

### 10.5 PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN

**Author:** Ben Micallef - Principal Planner

**File No:** PLP059/19

**Attachments:**

1. Attachment 1 - Permit Conditions - 8 King Street, Wallan
2. Attachment 2 - Subdivision Plan - 8 King Street, Wallan
3. Attachment 3 - Clause 56 Assessment - 8 King Street, Wallan
4. Attachment 4 - Planning Policy Framework - 8 King Street, Wallan
5. Attachment 5 - Surrounding Development: Annotated Aerial Image - 8 King Street, Wallan

<b>Property No.:</b>	110344
<b>Title Details:</b>	Crown Allotment 1, Section 32 Township of Wallan, Parish of Wallan Wallan
<b>Applicant:</b>	Whiteman Property & Associates Pty Ltd
<b>Zoning:</b>	General Residential Zone – Schedule 1
<b>Overlays:</b>	Floodway Overlay (Partial)
<b>Objections Received:</b>	10
<b>Cultural Heritage Management Plan Required:</b>	Yes, this has been provided and approved.
<b>Summary Recommendation</b>	Recommendation to issue a Notice of Decision to grant a planning permit
<b>Reason Reported to Council</b>	Application received over four objections
<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

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

## 1. Site Map

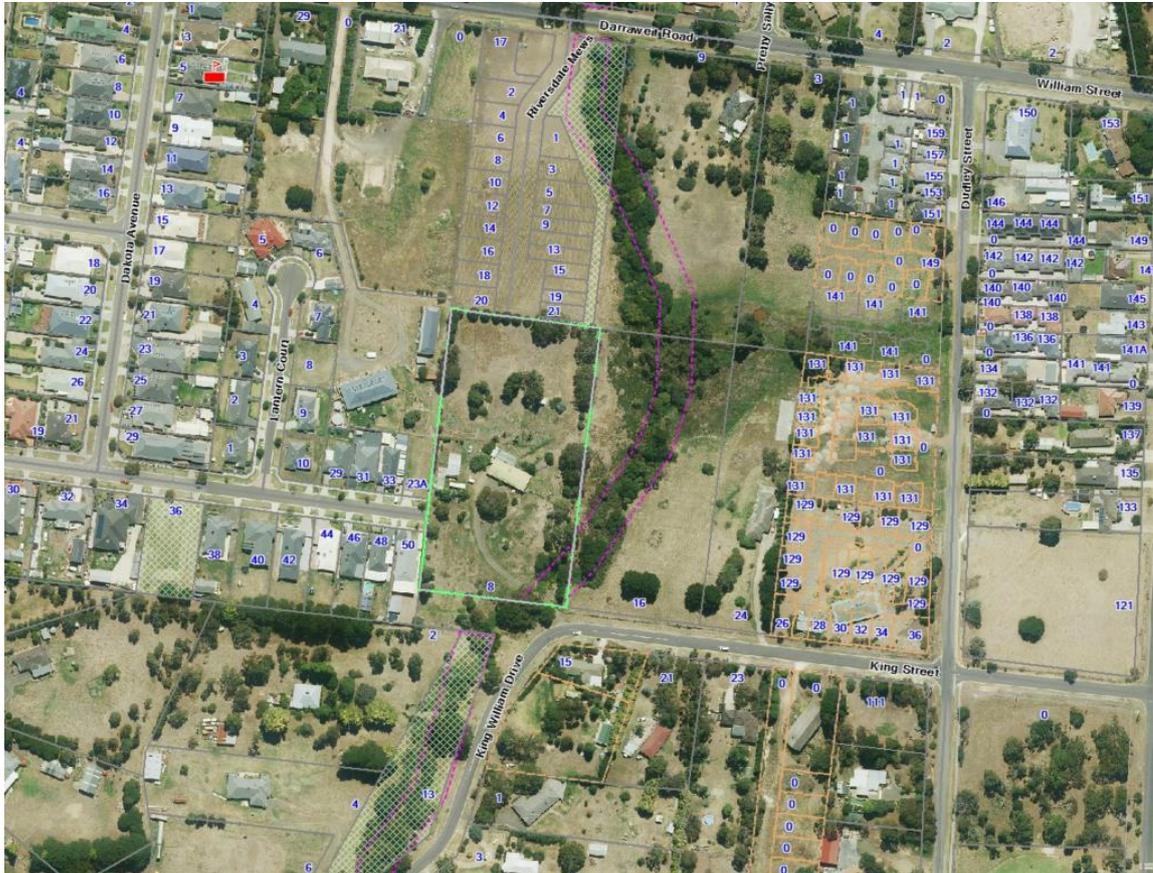


Figure 1 - Aerial of the subject site and surrounding properties

## 2. Summary

- 2.1 The application is for the development of the land for the purposes of 21 residential lots and an open space reserve within the General Residential Zone.
- 2.2 The application is before Council as more than four objections were received during the public notification period.

## RECOMMENDATION

**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. PLP059/19 for Multi-lot subdivision, creation of a reserve and removal of native vegetation at Crown Allotment 1, Section 32 Township of Wallan, Parish of Wallan Wallan, known as 8 King Street, Wallan, subject to the conditions outlined in Attachment 1.

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

## ASSESSMENT

### 3. Site and Surrounds

#### Subject Site Description

- 3.1 The site is a rectangular shaped lot, with a total area of 1.393 hectares and is located approximately 850 metres north-west of Wellington Square/Wallan Town Centre. The property boundaries are as follows:
- The site contains a small (30 metre) frontage to King Street, where existing vehicle access is gained. The southern (King Street) frontage of the site continues for a length of approximately 87 metres;
  - The 168-metre western boundary abuts the side of two properties fronting Rankin Boulevard (23B & 50), Rankin Street (local access road – cross-section approximately 18 metres in width) and the north-western portion of the site interfaces with 23a Darraweit Road;
  - The northern boundary interfaces with the newly constructed Riversdale Mews development that incorporates 12 conventional density lots and narrow, dual fronted properties to the east that embrace the Taylors Creek corridor; and
  - The eastern boundary of the site interfaces with 16 King Street, Wallan. A planning permit was recently issued for the multi lot subdivision of the land and creation of a superlot (for future residential development) at 16-24 King Street, Wallan (PLP180/17). Taylors Creek runs through the site, with the approved planning permit not identifying the portion of land west of Taylors Creek undeveloped.
- 3.2 The site currently includes a single-storey dwelling and associated outbuildings centrally located within the site. Sparse vegetation is located throughout the site, concentrated towards the eastern boundary of the site and scattered around the existing dwelling, centrally located within the site.
- 3.3 The site is generally flat, with a gentle slope running from the north to the south-east (lowest point of land) of the site.

## PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)



Figure 2 - Aerial of the subject site and immediate surrounds



Figure 3 - King Street frontage of the subject site

### Planning Background

- 3.4 No previous/relevant planning related outcomes have been determined for the site.

### Title/Restrictions/Agreements

- 3.5 The copy of title submitted with the application indicates that the subject site is not affected by any restrictive covenants or agreements. An existing carriageway easement traverses the site in a north-south fashion.

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

### Surrounding Area

- 3.6 The surrounding area is experiencing a period of transition, previously typified by the provision of large (4000sqm+) rural residential lots. These lots have slowly been developed to accommodate conventional density lots and multi-unit developments east and north of the subject site.
- 3.7 The area south east of the site and north of Darraweit Road has a distinct low-density rural residential character, the land directly west (Rankin Boulevard) features 800sqm-1100sqm residential lots that were developed between 2010-2015. Figures 4 and 5 below illustrate the transitional character of the area and the degree of change experienced within the last 5 years.

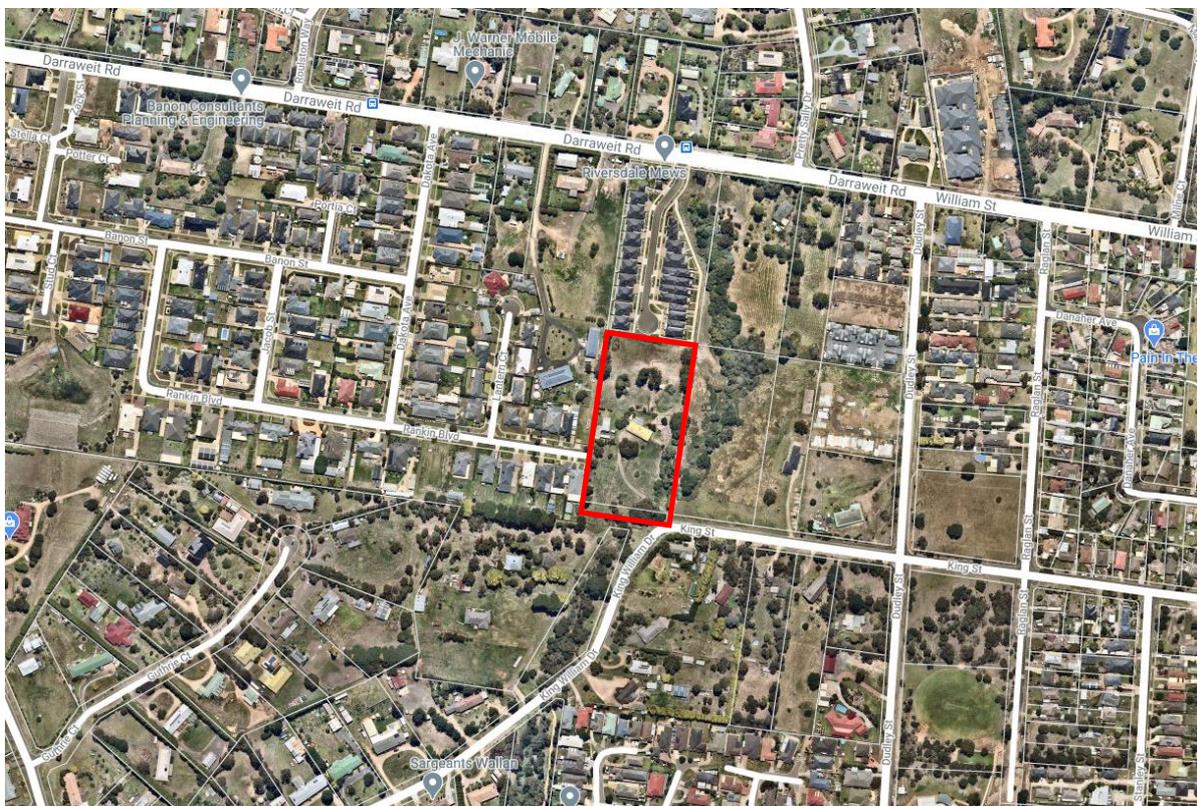


Figure 4 - Broad aerial of the subject site and surrounding area (2021)

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

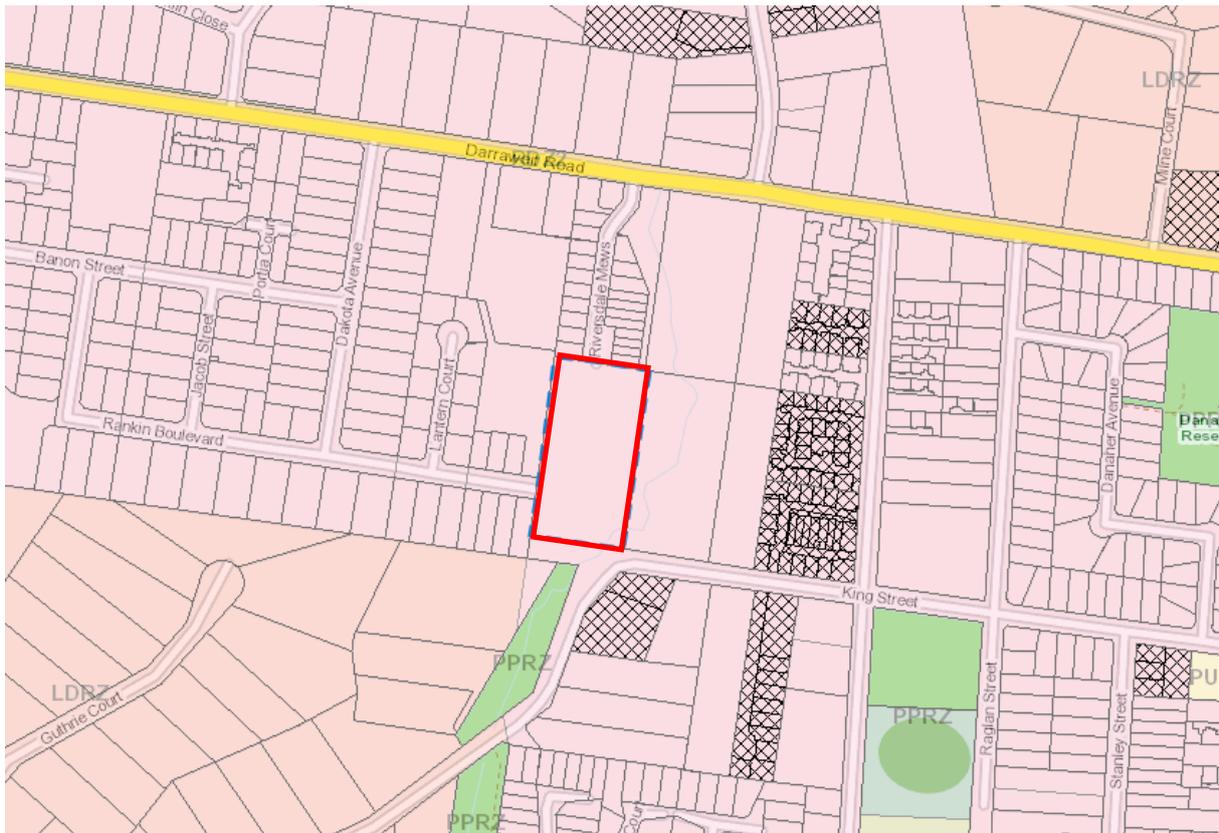


Figure 5 - Zone map of the subject site and surrounding area – noting the proliferation of smaller lots and the provision of Low Density Residential south-west of the subject site



Figure 6 - Annotated site aerial showing the proposal (red) in contrast to recent approvals on abutting sites at 16-24 King Street & 3-9 Darraweit Road

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

#### 4. Proposal

4.1 The application is seeking approval for the subdivision of the land for 21 residential lots, provision of 1353 sqm of public open space within the south-east portion of the site and the removal of native vegetation. Specifically this entails:

- The provision of 21 lots between 315sqm to 555sqm. 17 of the 21 lots feature a frontage width greater than 12.5 metres-wide;

A breakdown of the proposal is as follows:

Lot Area	Number of Lots
Less than 350sqm	3
350sqm – 400sqm	1
401sqm – 450sqm	13
451sqm – 500sqm	1
501sqm-550sqm	2
551sqm+	1
Average lot size:	433 sqm
Dwelling density:	16 dwellings per hectare

- The removal of vegetation within the site generally pertains to the central and western portion of the site, with a significant number of trees to be retained along the eastern boundary of the site;
- The provision of 1,353 sqm of public open space within the south-eastern portion of the site (fronting Taylors Creek). Following on-site investigations, a portion of this open space has been identified as containing scattered artefacts of Aboriginal cultural sensitivity.
- The continuation of Rankin Boulevard north to connect with Riversdale Mews. The northern cross section of this internal street is 16 metres-wide (consistent with adjoining road reserves and in accordance with Engineering standards) and will connect with Riversdale Mews through the provision of a splitter island.
- The indicative provision of a 4.4 metre wide drainage reserve along the northern boundary of the site. This drainage reserve, location and widths are subject to change following the preparation and approval of a drainage strategy.

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

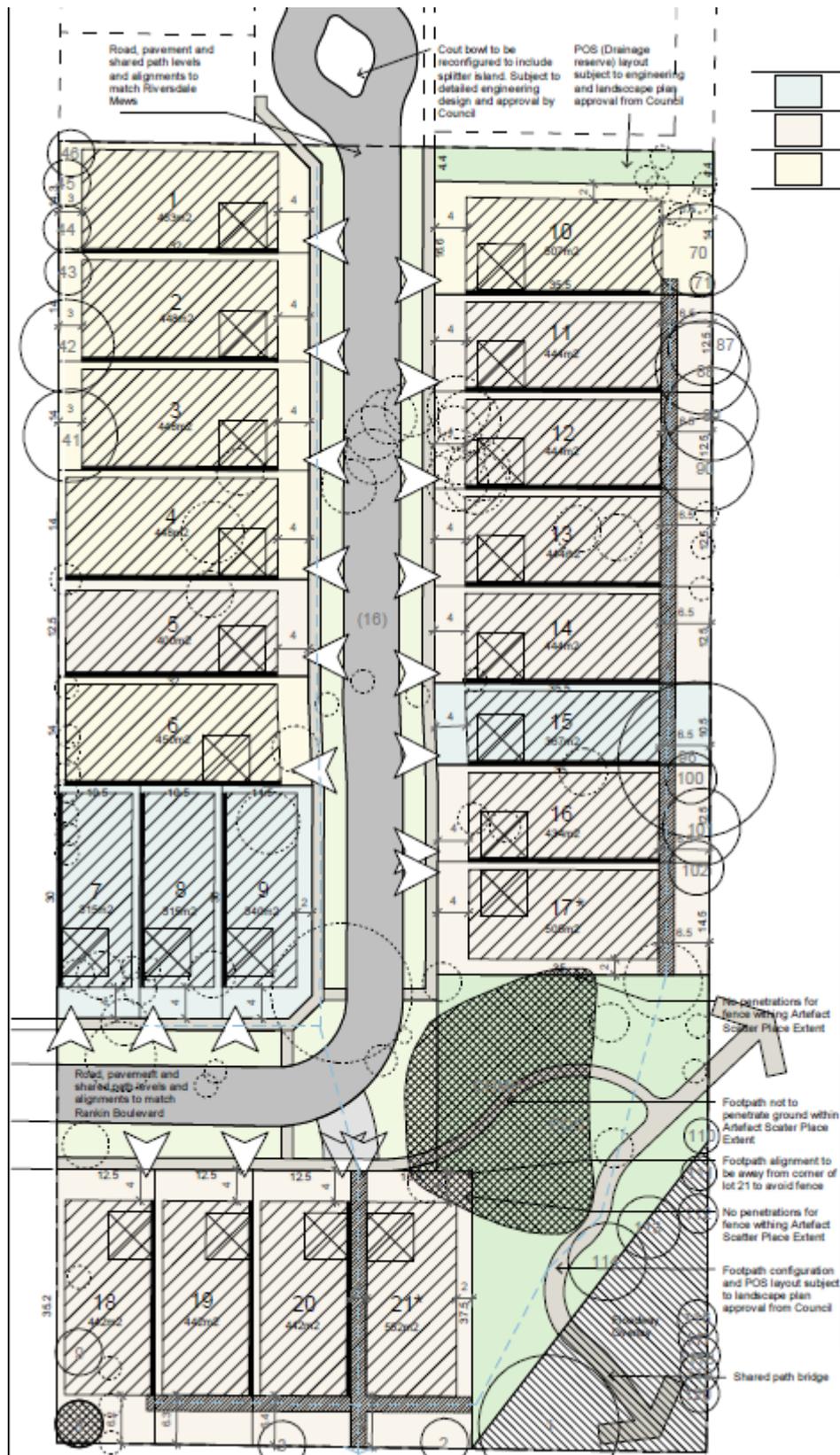


Figure 7 - Excerpt from the proposed subdivision plan

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

## 5. Referrals

### 5.1 External

The application was referred to the following authorities under Section 52 and Section 55 of the Planning and Environment Act 1987 pursuant to Clause 66 of the Scheme.

APA Group	The application was referred to APA Group who provided consent to the proposal subject to standard conditions.
AusNet	The application was referred to AusNet who provided unconditional consent to the proposal.
Melbourne Water	The application was referred to Melbourne Water who provided consent to the proposal subject to standard conditions.
Yarra Valley Water	The application was referred to Yarra Valley Water who provided consent to the proposal subject to standard conditions.

### 5.2 Internal

Relevant internal departments have reviewed the application and have consented to the proposal.

## 6. Planning Policy Assessment

### Zoning -Clause 32.08 - General Residential Zone

- 6.1 The site is subject to the General Residential Zone, Schedule 1 – Mitchell Residential Areas (GRZ1).
- 6.2 Pursuant to Clause 32.08-3, a planning permit is required to subdivide land.

### Overlays- Floodway Overlay (partial)

- 6.3 A small, south-eastern portion of the site amounting to approximately 560sqm is affected by the Floodway Overlay. There is no development or built form proposed within this portion of the site, as such the application has not been assessed against the provisions of the Floodway Overlay

### Particular Provisions

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

- 6.4 Pursuant to Clause 52.02, a planning permit is required to remove any easements, restrictions or reserves.

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

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

- 6.5 An application to subdivide land must make a contribution to Council for public open space, and the proposal is not exempt from this contribution.

Clause 56 – Residential Subdivision

- 6.6 An application to subdivide land in the General Residential Zone must meet the requirements of Clause 56 pursuant to Clause 32.08-3 of the Scheme.

Planning Policy Framework (PPF)

- 6.7 There are a number of policies of the PPF and MSPF relevant to the consideration of this application. A full list of the applicable policies considered in the assessment of this application is included as an attachment to this report, with the most relevant being discussed later within this report

## 7. Alignment with Council Plan

- 7.1 The proposal accurately aligns with the Mitchell Shire Council Plan 2017-2021, more specifically with the Responsible Planning strategic objective which is “*To demand best practice outcomes when planning for future growth*” and key strategies:

3.2 – Plan for a diversity of housing and households;

3.8 – Support safe communities through best practice design and planning standards;

3.9 – Improve the accessibility and connectivity of pedestrian and cycle paths within and between our towns; and

3.10 – Protect and enhance local ambience, amenity and character.

## 8. Public Notification

- 8.1 The proposal received a total of ten (10) objections during the public notification period. These submissions can be summarised by the following concerns raised:

- The continuation of Rankin Boulevard East;
- The potential increase in traffic generated by the proposal;
- The removal of vegetation;
- Drainage constraints with the subject site; and
- The proposal’s response to Taylors Creek.

- 8.2 A response to these concerns is provided at Section 10 of this report.

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

## 9. Discussion

### Response to the General Residential Zone

- 9.1 The proposed subdivision facilitates for lots capable of accommodating future development that will respond to the existing and preferred character of the area.
- 9.2 The proposed average lot size is slightly smaller than much of the existing housing stock in the immediate vicinity, however this diversity in lot size is considered to provide a positive contribution to the subdivision pattern of the area.
- 9.3 The lots will be located in close proximity to both existing and proposed open space, as well as convenient location to community services and facilities.
- 9.4 The decision guidelines for subdivision in the General Residential Zone are also satisfied, as the proposal is highly compliant with standards and objectives of Clause 56.

### Response to Wallan Structure Plan

- 9.5 The adopted Wallan Structure Plan provides support for the proposal, as the proposal aligns with a number of objectives for residential growth (Chapter 3 – Direction B2 – Provide Sustainable town growth and housing for all) includes the following objectives:
- *Provide a diversity of lot sizes throughout Wallan to create a range of housing, lifestyle and affordability choices.*
  - *Ensure new residential communities are designed to respond to the natural environment and landscape setting.*
  - *Locate residents in close proximity to shops, services, open space and public transport.*
  - *Support medium density housing in the identified residential intensification area that is reflective of the character of the surrounding neighbourhood.*
- 9.6 The proposal provides a positive response to the objectives listed above in consideration of the following:
- The proposal provides a diversity of lot sizes ranging from 315sqm to 507sqm. These lots have scope to accommodate a range of dwelling types;
  - The proposal contributes to lot diversity/housing affordability in the area;

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

- The proposal responds to the natural settings of the site, providing pedestrian access/public open space connection to Taylors Creek; and
- The subject site is located less than 1 kilometre north-west of Hadfield Park (town centre), the proposal provides for the supply of conventional density lots within a suitable location.

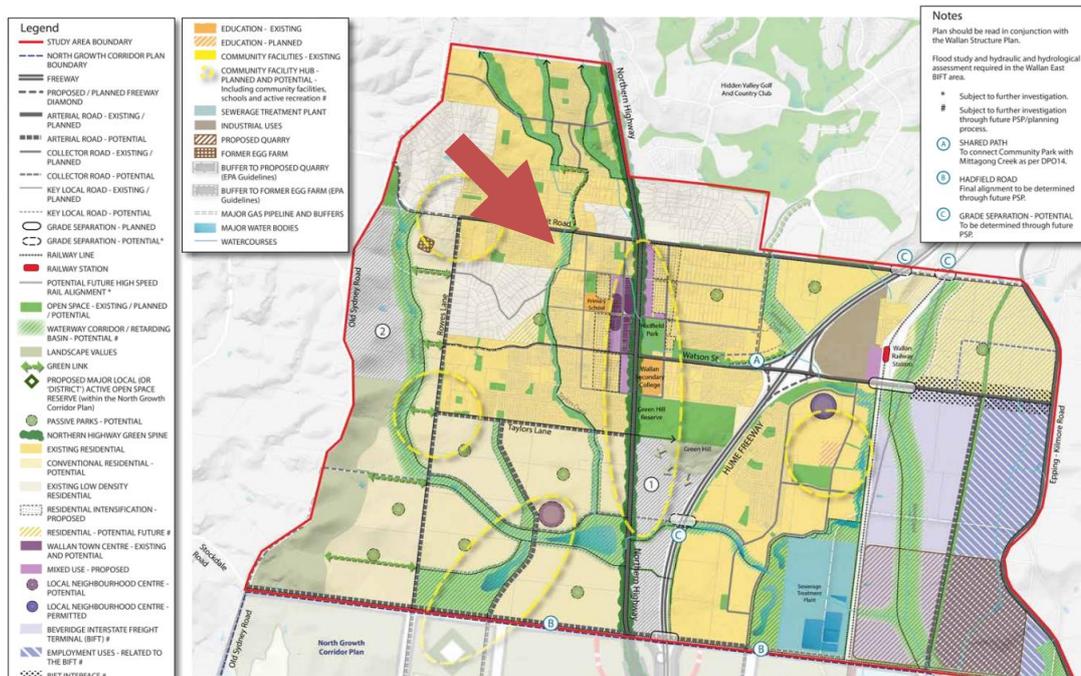


Figure 8 - Excerpt from the Wallan Structure Plan - subject site indicated in red arrow

Response to Local Policy

- 9.7 Local Policy of the Mitchell Planning Scheme supports a subdivision of this nature.
- 9.8 Clause 21.01 Mitchell Shire highlights the envisaged population and shift in demographics expected at both a township, shire and state level.
- 9.9 Furthermore, the Mitchell 2020 – Community Plan highlights that diverse housing/lot opportunities are key to providing opportunities to both existing and future residents.
- 9.10 Clause 21.02 Settlement directs for objectives and strategies to (including but not limited to):
- *Plan for the orderly development of existing settlements;*
  - *Implement town structure plans (noting the above discussion on the Wallan Structure Plan); and*

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

- *Ensure that new residential development proposals are based on ‘full physical servicing’ and that ‘either relate directly to an existing town or community or that reinforce the physical links between towns and communities.’*

9.11 Clause 21.07 Housing highlights that residential development in Mitchell has historically been “dominated by at conventional, low and rural living densities.” Providing a variety and choice in future housing style and density is itemized as Objective 1 in relation to Clause 21.07-1 Residential Development.

9.12 Clause 21.10 Infrastructure ascertains that adequate physical infrastructure is required to provide for the orderly and planned development and growth of Mitchell Shire.

9.13 Clause 21.11 Local Areas, and specifically Clause 21.11-9 Wallan, highlights the requirement for a balanced housing stock by encouraging “A diversity of lot sizes throughout Wallan to create a range of housing, lifestyle and affordability choices”.

9.14 As such, the proposal satisfies the objectives and vision of local policy as:

- *A residential subdivision is envisaged for this underdeveloped lot;*
- *Local policy seeks to ensure diversity in lot size and type across wider precincts is provided, which this proposal achieves by providing lot sizes that slightly differ to the immediate surrounds but align with the future vision of infill for the township;*
- *Relevant services and infrastructure will be upgraded to meet relevant requirements; and*
- *The proposal aligns with the objectives and visions of the Wallan Structure Plan.*

#### Lot Sizes

9.15 Noting the above discussion regarding both the Wallan Structure Plan and Local Policy, it has been satisfied throughout the planning application assessment that the proposed density is responsive of the emerging character of the immediate area and accords with the lot densities typically achieved in the growth areas of Wallan.

9.16 Furthermore, lots of this nature may satisfy larger portions of the residential market, providing greater opportunity for younger people to enter the market or for older people to ‘downsize’ in terms of house size and/or land maintenance.

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

Removal of Native Vegetation

9.17 Ecolink have prepared a Biodiversity Assessment and Native Vegetation Removal Assessment. The reports highlight that:

- 83 flora species were identified during the site investigation, with 60 of these species exotic, 22 indigenous species and one Victorian native species;
- The proposed removal of native vegetation is isolated to the south-eastern portion and north-western portion of the site;
- There are four patches of vegetation and one large tree proposed for removal, comprising 0.125ha and 1 large tree.

9.18 Of these patches:

- Patch 3 is a group of regenerating River Red-gum trees over an exotic understorey. It contains no large trees and has a low Habitat Score of 13 (out of 100).
- Patch 4 is a regenerating patch of Silver and Black Wattles near Taylors Creek. The understorey is largely exotic, however it is sparse. It has a low Habitat Score of 13 (out of 100) and contains no large trees;
- Patch 5 covers the dam in the north of the study area. Although this is an artificial waterbody, the wet conditions have allowed native aquatic species to recolonise this area, thus classifying it as a patch. It has a low habitat score of 7 (out of 100).

9.19 It is noted that all trees on adjoining lots are proposed to be retained and will not be impacted by the subdivision. In addition to this, ten trees along the eastern boundary of the site are proposed to be retained. Six trees are to be retained along the western boundary of the site and three trees along the southern boundary of the site.

## PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

Remnant patch		Patch 2	Patch 3	Patch 4	Patch 5
Bioregion		VVP	VVP	VVP	VVP
EVC name		Herb-rich Foothill Forest	Herb-rich Foothill Forest	Herb-rich Foothill Forest	Herb-rich Foothill Forest
EVC number		23	23	23	23
Assessment Criteria		Maximum Score	Patch Score	Patch Score	Patch Score
Site Condition	a. Large old trees	10	9	0	0
	b. Canopy cover	5	4	2	2
	c. Understorey	25	5	5	5
	d. Lack of weeds	15	0	0	0
	e. Recruitment	10	0	1	1
	f. Organic litter	5	3	3	3
	g. Logs	5	0	0	0
	h. Total (sum of a-e)	75	21	11	11
Landscape valve	j. Patch size	10	1	1	1
	k. Neighbourhood	10	1	1	1
	l. Distance to core	5	0	0	0
m. Habitat Score (sum of i-l)		100	23	13	7
n. Habitat score out of 1 ( $m \div 100$ )			0.23	0.13	0.07
o. Total area of Patch in study area (ha)			0.049	0.011	0.009
Large Trees (No.)			1	0	0

Figure 9 - Summary of the habitat hectare assessment of the proposed vegetation to be removed (excerpt from the Biodiversity Assessment prepared by Ecolink).

9.20 The vegetation nominated for removal has minimal biodiversity value as outlined in the biodiversity assessment, which states “*the highest priority areas for the retention of native vegetation may include the trees associated with Taylors Creek....other patches of native vegetation and the scattered tree provide little value to biodiversity values within the local area due to their high level of degradation, lack of mature vegetation, and high level of isolation*”

9.21 The removal of native vegetation has been determined as reasonable in consideration of the following:

- The proposed patches for removal have low habitat value;
- The proposed removal only seeks to remove two large trees (Tree 107 as a scattered tree and one large tree within Patch two). The majority of vegetation for removal is regenerating, young vegetation; and
- The proposed removal is appropriately offset in accordance with the *DELWP Guidelines for the removal, destruction or lopping of native vegetation December 2017*.

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)



Figure 10 - Excerpt from the Native Vegetation Removal Assessment showing trees proposed to be removed

9.22 Importantly it is noted that the following native tree species are to be retained:

- Eight (8) Manna Gums – Trees 41, 42, 70, 88, 89, 90, 96 & 101;
- Two (2) River Red Gums – Trees 8 & 71;
- Three (3) Bracelt Honey Myrtles – Trees 87, 100 & 102
- Two (2) Late Black Wattles – Trees 113 & 114;
- One (1) Blackwood Tree – Tree 2; and
- One (1) Yellow Gum Tree – Tree 3.

Response to Aboriginal Cultural Heritage

9.23 When the application was originally lodged with Council in early 2019 there was no requirement to prepare a Cultural Heritage Management Plan (CHMP). Following a statewide review of the Aboriginal cultural heritage sensitivity mapping in late 2019, the multi-lot subdivision of the subject site

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

requires the preparation of a CHMP given the site’s proximity to a waterway (Taylors Creek).

9.24 The site investigations concluded that there are scattered artefacts present within the south-east portion of the site. In response to this the proposal was amended as demonstrated in Figure 10 below:



Figure 11 - Excerpt from the original submission (left) and the amended proposal (right) in response to the discovery of scattered artefacts within the subject site

9.25 Further to the above, the proposed subdivision plan has been submitted to the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation and was approved on 30 November 2020.

9.26 Any construction within this portion of the site will not feature any ground penetration.

**10. Consideration of Submissions**

10.1 The ten (10) objections received in relation to the current proposal. These objections typically cover similar concerns and are addressed below:

The continuation of Rankin Boulevard east.

10.2 The continuation of Rankin Boulevard has been considered by the assessing officer and Council’s Engineering department as a suitable response to the subject site and appropriately integrates the development with the surrounding established street network.

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)



*Figure 12 - Aerial of the interface between Rankin Boulevard and the subject site*

*Road Connection with Riversdale Mews and added traffic volume*

- 10.3 The proposal's layout and integration with the development at Riversdale Mews avoids the provision of two courtbowls that interface with each other. This design response integrates the proposal with the Riversdale Mews development and fosters a sense of address.
- 10.4 The application has been referred to Council's Engineering Department who have provided consent to the application when considering the existing surrounding road network and the provision of a splitter island. It has been considered that the added vehicular movement will not detrimentally impact on the existing road infrastructure, and that the current road infrastructure is capable of accommodating the added said vehicular movements.

*The capability of the land to accommodate residential dwellings given the drainage constraints of the site*

- 10.5 A number of drainage strategies have been discussed with the applicant, with the provision of drainage infrastructure considered as part of the proposal. Furthermore, Council's Engineering department have reviewed the application and identified that the drainage constraints of the site are manageable and will not detrimentally impact future residents or surrounding landowners.
- 10.6 Conditions on a permit ensure that a satisfactory drainage solution will be finalised prior to any development commencing as part of standard engineering practice and ensure adjoining properties are not impacted.
- 10.7 Additionally, as the relevant catchment management authority Melbourne Water a determining referral authority in this matter. Melbourne Water have issued consent to the proposal subject to standard conditions, including the preparation of a Stormwater Management Plan that must be prepared to the satisfaction of Council and Melbourne Water and subsequently approved.

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

Removal of vegetation within the site

- 10.8 Whilst the land has experienced significant modification since pre-European settlement, the proposal incorporates the retention of significant tracts of vegetation, with particular reference to the mature trees along the eastern boundary of the site. The removal of native vegetation has been limited to the four patches and two large trees.
- 10.9 The application proposes to appropriately offset the removal of these trees with the required vegetation offsets, in accordance with Clause 52.17 – Native Vegetation and the relevant vegetation removal guidelines.
- 10.10 When balancing the proposed loss of vegetation with the retention of vegetation, the health and habitat value of the vegetation proposed for removal, the proposed vegetation offset, the application is considered acceptable.

The proposal's response to Taylors Creek

- 10.11 It is acknowledged that the proposal's integration with the neighbouring waterway could be improved, with the intent of providing a similar outcome as achieved on the eastern side of Riversdale Mews. Notwithstanding this, the context is different, as the subject site directly interfaces with the western portion of 16-24 King Street and does not feature a direct abuttal to the waterway within the central and northern portion of the site.
- 10.12 Should the land west of the waterway be vested to Council, the interface between the subject site and the portion of land west of the waterway should be managed to provide passive surveillance opportunities and improve the amenity of future residents.
- 10.13 Discussions between the owners of 16-24 King Street and Council regarding the fate of the land west of the waterway are currently underway. Pending the outcome of this proposal (8 King Street, Wallan), it is likely that this portion of land west of the waterway will be undevelopable as it will be inaccessible.
- 10.14 In this scenario it would be feasible to continue the pedestrian path from 15 Darraweit Road (Riversdale Mews) southward to link with the south-eastern portion of the subject site.
- 10.15 In response to this outcome it is proposed to place a condition on the permit to incorporate housing design guidelines for lots abutting open space through appropriate boundary fencing product and design, siting and activation of these interfaces through the use of glazing and other relevant design elements, unless otherwise agreed in writing by Council (giving flexibility to this approach should the land west of the waterway not become public open space).

## PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)



Figure 13 - Annotated aerial showing the portion of land west of the waterway in relation to the subject site

## 11. Conclusion

11.1 This report establishes the planning basis to support the proposal at 8 King Street, Wallan. In particular, this proposed development should be supported for the following reasons:

- The proposal responds to the purposes and guidelines of the General Residential Zone;
- The subdivision layout and diversity in lot sizes is supported by both state and local planning policy, whilst the proposal supports the overarching guidelines and vision for orderly and planned development in the Wallan Structure Plan;
- There are no limiting lot size or density requirements for the site, and the proposed lot sizes provides additional diversity to the immediate vicinity, within a close proximity to the established town centre and associated services;
- The road and pedestrian network is responsive to the established street network, provides a logical continuation of Rankin Boulevard

---

PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

and incorporates the appropriate traffic calming measures to avoid the use of the proposed road as a thoroughfare;

- The removal of vegetation is considered appropriate and has been minimised, with a large number of trees to be retained along the east and west boundaries of the site, whilst removal of vegetation will be in accordance with *DELWP Guidelines for the removal, destruction or lopping of native vegetation December 2017*;
- The proposal responds to the findings of the Cultural Heritage Management Plan prepared by Unearthed Heritage and appropriately preserves an area of cultural heritage value; and
- The subdivision is highly compliant with Clause 56 and will not result in any unreasonable detrimental impacts to surrounding properties.

**Appendix 1 – Proposed Planning Permit Conditions – PLP059/19 – 8 King Street, Wallan****Amended Plans**

1. Prior to the certification of the first plan of subdivision under the Subdivision Act 1988, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plan must be generally in accordance with the Subdivision Plan dated 24/07/2020 as prepared by Modan Pty Ltd, but modified as follows, to the satisfaction of the Responsible Authority:
  - a) Any alteration to the width and location of the proposed drainage easement, in accordance with the required Drainage Strategy, unless otherwise agreed in writing.

**General Conditions**

2. The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. Before the issue of a Statement of Compliance under the *Subdivision Act* 1988, the permit holder must pay to the Responsible Authority a cash payment equivalent to 5 per cent 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.

Engineering**General Engineering Conditions**

4. Unless otherwise agreed in writing by the Responsible Authority, prior to the submission of the detailed plans, a Drainage Strategy to the satisfaction of the Responsible Authority must be prepared. 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 of public safety;
  - g) Outfall works and proposals;
  - h) Any required staging or interim facilities.
5. Unless otherwise agreed by the Responsible Authority, prior to the issue of a Statement of Compliance, under the Subdivision Act 1988 for the

development, all works shown as part of the approved drainage strategy must be constructed or carried out in accordance with that strategy to the satisfaction of the Responsible Authority.

6. 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
  - 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
  
7. Before any road and/ or drainage works associated with the subdivision commence, detailed construction plans for the development and 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 any approved functional layout plan, relevant landscape plan and plan of subdivision for the development.
- 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 widths to be in accordance with relevant applicable Design Manual cross sections and standards.
- f) All road pavement widths to be a minimum of 7.3m kerb to kerb and be in accordance with applicable Design Manual standards.
- g) All intersection treatments to allow Council's waste collection vehicles to manoeuvre in a forward direction without the need for reversing. A S173 agreement is required for all proposed temporary cul de sacs within adjacent private property.
- h) 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.
- i) Verge widths around all bends, intersections and within court bowls must not be less than 3m in width.
- j) Solid white centreline pavement marking and raised reflective pavement markings (RRPM) on all bends on through roads.
- k) Vehicle crossings must be provided to each lot in accordance with applicable Design Manual standards.
- l) 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 applicable Design Manual standards.
- m) Shared paths as required within streets and reserves. All shared paths must be a minimum 2.5m in width and be in accordance with applicable Design Manual standards.
- n) All court heads to allow Council's waste collection vehicles (which are 9.6m in length) to access and egress from the courts in a forward direction.
- o) Provision of a temporary turning area with sufficient size in locations where the road terminates at a stage or property boundary to allow waste collection vehicles to access and egress in a forward direction.
- p) Provision of public lighting with underground electricity supply to all streets, laneways, footpaths, bus stops and to major pedestrian and bicycle links.
- q) 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), should be utilised.

- r) 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.
- s) Provision of street name plates to the Mitchell Shire Council Standard, including a schedule of individual signs and associated street numbers.
- t) 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 in accordance with applicable Design Manual standards.
- u) The location and provision of vehicle exclusion mechanisms abutting reserves.
- v) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- w) Permanent survey marks.
- x) Survey details of the canopy trunk location and size of all trees to be removed or retained and associated tree protection zones.
- y) Details in relation to all filling on the land that must be compacted to specifications approved by the Responsible Authority.
- z) The underground relocation of all existing aerial services, on the services layout plan.
- aa) 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.
- bb) The drainage system of the proposed development must be designed to ensure that flows downstream of the land are restricted to pre-development levels unless increased flows are approved by the Responsible Authority.
- cc) Underground drainage must be provided and any other drainage works necessary for the transmission of drainage as required to the approved outfall.
- dd) 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 in writing 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.
- ee) Each lot must be provided with one drainage discharge point.
- ff) Roads and allotments are to be designed such that the allotments are protected with a minimum freeboard against the 1 in 100 flooding, in accordance with applicable Design Manual standards.

8. Prior to the issue of a Statement of Compliance, unless otherwise agreed by the Responsible Authority under section 21(1)(b)(ii) of the Subdivision Act 1988, for 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.
9. 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.
10. 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 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;
    - 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) A Site 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 approved Construction Management Plan to the satisfaction of the Responsible Authority.

11. 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.
12. Before any road and drainage works associated with the subdivision start, evidence must be provided to demonstrate compliance with Australian Standard AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments), to the satisfaction of the Responsible Authority. All filling on the site affecting road and drainage infrastructure must be carried out to the satisfaction of, supervised by, and recorded in accordance with AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments) by, a qualified Geotechnical Engineer appointed by the Developer. All fill must be certified clean fill as defined by the Environment Protection Agency (EPA) and no fill accepted from the general public.
13. Prior to 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 in PDF, DXF 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) Payment of the design checking (2.5%) and the overseer (0.75%) fees to the specified per cent of the total cost of all infrastructure to be handed over to Council.
  - h) 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 an agreed minimum period of twelve (12) months from road title issue, in accordance with Section 17(4) of the Subdivision Act 1988.

**Landscape conditions****Landscaping, Streetscapes and Reserve conditions**

14. Before the plan of subdivision is certified for any stage of the subdivision under the Subdivision Act 1988, a detailed streetscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:
- a) All new plantings including their layout to be provided in any public open space area including streetscapes;
  - b) A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority;
  - c) Details regarding specific planting techniques to be undertaken, such as planting methodology, root barriers, fertilizer, or any other requirements;
  - d) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls, details of drainage infrastructure, utility services, irrigation and water supply infrastructure;
  - e) Fencing details for all allotment boundary fencing abutting a reserve to be transferred to Council.
- All to the satisfaction of the Responsible Authority

**Fencing abutting municipal reserve**

15. Before the issue of a Statement of Compliance, under the Subdivision Act 1988, any fencing shown on the endorsed landscape plan as abutting a municipal reserve must be constructed at no cost to, and to the satisfaction of, the Responsible Authority.

**Landscape Works**

16. Before the issue of the Statement of Compliance for the subdivision under the Subdivision Act 1988, the permit holder may either construct/installed landscape works prior to the issues of Statement of Compliance or request to defer the completion of all or parts of the landscape works as shown on the approved and endorsed landscape plan(s).

**Landscape Maintenance**

17. The landscaping maintenance period will be for a minimum two (2) years prior to handover to the Responsible Authority. During this period, the developer must maintain the landscaping works to the satisfaction of, and at no cost to the Responsible Authority.

**Landscape Maintenance Bond**

18. The permit holder must lodge a refundable Landscape Maintenance and Defects Liability Bond of 150 per cent of the estimated cost for the maintenance of the constructed and/or installed landscape works to the Responsible Authority. The bond will be held for a minimum period of 24-months. The landscaping must be maintained to the satisfaction of, and at no cost to, the Responsible Authority.

**Environment Conditions**

19. Prior to the commencement of any works, a Native Vegetation Removal Report that accords with the Subdivision Plan *prepared by Modarc dated 27 July 2020* must be submitted and approved to the satisfaction of the Responsible Authority.
20. Prior to the commencement of any works, a vegetation retention 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 vegetation retention plan must be drawn to scale with dimensions and three copies must be provided. The vegetation retention plan must include:
- a) Details of the extent of vegetation to be removed;
  - b) Details of native vegetation approved for removal in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (The State of Victoria Department of Environment, Land, Water and Planning 2017);
  - c) Details of all relevant environmental offsets;
  - d) Details of all vegetation nominated to be retained and protected, including tree protection zones and root protection zones. The protection zones must be shown on all relevant plans;

- e) Details of tree/vegetation protection measures to be implemented and maintained for the duration of the works. The protection measures must be shown on all relevant plans;
  - f) Details of the registered location where removed vegetation is to be disposed of;
  - g) Where cleared vegetation is to be used as soil conditioner and/or mulch, details of compliance to the relevant Australian Standards must be provided.
21. Prior to the commencement of any works, tree protection measure(s) must be erected and/or installed around the trees nominated to be retained on the endorsed plans to define a tree protection zone (TPZ). The tree protection zone (TPZ) must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk.
22. The boundaries of the tree protection/exclusion zones must be identified by the Project Arborist and Superintendent prior to the commencement of any demolition, earthworks or construction works.
23. Prior to the commencement of works, the Responsible Authority must be notified to inspect the site and approve the extent of vegetation to be removed and approve the protection measures in place.
24. The tree protection measures must be installed as per the endorsed plans and remain in place until the completion of the development unless otherwise agreed in writing by the Responsible Authority. All tree protection measures must be in accordance with Australian Standard AS 4970:2009 – Protection of Trees on Development Sites.
25. Should any damage occur to any existing tree or other vegetation nominated to be retained and protected, or trees and vegetation adjoining the site, the permit holder must notify the Responsible Authority immediately. Damaged trees and/or vegetation must be rectified or replaced to the satisfaction of the Responsible Authority.
26. Prior to the commencement of any works, the permit holder must advise all persons undertaking the vegetation removal/works, environmental protection and management works on land of all relevant conditions of this permit.
27. Should any damage occur to any existing tree or other native vegetation nominated to be retained or protected, or trees and vegetation adjoining the site, the permit holder must notify the Responsible Authority immediately. Damaged trees and/or vegetation must be rectified or replaced to the satisfaction of the Responsible Authority.

**Site-specific Environmental Management Plan (SEMP)**

28. Before works start, a Site-specific Environmental Management Plan (SEMP) for each stage of the development, must be submitted to and approved by the Responsible Authority addressing the potential impacts of development works. The SEMP must be generally in accordance with

'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, haulage routes and archaeological/heritage impacts.

29. The approved SEMP must be permanently displayed at the development site and implemented to the satisfaction of the Responsible Authority.
30. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any remnant trees, understory, or revegetation areas.

#### **Cultural Heritage Management Plan**

31. Before the issue of a Statement of Compliance for the relevant stage of the subdivision under the Subdivision Act 1988, the recommendations & conditions as identified within the approved Cultural Heritage Management Plan (No. 17217) dated 25 November 2020 and approved by the Wurundjeri Tribe on 30 November 2020) must be carried out to the satisfaction of the Responsible Authority.
32. No ground penetration is to occur within the identified scattered artefact extent, in accordance with the recommendations of the approved Cultural Heritage Management Plan (No.17217).

#### **Housing Design Guidelines**

33. Prior to the Certification of the Plan of Subdivision under the Subdivision Act 1988, Housing and Design Guidelines must be submitted to and endorsed by the Responsible Authority. The guidelines must include direction around the desired built form outcomes for:
  - a) Any lots abutting or backing onto public open space. These lots must address the open space through appropriate boundary fencing product and design, siting and activation of these interfaces through the use of glazing and other relevant design elements, to the satisfaction of the Responsible Authority.
  - b) Any corner lots should provide an active frontage to both the primary and side frontage of the lot where possible through the use of fencing product, glazing and other relevant design elements, to the satisfaction of the Responsible Authority.

Unless otherwise agreed in writing by the Responsible Authority.

34. The Housing and Design Guidelines endorsed as part of this permit must be applied as a restriction on the plan of subdivision.
35. The Housing and Design Guidelines endorsed as part of this permit must not be amended without the written consent of the Responsible Authority

#### **Telecommunications**

36. 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.

37. 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:
- a) telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Ausnet Conditions**

38. The applicant must:
- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
  - Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
  - Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
  - Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
  - Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
  - Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

**Melbourne Water Conditions**

39. Prior to the issue of a Statement of Compliance for the subdivision, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
40. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
41. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
42. Prior to the commencement of works, it is necessary to control the discharge from the subdivision to the existing capacity of the downstream drainage system.
43. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
44. Prior to Certification of any Plan of Subdivision associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and Council. The strategy must demonstrate the following:
  - a) The proposed alignment for any 20% AEP drainage infrastructure and any associated overland flow paths directions for the 1% AEP flood event;
  - b) Functional Layout plan, staging plan including proposed scheme works and associated timing of works
  - c) The layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change.
  - d) The details of the outfall/s for the development and calculate the appropriate

flow volumes and flood levels for the 1% AEP storm event within the property;

- e) Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.
- 45. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
- 46. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
- 47. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.
- 48. Temporary Outfall works shall be in accordance with Melbourne Water guidelines and to be maintained by the developer until the ultimate works are complete.
- 49. Melbourne Water Surveillance Officers may request additional measures during the operation of the temporary outfalls where issues have been identified.
- 50. Prior to the commencement of works, a separate application direct to Melbourne Water's Asset Services team, must be made for any works around our mains, drains and waterways. Applications shall be made online via the Melbourne Water website. Prior to the issue of a Statement of Compliance, copies of all relevant Asset Services signed practical completion forms must be submitted. Please make the applicable application for using the Planning and Building - Apply Online section of the Melbourne Water website. Please use the reference MWA-1111527 when prompted for a "Previous Melbourne Water application reference number".
- 51. All new lots are to be filled to a minimum of 300mm above the 1% AEP flood levels associated with any existing or proposed Melbourne Water pipeline and 600mm above the 1% AEP flood level associated with any existing or proposed.
- 52. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.
- 53. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.

54. Prior to the commencement of works, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

55. For the purposes of river health, biodiversity objectives and waterway management, Melbourne Water requires a development setback from our waterways. This setback is 20m on each side of the waterway from the top of bank.

#### **Yarra Valley Water Conditions**

##### **Water**

56. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

##### **Sewerage**

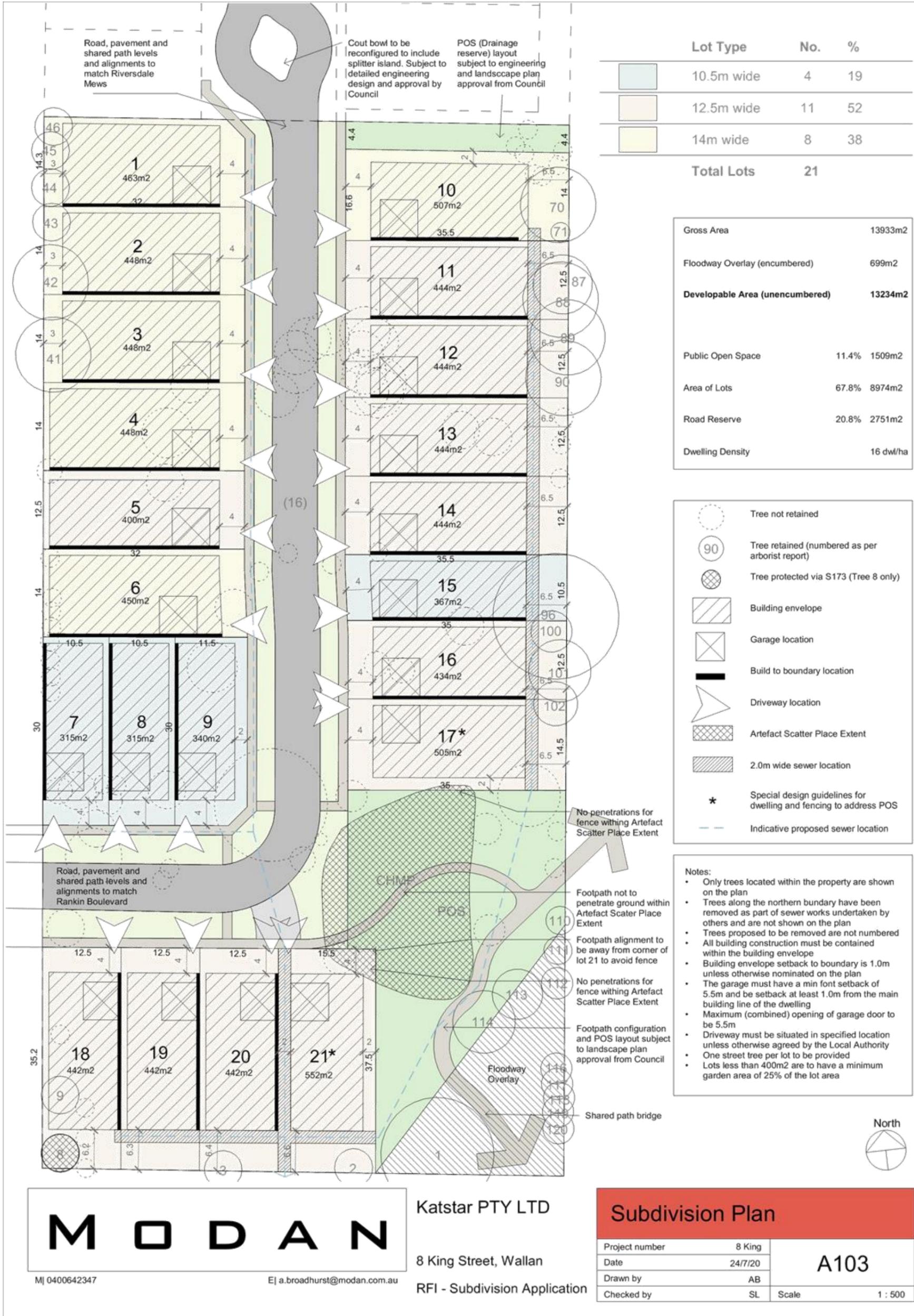
57. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

##### **Permit Expiry**

58. 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.





**MODAN**

MJ 0400642347 | E | a.broadhurst@modan.com.au

**Katstar PTY LTD**  
 8 King Street, Wallan  
 RFI - Subdivision Application

Subdivision Plan			
Project number	8 King	<b>A103</b>	
Date	24/7/20		
Drawn by	AB		
Checked by	SL		
		Scale	1 : 500



## Appendix 2 - PLP059/19 – 8 King Street, Wallan – Clause 56 Assessment

Clause 56 Assessment: (Residential Subdivision Standard/Clause)	Complies/Variation Required/Does not comply
Clause 56.01-1 (Subdivision Site and Context Description): <i>The application must be accompanied by a site and context description.</i>	<b>Complies</b> The application was accompanied by a site and context description which accurately describes the character of the site and surrounds.
Clause 56.01-2 (Subdivision Design Response): <i>The subdivision design response must explain how the proposed design:</i> - Derives from and responds to the site and context description; - Responds to any sit and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay; - Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme; - Meets the relevant objectives of Clause 56.	<b>Complies</b> The application provided a subdivision design response that is consistent with the character of the surrounding area. The land areas proposed herein are consistent with the lots found within the surrounding GRZ1 area.
Clause 56.02-1 (Strategic Implementation Objective – Standard C1): <i>This standard seeks to ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.</i>	<b>Complies</b> The application is consistent with Clause 21.11-6 of the Scheme, as the subdivision has appropriately considered flooding and inundation risks associated with the watercourse located within the site.
Clause 56.03-1 (Compact and Walkable Neighbourhoods – Standard C2): <i>This standard seeks to create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport. This standard also seeks to allow easy movement through and between neighbourhoods for all people.</i>	<b>N/A</b>
Clause 56.03-2 (Activity centre objective – Standard C3): <i>To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.</i>	<b>N/A</b>
Clause 56.03-3 (Planning for community facilities objective – Standard C4): <i>This standard seeks to provide appropriately located sites for community facilities, including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sport facilities.</i>	<b>N/A</b>

<p>Clause 56.03-4 (Built environment objective – Standard C5): <i>This standard seeks to create urban place with identity and character.</i></p>	<p><b>Complies</b> The proposed subdivision layout is consistent with the subdivision pattern of the surrounding area and responds appropriately with the surrounding road layout by providing a road connection between Rankin Boulevard and Riversdale Mews.</p>
<p>Clause 56.03-5 (Neighbourhood character objective – Standard C6): <i>This standard seeks to design subdivision that respond to neighbourhood character.</i></p>	<p><b>N/A</b></p>
<p>Clause 56.04-1 (Lot diversity and distribution objectives – Standard C7): <i>This standard seeks to achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. The standard also seeks to provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types.</i></p>	<p><b>Complies</b> The lot areas range between 315sqm to 555sqm which is consistent with the densities found to the east and south of the subject site. The central road connection will also ensure vehicle and pedestrian connectivity to the north and south of the subject site.</p>
<p>Clause 56.04-2 (Lot area and building envelopes objective – Standard C8) <i>This standard seeks to provide lots with areas and dimensions that enable appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i></p>	<p><b>Complies</b> The proposed lot layout and sizes allow for future dwellings to be efficiently placed on the lots, whilst avoiding native vegetation with high retention value.</p>
<p>Clause 56.04-3 (Solar orientation of lots objective – Standard C9) <i>This standard seeks to provide good solar orientation of lots and solar access for future dwellings.</i></p>	<p><b>Complies</b> Only four of the 21 lots will have southern facing private open space. All dwellings will be able to access sufficient solar access given the lot sizes.</p>
<p>Clause 56.04-4 (Street orientation objective – Standard C10) <i>This standard seeks to provide a lot layout that contributes to community social interaction, personal safety and property security.</i></p>	<p><b>Complies</b> All lots will front onto the proposed road, which will ensure acceptable passive surveillance for pedestrians. A condition for open style fencing to lots 10-17 will provide passive surveillance opportunities for those accessing the open space area.</p>
<p>Clause 56.04-5 (Common area objectives – Standard C11) This standard seeks to identify common areas and the purpose for which the area is commonly held, ensure the provision of common area is appropriate and that necessary management arrangements are in place and to maintain direct</p>	<p><b>N/A</b> No common areas are proposed.</p>

public access through the neighbourhood street network.	
Clause 56.05-1 (Integrated urban landscape objectives – Standard C12) This standard seeks to provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.	<b>Complies subject to conditions</b> Streetscaping will be required as part of the conditional approval.
Clause 56.05-2 (Public open space provision objectives – Standard C13) This standard seeks to provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.	<b>Complies</b> A condition on permit will require the standard 5% POS cash contribution unless it can be otherwise determined that this provision is provided on site (in accordance with DELP definition and the directives of the Subdivisions Act 1988).
Clause 56.06-1 (Integrated mobility objectives – Standard C14) This standard seeks to achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.	<b>N/A</b>
Clause 56.06-2 (Walking and cycling network objectives – Standard C15) This standard seeks to contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.	<b>Complies</b> Footpaths will be required as a condition requirement along the proposed road.
Clause 56.06-3 (Public transport network objectives – Standard C16) This standard seeks to encourage maximum use of public transport.	<b>N/A</b>
Clause 56.06-4 (Neighbourhood street network objective – Standard C17) This standard seeks to provide for direct, safe and easy movement through and between neighbourhoods for pedestrian	<b>Complies</b> The proposed road will provide direct and efficient access points to Rankin Boulevard and Riversdale Mews.
Clause 56.06-5 (Walking and cycling network detail objectives – Standard C18) This standard seeks to design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.	<b>Complies</b> Footpaths will be required as a condition requirement along the proposed road.
Clause 56.06-6 (Public transport network details objectives – Standard C19) To standard seeks to provide for the safe, efficient operation of public transport and the	<b>Complies</b> The subject site is located 175 metres (walking distance) south of an existing bus stop on

comfort and convenience of public transport users.	Darraweit Road, providing connections to central Wallan.
Clause 56.06-7 (Neighbourhood street network detail objective – Standard C20) This standard seeks to design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.	<b>Complies</b> The proposed road will form a local road and contain a minimum reserve width of 16 metres.
Clause 56.06-8 (Lot access objective – Standard C21) This standard seeks to ensure that vehicle access to lots 300sqm or less in area and lots with a frontage of 7.5m or less should be provided via rear or side access lanes, places or streets.	<b>Complies</b> Lots will have land areas greater than 300sqm with frontages in excess of 7.5m. Therefore, road access from the front boundary is acceptable.
Clause 56.07-1 (Drinking water supply objectives – Standard C22) This standard seeks to reduce the use of drinking water and to provide an adequate, cost-effective supply of drinking water.	<b>Complies</b> The subdivision will be required to meet the requirements of the relevant water authority.
Clause 56.07-2 (Reused and recycled water objective – Standard C23) This standard seeks to provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	<b>Complies</b> The proposed lots are large enough to accommodate water tanks once dwellings have been constructed.
Clause 56.07-3 (Waste water management objective – Standard C24) This standard seeks to provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	<b>Complies</b> Reticulated waste water treatment will be installed in accordance with the requirement of the relevant authority.
Clause 56.07-4 (Stormwater management objectives – Standard C25) This standard seeks to minimise damage to properties and inconvenience to residents from stormwater.	<b>Complies</b> As the relevant drainage authority, the permit applicant will need to meet the requirements of Council's Engineering Unit and any requirements of the relevant water authority.
Clause 56.08-1 (Site management objectives – Standard C26) This standard seeks to protect drainage infrastructure and receiving waters from sedimentation and contamination.	<b>Complies</b> The permit holder must provide a construction management plan that provides for measures to manage erosion, sediment, dust, run-off, litter and wastes, contamination and any vegetation to be removed.
Clause 56.09-1 (Shared trenching objectives – Standard C27) This standard seeks to maximise the opportunities for shared trenching.	<b>Complies</b> Shared trenching will be utilised, as appropriate.
Clause 56.09-2 (Electricity, telecommunications and gas objectives – Standard C28) This standard seeks to provide public utilities to each lot in a timely, efficient and cost effective manner.	<b>Complies</b> The permit holder must meet the requirements of the relevant authorities.

Clause 56.09-3 (Fire hydrants objective – Standard C29) This standard seeks to provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.	<b>Complies</b> Hydrants will be provided and provide appropriate access in accordance with the Standard.
Clause 59.09-4 (Public lighting objective – Standard C30) This standard seeks to provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.	<b>Complies</b> Public lighting will be provided in accordance with the relevant Australian standard.

**Appendix 4 - PLP059/19 – 8 King Street, Wallan – Planning Policy Framework**

The following policies have been considered as part of the proposed subdivision:

**Planning Policy Framework**

- Clause 11 – Settlement;
- Clause 11.02 – Managing Growth;
- Clause 12.01 – Biodiversity;
- Clause 12.03 – Water Bodies and Wetlands;
- Clause 13.03 – Floodplains;
- Clause 15.01 – Built Environment;
- Clause 15.02 -Sustainable Development;
- Clause 16.01 – Residential Development; and
- Clause 19.03 – Development Infrastructure.

**Local Planning Policy Framework**

- Clause 21.02 – Settlement;
- Clause 21.03 – Environmental and Landscape Values;
- Clause 21.06 – Built Environment and Heritage;
- Clause 21.07 – Housing;
- Clause 21.10 – Infrastructure; and
- Clause 21.11 – Local Areas.

**Particular Provisions**

- Clause 52.02 – Easements, Restrictions and Reserves;
- Clause 52.17 – Native Vegetation;
- Clause 53.01 – Public Open Space Contribution;
- Clause 53.18 – Stormwater Management in Urban Development; and
- Clause 56 – Residential Subdivision.



