

## 9 DEVELOPMENT AND INFRASTRUCTURE

### 9.1 PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE

**Author:** Amy King - Statutory Planner

**File No:** PLP003/18

**Attachments:**

1. Plan of Subdivision
2. Planning Policy Framework
3. Clause 56 Assessment

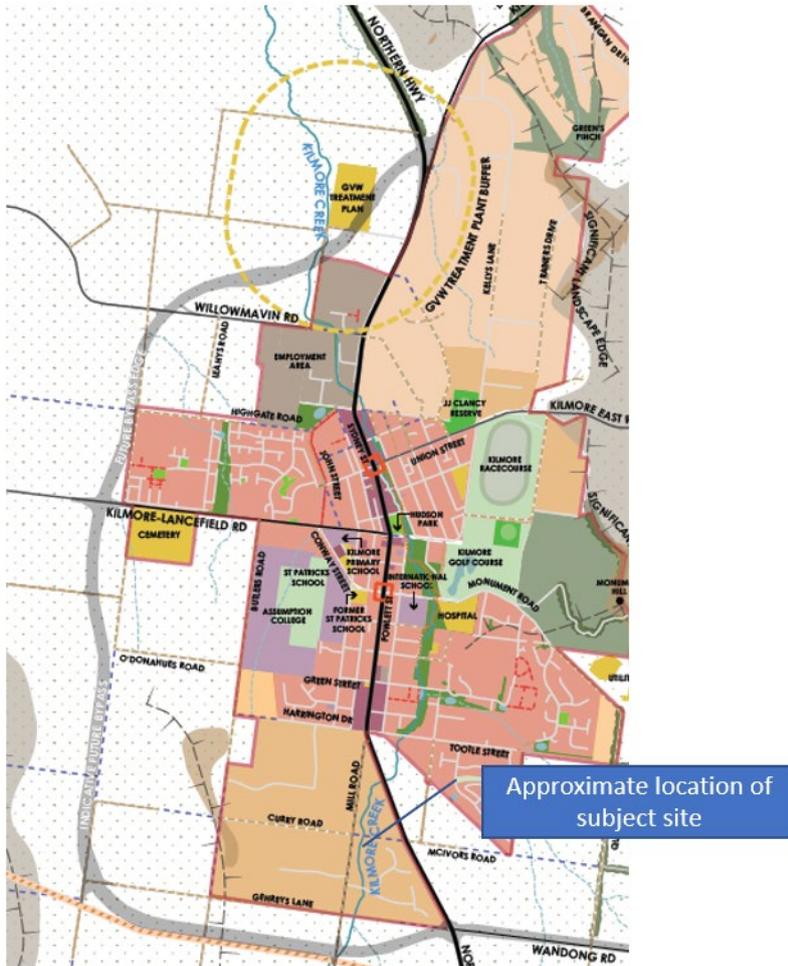
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| <b>Property No.:</b>                                | 106182   |
| <b>Title Details:</b>                               | Lot 1 on LP114531 (Volume 10774 / Folio 928)   |
| <b>Applicant:</b>                                   | Planright Australasia Pty Ltd  |
| <b>Zoning:</b>                                      | Low Density Residential Zone   |
| <b>Overlays:</b>                                    | Nil  |
| <b>Objections Received:</b>                         | 9 objections received (including one multi-signature objection containing 100 signatures)  |
| <b>Cultural Heritage Management Plan Required:</b>  | Yes. A Cultural Heritage Management Plan was supplied with the permit application as the site is located within an area identified for cultural heritage significance. |
| <b>Officer Declaration of Conflict of Interest:</b> | No officers involved in the preparation of this report have any direct or indirect interest in this matter   |

#### SITE MAP



(Aerial image of 38-50 Mill Road, Kilmore)

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)



(Approximate location of subject site within the Kilmore Structure Plan)

**SUMMARY**

Planning permit application PLP003/18 was received by Council 3 January 2018 for a multi-lot subdivision and the removal of native vegetation at 38-50 Mill Road in Kilmore. The land is zoned Low Density Residential with no Overlays applicable.

The application was publicly notified by mail to adjoining and nearby property owners and occupiers and with multiple signs on site erected on each road frontage. Nine objections were received which are summarised and addressed in later sections of this report.

The application is in part retrospective as some vegetation on site and in the road reserve has already been removed. This was subject to a separate planning enforcement process. Any approval of the subject application would be conditional upon securing offsets for that already removed vegetation, retention of existing remaining mature vegetation within proposed building exclusion areas and also the provision of additional mature landscaping within the creek corridor as part of the proposed development to compensate that loss.

It is recommended to issue a notice of decision to grant a planning permit subject to conditions.

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

## SITE AND SURROUNDS

### Subject Site Description

The subject site 38-50 Mill Road, Kilmore (legally described as Lot 1 on LP114531, Volume 10774 / Folio 928) is generally rectangular in shape and is located on the eastern side of Mill Road. The site is afforded a frontage to Mill Road of 315.27m (western property boundary), depth of 242.03m (southern property boundary) and 164.75m (northern property boundary, Curry Road) resulting in a lot area of 6.355ha.

The site is currently devoid of structures. The site is gently undulating and contains existing vegetation along the western property boundary, along the drainage line traversing the site, and scattered trees are found throughout the site.

The site is located approximately 800m south of the intersection of Mill Road and Powlett Street and is at the south-eastern junction of Mill Road and Curry Road.

### *Site photographs*



(view of subject site looking south from Curry Road)



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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

(view of subject site, central, as viewed from southern property boundary facing north).

### *Planning Background*

Details of previous planning permits issued at the subject site include:

PLA300636/96 - 2 lot subdivision. Permit issued 13/06/1997. This permit was not acted upon and has since expired.

PLA303716/04 – 14 lot subdivision. Permit issued 23/11/2007. This permit was not acted upon and has since expired.

The site has also been subject to a recent planning enforcement action in response to the illegal removal of vegetation. This investigation resulted in the issuing of Planning Infringement Notices (PIN) which were paid in full at the time. In addition, the PIN's required the permit applicant to secure and pay for biodiversity offsets for native vegetation removed in accordance with Clause 52.17 of the Mitchell Planning Scheme.

### *Title/Restrictions/Agreements*

The title does not contain any covenants, restrictions or Section 173 Agreements. No easements traverse the lot.

### Surrounding Area

The surrounding area is characterised by low density residential dwellings, which are developed to the immediate east, south and west of the subject site. These are generally detached dwellings on large residential allotments with lot areas varying from 4000sqm – 1ha in size. The surrounding area contains areas of dense and scattered vegetation, including within the road reserves. Land further south and west of the site is located within the Farming Zone.

## **PROPOSAL**

The proposal seeks to obtain planning permission for a staged multi-lot subdivision and the removal of native vegetation (refer Attachment 1). Specifically, this entails:

- Stage 1: Located in the north-west corner of the site, Stage 1 entails the creation of Lots 1-5, each a minimum of 2000sqm and are generally rectangular in shape. Lot 2-5 are proposed to be accessed via Mill Road, with Lot 1 accessed from Curry Road. Building exclusion zones are proposed for the rear of these lots seeking to protect the creek from inappropriate buildings and works.
- Stage 2: The creation of Lots 6-10 is proposed for Stage 2 which is located on the south-west corner of the site. Lots 6-10 are proposed to be accessed from Mill Road with matching building exclusion zones to the rear of the lots seeking to protect the creek from inappropriate buildings and works. The lots are generally rectangular in shape with lot sizes above 2000sqm.
- Stage 3: Stage 3 is proposed to encompass the balance of the site with lots 11-22. These lots are proposed to be accessed via a road from Curry Road, which proposes to traverse centrally through the site including a court bowl before connecting to Morris Court. Each lot is a minimum of 2000sqm. An easement is proposed to abut the rear of Lots 11 - 13, and 15-17.

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

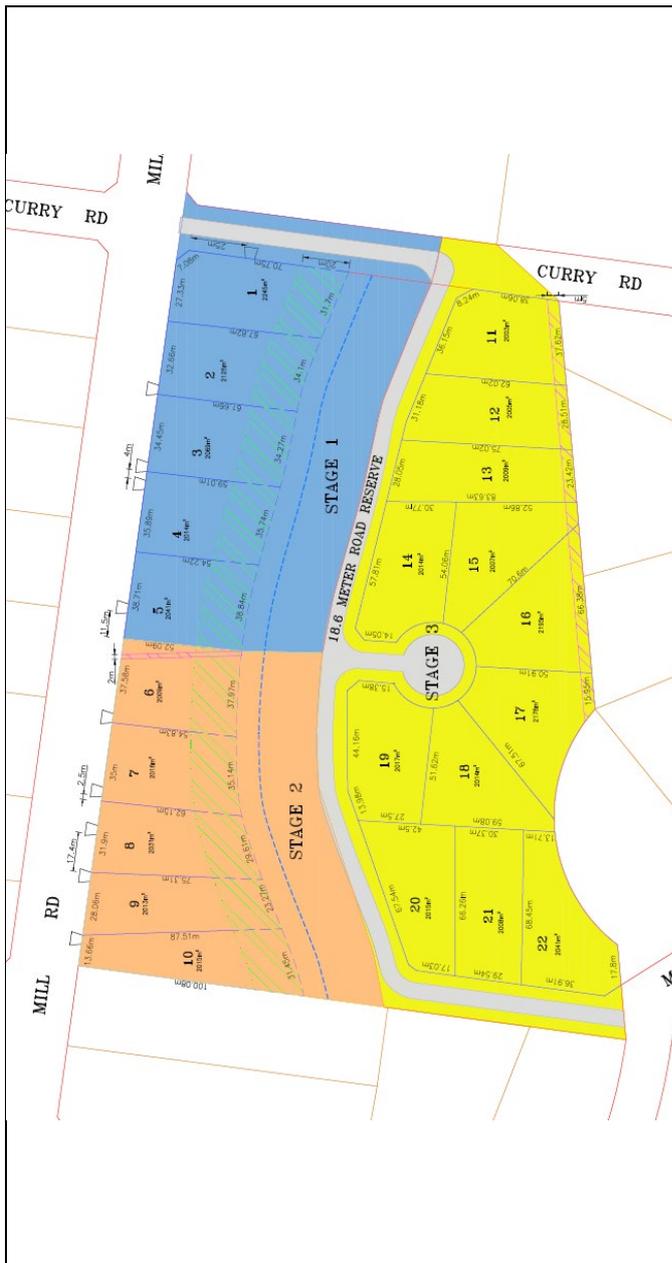
A central reserve is proposed to traverse the subject site from north to south, which follows the existing drainage line. This area is set aside for a reserve and falls within the Stage 1 and Stage 2 areas.

The proposal includes the removal of 0.737ha of remnant native vegetation, including one large tree. This includes vegetation from within the road reserve adjoining Mill Road to facilitate access to the proposed lots, and centrally to site between the western property boundary and the drainage line as a result of the creation of the lots.

Some of this vegetation has been removed prior to the lodgement of this application (and has been considered as part of the planning enforcement matter PLE00892/17 referenced in the foregoing). Under normal circumstances owing to the size of the proposed lots remaining vegetation would be permitted to be removed by the eventual land owners. However, conditions will be included on any permit issued that seeks to retain as much of this mature vegetation as possible. As part of the application, the applicant is intending to undertake landscaping within the drainage reserve which includes the planting of mature vegetation and retain any native vegetation within building exclusion zones and drainage reserve. This would be conditioned in any approval of the proposal.

The location of vegetation to be removed is shown on the aerial images to follow.

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)



(Plan of subdivision for 38-50 Mill Road, Kilmore).

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)



(Aerial image of subject site with area of proposed vegetation removal shown in yellow- left image, and vegetation within the road reserve- right image).

## PLANNING SCHEME PROVISIONS

### Zoning

The subject site is affected by the Low Density Residential Zone, pursuant to Clause 32.03 of the Mitchell Planning Scheme. The Low Density Residential Zone seeks to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Pursuant to Clause 32.03-3 a planning permit is required to subdivide land, with minimum lot sizes of 0.2ha for each lot with connected reticulated sewerage. The proposed development includes for connection to reticulated sewerage.

### Overlays

The site is not affected by any overlays.

### Particular Provisions

The following Particular Provisions are relevant to this application:

#### *Clause 52.17 (Native vegetation).*

A permit is required to remove, lop or destroy native vegetation, including dead native vegetation. The proposal seeks to remove eleven (11) native trees, which require planning approval to remove. An application to remove native vegetation must meet the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (December 2017).

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

*Clause 53.01 (Public open space contributions and subdivision)*

An application to subdivide land must make a contribution to Council for public open space, unless the subdivision is exempt from a public open space requirement. As the proposed subdivision is greater than two lots, the application is not exempt from requiring a contribution to public open space.

*Clause 56 (Residential subdivision)*

An application to subdivide land in the Low Density Residential Zone must meet the requirements of Clause 56 pursuant to Clause 32.03-6 of the Scheme.

Planning Policy Framework (PPF) & Local Planning Policy Framework (LPPF)

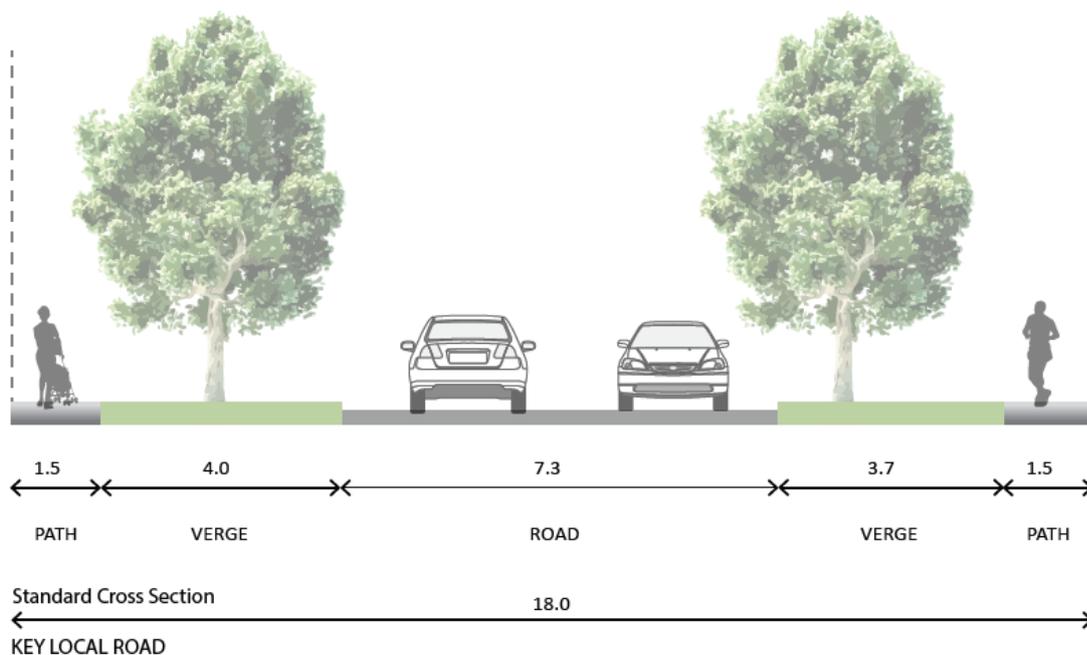
A number of Planning Policies have been considered through the assessment of this application the most relevant of which are discussed later in this report. For a complete list of applicable policies refer to Attachment 2.

Other Considerations

*Kilmore Structure Plan*

The Kilmore Structure Plan identifies the subject site as being within the Low Density Residential Area. The Kilmore Structure Plan identifies providing long term east-west pedestrian connection along Curry Road and there is a future signalised intersection envisaged at the intersection of Northern Highway, Curry Road and McIvor Road. The Kilmore Infrastructure Framework identifies the delivery of a shared path along Curry Road between Northern Highway and Highfield Way.

The Kilmore Structure Plan also provides details for local road widths (18m width), as indicated below:



(Kilmore Structure Plan road widths details – Local Roads)

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

## **PUBLIC NOTIFICATION (ADVERTISING)**

Formal notification of the application was given by means of letters to adjoining property owners and occupiers and signs on the property frontages facing Curry Road, Mill Road and Morris Court. A total of nine objections (including one multi-signature objection containing 100 signatures) were received and are addressed in the section Objectors' Concerns later in this report.

### Consultation

The applicant and all objectors were invited to address Council in support of their submissions at the Community Questions and Hearings Committee on Monday 11 February 2019. Those submissions have been taken into account in the finalisation of the recommendations of this report.

## **REFERRALS**

### External

The application was referred to the relevant subdivision authorities under Section 55 of the *Planning and Environment Act 1987* pursuant to Clause 66 of the Scheme.

This included the Department of Environment, Land, Water and Planning, the Country Fire Authority, APA Group (Gas), AusNet Services (Electricity), Goulburn Valley Water and Goulburn Broken Catchment Management Authority. Their responses outlined no objections and included recommended conditions.

### Internal

Internal referral comments were sought from Council's Engineering Services Team who provided comments regarding the proposal, including recommended conditions relating to access, infrastructure upgrades, drainage requirements, construction management plans, reinstatement and as-constructed requirements.

Internal comments were also sought from the Environmental Services Team and Council's Landscape Architect who recommended the inclusion of conditions relating to landscaping along the drainage reserve and within the road reserves (to be native species, local to the area), pavement treatments, and erosion and sediment management controls. These discussions have formed recommended conditions accordingly.

## **DISCUSSION**

### Residential Subdivision

The relevant policies of the PPF and LPPF seek to create subdivisions that achieve "*attractive, safe, accessible, diverse and sustainable neighbourhoods*". The land to the immediate west, east and south of the subject site are developed for low-density residential dwellings. The proposed subdivision as part of this application seeks to provide a road continuation from Morris Court to Curry Road through the subject site.

The lot sizes are considered to be respectful to the existing low-density character of the surrounding area as they will allow sufficient area to construct a dwelling and usual outbuilding on each lot, whilst maintaining adequate landscaping opportunities for the planting of large canopy trees and understorey vegetation.

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

The addition of a court bowl to service lots 14-19 provides an appropriate site response and allows for sufficient access to the future lots whilst allowing connections to Curry Road and Morris Court. The surrounding area includes instances of court bowls (including Buckley Court and Morris Court to the west of the subject site). As such, it is considered the inclusion of the proposed court bowl provides an appropriate site and surrounding area response.

The proposed road reserve corridors central to the site measure 18.6m in width. Council's engineers have advised this width exceeds the standards required for a local access street and is consistent with the Kilmore Structure Plan widths – Local Roads. In addition, the road width proposed will ensure that the required services and infrastructure can be provided to the lots.

The provision of drainage reserves traversing centrally through the site is considered an appropriate means of meeting drainage requirements whilst providing open space and connectivity to the future residents and provide a positive landscaping outcome for the street. It is recommended that fencing along the eastern boundaries of Lots 1-10 be of a permeable, rural fencing, nature to provide an appropriate and sensitive urban design appearance to the drainage reserve. As such, it is considered the proposed road reserves are appropriate as they exceed the standards required, provide adequate space for the provision of services, and enable a positive landscaping outcome for the street to be achieved. Further, the proposed road width exceeds the width specified within the Kilmore Structure Plan as shown in the image above.

#### Native Vegetation

The application seeks permission for the removal of native vegetation encompassing 0.737ha in area. The trees are generally found along the Mill Road frontage and are proposed to be removed to accommodate the access to the future lots (some of this was removed prior to the lodgement of the application and was considered as part of a planning investigation).

Some scattered trees are found within the vicinity of the western property boundary and must be considered as a consequential loss due to the proposed land area of that lot (less than 4000sqm). In total, 11 trees (including 1 large tree) are nominated for removal as part of the application. In normal circumstances many of these trees are deemed losses due to the land area of the proposed parcels, however, the permit applicant has outlined the intent to retain any native vegetation found within the building exclusion zones or the drainage reserve as shown on the proposed Plan of Subdivision. This intention will be reflected within the recommended conditions.

Exotic pine trees within the south-eastern portion of the site are also proposed for removal but do not require planning permit permission. The applicant is also seeking to obtain retrospective consent for the removal of vegetation conducted (following the issue of planning infringement notices which have been paid in full). Consideration of this vegetation is also made within this assessment. Under any permit issued the applicant will be required to provide offsets for the vegetation already removed.

The relevant policies relating to native vegetation within the Mitchell Planning Scheme seek to avoid and minimise the loss of biodiversity and native vegetation within the municipal area. The application has sought to avoid a number of trees located along the western property boundary, which is considered to be an appropriate outcome to retain biodiversity and amenity value. Further, the Department of Environment, Land,

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

Water and Planning who found that the application was not likely to impact biodiversity of the area provided that offset vegetation is secured and provided consent to the issuing of a planning permit, subject to conditions.

Further, it is recommended to include conditions relating to the provision of landscaping within the drainage reserve (including mature vegetation) to provide a suitable site response and to compensate for lost vegetation in conjunction with the retention of vegetation within the drainage reserve or building exclusion zones. This will ensure that adequate space on these lots is available for building a dwelling whilst minimising the extent of native vegetation removal on the site.

As offsets for the proposed vegetation loss can be obtained and the recommendation to conduct landscaping on site, it is considered that the net biodiversity value will not be lost as a result of the removal and that the low-density character of the area is not likely to be impacted by the extent of native vegetation proposed.

#### Particular Provisions

A response to Clause 56 of the Scheme can be found as an attachment to this report (refer Attachment 3).

### **OBJECTORS' CONCERNS**

The objections received in relation to the current proposal cover a number of matters and are addressed below:

#### *Lot sizes and layout:*

Concerns were raised in relation to the size of the lots being under 4000sqm. It is noted that the Low Density Residential Zone allows for lots less than 4000sqm on the provision that connection to reticulated sewerage is made. The applicant has demonstrated the ability to connect to reticulated sewerage and that each lot is capable of accommodating a building envelope pursuant to Standard C8 of Clause 56. The provision of smaller lots also allows for diverse housing opportunities within the Kilmore area and is considered to be a positive site response.

#### *Traffic:*

Concerns were raised in relation to increased traffic and the existing conditions of the roads. The applicant has supplied a Traffic Management Plan which concluded that the proposal was unlikely to result in detrimental traffic impacts. Council (as the relevant road manager) are responsible for the maintenance of roads which can be reported for action.

#### *Vegetation removal:*

The Department of Environment, Land, Water and Planning and Council's Environmental Services Team have reviewed the proposed vegetation removal and found that the proposal was satisfactory subject to the securing of offsets to protect biodiversity. Further, it is recommended to include conditions relating to the landscaping (including mature vegetation) within the drainage reserve and the retention of any native vegetation within the building exclusion zones can assist in compensating for any lost vegetation.

#### *Planning precedent:*

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

Concerns were raised that the proposed subdivision would set a future precedent for lot sizes and subdivision yields for the surrounding area. It is noted that each application is considered on its own merits, and under the relevant planning controls and site conditions. Approval of this proposal does not constitute the precedent for future lot yields. In addition, the Kilmore Structure Plan has identified the subject site as being within the Low Density Residential area which is consistent with the proposal under consideration.

*Noise:*

The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in a residential setting. Any future issues of amenity, if they arise, should be pursued as a civil matter.

*Increased crime:*

The potential for increased crime as a result of the subdivision design is not a valid planning consideration and can be dealt with by Victoria Police. It is noted that conditions to be included in any permit issued relate to a requirement for low level fencing on property boundaries along the drainage reserve ensure passive surveillance is maintained along this area and reducing the possibility of any anti-social behaviour.

## CONCLUSION

The proposed subdivision and removal of native vegetation is considered to be appropriate as the subdivision is consistent with the low-density residential development and subdivision within the surrounding area, whilst meeting the minimum lot size requirements of the Low Density Residential Zone.

The proposal is also considered to be appropriate as the vegetation loss can be adequately offset to avoid net biodiversity loss. In addition, the retention of any native vegetation located within the building exclusion zones of Lots 1-10 and the drainage reserve in association with the landscaping of mature vegetation within the reserve will ensure the development provides a positive response to the biodiversity and native vegetation objectives of the Mitchell Planning Scheme. Further, the proposal responds positively to the relevant Standards of Clause 56. Therefore, it is recommended that Council issue a notice of decision to issue a planning permit, subject to conditions.

## RECOMMENDATION

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a notice of decision in respect of Application No. PLP003/18 for a staged multi-lot subdivision and removal of native vegetation at Lot 1 on LP114531 (Volume 10774 / Folio 928), known as 38-50 Mill Road, Kilmore, subject to the following conditions:

General:

1. Before the Certification of the Plan of Subdivision 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 will then form part of the permit. The plans must be

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:

- a) The provision of a permeable, rural style fencing (timber rail or similar) to the rear boundary of Lots 1-10 including a restriction on gates opening to the reserve to the satisfaction of the Responsible Authority.
  - b) An updated Plan of Subdivision identifying any native vegetation found within the building exclusion zones of Lots 1-10 or the drainage reserve with a notation that this vegetation is to be retained.
  - c) Detailed or amended plans to address the southern termination of the reserve in stage 2 to address interface with adjoining property to the satisfaction of the responsible authority.
2. The layout of the subdivision and extent of native vegetation for removal as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:
- a) transport of materials, goods or commodities to or from the land;
  - b) inappropriate storage of any works or construction materials;
  - c) hours of construction activity;
  - d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, reflection or glare, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
  - e) presence of vermin; and
  - f) in any other way.
- to the satisfaction of the Responsible Authority.
4. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
5. The owner of the land must enter into an agreement with:
- a) telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - 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.

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

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

6. Before a plan of subdivision (for each stage) is certified, a layout plan with street names, in accordance with the naming rules for places in Victoria and a written response provided to justify the choice of names, must be provided to and approved by the Responsible Authority.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority a cash payment equivalent to 4% of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.

Section 173 Agreement:

8. Before the plan of subdivision is certified under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and *Environment Act 1987* and the agreement must be registered on the title/s to the land under Section 181 of the Act. The agreement must provide that:
  - (a) The retention of any native vegetation within the building exclusion zones of Lots 1-10 and the drainage reserve, in accordance with the endorsed plans under Condition 1.  
  
The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

Department of Environment, Land, Water and Planning conditions:

9. Before works start, the permit holder must advise all persons undertaking the vegetation removal of all relevant conditions of this permit.
10. In order to offset the removal of 0.737 hectare of native vegetation and 1 large tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (2017), as specified below.
11. The offset must:
  - Contribute gain of 0.167 general habitat units.
  - Be located within the Shire of Mitchell or the Goulburn Broken Catchment Management Authority boundary.
  - Have a strategic biodiversity score of at least 0.306.
  - The offset secured must provide protection of at least 1 large tree.

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

12. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence can be either:  
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,  
A credit register extract from the Native Vegetation Credit Register.  
A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
13. Every year, for ten years, after the responsible authority has approved the offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

*Note please:* This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

Country Fire Authority conditions:

*Hydrants*

14. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA.
  - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
  - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

*Roads*

15. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
  - a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
  - b) Curves must have a minimum inner radius of 10 metres.
  - c) 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.

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

- d) Roads more than 60m in length from the nearest intersection must have
  - a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Goulburn Valley Water conditions:

- 16. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
- 17. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- 18. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- 19. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains).
- 20. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
- 21. Pursuant to Section 36 of the *Subdivision Act 1988*, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation.
- 22. The land to be included in an extension of the Sewer Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer to this development. Such amount being determined by the Authority at the time of payment.
- 23. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.

24. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the *Subdivision Act 1988*.

Goulburn Broken Catchment Management Authority conditions:

25. The subdivision must be carried out according to the plan on Appendix 1, of submitted documents, prepared by Land Management Surveys (Drawing No. 8823/C1, Release 01, Amended Feb 18 to include GB CMA Riparian Zone).

APA Group Conditions:

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

Engineering Services conditions:

28. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage, the permit holder must upgrade Mill Road along the frontage of the subject stage to a residential standard in accordance with the requirements of Councils Standard Drawings and to the satisfaction of the Responsible Authority. Specific details include:
- a) Fully sealed pavement widening;
  - b) Kerb and channel and vehicular crossings;
  - c) Footpaths to development side;
  - d) Underground drainage;
  - e) Underground conduits for water, gas, electricity and telephone;
  - f) Appropriate intersection and traffic management measures;
  - g) Appropriate street lighting and signage;
  - h) Permanent survey marks.
29. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage, the permit holder must upgrade unnamed road reserve to the north of the development along the frontage of the subject stage to a residential standard in accordance with the requirements of Councils Standard Drawings and to the satisfaction of the Responsible Authority. Specific details include:
- a) Fully sealed pavement widening;
  - b) Kerb and channel and vehicular crossings;
  - c) Footpaths to development side;
  - d) Underground drainage;
  - e) Underground conduits for water, gas, electricity and telephone;
  - f) Appropriate intersection and traffic management measures;

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

- g) Appropriate street lighting and signage;
  - h) Permanent survey marks.
30. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage, the permit holder must create a drainage easement along the northern boundary of lot 6 with a minimum width of 5 metres for the purpose of drainage and an overland flow path to the satisfaction of the Responsible Authority
31. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of any works associated with the development start, a Drainage Strategy to the satisfaction of the Responsible Authority must be prepared. Once approved the strategy would be endorsed and form part of this permit. The Strategy should include:
- a) General sizing and specification of any retention and treatment facilities;
  - b) Location of any proposed retention and treatment facilities;
  - c) Typical details of proposed systems to be utilised;
  - d) Evidence to support water quality improvements;
  - e) Evidence to support appropriate retention;
  - f) Major storm overland flow paths and requirements;
  - g) Outfall works and proposals;
  - h) Any required staging or interim facilities.

Unless otherwise agreed by the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage, all works shown as part of the endorsed drainage strategy must be constructed or carried out in accordance with that strategy to the satisfaction of the Responsible Authority.

32. Unless otherwise agreed to in writing by the responsible Authority, before the plan of subdivision is certified for any stage of the subdivision under the *Subdivision Act 1988*, a functional layout plan for the stage of subdivision must be submitted to and approved by the Responsible Authority. The functional layout plan must be drawn to scale with dimensions. The functional layout plan must be generally in accordance with the application plans but incorporate the following:
- a) a subdivision layout drawn to scale, including lot areas, lot numbers and widths of road reserves
  - b) topography and existing features, including contours for the subject land and any affected adjacent land
  - c) the location of all trees existing on the land, including dead trees and those that overhang the land from adjoining land
  - d) details of tree protection zones for all trees to be retained on the land

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

- e) any trees proposed for removal from the land
  - f) typical cross-sections for each street type, dimensioning individual elements and services offsets and any other spatial requirements
  - g) a table of offsets for all utility services and street trees
  - h) location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls
  - i) the proposed minor drainage network and any land required for maintenance access
  - j) the major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing
  - k) overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination
  - l) drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance
  - m) preliminary location of reserves for electrical kiosks
  - n) works external to the subdivision, including both interim and ultimate access requirements.
33. Before any road and/ or drainage works associated with the subdivision for any stage start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions. The plans must include:
- a) All necessary computations and supporting documentation for any structure, traffic data, road safety audit and geotechnical investigation report.
  - b) All details of works consistent with the approved functional layout plan, relevant landscape plan and plan of subdivision for the relevant stage of the subdivision.
  - c) Design for full construction of streets and underground drainage, including measures to control/capture pollutants and silt.
  - d) Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
  - e) All road reserve and pavement widths to be in accordance with relevant Mitchell Shire Council Standards.
  - f) All intersection treatments to allow Council's waste collection vehicles to manoeuvre in a forward direction without the need for reversing.
  - g) Where an intersection, bend or junction is part of a designated bus route, the design must allow for the movement of an ultra-low floor bus (ULFB 12.5m) and roundabouts at the intersection of two connector streets must be designed to accommodate an ULFB, 12.5 metres and all service and emergency vehicles.
  - h) Verge widths around all bends, intersections and within court bowls must not be less than 3m in width.

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

- i) Solid white centreline pavement marking and raised reflective pavement markings (RRPM) on all 90-degree bends on through roads.
- j) Vehicle crossings must be provided to each lot in accordance with Mitchell Shire Council Standards.
- k) Provision of concrete footpaths in all streets and reserves. All footpaths shall be a minimum 1.5 metres in width and be in accordance with Mitchell Shire Council Standards.
- l) Shared paths as required within streets and reserves. All shared paths must be a minimum 2.5m in width and be in accordance with Mitchell Shire Council Standards.
- m) All court heads to allow Council's waste collection vehicles to access and egress from the courts in a forward direction.
- n) Provision of a temporary turning area with sufficient size in locations where the road terminates at stage boundaries to allow waste collection vehicles to access and egress in a forward direction.
- o) Provision of public lighting with underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links.
- p) All street lighting must be designed in accordance with AS 1158. Non-standard street lighting will not be accepted, except where this provides continuity with existing lighting and is agreed by the Responsible Authority. A non-standard lighting fee will apply. Energy efficient lighting, (e.g. LED (preferred), T5 or CFL), should be utilised.
- q) Access to all public buildings, pathways and road crossings shall comply with the *Disability Act 2006* and be to the satisfaction of the Responsible Authority.
- r) Provision of street name plates to the Mitchell Shire Council Standard, including a schedule of individual signs and associated street numbers.
- s) Provision of underground drains of sufficient capacity to serve all lots being created which connect to a legal point of discharge including the provision of an inlet to each lot.
- t) The location and provision of vehicle exclusion mechanisms abutting reserves.
- u) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- v) Permanent survey marks.
- w) Survey details of the canopy trunk location and size of all trees to be removed or retained and associated tree protection zones.
- x) Details in relation to all filling on the land that must be compacted to specifications approved by the Responsible Authority.
- y) The underground relocation of all existing aerial services, on the services layout plan.
- z) The location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.
- aa) The drainage system of the proposed development must be designed to ensure that flows downstream of the land are restricted to pre-

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

- development levels unless increased flows are approved by the Responsible Authority.
- bb) Underground drainage must be provided and any other drainage works necessary for the transmission of drainage as required to the approved outfall.
  - cc) All drainage works must be designed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (1999) unless otherwise agreed by the Responsible Authority:
    - i. 80% retention of the typical annual load of total suspended solids
    - ii. 45% retention of the typical annual load of total phosphorus; and
    - iii. 45% retention of the typical annual load of total nitrogen.
  - dd) Each lot must be provided with one drainage discharge point.
  - ee) All lots within the proposed development abutting or adjoining a watercourse or water body must have a minimum 600mm freeboard above the 1 in 100 year flood level of the water course or water body.
  - ff) Roads and allotments are to be designed such that the allotments are protected with a minimum 300mm freeboard against the 1 in 100 flooding, where the water level exceeds 50mm above the top of kerb.
34. Unless otherwise agreed by the Responsible Authority under section 21(1)(b)(ii) of the *Subdivision Act 1988*, prior to the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, all works shown on the approved construction plans must be constructed or carried out in accordance with the plans and to the satisfaction of the Responsible Authority.
35. The discharge of water from each of the proposed lots must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
36. Before any works associated with the subdivision start, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan will then be endorsed and form part of the planning permit. The Construction Management Plan must include details of:
- (a) A Site Management and Safety Plan including, but not limited to, the following:
    - i. Locations of temporary on-site facilities such as equipment storage areas, litter control compounds, contractor rest and car parking areas and the likes;
    - ii. On-site safety procedures;

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

- iii. Relevant service authority and emergency services contact details;
  - iv. Site access address for emergency vehicles;
  - v. Working hours and days;
  - vi. Site specific safety and risk analysis;
  - vii. Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out.
- (b) An Environmental Management Plan including, but not limited to, the following:
- i. Methods to contain dust, dirt and mud within the subject site, and the method and frequency of clean up procedures;
  - ii. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
  - iii. Stormwater management and water quality control procedures;
  - iv. Methods to prevent and manage illegal dumping on the land;
  - v. Tree Protection Zones around the trees to be retained as shown on the endorsed plans;
  - vi. Machinery wash down areas, clearly fenced and located in disturbed areas, which ensure that all machinery entering and exiting the land is weed and pathogen free;
  - vii. Methods to ensure that contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit.
- (c) A Traffic Management Plan including, but not limited to, the following:
- i. Proposed haulage routes to and from the subject land;
  - ii. Expected frequency of vehicle movements to and from the land;
  - iii. Site access arrangements for construction vehicles;
  - iv. Measures proposed to mitigate traffic impacts resulting from construction vehicles accessing the land.

All works must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

37. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
38. All lot filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

Responsible Authority. All fill must be certified clean fill as defined by the Environment Protection Agency (EPA) and no fill accepted from the general public. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, evidence must be provided to demonstrate compliance with the above Australian Standard, to the satisfaction of the Responsible Authority.

39. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay a design checking for landscaping as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.
40. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay a supervision of landscaping works of 2.50% of the costs of assets handed over to council for the development as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.
41. Before the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the following must be submitted to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority:
  - (a) A complete set of “as constructed plans” of site works in digital file format both PDF and AutoCAD. The AutoCAD digital files must have a layer naming convention to enable identification of Council assets listed.
  - (b) A Schedule of all sub-divisional civil work costs and asset quantities which include the following Council assets;
    - i. Total length of Roads, Footpath, Kerb and Channel,
    - ii. Total number of Bridges, WSUD features, Traffic calming devices,
    - iii. Total length of pipe and number of pits for Drainage,
    - iv. Total number of streetlights.
  - (c) Asset information in digital format to include asset data in accordance with the “A-Spec” Standard, including D-Spec for drainage infrastructure, open space data in accordance with the “O-Spec” Standard, road and footpath data in accordance with “R-Spec” Standards and B-Spec for building data.
  - (d) A report containing a maintenance regime for all Water Sensitive Urban Design features.
  - (e) Any relevant infrastructure manuals, specifications or maintenance requirements for assets to be handed over.
  - (f) A CCTV video recording and report of all completed stormwater drains greater than 150mm diameter.
  - (g) A refundable maintenance bond of 5 per cent of the total cost of all infrastructure to be handed over to Council is to be held by Council for a

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

minimum of twelve (12) months in accordance with Section 17(4) of the *Subdivision Act 1988*.

Landscaping:

42. Before development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:
- a) the locations of all landscaping works to be provided on the land
  - b) the locations of any trees to be retained or removed from the land (including details of species and size)
  - c) street tree(s) removed must be replaced with 100L pot size, native, indigenous and local advanced tree(s), of a species suitable for use as street trees, where appropriate, to the satisfaction of the Responsible Authority
  - d) a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant with preference given to native, indigenous and local species
  - e) all trees must be specified as 100L pot size, native, indigenous and local advanced tree(s)
  - f) details of the proposed surface finishes of pathways and driveways
  - g) details of the irrigation system to be used on land following completion of the landscaping works
  - h) details of the proposed retardation basin, including but not limited to: sections/elevations and internal contouring; a detailed schedule of all proposed trees, shrubs, groundcovers, terrestrial and ephemeral planting including botanical names, common names, pot sizes, source of plant stock, sizes at maturity and quantities of each plant; maintenance methodology and requirements; safety-in-design methodology and all constructed elements such as retaining structures, rock revetment, treatment to entry/outlet structures and spillways.
  - i) an erosion and sediment control management plan must be submitted to the Responsible Authority for approval.
  - j) a weed management plan must be submitted to the Responsible Authority for approval.
  - k) A revegetation management plan must be submitted to the Responsible Authority for approval.
43. Before the dwellings are occupied, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the

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PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

44. The landscaping is to be maintained for a period of 24 months including at least two full summer periods from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

Permit expiry:

45. This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within 2 years of the date of this permit;
  - b) The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

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

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

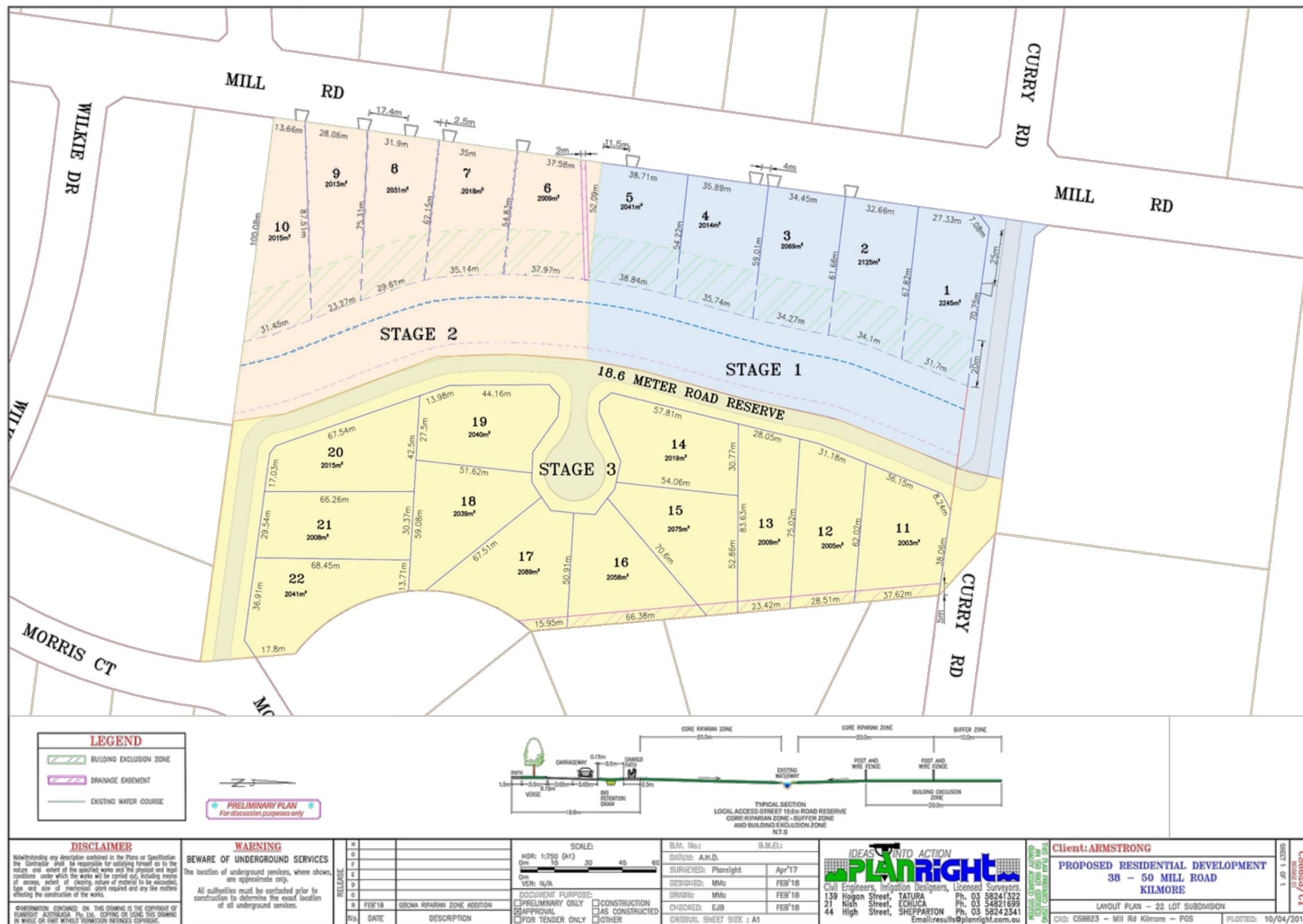
### **DEVELOPMENT AND INFRASTRUCTURE**

**18 FEBRUARY 2019**

**9.1**

**PLANNING PERMIT APPLICATION PLP003/18  
FOR A STAGED MULTI-LOT SUBDIVISION AT  
38-50 MILL ROAD KILMORE**

**Attachment No: 1  
Plan of Subdivision**



# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **DEVELOPMENT AND INFRASTRUCTURE**

**18 FEBRUARY 2019**

**9.1**

**PLANNING PERMIT APPLICATION PLP003/18  
FOR A STAGED MULTI-LOT SUBDIVISION AT  
38-50 MILL ROAD KILMORE**

**Attachment No: 2**

**Planning Policy Framework**

## Attachment 2 –

**STATE AND LOCAL PLANNING POLICY FRAMEWORK**

Amendment VC148 was gazetted on 31 July 2018 which introduced the following changes to the planning scheme:

- introduces a new Planning Policy Framework (PPF)
- enables the future introduction of a Municipal Planning Strategy (MPS)
- simplifies the VPP structure by:
  - restructuring particular provisions
  - integrating VicSmart into applicable zones, overlays and particular provisions
  - consolidating operational and administrative provisions
- amends specific zones, overlays and particular provisions to improve their structure and operation, and to support the future translation of Local Planning Policy Frameworks (LPPFs) to the MPS and PPF
- introduces a new Specific Controls Overlay to replace Clause 52.03 Specific Sites and Exclusions
- deletes outdated particular provisions
- deletes permit requirements for low-impact uses in industrial zones
- reduces car parking requirements for uses in commercial areas and for land within walking distance of high-quality public transport.

The current PPF applies to the application:

| Policy   | Objective  |
|--|--|
| Clause 12.01-1S (Protection of biodiversity)   | <p>This clause is relevant and has the following objective:</p> <p><i>To assist the protection and conservation of Victoria’s biodiversity.</i></p> <p>This clause’s strategy is to:</p> <p><i>Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.</i></p> <p><i>Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of: Cumulative impacts, Fragmentation of habitat, The spread of pest plants, animals and pathogens into natural ecosystems.</i></p> <p><i>Assist in the identification, protection and management of important areas of biodiversity.</i></p> |
| Clause 12.01-2S (Native vegetation management) | <p>This clause is relevant and has the following objective:</p> <p><i>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation</i></p> <p>This clause’s strategy is to:</p> <p><i>Avoid the removal, destruction or lopping of native vegetation</i></p>  |

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|  | <p><i>Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.</i></p> <p><i>Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation</i></p>   |
| Clause 15.01-1S (Urban design)                   | <p>This clause is relevant and has the following objective:</p> <p><i>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</i></p> <p>This clause's strategy is to:</p> <p><i>Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.</i></p> <p><i>Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.</i></p>                                      |
| Clause 15.01-5S (Neighbourhood character)        | <p>This clause is relevant and has the following objective:</p> <p><i>To recognise, support and protect neighbourhood character, cultural identity, and sense of place.</i></p> <p>This clause's strategy is to:</p> <p><i>Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the Pattern of local urban structure and subdivision, Underlying natural landscape character and significant vegetation, Heritage values and built form that reflect community identity.</i></p> |
| Clause 15.02-1S (Energy and resource efficiency) | <p>This clause is relevant and has the following objective:</p> <p><i>To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions</i></p> <p>This clause's strategy is to:</p> <p><i>Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development</i></p> <p><i>Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.</i></p>   |
| Clause 16.01-4S (Housing affordability)          | <p>This clause is relevant and has the following objective:</p> <p><i>To deliver more affordable housing closer to jobs, transport and services.</i></p> <p>This clause's strategy is to:</p> <p><i>Ensuring land supply continues to be sufficient to meet demand.</i></p>  |

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|   |  | <i>Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.</i>  |
| Clause 16.01-5S (Rural residential development) |  | <p>This clause is relevant and has the following objective:</p> <p><i>To identify land suitable for rural residential development.</i></p> <p>This clause's strategy is to:</p> <p><i>Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.</i></p> |
| Clause 21.03-1 (Biodiversity)                   |  | <p>This clause is relevant and has the following objective:</p> <p><i>To protect and enhance indigenous flora, fauna and habitat</i></p> <p>This clause's strategy is to:</p> <p><i>Protect high quality native vegetation and habitat for native animals<br/>Identify and document remnant vegetation, biodiversity assets and wildlife corridors</i></p>     |
| Clause 21.11-3 (Local Areas, Kilmore)           |  | <p>This clause is relevant and has the following objective:</p> <p><i>Encourage the use of public open space, by incorporating linkages within all new developments</i></p>  |

# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **DEVELOPMENT AND INFRASTRUCTURE**

**18 FEBRUARY 2019**

**9.1**

**PLANNING PERMIT APPLICATION PLP003/18  
FOR A STAGED MULTI-LOT SUBDIVISION AT  
38-50 MILL ROAD KILMORE**

**Attachment No: 3  
Clause 56 Assessment**

## Clause 56 Assessment: (Residential Subdivision)

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| <p>56.03-5: Neighbourhood character objective</p> <p><b>Standard C6</b></p> <p>Subdivision should:</p> <ul style="list-style-type: none"> <li>• Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Respond to and integrate with the surrounding urban environment.</li> <li>• Protect significant vegetation and site features.</li> </ul>   | <p><b>Complies</b></p> <p>The proposal seeks to create 22 residential lots, which are consistent with pattern of the surrounding area and meet the minimum lot sizes of the zone. As the subdivision also seeks to consider the existing conditions of the site (including the existing drainage line) the proposal is considered to be appropriate to the context of the site. The application includes the removal of vegetation required to facilitate the access to the lots and has demonstrated a suitable response to the native vegetation considerations subject to the requirement for offsets being secured. As such, it is considered the proposed subdivision responds positively to the site and surrounds and offers a diversity in lot sizes for the area whilst still respecting the subdivision pattern of the wider area.</p> |
| <p>56.04-2: Lot area and building envelopes objective</p> <p><b>Standard C8</b></p> <p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>• That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>• That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> </ul> <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>• Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> <li>• If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> </ul> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> | <p><b>Complies</b></p> <p>Given that the proposed lots are in excess of 800sqm the proposed lots will have adequately sized building envelopes, it is considered that the development is consistent with the objectives and standards of Clause 55. Building exclusion zones have been included for Lots 1-10 to prevent development within unsuitable portions of the site.</p> <p>As such, the proposed subdivision provides a positive response to the objectives of Standard C8.</p>   |

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| <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement.</p> <p>Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> <li>• The objectives of the relevant standards are met, and</li> <li>• The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</li> </ul>   |   |
| <p>56.04-3: Solar orientation of lots objective</p> <p><b>Standard C9</b></p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>• The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>• Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</li> </ul> | <p><b>Complies</b></p> <p>Given that each lot is proposed to exceed 2000sqm, it is considered the lot sizes will be capable of accommodating a dwelling with adequate solar access.</p> |
| <p>56.04-5: Common areas objective</p> <p><b>Standard C11</b></p> <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> <li>• The common area to be owned by the body corporate, including any streets and open space.</li> <li>• The reasons why the area should be commonly held.</li> <li>• Lots participating in the body corporate.</li> <li>• The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>   | <p><b>N/A</b></p> <p>No common property area is proposed on the site. The proposed access is to form an extension through to Morris Court.</p>  |
| <p>56.06-8: Lot access objective</p> <p><b>Standard C21</b></p> <p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes,</p>  | <p><b>Complies</b></p> <p>A mandatory condition on the planning permit will be included requiring that the design and</p>   |

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| <p>access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>Refer to table for design of streets and networks (Table C1)</p>  | <p>construction of the crossovers must meet the requirements of the Responsible Authority (as the land does not abut an arterial road).</p>  |
| <p>56.07-1: Drinking water supply objective</p> <p><b>Standard C22</b></p> <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>• Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>• Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>  | <p><b>Complies</b></p> <p>The new lot will be connected to the existing reticulated water supply and this provision will be placed on the planning permit as a requirement.</p>  |
| <p>56.07-2: Reused and recycled water objective</p> <p><b>Standard C23</b></p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> <li>• Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</li> <li>• Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>   | <p><b>Complies</b></p> <p>No secondary reticulated supply is known to be available to the subject site.</p> <p>Rainwater tanks could be installed into the future when the lots are developed.</p>                         |
| <p>56.07-4: Urban run-off management objectives</p> <p><b>Standard C24</b></p> <p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>• Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>• Consistent with any relevant approved domestic waste water management plan.</li> </ul> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p> | <p><b>Complies</b></p> <p>The lots will be required to be connected to a reticulated sewerage system as part of the subdivision of the land and this provision will be placed on the planning permit as a requirement.</p> |
| <p>56.07-3: Waste water management objective</p> <p><b>Standard C25</b></p> <p>The urban stormwater management system must be:</p>   | <p><b>Complies</b></p> <p>Storm water runoff from the proposed lots will be directed to the drainage network in accordance with Council requirement as per Engineering</p>   |

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| <ul style="list-style-type: none"> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>• Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul> | <p>Services Unit conditions and this provision will be placed on the planning permit.</p>  |
| <p>56.08-1 Site management objectives</p> <p><b>Standard C26</b></p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment.</li> <li>• Dust.</li> <li>• Run-off.</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> <li>• Vegetation and natural features planned for retention.</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>   | <p><b>Complies</b></p> <p>This proposal results in construction for the proposed extension from Curry Road through to Morris Court. Therefore, a condition requiring management of erosion, dust, run-off, litter, construction wastes, chemical contamination, etc. will be placed on the planning permit as a requirement.</p> |
| <p>56.09-1 Shared trenching objectives</p> <p><b>Standard C27</b></p> <p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>   | <p><b>Complies</b></p> <p>Shared trenching may be available to the site.</p>   |
| <p>56.09-2 Electricity, telecommunications and gas objectives</p> <p><b>Standard C28</b></p> <p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p>   | <p><b>Complies</b></p> <p>Where available, it will be necessary for all requirements of the relevant gas, electricity and telecommunications authority to be complied with prior to the issue of a Statement of Compliance for the subdivision.</p>  |

Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.