks provided in previous approved stages and the different location of parks proposed in the more recent stages. There is no net loss of public open space as a result of this stage not containing a central reserve as shown on the approved development plans.

The proposed subdivision and development should be approved with standard infrastructure conditions that apply to new residential estates.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council approve signing the Consent Orders, thereby support approving a permit for a Fifty Seven (57) lot subdivision and Construction of Three (3) Dwellings on lot less than 300m2 at Crown Allotment 3, Block 1, Parish of Parwan, otherwise known as Stage 20A, Stonehill Estate, McCormacks Road, Maddingley subject to the following conditions:

Endorsed Plans:

1. **Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and 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/other specified plans but modified to show:**

    a) **Changes set out in the subdivision concept plan (SCP) prepared by SMEC amended in accordance with the SMEC plan dated 1 March 2019.**

    b) **Details of temporary Cul De Sac treatments for the southern ends of the road to be connected to future roads.**

Subdivision/Development:

2. **Before the plan of subdivision is certified under the Subdivision Act 1988, a Memorandum of Common Provisions (MCP) must be submitted to and approved by the Responsible Authority which provides design guidelines for:**

    a) **Lots less than 300m2 which demonstrates compliance with Clause 54 of the Moorabool Planning Scheme and requires that corner lots be developed with two storey dwellings.**

    b) **Lots less than 350 square metres that addresses front setbacks, garage design, dwelling entry design, roof forms, dwelling separation, window design, materials and colours, fencing and driveways.**

3. **Prior to the issue of Statement of Compliance, the permit holder will enter into a Memorandum of Understanding with Council detailing the location of open space in the vicinity of stage 20A generally in accordance with Open Space Network plan by SMEC date 15 November 2018 to the satisfaction of the Responsible Authority.**

4. **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.**

5. **Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:**

    - **How the land is to be accessed during the construction period;**
    - **All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;**
    - **All measures to be introduced to minimise soil erosion and runoff; and**
    - **Details relating to the storage of all plant and equipment during the construction period.**

6. **Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of buildup of matter outside of the site. Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of The Act.**

7. **Prior to the construction of a dwelling on each lot less than 300m2, the land owner must submit a developer approved site plan with setbacks, floor plan with dimensions and elevation plans with heights in accordance with the endorsed Memorandum of Common Provisions and obtain written consent from the Responsible Authority that plans are to the satisfaction of Council.**

8. **The temporary Cul De Sac must be permanently constructed within three years of the issue of this permit unless the subdivision to the South is approved with a connecting road network or with the prior written consent of the Responsible Authority.**

9. **A security deposit equal to 150% of the cost of construction of the permanent Cul De Sac as required by condition 8 must be lodged with the Council. The deposit will be returned either through practical completion of the roadway to the satisfaction of the Responsible Authority or alternative roadways are approved by the Responsible Authority.**

Telecommunications:

10. **The owner of the land must enter into agreements with:**

    a. **A telecommunications network or service provider for the provision of telecommunication service 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 provide by optical fibre.**

11. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure:

12. The internal road network layout must be designed and constructed to be generally in accordance with the Approved West Maddingley Development Plan, to the standard detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

13. Prior to Statement of Compliance being issued the temporary Cul De Sac identified in Condition 1c) must be fully constructed.

14. Prior to the Statement of Compliance, the subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:

i. The subdivision as a whole must be self draining.
ii. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
iii. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
iv. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
v. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
vi. The drainage system must be designed to include provision to intercept litter.
vii. All lots must be provided with a stormwater legal point of discharge at the lot point of the lot, to the satisfaction of the Responsible Authority.
viii. The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

15. Prior to the commencement of any works, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:

i. The requirements for drainage of the whole site.
ii. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.

iii. **If additional outfall drainage or upgrading of the existing drainage network is required.**

16. **Prior to the commencement of any works, design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.**

17. **Prior to the commencement of any works, plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.**

18. **Telecommunications "fibre to premises" (FTTP) network (including all pipes, conduits, active equipment, equipment shelters and optical fibre cables) shall be provided to the lots to the satisfaction of the Responsible Authority.**

19. **Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**

20. **An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.**

21. **Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).**

22. **Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.**

23. **Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.**

24. **Prior to the issue of Statement of Compliance for each stage, street names and street signs must be provided to the satisfaction of the responsible authority.**

25. **Prior to the issue of a Statement of Compliance, permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**

26. **Prior to the issue of a Statement of Compliance, Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.**

27. **Prior to the issue of Statement of Compliance, landscaping within the development must be undertaken in accordance with an approved Landscape Plan, to the satisfaction of the Responsible Authority.**

28. **Landscaping (including street trees) must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.**

29. **If a Statement of Compliance is sought prior to the landscape works being undertaken, then a security deposit of 150% of the cost of the landscaping must be lodged with the responsible authority. The landscape work must then be completed within 6 months form the issue of the Statement of Compliance (Practical Completion). Once the landscaping works are "Practically Compete", the security deposited may be returned.**

30. **Prior to the issue of a Statement of Compliance, a security deposit equal to 25% of the cost of landscaping must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.**

31. **The developer must pay:**

    i. **0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.**
    ii. **2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.**

32. **After all engineering works pertaining to each stage of the subdivision have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:**

    i. **Drainage construction details in "D-Spec" format.**
    ii. **Roadworks construction details in "R-Spec" format.**

33. **All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.**

34. **A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.**

35. **Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Downer Utilities:

36. **The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.**

Powercor:

37. **The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.**

38. The applicant shall:

a. **Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**

b. **Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**

c. **Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**

d. **Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**

e. **Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**

   Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

f. **Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.**

g. **Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**

h. **Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**

i. **Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**

j. **Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

Melbourne Water:

39. **Prior to the issue of a Statement of Compliance, 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.**

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

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

42. **Prior to Certification, the Developer must ensure adequate outfall from the site. A copy of written approval from the relevant affected parties to the satisfaction of Council for the arrangement of appropriate drainage outfall for the subdivision must be provided to Melbourne Water. Copy of Council's acceptance of the SWMS for any assets under Council's maintenance shall be provided to Melbourne Water for our records.**

43. **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'.**

44. **Prior to the commencement of works, the proposed Wetland treatment works to be constructed for treatment of stormwater runoff is to be designed and built to Council's requirements. Council's approval to the design and acceptance of ownership and all future maintenance responsibilities of the Wetland shall be submitted to Melbourne Water prior to the commencement of works.**

45. **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.**

46. **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.**

47. **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.**

48. **Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.**

49. **The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.**

50. **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.**

51. **Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.**

52. **Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).**

53. **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.**

54. **Prior to the issue of a Statement of Compliance, the drainage outfall must be to the satisfaction of Council. Written confirmation of the acceptance of the drainage outfall by Council must be sent to Melbourne Water for our records.**

Western Water:

55. **Payment of new customer contributions for each lot created by the development such amount being determined by Western Water at the time of payment.**

56. **Reach agreement with Western Water for the provision and funding of potable water supply and sewerage services necessary to service the subdivision/development.**

57. **Provision of reticulated water mains and associated construction works to front each allotment, at the developer's expense in accordance with the standards of construction adopted by and to the satisfaction of Western Water.**

58. **Provision of reticulated sewerage services and associated construction works to each allotment within the subdivision/development, at the developer's expense, in accordance with the standards of construction adopted by and to the satisfaction of Western Water.**

59. **The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter) required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western Water Procurement and Guide to New Customer Contributions.**

60. **Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.0m wide for a dedicated sewerage easement.**

61. **Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.**

62. **The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.**

63. **Prior to the issue of a Statement of Compliance, evidence must be provided in a form satisfactory to Western Water that will ensure all future lot owners are made aware that they must undertake water efficiency measures to limit the amount of potable water used.**

64. The developer must produce for approval by Western water an Integrated Water Management Plan that incorporates water efficiency measures and water sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit for purpose alternative water such as stormwater, rainwater and recycled water. This plan must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water, when approved by Western Water, the Integrated Water Management Plan must be implemented before the issue of a statement of compliance.

65. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:

- **Own a metered hydrant approved by Western Water;**
- **Meter and pay for all water taken;**
- **Display a Western Water Permit Number Sticker on the tanker;**
- **Only take water from nominated hydrants or standpipes;**
- **Only use water for the purpose approved in the Water Carters Permit;**
- **Avoid wastage of water on site; and**
- **Comply with any water restrictions imposed by Western Water at the time water is used.**

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Country Fire Authority

66. 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:

i. 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.
ii. 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).

67. 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:

i. 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 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
ii. Curves must have a minimum inner radius of 10 metres.

iii. **Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.**
iv. **Roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.**

Department of Environment, Land, Water and Planning

68. **Before the issue of a Statement of Compliance evidence that the offset required under all previous stages of this subdivision project has been secured must be provided to the satisfaction of the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning. This evidence must be one or both of the following:**

    a. **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; and/or**
    b. **credit extract(s) allocated to the permit from the Native Vegetation Credit Register.**

69. **A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning Ballarat regional office.**

Operational:

70. **Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site associated with the activity that creates sediment discharges must comply with the Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.**

Permit Expiry:

71. **This permit will expire if one (1) of the following circumstances applies:**

    a. **The development is not started within two (2) years of the date of this permit;**
    b. **The development is not completed within four (4) years of the date of this permit; and**
    c. **The plan of subdivision is not certified within two (2) years of the date of issue of the permit.**

Statement of Compliance must be achieved and certified plans registered at Titles Office within five (5) years from the date of certification.

Report Authorisation:

Authorised by:
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 15 March, 2019

	Concept Plan		
	Area (ha)	% of Site	% of NDA
Total Site Area	3.29	100%	
	Area (ha)	% of Site	% of NDA
Total Net Developable Area (NDA)	3.29	100%	100%
Residential	2.36	72%	72%
Front Loaded	2.36	72%	72%
Roads	0.93	28%	28%
Connector Roads, Local Access and Laneways	0.93	28%	28%
Total Net Residential Area (NRA)	3.29	100%	100%

Lot Yield	Number of Lots	Definition	Avg. Size (m²)
Front Loaded	57	lots	414
Total	57	lots	414
Density	17.3	lots/ha	

	Total Yield		
Lot Type by width	Number of Lots	% Type	% Total
Front Loaded			
32m depth			
18m	3	10%	1%
16m	3	10%	1%
14m	12	40%	3%
12.5m	10	33%	2%
10.5m	2	7%	0%
Subtotal	30	100%	7%
30m depth			
14m	1	14%	0%
12.5m	5	71%	1%
10.5m	1	14%	0%
Subtotal	7	100%	2%
28m depth			
14m	4	24%	1%
12.5m	11	65%	3%
10.5m	2	12%	0%
Subtotal	17	100%	4%
21m depth			
12.5m	3	100%	0%
Subtotal	3	100%	0%
Total Front Loaded	57		13%
Average Lot size	412		

Legend

- Site boundary
- Stage boundary
- 19 Stage number
- Connector road, local access & laneways
- D Double Storey mandate on corner cottage lots

Subdivision Concept Plan Stage 20A

Stonehill, Bacchus Marsh

Date Issued: 01/03/2019
SMEC Project Reference: 3410587P.00
Drawn by: D. Shah

0 25 50 75 100 125m
1:2500 @A3

Urban Design
Landscape Architecture
Town Planning

SMEC
Member of the Surbana Jurong Group

Copyright SMEC© 2019. This plan is based on preliminary information only and may be subject to change as a result of detailed site investigations, confirmation by survey and formal Council/Authority.

Attachment 2

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
PLANNING AND ENVIRONMENT LIST

Application for Review No. P2448/2018

IN THE MATTER OF Crown Allotment 3, Block 1, Parish of Parwan, MCCormacks Road, Maddingley

BETWEEN

DEVINE LIMITED Permit Applicant and Applicant for Review

and

MOORABOOL SHIRE COUNCIL Responsible Authority

MINUTES OF CONSENT ORDERS

The parties agree by consent to the following orders in Application for Review under Section 77 of the Planning and Environment Act 1987.

1. The responsible authority's decision in application for Permit No. PA2018242 is set aside. A permit shall issue for:

   Fifty-seven (57) lot subdivision and construction of three dwellings on lots less than 300m2 in area in accordance with the following conditions:

Endorsed Plans:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and 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/other specified plans but modified to show:

   a) Changes set out in the subdivision concept plan (SCP) prepared by SMEC amended in accordance with the SMEC plan dated 1 March 2019.

   b) Details of temporary Cul De Sac treatments for the southern ends of the road to be connected to future roads.

Subdivision/Development:

2. Before the plan of subdivision is certified under the Subdivision Act 1988, a Memorandum of Common Provisions (MCP) must be submitted to and approved by the Responsible Authority which provides design guidelines for:

   a) Lots less than 300m2 which demonstrates compliance with Clause 54 of the Moorabool Planning Scheme and requires that corner lots be developed with two storey dwellings.

   b) Lots less than 350 square metres that addresses front setbacks, garage design, dwelling entry design, roof forms, dwelling separation, window design, materials and colours, fencing and driveways.

3. Prior to the issue of Statement of Compliance, the permit holder will enter into a Memorandum of Understanding with Council detailing the location of open space in the vicinity of stage 20A generally in accordance with Open Space Network plan by SMEC date 15 November 2018 to the satisfaction of the Responsible Authority.

4. 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.

5. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:

    - How the land is to be accessed during the construction period;
    - All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
    - All measures to be introduced to minimise soil erosion and runoff; and
    - Details relating to the storage of all plant and equipment during the construction period.

6. Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of buildup of matter outside of the site. Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of The Act.

7. Prior to the construction of a dwelling on each lot less than 300m2, the land owner must submit a developer approved site plan with setbacks, floor plan with dimensions and elevation plans with heights in accordance with the endorsed Memorandum of Common Provisions and obtain written consent from the Responsible Authority that plans are to the satisfaction of Council.

8. The temporary Cul De Sac must be permanently constructed within three years of the issue of this permit unless the subdivision to the South is approved with a connecting road network or with the prior written consent of the Responsible Authority.

9. A security deposit equal to 150% of the cost of construction of the permanent Cul De Sac as required by condition 8 must be lodged with the Council. The deposit will be returned either through practical completion of the roadway to the satisfaction of the Responsible Authority or alternative roadways are approved by the Responsible Authority.

Telecommunications:

10. The owner of the land must enter into agreements with:

    a. A telecommunications network or service provider for the provision of telecommunication service 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 provide by optical fibre.

11. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

    a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure:

12. The internal road network layout must be designed and constructed to be generally in accordance with the Approved West Maddingley Development Plan, to the standard detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

13. Prior to Statement of Compliance being issued the temporary Cul De Sac identified in Condition 1c) must be fully constructed.

14. Prior to the Statement of Compliance, the subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:

    i. The subdivision as a whole must be self draining.
    ii. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
    iii. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
    iv. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
    v. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
    vi. The drainage system must be designed to include provision to intercept litter.
    vii. All lots must be provided with a stormwater legal point of discharge at the lot point of the lot, to the satisfaction of the Responsible Authority.
    viii. The drainage design must take into account any applicable drainage or flood management strategy.

    If required, the layout of the subdivision must be modified based on the approved stormwater design.

15. Prior to the commencement of any works, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:

    i. The requirements for drainage of the whole site.
    ii. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
    iii. If additional outfall drainage or upgrading of the existing drainage network is required.

16. Prior to the commencement of any works, design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.

17. Prior to the commencement of any works, plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.

18. Telecommunications “fibre to premises” (FTTP) network (including all pipes, conduits, active equipment, equipment shelters and optical fibre cables) shall be provided to the lots to the satisfaction of the Responsible Authority.

19. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

20. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.

21. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).

22. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.

23. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.

24. Prior to the issue of Statement of Compliance for each stage, street names and street signs must be provided to the satisfaction of the responsible authority.

25. Prior to the issue of a Statement of Compliance, permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.

26. Prior to the issue of a Statement of Compliance, Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.

27. Prior to the issue of Statement of Compliance, landscaping within the development must be undertaken in accordance with an approved Landscape Plan, to the satisfaction of the Responsible Authority.

28. Landscaping (including street trees) must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

29. If a Statement of Compliance is sought prior to the landscape works being undertaken, then a security deposit of 150% of the cost of the landscaping must be lodged with the responsible authority. The landscape work must then be completed within 6 months form the issue of the Statement of Compliance (Practical Completion). Once the landscaping works are “Practically Compete”, the security deposited may be returned.

30. Prior to the issue of a Statement of Compliance, a security deposit equal to 25% of the cost of landscaping must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.

31. The developer must pay:

    i. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
    ii. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.

32. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:

    i. Drainage construction details in “D-Spec” format.
    ii. Roadworks construction details in “R-Spec” format.

33. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.

34. A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

35. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Downer Utilities:

36. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor:

37. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

38. The applicant shall:

    a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.

    b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

    c. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

    d. Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.

    e. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

       Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

f. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for “Powerline Purposes” pursuant to Section 88 of the Electricity Industry Act 2000.

g. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.

h. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

i. Obtain Powercor Australia Ltd’s approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

j. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Melbourne Water:

39. Prior to the issue of a Statement of Compliance, 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.

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

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

42. Prior to Certification, the Developer must ensure adequate outfall from the site. A copy of written approval from the relevant affected parties to the satisfaction of Council for the arrangement of appropriate drainage outfall for the subdivision must be provided to Melbourne Water. Copy of Council’s acceptance of the SWMS for any assets under Council’s maintenance shall be provided to Melbourne Water for our records.

43. 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'.

44. Prior to the commencement of works, the proposed Wetland treatment works to be constructed for treatment of stormwater runoff is to be designed and built to Council’s requirements. Council’s approval to the design and acceptance of ownership and all future maintenance responsibilities of the Wetland shall be submitted to Melbourne Water prior to the commencement of works.

45. 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.

46. 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.

47. 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.

48. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

49. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.

50. 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.

51. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.

52. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

53. 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.

54. Prior to the issue of a Statement of Compliance, the drainage outfall must be to the satisfaction of Council. Written confirmation of the acceptance of the drainage outfall by Council must be sent to Melbourne Water for our records.

Western Water:

55. Payment of new customer contributions for each lot created by the development such amount being determined by Western Water at the time of payment.

56. Reach agreement with Western Water for the provision and funding of potable water supply and sewerage services necessary to service the subdivision/development.

57. Provision of reticulated water mains and associated construction works to front each allotment, at the developer's expense in accordance with the standards of construction adopted by and to the satisfaction of Western Water.

58. Provision of reticulated sewerage services and associated construction works to each allotment within the subdivision/development, at the developer's expense, in accordance with the standards of construction adopted by and to the satisfaction of Western Water.

59. The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter) required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western Water Procurement and Guide to New Customer Contributions.

60. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.0m wide for a dedicated sewerage easement.

61. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

62. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

63. Prior to the issue of a Statement of Compliance, evidence must be provided in a form satisfactory to Western Water that will ensure all future lot owners are made aware that they must undertake water efficiency measures to limit the amount of potable water used.

64. The developer must produce for approval by Western water an Integrated Water Management Plan that incorporates water efficiency measures and water sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit for purpose alternative water such as stormwater, rainwater and recycled water. This plan must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water, when approved by Western Water, the Integrated Water Management Plan must be implemented before the issue of a statement of compliance.

65. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:

    - Own a metered hydrant approved by Western Water;
    - Meter and pay for all water taken;
    - Display a Western Water Permit Number Sticker on the tanker;
    - Only take water from nominated hydrants or standpipes;
    - Only use water for the purpose approved in the Water Carters Permit;
    - Avoid wastage of water on site; and
    - Comply with any water restrictions imposed by Western Water at the time water is used.

    For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Country Fire Authority

66. 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:

    i. 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.
    ii. 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).

67. 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:

    i. 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 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
    ii. Curves must have a minimum inner radius of 10 metres.
    iii. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
    iv. Roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Land, Water and Planning

68. Before the issue of a Statement of Compliance evidence that the offset required under all previous stages of this subdivision project has been secured must be provided to the satisfaction of the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning. This evidence must be one or both of the following:

    a. 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; and/or
    b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

69. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning Ballarat regional office.

Operational:

70. Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site associated with the activity that creates sediment discharges must comply with the Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.

Permit Expiry:

71. This permit will expire if one (1) of the following circumstances applies:

    a. The development is not started within two (2) years of the date of this permit;
    b. The development is not completed within four (4) years of the date of this permit; and
    c. The plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Statement of Compliance must be achieved and certified plans registered at Titles Office within five (5) years from the date of certification.

2. The hearing date listed for 06 June 2019 is vacated.

3. That there will be no Order as to costs.

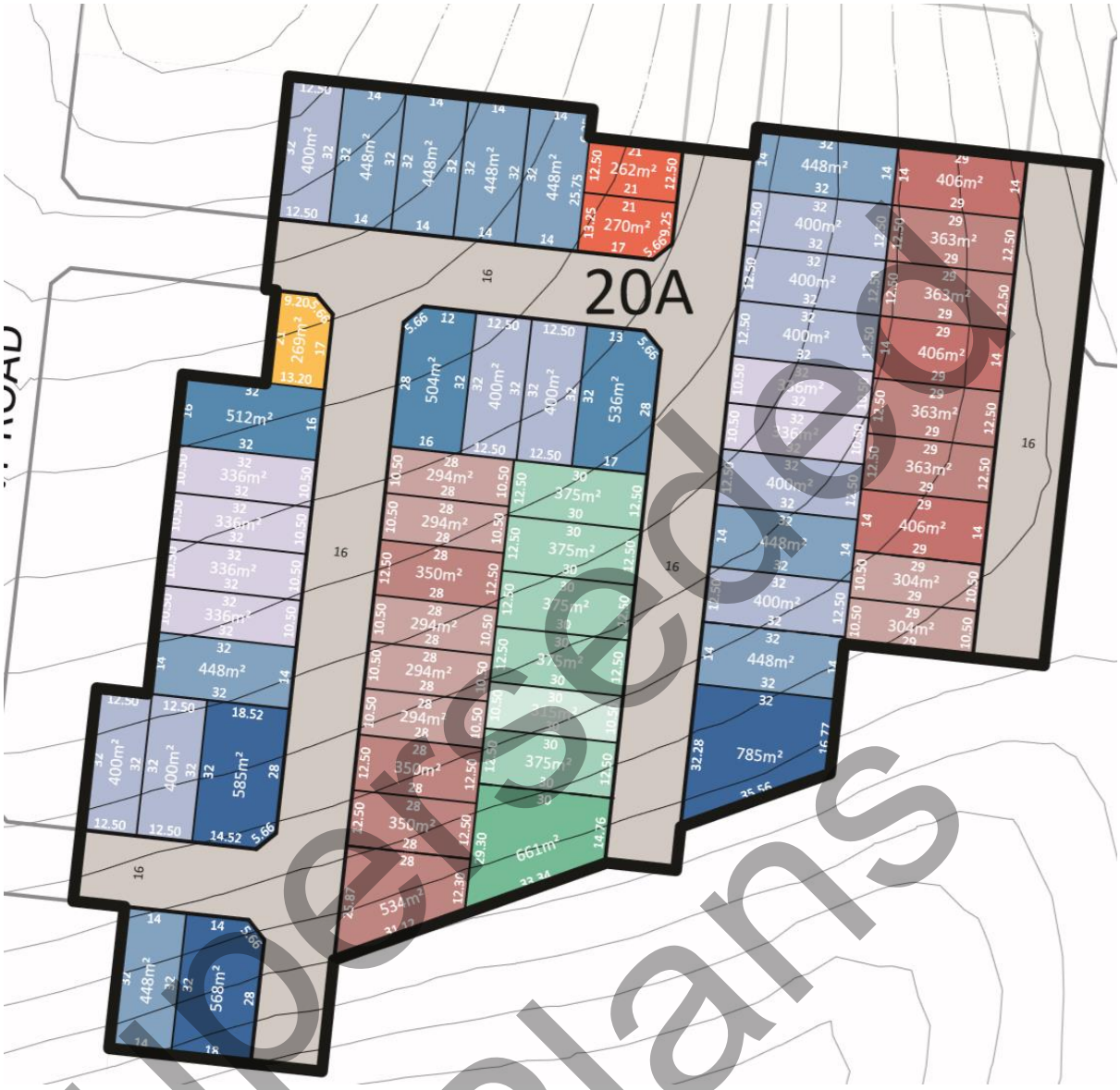
Dated: 20 March 2019

_____

Mr Warren Thomson on behalf of
Devine Limited

_____

Mr Satwinder Sandhu on behalf of
Moorabool Shire Council



Superseded Plans