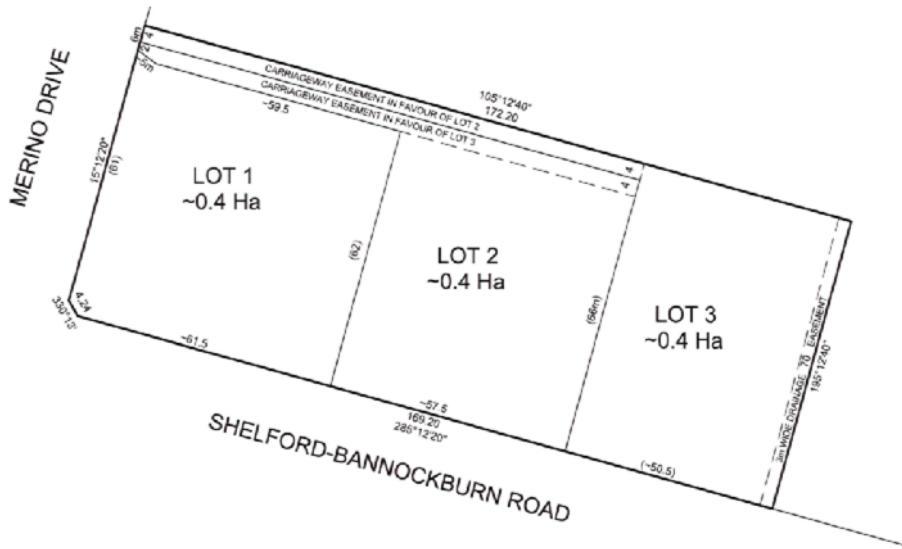


Agenda



**CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. Notice was provided by mail to 6 adjoining owners and occupiers and by placing a sign on the site.

As a result of the public notice, 5 objections were received. A copy of the objections are attached (Attachment 4). All objectors are owners of land within Merino Drive. The main concerns raised by the objectors relate to the amenity impact the subdivision would have on the rural character of Merino Drive and the proposal not complying with objectives outlined in Clause 11 (Settlement).

The objectors and applicant were invited to a consultation meeting held on 30 August 2019. As a result of the consultation discussion, the applicant submitted revised plans for consideration reducing the number of Lots from 3 to 2. The objections were not withdrawn and consequently the applicant amended the application back to three (3) lots as originally proposed.

**ASSESSMENT**

The application was submitted to Council on the 17 January 2019 and a preliminary assessment was undertaken. The three (3) lot subdivision was referred to statutory referral authorities under Section 55 as well as internal referrals. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

Council received correspondence on 15 August 2019 that formally amended the permit applicant’s details to Cardno TGM and amended (reverted) the subdivision to three (3) lots.

**Golden Plains Planning Scheme**

**Planning Policy Framework (PPF)**

## Agenda

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### Clause 11.02 Managing Growth

The objective of the policy for the supply of urban land (Clause 11.02-1S) is to ensure a sufficient supply of land is available for residential and other uses. Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

### Local Planning Policy Framework (LPPF)

#### Clause 21.02 Settlement

The local policy for settlement patterns (Clause 21.02-1) includes objectives to make efficient use of land and encourage the consolidation of existing township areas. The policy seeks to direct residential development to township areas that have reticulated water, sewerage and stormwater drainage and community services and facilities. Infill development in towns lacking sewerage treatment will be required to provide onsite effluent treatment.

#### Clause 22.09 Low Density Residential Subdivision Policy

The policy applies to subdivision in the Low Density Residential (LDRZ)

Relative to the application proposal key objectives of the LDRZ policy, include but not limited to:

- To ensure new lots created in the Low Density Residential Zone are of sufficient size to treat and retain wastewater within their property boundaries; and
- To maintain an open and spacious character for low density residential areas across the Shire through:
  - Design that provides for open space and landscaping;
  - Retention of existing vegetation;
  - Avoiding creation of lots with battle-axe access in greenfield development;
  - The provision of wide driveways/ access ways with sufficient areas available for landscaping; and
- Lot sizes with sufficient area to accommodate setbacks required by the Design and Development Overlay Schedule 5.

### Zone and overlay provisions

#### Low Density Residential

The site is located in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low density residential development on lots which in the absence of reticulated sewerage, can treat and retain all wastewater. A permit is required to subdivide land under the provisions of the LDRZ. The LDRZ sets a minimum lot size of 0.4Ha. The decision guidelines of the LDRZ for subdivision require Council to consider, as appropriate:

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

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## Agenda

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### General provisions

The decision guidelines contained in Clause 65.01 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

In addition, before deciding on an application to subdivide land, the decision guidelines contained in Clause 65.02 must be considered, as appropriate:

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

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Agenda

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**DISCUSSION****Planning policy**

The proposed subdivision satisfies the relevant provisions of the planning scheme including State and the Local planning policy for Low Density Residential Development (Clause 22.09)

Low Density Residential Development (Clause 22.09) seeks to ensure new lots are of sufficient size for on-site effluent disposal and maintain the character of low density residential areas. The proposed subdivision design contributes to the character of the area by creating lots of sufficient size to provide setbacks in accordance with the DDO5, retaining existing vegetation where possible and providing space for additional landscaping. The layout will also provide for adequate access from Merino Drive. A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal.

Each lot is of a size that can readily support a dwelling, shedding, landscaping and open space, in line with the intent of the DDO5, respecting the character of the area.

This infill subdivision can be adequately serviced and suitable access arrangements are proposed. The consolidation of this land responds to State and Local policy to make efficient use of zoned residential land.

**Objectors concerns**

Objectors are concerned that the proposed subdivision will have a detrimental impact on the character of the area. The smaller lots at 0.4ha will not provide for appropriate spacing between lots and dwellings, the character of the area would become more suburban. Objectors stated that one of the reasons they moved to this area was for spacious lots and ample room for landscaping which can also provide screening and separation between dwellings.

Objectors contend that this would all be lost with smaller lots proposed will change the area significantly.

The proposed subdivision satisfies policies surrounding low density residential development which are designed to protect neighbourhood character. The proposed lot layout retains existing vegetation and provides opportunities for landscaping, and creates a sufficient size to provide setbacks in accordance with the DDO5. The LDRZ has a minimum lot size of 0.4ha and is not connected to sewer. This is a significant difference in comparison to the General Residential Zone which is connected to sewer, which may have lots sizes of 400m<sup>2</sup> or less.

Although it is acknowledged that the lot sizes are smaller than those within Merino Drive, the original subdivision was developed at a time when the minimum lot size was greater than 0.4ha. The proposed lot sizes comply with the minimum lot size within the Low Density Residential Zone and are within the town boundary.

**CULTURAL HERITAGE IMPLICATIONS**

This proposal does not require the preparation of a Cultural Heritage Management Plan under the Aboriginal Heritage Regulations 2007.

Agenda

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### **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, including the Local Policy for Low Density Residential Development (Clause 22.09), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to utilise existing zoned land capable for further development, maintain the character of the area and capable of on-site effluent disposal.

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Item

Page 7



**Application for Planning Permit for a Subdivision**

Supplied by John OShannassy  
 Submitted Date 06/01/2019  
 Modified by **Information** TGM Group Pty Ltd - Geelong  
 Modified Date 12/08/2019

**Application Details**

Application Type Planning Permit for a Subdivision  
 Version 4  
 Applicant Reference Number (Not Supplied)  
 Application name or Estate name 8 Merino Drive  
 Responsible Authority Name Golden Plains Shire Council  
 Responsible Authority Reference Number(s) P19-014  
 SPEAR Reference Number S134152T  
 Application Status Permit Decision Pending  
 Planning Permit Issue Date NA  
 Planning Permit Expiry Date NA

**The Land**

Primary Parcel 8 MERINO DRIVE, TEESDALE VIC 3328  
 Lot 25/Plan PS331084  
 SPI 25/PS331084  
 CPN 91000559  
**Zone:** 32.03 Low Density Residential  
**Overlay:** 43.02 Design and Development

**The Proposal**

Plan Number (Not Supplied)  
 Number of lots 3  
 Proposal Description 2 lot subdivision  
 Estimated cost of the development for which a permit is required \$ 50,000

**Existing Conditions**

Existing Conditions Description House and paddocks grazed by horses  
 Title Information - Does the proposal breach an encumbrance on Title? The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

**Applicant Contact**

Applicant Contact **Information**  
 TGM Group Pty Ltd - Geelong  
 Level11, 27-31 Myers Street, Geelong, VIC, 3220 and  
 PO Box 1137 Street, Geelong, VIC, 3220  
 Business Phone: **Information**  
 Email: **Information**

**Applicant**

**Applicant**

(Applicant details as per Applicant Contact)

**Owner**

**Owner 2**

Glenn Boasman  
8 Merino Drive, Teesdale, VIC, Australia

**Owner 3**

Mr John OShannassy  
Josco Civil

Information Redacted

Business Phone: Information Redacted

Email: Information Redacted

**Declaration**

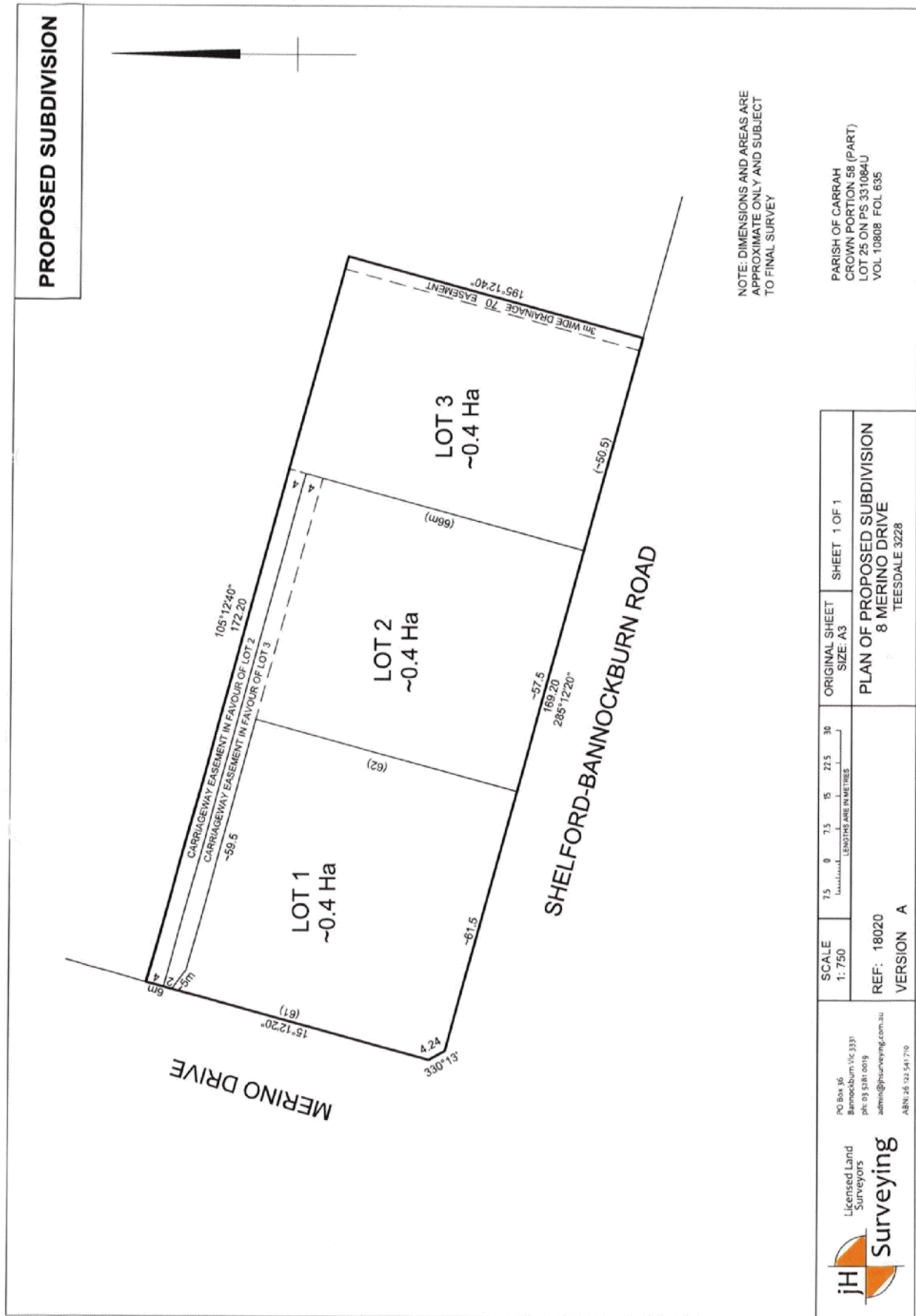
I, **Informati** declare that the owner (if not myself) has been notified about this application.

I, **Informati** declare that all the information supplied is true.

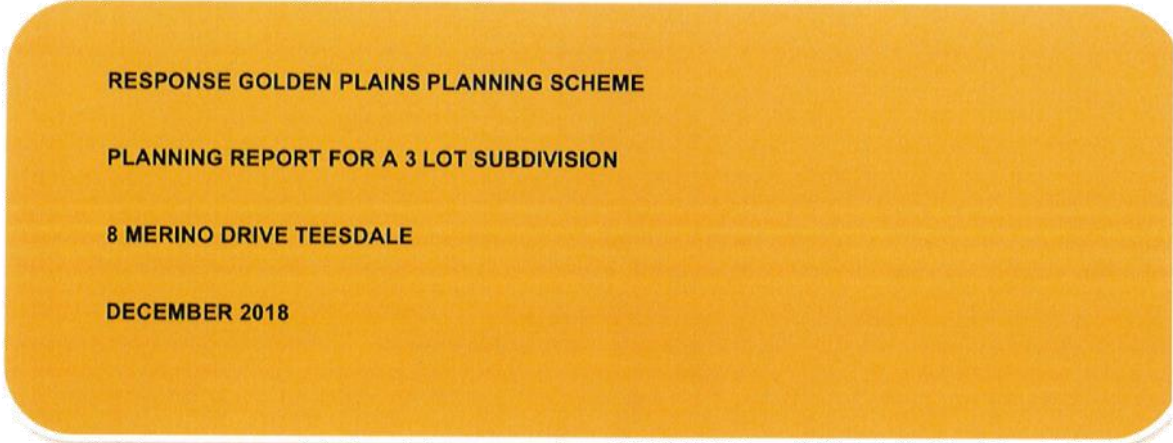
**Authorised by  
Organisation**

**Informati**

TGM Group Pty Ltd - Geelong







Prepared by:

John O'Shannassy

**TABLE OF CONTENTS**

1. INTRODUCTION & PROPOSAL ..... 0

2. SUBJECT SITE AND PLANNING CONTROLS ..... 1

    2.1 ZONING ..... 1

    2.2 OVERLAYS ..... 2

3. SITE ANALYSIS ..... 2

    3.1 LANDFORM, INFRASTRUCTURE AND SERVICE ANALYSIS ..... 3

    3.2 SURROUNDING LAND ..... 5

    3.3 DRAINAGE ANALYSIS ..... 5

    3.4 VEGETATION ANALYSIS ..... 6

    3.5 BUILDING ENVELOPES ..... 7

    3.6 EXISTING SEPTIC TANK & LAND CAPABILITY ASSESSMENT ..... 7

4. PARTICULAR PROVISIONS ..... 8

5. CONCLUSION ..... 8

6. APPENDICES ..... 8

**1. INTRODUCTION & PROPOSAL**

### 3 Lot Subdivision

#### 8 Merino Drive Teesdale

This Planning Permit Application is for a three (3) lot subdivision of 1.2 Ha of an existing house and land property situated at 8 Merino Drive Teesdale. It is proposed that new lots will be approx. 4000 sqm in area. **Refer to Appendix A for the Development Plan and Plan of Subdivision.**

Works as part of this proposal:

- Installation of new driveway
- Installation of potable water & power connections
- Internal fencing.
- Stormwater drainage
- Upgrade of existing septic system.

## 2. SUBJECT SITE AND PLANNING CONTROLS

The subject site is located approx 1.5 km from the heart of the Teesdale township. The property has a total area of 1.2 Ha with a 67 m frontage to Merino Drive.

The site currently consists of one Title as follows:

- Lot 25 on PS 331084U

**Refer to Appendix B for Title Details & Planning Information.**

### 2.1 ZONING

The subject site is situated within the Low Density Residential Zone (LDRZ) and subsequent schedule to the LDRZ.

3 Lot Subdivision

8 Merino Drive Teesdale



**Comment:** *The proposal satisfies the purpose of the LDRZ, in that it will provide for residential development within a LDRZ whilst treating and retaining the wastewater within the site. The schedule is not relevant to this application.*

2.2 OVERLAYS

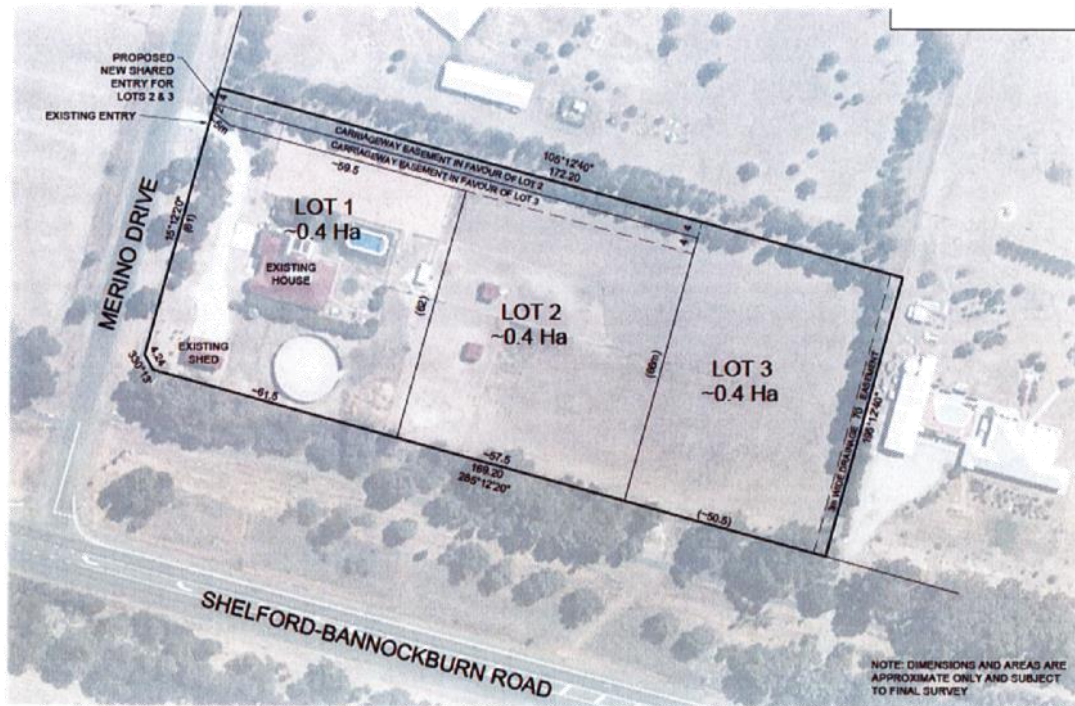
The site is subject to a Design and Development Overlay (DDO) and subsequent Schedule 5 (DDO5).

**Comment:** *The proposal satisfies the purpose of the DDO, in that the area characteristics and amenity are maintained and set-backs for building envelopes are compliant.*

3. SITE ANALYSIS

An aerial view of the site can be seen below.

3 Lot Subdivision  
8 Merino Drive Teesdale



3.1 LANDFORM, INFRASTRUCTURE AND SERVICE ANALYSIS

**LOT 1**

A house, garage, sheds swimming pool and gardens are situated on Lot 1. The septic system to the house will need to be relocated and upgraded as part of this subdivision in accordance with the LCA. The existing driveway to the house will remain as is. Rainwater is collected from roof of buildings in stormwater tanks. The house is located at the highest elevated area of the lot. The land falls both to the west and south of the lot and drains to the roadside drainage system.

3 Lot Subdivision  
8 Merino Drive Teesdale



Photo – Lot 1 driveway to right & area for Lot 2 & 3 driveway entrance to left.

**LOT 2 & 3**

The proposed new lots 2 & 3 have established trees around the boundary. Both lots fall to the south of on a gently slope and discharge into the road drainage system. Access to Lots 2 will be via a new shared driveway off Merino Drive.



**3 Lot Subdivision****8 Merino Drive Teesdale**

**Photo – Lots 2 looking north to back of lot.**

**3.2 SURROUNDING LAND**

The western, northern and eastern boundaries are shared with private properties (with houses) within the same land zoning LDRZ. The southern boundary fronts Russell Rd.

**3.3 DRAINAGE ANALYSIS**

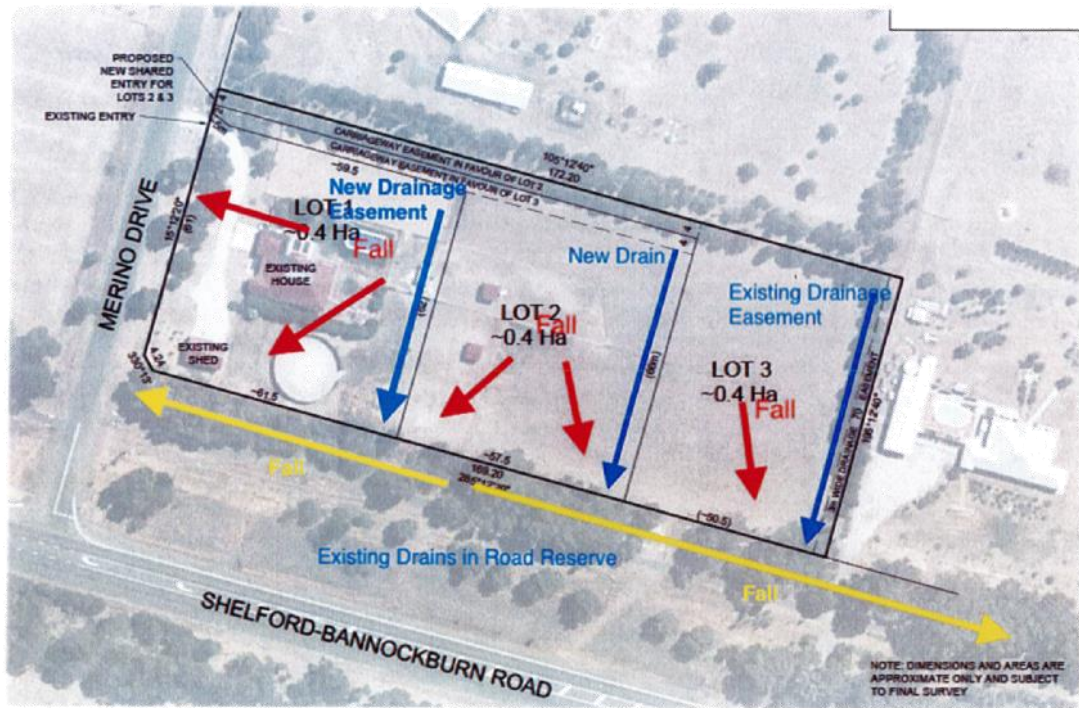
Lot 1 has fall both to the west and south of the site. A new spoon drain on the eastern boundary will convey stormwater to the existing roadside drain. This will be an easement so Lot 2 can discharge into it.

Lot 2 has fall to the back of lot in both an easterly and westerly direction. Spoon drains will convey stormwater to the discharge point in the road reserve.

Lot 3 has an existing drainage easement on the eastern boundary. This will convey Lot 3 water to the roadside drain.

The drainage concept is shown below.

3 Lot Subdivision  
 8 Merino Drive Teesdale



3.4 VEGETATION ANALYSIS

The property has some planted native and foreign vegetation around the house and sheds and also along the perimeter boundaries. 5 trees will be removed to allow for the new driveway entrance. The grasses are common to the area and are regularly grazed by live stock. No significant grasses are located on the site.

### 3 Lot Subdivision

#### 8 Merino Drive Teesdale



Photo – Typical grasses are grazed by livestock.

### 3.5 BUILDING ENVELOPES

It is proposed to alter the building envelopes to be within 5m of all boundaries.

### 3.6 EXISTING SEPTIC TANK & LAND CAPABILITY ASSESSMENT

A LCA confirming the suitability of a septic system for the 2 proposed new lots can be found in Appendix D.

In summary, the wastewater should be treated to secondary level by a suitable EPA-approved treatment system and the effluent applied to land via sub-surface irrigation.

***A plumber has inspected the existing system and has determined that the existing secondary treatment system will need new underground irrigation lines to upgrade the existing septic system to today's standards.***



3 Lot Subdivision

8 Merino Drive Teesdale

#### 4. PARTICULAR PROVISIONS

- **Access:**
  - Lot 1 via existing driveway.
  - Lots 2 & 3 via a new driveway off Merino Drive.
- **Sewer:** – The existing house has a septic tank but will be upgraded in accordance with the LCA.
- **Water:** – Potable water is available in road reserve.
- **Electricity:** – Electricity (overhead) is available in road reserve.
- **Telstra:** - Telstra is available in road reserve.
- **Drainage:** - Via spoon drains. A new drainage easement is required.

#### 5. CONCLUSION

The proposal can be supported in accordance with relevant provisions of the Golden Plains Planning Scheme. It is consistent with the State and Local Planning Policy context in relation to subdivision of urban areas, and accords with the purpose and decision guidelines of the Low Density Residential Zone. It is also compliant with the requirements of Clause 56 relating to integrated water management. The size of the lots is are both equal to and larger than the minimum 4000m2 as required for LDRZ zone ensuring the character of the area is not compromised.

#### 6. APPENDICES

Appendix A – Development Plan & Plan of Subdivision

Appendix B – Land Titles and Planning Information

Appendix C – Level and Drainage Plan

Appendix D - Land Capability Assessment

## Register Search Statement - Volume 10808 Folio 635

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10808 FOLIO 635

Security no : 124073704118G  
Produced 31/08/2018 09:05 am

LAND DESCRIPTION

Lot 25 on Plan of Subdivision 331084U.  
PARENT TITLE Volume 10241 Folio 759  
Created by instrument PS331084U Stage 2 17/06/2004

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

Information Redacted

AE565930S 24/08/2006

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS331084U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MERINO DRIVE TEESDALE VIC 3328

DOCUMENT END

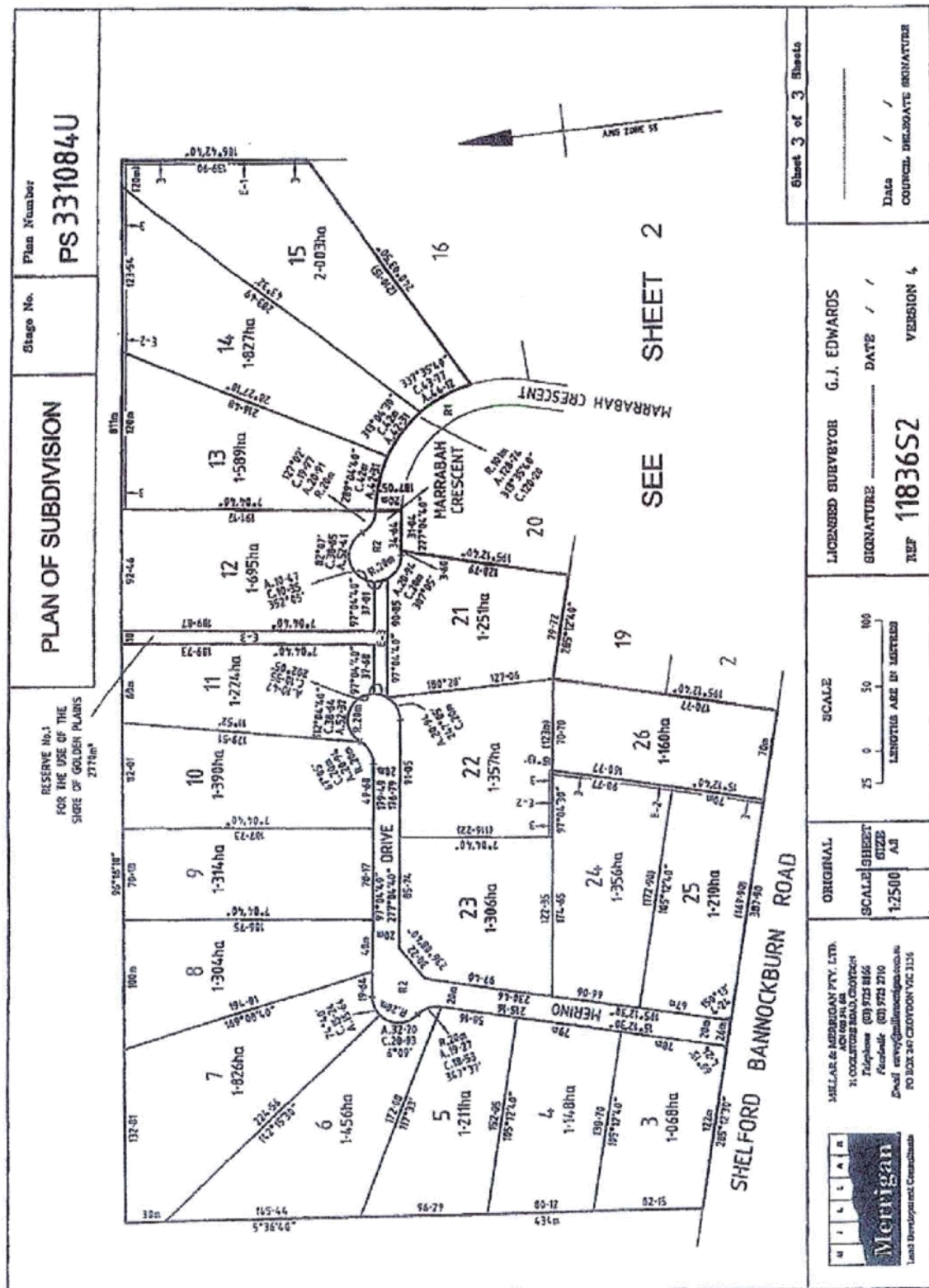
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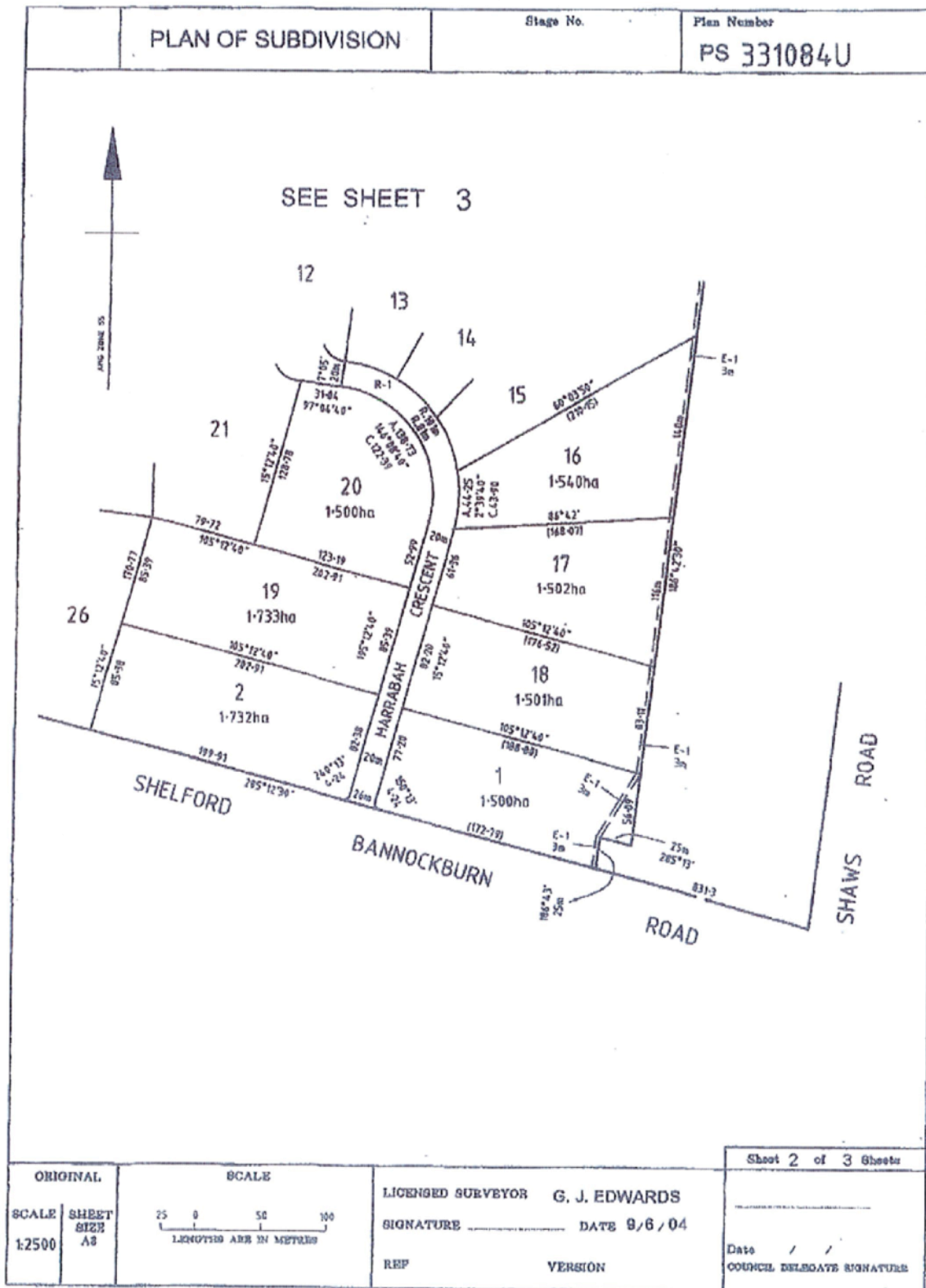
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<b>PLAN OF SUBDIVISION</b>		STAGE No.	LTO USE ONLY EDITION 2	PLAN NUMBER PS331084U
<b>LOCATION OF LAND</b>		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b>		
Parish: CARRAH Township: _____ Section: _____ Crown Allotment: _____ Crown Portion: 58 (part) LTO Base Record: PARISH (2355) Title Reference: V.9419 F.654, V.9419 F.655, V.9419 F.656, V.9419 F.657 Last Plan Reference: LP 134618 LOTS 1-4 Postal Address: Shelford - Bannockburn Road Teesdale AMG Co-ordinates (of approx. centre of land in plan): E 238800 N 5787700 Zone: 55		COUNCIL NAME: Shire of Leigh RECOMP No 390 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>APPLIES TO MASTER PLAN (STAGE 2) ONLY</b> OPEN SPACE (i) A requirement for public open space under section 10 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. <del>(iii) The requirement is to be satisfied in Stage 2.</del> Council delegate _____ Council seal _____ Date 15 / 04 / _____ Re-certification under section 11(7) of the Subdivision Act 1988. Council delegate _____ Council seal _____ Date / / _____		
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL / BODY / PERSON	STAGING This is/ is-not a staged subdivision. Planning Permit No. 368		
R1	SHIRE OF GOLDEN PLAINS	DEPTH LIMITATION Does not apply		
R2	SHIRE OF GOLDEN PLAINS			
RESERVE NO.1	SHIRE OF GOLDEN PLAINS			

**SURVEY** This plan is / is-not based on survey  
 This survey has been connected to permanent marks no(s) in Proclaimed Survey Area No.

EASEMENT INFORMATION					LTO use only Statement of Compliance/ Exemption Statement
LEGEND: A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)					Received <input checked="" type="checkbox"/>
Easement Reference	Purpose	Width (metres)	Origin	Land Benefited/ in Favour Of	Date 18 / 07 / 95
E-1	Drainage	3	This plan	Land in this plan, Shire of Golden Plains	<b>THIS IS AN LR COMPILED PLAN</b> CHECKED 17 / 6 / 2004 <b>Helen Lymbouris</b> Assistant Registrar of Titles Sheet 1 of 3 Sheets
R-1	Way, Drainage	See Diag	This plan	Land in this plan	
E-2	DRAINAGE	3	THIS PLAN	SHIRE OF GOLDEN PLAINS	
E-3	DRAINAGE SUPPLY OF WATER ELECTRICITY & TELECOMMUNICATIONS	SEE DIAG	THIS PLAN	SHIRE OF GOLDEN PLAINS	
I.G.BISHOP and A.A.JEFFREYS PTY.LTD. CONSULTANT SURVEYORS 33 LYDIARD STREET SOUTH BALLARAT 3350 Ph.(053) 323557			LICENSED SURVEYOR (PRINT) A. A. Jeffreys		DATE / /
			SIGNATURE _____ DATE 26 / 1 / 94		COUNCIL DELEGATE SIGNATURE
			REF. S9 17650 VERSION 2		Original sheet size A3





<b>MODIFICATION TABLE</b> RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN MASTER PLAN (STAGE 1) REGISTERED DATE 27/07/95 TIME 11:00 WARNING: THE IMAGE OF THIS PLAN/DOCUMENT HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN/DOCUMENT.		<b>PLAN NUMBER</b> <b>PS 331084U</b>					
AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT S2	LOT 3 TO 15 (B.I.) & 21 TO 26 (B.I.)	STAGE 2	PS 331084US2	17/06/04	11.22	2	H.L.