

9.6 PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN

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File No: *PLP344/18*

Attachments: 1. *Relevant Policies*
2. *Plans*
3. *Rescode Assessment*

Property No.:	PLP344/18
Title Details:	Lot 1 on Plan of Subdivision 200848M
Applicant:	M Property
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	6 objections received at the time of this report
Cultural Heritage Management Plan Required:	No, not in an area of aboriginal cultural heritage significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

SITE MAP



SUMMARY

The application is seeking to construct seven dwellings on a lot. The proposal will result in six double storey dwellings and one single storey dwelling. The existing dwelling on the land will be demolished. This application must be decided at a Council in accordance with Council's instrument of delegation for receiving 4 or more objections during public notification.

The lot has an area of 1,998 square metres (sqm) and is located on the northern side of McCarthy Court, Wallan.

The application was advertised by posting notices to adjoining property owners and occupiers and posting a sign on the premises. A total of six objections have been received. The concerns raised related to overdevelopment of the site, lack of on street car parking and footpaths, failure to comply with neighbourhood character, overlooking concerns, loss of amenity due to size, bulk of the development, generation of increased traffic and noise and loss of established trees.

Given the residential zoning, existing services and the site's location within an easy walking distance of the Wallan Town Centre, public transport, schools, and parks, this provides for an appropriate context to increase residential densities.

In officer's assessment the proposal demonstrates compliance with the relevant policies and provisions of the Mitchell Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

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SITE AND SURROUNDS

Subject Site Description

The subject land is legally described as Lot 1 on Plan of Subdivision 200848M and is located at 7 McCarthy Court, Wallan. The land has an area of 1,998sqm, is rectangular with a slightly curved frontage. The land is currently occupied by a dwelling and outbuildings, with vegetation along the boundary and in the rear. The land has a slight slope towards the north and is accessed via a single gravel crossover to McCarthy Court to the south.

Planning Background

A Search of Council electronic record keeping system indicates that no planning permit related histories exist for the subject land.

Title/Restrictions/Agreements

A 3-metre-wide easement for sewage and drainage is located at the rear of the lot.

Surrounding Area

The subject site is located approximately 1,000 metres walking distance from the Wallan Town Centre which contains retail, community and recreational facilities. Public transport is available in the area, with a bus service running along Watson Street providing connection to Wallan Train Station. The Wallan Train Station is located 2km from the lot.

Land immediately surrounding the subject site is within the General Residential Zone and developed for residential purposes. Lots along McCarthy Court range from 650sqm - 1650sqm in area.

The neighbourhood character is predominantly single storey dwellings of brick veneer or weatherboard construction, with hip roof forms and a car parking area, including garages. Dwellings have varying front and side setbacks. Front fences are evident in the area. There is no significant landscaping or vegetation on the subject site.

PROPOSAL

The proposal is seeking to develop the land with 7 dwellings, 6 double storey and 1 single storey. All dwellings will have 3 bedrooms, except for dwelling 2 which will have 2 bedrooms.

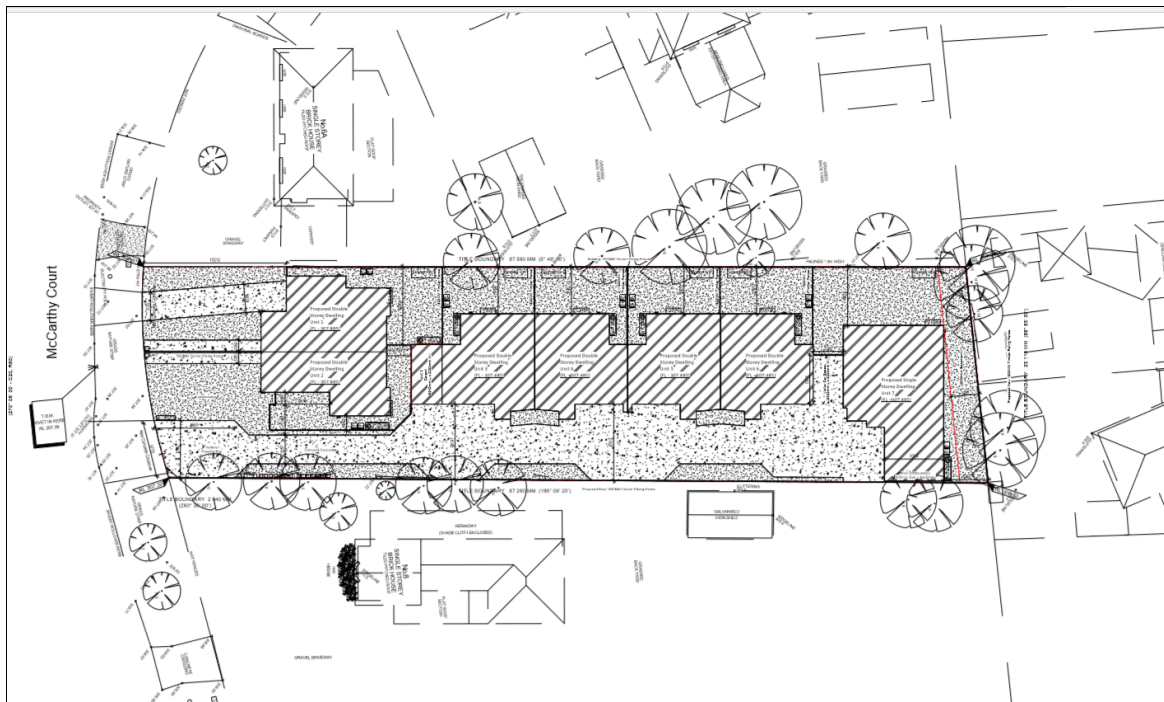
The overall maximum wall height of the development is 6.14 metres above finished floor level with a flat roof.

Externally the development is finished in a mix of modern materials, including concrete roof tiles, mixture of render and panelling for the exterior walls and colorbond for fascia, gutter and downpipes. All finishes are muted and earthy tones.

Two vehicle crossovers are proposed to service the site, one of which leads to an internal common property area servicing dwellings 3 to 7. 1 visitor car parking space is provided.

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Greater detail is provided in the attached plans.



(Proposed Site Layout)

PLANNING SCHEME PROVISIONS

Zoning

General Residential Zone

The site is affected by the General Residential Zone pursuant to Clause 32.08 of the Mitchell Planning Scheme (Scheme)

Pursuant to Clause 32.08-6 a planning permit is required to construct two or more dwellings on a lot.

A development must meet the requirements of Clause 55 and the requirements of Clause 32.08-4 – minimum garden area requirement. A lot above 650sqm must provide a minimum of 35% of the lot set aside as garden area.

Overlays

No overlays affect the site.

Particular Provisions

Clause 52.06 – Car parking

A 2 bedroom dwelling requires 1 car parking space and a dwelling with 3 or more bedrooms requires 2 car parking spaces.

For every 5 dwellings, 1 visitor car parking space is required pursuant to Table 1 of Clause 52.06-5.

Clause 55 – Two or more Dwellings on a lot and Residential Buildings

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A full Rescode assessment is attached to this report.

Planning Policy Framework (PPF)

A number of policies of the PPF are relevant to the assessment of this application. The most relevant are discussed later in this report and a full list of relevant policies is attached to this report.

Other Considerations

Wallan Structure Plan.

The Wallan Structure Plan identifies the subject land being with an area of 'existing neighbourhood'. There is overall policy support a range of housing types across Wallan that are responsive to the local character of the area and provide higher density forms of housing in appropriate areas. Further discussion on this topic will be included later in this report.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of posting notices to adjoining property owners and occupiers. A total of 6 objections have been received and are addressed in the section Objectors' Concerns later in this report.

REFERRALS

External

No external referral authorities are required for an application of this type.

Internal

The application was discussed internally with Council's Engineering Department who suggested provided standard conditions to include in any permit issued, including provision of new footpaths to be constructed in response to pedestrian safety concerns.

DISCUSSION

Medium density development

Increased residential density and dwelling diversity is sought by the Planning Policy Framework and Local Planning Policy Framework in appropriate locations. Relevant policies, particularly the Wallan Structure Plan, encourage increased residential densities that is in close proximity to the Wallan Town Centre, employment, services and public transport. The proposal is located within the walking catchments of both the Wallan Town Centre, Wallan Train Station, therefore well-located to provide increased density.

The proposal contributes to the objective of housing diversity by providing a mix of dwelling sizes and increasing housing opportunities. The proposal will meet the demands for a growing population and cater for the increasingly diverse needs of future residents.

Neighbourhood character

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The surrounding area is characterised by single storey detached dwellings on a lot with landscaping in the front and rear yards. The proposal contains sufficient front and side setbacks to retain the detached character of the surrounding area. The building materials providing sufficient variation to ensure that the development provides visual interest and blends with the surrounding environment. The rear unit is single storey to ensure the bulk of the overall all proposal is softened as well as preventing any additional overlooking concerns and overshadowing.

Although the proposal is not a typical example of residential development in the immediate vicinity, being somewhat of a departure from the predominantly low-density character of the area. However medium density development should be encouraged given the strategic location of the subject land being close to township services and amenity which is entirely consistent with the intent and aspirations of the Wallan Structure Plan.

Notwithstanding the above, a two-storey built form is not completely inconsistent to surrounding neighbourhood character given there are few examples in the area. The scale of the proposal respects the preferred neighbourhood character, as well as providing for a generous front setback which is a dominant feature of the area. A landscaping plan is required, this will ensure the landscaping will respect and enhance the existing landscape character.

Clause 55 Assessment

An assessment under Clause 55 of the Mitchell Planning Scheme was undertaken. (Attachment 3). In general terms the proposal satisfies the requirements of Clause 55.

Amenity and overlooking

The submitted plans indicate that habitable room windows will include obscure glazing to prevent overlooking into the private open space of the adjoining properties to the north. This is acceptable with regards to the requirements of Clause 55 of the Mitchell Planning Scheme. However, if the windows are open, the proposal would not comply with the overlooking requirement. Therefore, a condition will be included on the planning permit to ensure that if windows are opened, overlooking will not occur.

As a result of the site inspection fencing along the northern boundary is missing and in disrepair. Therefore, it is considered appropriate to require amended plan showing details of proposed fencing.

Overall the development represents a positive planning outcome for the area, utilising existing land that is appropriately zoned for residential and supporting Wallan's continuing population growth.

Infrastructure upgrades

Following further consultation with Council's Engineering Departments in response to objector concerns, it is considered necessary to impose a condition on the permit that requires to construction of a 1.5m wide pedestrian footpath, connecting the development with nearby Watson Street to the north and to run the entire length of the frontage of the subject land.

The construction of the footpath will improve pedestrian connectivity and safety, ensuring that all pedestrian traffic is diverted from the road. A continuation of the

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footpath is anticipated should adjoining land develop in the future, creating a more connected neighbourhood.

OBJECTORS' CONCERNS

The objections received in relation to the current proposal cover a number of matters. The main theme that has emerged amongst objectors conclude that the proposal would result in an overdevelopment of the site that would cause a general loss amenity that would ultimately affect the value of surrounding land. Some objections went into detail quoting various parts of the scheme, where there were perceived inconsistencies with the standards of Clause 55 and general planning policies. Included below are specific responses to points of objection:

- *Inadequate car parking and traffic:*

The proposal meets the minimum car parking rate contained with Clause 52.06 of the Mitchell Planning Scheme. Each 2 bedroom dwelling contains a minimum of 1 car parking space and 3 bedroom dwellings contain 2 spaces, with at least one under cover space. One visitor car parking space has been provided on the site, meeting the minimum requirements of Clause 52.06-5.

Also relevant to car parking, a slight variation is required to Standard B14 (width of driveways should not exceed 33% of the property frontage, the proposal covers 38%, seeking a 5% variation). This will approximately equate to an additional 1m of driveway coverage, removing this area otherwise available for on street parking. However, this variation is considered necessary to ensure passing bays in accordance with Clause 52.06-9 can be satisfied. Furthermore, even if the standard was met to the minimum extent of 33%, only one tandem car space could be accommodated adjacent to the site.

- *Overdevelopment and inconsistent with neighbourhood character:*

The proposal is an infill site in the General Residential Zone, meets the requirements of Clause 55 with variation and meets the garden area. The development sits well within the subject site and does not exceed the development capacity of the lot. As the proposal meets all the relevant clauses, it is not considered to be an overdevelopment of the site.

The existing neighbourhood character is described as single detached dwellings on a lot, with generous front setbacks and varying side setbacks. Some lots contain vegetation and front fences. The objections refer to 'Wallan's Country Town', however this area of Wallan is developed in a suburban manner. It is considered the neighbourhood character within this area is limited. The proposal is not required to mimic surrounding developments, rather development is to respect the surrounding environment. As the proposal meets the requirements of the Mitchell Planning Scheme and respectful of existing lot layout and built form, the proposal is not inconsistent with neighbourhood character.

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- *Waste management*

Concerns were raised with regards to curb side waste collection. Adequate space at the curb side can be provided for bin collection.

A standard 120ltr wheelie bin (general waste) has a width of 440mm and a 240ltr (recycling) being 550mm wide. The subject land has an unobstructed street frontage suitable for council bin collection of approximately 12 metres. With each bin having an average width of 500mm, the area can comfortably accommodate 14 bins abreast for collection on dual bin days.

A waste management plan will be required as a condition of the permit to demonstrate bins can be accommodated for collection including other waste management methods including storage etc.

- *Loss of onsite vegetation*

The vegetation on site is exempt from a planning permit as there is no overlays on the lot requiring a permit to remove vegetation. Further, the lot is less than 4000sqm, under the vegetation exemptions under Clause 52.17-7 a planning permit is not required to remove vegetation.

A condition will be placed on the permit to include two medium sized native canopy trees be provided at the front of dwelling 1 and 2 as well as street trees within the road reserve, which will improve the overall landscaping outcome of the street.

- *Overlooking*

A number of objections raised concerns relating to overlooking, claiming the construction of double storey dwellings would compromise privacy to adjoining open space. A condition will be included on the permit to ensure the proposal complies with overlooking (Standard B22). This will include obscure glazing or permanent fixed external screens in the absence of a visual barrier such as a fence on ground level. This standard will be particularly relevant to all windows on first floor units that face to the west.

CONCLUSION

The proposed development for seven dwellings on a lot when considered against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Mitchell Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the *Planning and Environment Act 1987* with respect to the number of objections received, and it is determined that the proposal would not have a significant social effect or material detriment.

RECOMMENDATION

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PLP344/18 for Buildings and works for the construction of 7 dwellings at Lot 1 on Plan of Subdivision 200848M, known as 7 McCarthy Court, Wallan, subject to the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
 - a) Amended site plan to show:
 - i. Details of the proposed fencing to include a new timber paling fence to a minimum height of 1.9m.
 - b) Amended elevation plans to show:
 - i. For dwelling 7, the window on the southern side of the living room must comply with Standard B15 – Parking location.
 - ii. Window diagrams detailing openable panels for ventilation purposes and fixed obscure glazing details, shown on all windows within a 9m horizontal distance to any adjoining private open space or habitable room windows, to comply with Standard B22 - Overlooking.
 - c) Landscaping plan in accordance with condition 10.
 - d) A Waste Management Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority

General

2. The development 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.

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to the satisfaction of the Responsible Authority.

4. The privacy screens as shown on the endorsed plans must be installed before any dwelling is occupied and must permanently be retained and maintained to the satisfaction of the Responsible Authority.
5. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.
6. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
8. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.
9. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

Landscaping

10. 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, including at least one shade canopy tree at the front of units 1 & 2 to the satisfaction of the Responsible Authority;
 - b) the locations of any trees to be retained or removed from the land (including details of species and size);
 - c) 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. The species selection should contain a mix of shade, indigenous trees, shrubs and ground covers that are drought tolerant and low maintenance to the satisfaction of the Responsible Authority;

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- d) details of the proposed surface finishes of pathways and driveways;
 - e) the provision of street trees within the road reserve immediately adjacent to the subject land.
 - f) details of the irrigation system to be used on land following completion of the landscaping works.
11. 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 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.
12. 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.
13. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.
14. Before the dwellings are occupied, all noxious weeds on the land must be eradicated to the satisfaction of the Responsible Authority

Car parking

15. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Engineering

Access Requirements

16. Before the buildings are occupied, the permit holder must construct a vehicle crossing to unit 1 to a residential standard and a vehicle crossing to units 2 – 8 to an industrial standard in accordance with Mitchell Shire Council's Standard Drawings to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.
17. The internal common driveway must be constructed to a concrete finish with a minimum width of 3 metres (excluding passing bays) with drainage provided to adequately drain the internal driveway to the satisfaction of the Responsible Authority.

Drainage Requirements

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18. Before the dwellings are occupied, the permit holder must construct at no cost to Council, drainage works between each of the proposed lots and the Council nominated point of discharge to the satisfaction of the Responsible Authority.
19. 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.
20. Before the dwellings are occupied, the subject must be connected to an underground drainage system including an on-site detention system to control flows to pre-development levels and treat stormwater wholly within the boundaries of the subject land, to the satisfaction of the Responsible Authority.
21. The underground drains for each lot must be wholly contained within the boundary pertaining to that lot. The outfall and retention system must be located in or under the common property and not cross under or be located within any of the lots, all to the satisfaction of the Responsible Authority.

Fees and charges

22. Unless otherwise agreed in writing by the Responsible Authority, prior to the assessment of the construction plans, the permit holder must pay a design checking for civil works fee as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.

Construction Plan Requirements

23. Prior to the commencement of any works associated with the development, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The construction plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:
 - a) Crossover details,
 - b) Driveway construction and drainage details including driveway grades and indication of fall, and
 - c) Underground drainage details and supporting calculations.
24. Before the dwellings are occupied, all works shown on the approved construction plans must be constructed or carried out in accordance with the plans to the satisfaction of the Responsible Authority, before the issue of a

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Statement of Compliance under the Subdivision Act 1988, unless otherwise agreed by the Responsible Authority under section 21(1)(b)(ii) of the *Subdivision Act 1988*.

Construction Management Plan

25. Prior to the commencement of any works associated with the development, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan must include details of:

- a) Working hours;
- b) Haulage routes to the land;
- c) Methods to contain dust, dirt and mud within the subject land, and the method and frequency of clean up procedures;
- d) Sediment control;
- e) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced with construction activity.
- f) Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out.
- g) Detail of any required Tree Protection Zones.
- h) Methods to ensure that all machinery brought onto the land is weed and pathogen free.
- i) Methods to ensure that all machinery wash down, lay down and personnel rest areas are clearly fenced and located in disturbed areas wherever possible.
- j) 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
- k) Provision of best practice erosion and sediment control techniques to protect any native flora and fauna.
- l) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision.

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

Reinstatement Requirements

26. Any road(s), footpath(s) and/or other infrastructure damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movement of vehicles and the likes), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.

Upgrade requirements

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27. Prior to the occupancy of the dwellings a 1.5m wide footpath is to be constructed along the frontage of the site through to Watson Street to the satisfaction of the Responsible Authority. Works require plan approval and works in the road reserve consent prior to commencement.

Permit Expiry

28. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit; or
 - The development is not completed within four years of the date of this permit.

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*.

PERMIT NOTES	
Relevant Authority	Information provided to assist the applicant or owner
Council Building Unit	Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit on 5734 6230 to ascertain if a building permit is required for this proposal.
Council Engineering Services Unit	<p>A legal point of discharge must be obtained from Council prior to the construction of the drainage.</p> <p>A road-opening permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.</p> <p>A plan checking fee of 0.75 per cent of the cost of the works proposed on the engineering plan (including detailed landscaping plans) and a supervision fee of 2.5 per cent of the cost of constructing the works may be charged by Council and, if required, must be paid prior to the issue of a Statement of Compliance under the <i>Subdivision Act 1988</i>.</p>

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MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

20 MAY 2019

9.6

**PLANNING PERMIT APPLICATION PLP344/18
FOR BUILDINGS AND WORKS FOR THE
CONSTRUCTION OF 7 DWELLINGS AT 7
MCCARTHY COURT WALLAN**

Attachment No: 1

Relevant Policies