



GOLDEN PLAINS SHIRE

ATTACHMENTS

**Under Separate Cover
Ordinary Council Meeting**

6.00pm Tuesday 25 February 2020

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To Golden Plains Planning Department Team

I am writing to you in regards to the proposed subdivision of 59 Tolson street Teesdale. Plan Number PS824162D

The reason for my email today is to enquire and discuss the proposed subdivision. I have a objection to the plan in regards to the planned subdivisions " earth drain" on lot 1 59 Tolson st. I would like this to be marked as a "permanent easement" instead.

The earth drain listed in the plan is not listed as a easement. Therefore the earth drain can be altered at anytime and could severely flood our house even worse than it does now. Our septic tank and treatment system is at times flooded by the water rushing down the slope past the earth drain and over the septic tanks from the property at 59 Tolson street.

The back of our house is often flooded by water run-off as the earth drain does not go all the way down the subdivided lot, instead stops short behind our house and floods the back off the house. The existing earth drain at times cannot cope with severe downpour on Tolson st side of the earth drain.

As a result of the constant concerns and fears i have of our brand new house being flooded I am requesting a permanent easement to be constructed, to exit the Tolson street boundary of proposed lot 1 59 Tolson st, Where the current earth drain is already in place. This will prevent future flooding and expensive repair costs.

We have had to do some drainage work to the dividing boundary to prevent the subdivided lots water runoff. However this has proven to be ineffective and not our obligation to prevent.

I would like the earth drain be converted into permanent easement that exits the proposed subdivided lot 1 59 Tolson street property.

Kind Regards



obj ①

8th October 2019

Golden Plains Shire
 2 Pope Street
 Bannockburn Vic 3331



Dear Sir

Re: Notice of an Application for Planning Permit - P19-244

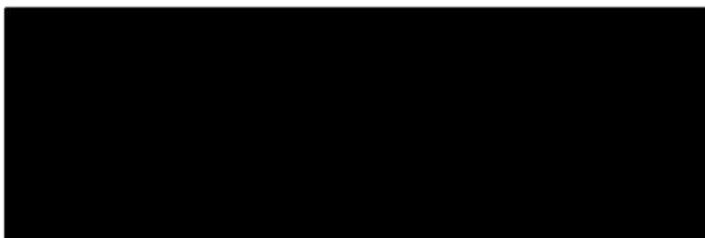
We are officially placing an objection to the proposed second sub division of block 59 Tolson Street, Teesdale. Sub division 747172 re: P19-244, on the grounds of inadequate drainage and environmental concerns.

Since the first subdivision we at [REDACTED], have experienced damaged and blockages to our driveway culvert due to massive run off in wet weather, from the drains placed in the subdivision of 59 Tolson Street. By adding another house and out buildings with storm water runoff and septic this will increase the problems that currently exist. Run off from proposed sub division will run through the west end of 59 Russell Street through an open drain on private property out onto the street and pool midway along [REDACTED] as this is the lowest point in the street. This means we will have a mixture of run off water and septic run off. This was already occurring prior to the first sub division with only one house on that block.

We have complained to shire about the fact that our culvert and the road side drainage cannot cope with the run off from the subdivision and just floods. This is not a problem that we caused or should have to put up with, any costs to remedy the culvert should be funded by the person that did the subdivision.

We are very concerned that any added Sub Division on 59 Tolson Street, Teesdale will increase the flooding that already occurs.

Kind Regards



OBJ (2)

Sandra Tomic

Sent: Tuesday, 29 October 2019 12:12 PM
To: Sandra Tomic

Hi Sandra

Thank you for your time on the phone this morning.

As per our phone call this morning I would still like to request a sit down meeting with yourself to go over a few issues with the proposed subdivision.

If you could please let me know a day after 4.00pm that we could arrange a meeting please.

I have been in contact with [REDACTED] my neighbour also and we have both got the same concerns. I would like to go through a few questions with yourself and Matthew McEntire in engineering To discuss the impacts the proposed subdivision will have on myself and surrounding neighbors.

My self and [REDACTED] will be engaging a private company to carry out first stage soil testing in anticipation the subdivision is approved and effluent will flow through both our property's.

As part of my previous objection letter I have a part 2 that I would like to add to my original objection.

Part 2 Objection letter 59 Tolson street subdivision

In addition to my previous concerns I have a concern that the trees along 59 Tolson street north boundary may be removed at some stage. As they where a requirement upon subdivision of lot 2 59 russel street but where put on wrong side of boundry. If removed This would impact our living conditions and privacy as they are a effective screening from neighbors. I would really appreciate the council require the trees along the north boundary be incorporated into the conditions of subdivision that they are to remain.

Another concern is in relation to the earth drain being a requirement as part of subdivision conditions to be registered as a easement/spoon drain so it can't be filled in by anyone. In addition I would like a investigation done into extending the drain to discharge to Tolson street insted of the back of our house.

The proposed subdivision will have a discharge point to the west boundary spoon drain that runs through our property. As per subdivision planning application the septic runoff system will be installed on the west boundary very close to the west spoon drain. In the winter months the water runoff will most defently contain effluent.

What Will GP procedure be In place to insure this will not happen. ?

I look forward to your correspondence.

Thank you for your time today.

[REDACTED]

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File Number:	P19-244
Author:	Sandra Tomic, Town Planner
Authoriser:	Steven Sagona, Director Infrastructure and Development
Applicant:	Adam O'Halloran & Associates
Owner:	Denise Solomon
Proposal:	Two lot subdivision
Location:	59 Tolson Street, Teesdale
Attachments:	1. Full officer report 2. Recommended conditions 3. Copy of application & plans 4. Copy of objection

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of a two (2) lot subdivision at 59 Tolson Street, Teesdale subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a two (2) lot subdivision 59 Tolson Street, Teesdale. This report provides a background to the application and a summary of the relevant planning considerations.

PURPOSE

The application has been referred to the Council Meeting for determination because there are unresolved objections to the application.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officers preparing this report declare no conflict of interest in regard to this matter.

COUNCIL PLAN

Managing natural and built environment.

BACKGROUND INFORMATION

Site description

The subject land is situated on the west side of Tolson Street, Teesdale. The site has a frontage to Tolson Street of 39.48 metres and a depth of 101.32 metres, with a total area of 12,436sqm (1.25ha). The site currently contains a single storey weatherboard dwelling and garage, which will be retained on lot 2. The site is located within the Low Density Residential Zone (LDRZ) and is subject to the Design and Development Overlay – Schedule 5 (DDO5). The land is not affected by any restrictive covenants.

Site Map

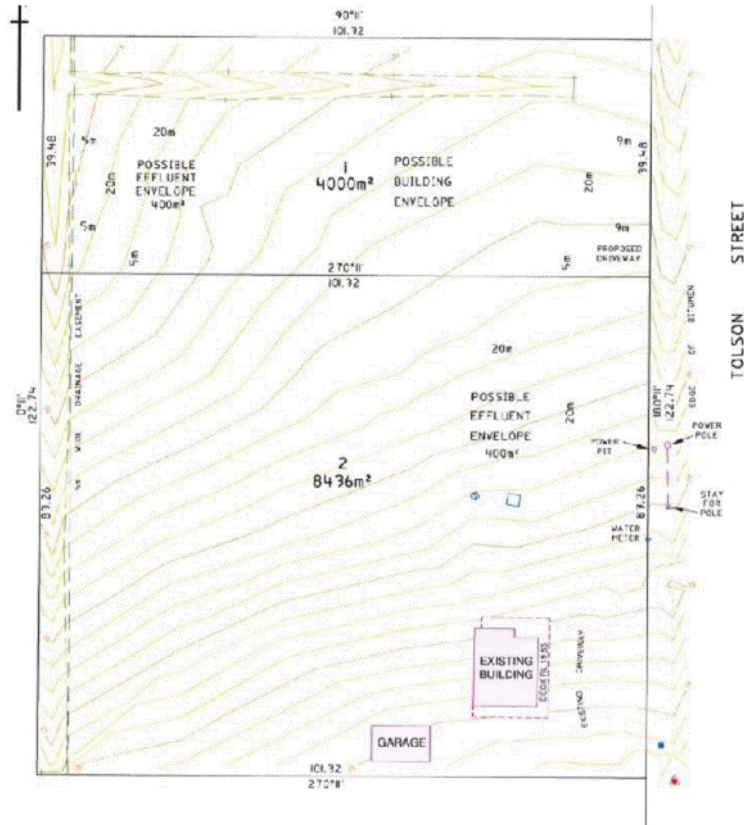


The proposal

The application proposes the development of the land for a two (2) lot subdivision. A copy of the application and plans is available at Attachment 4. The subdivision proposes the following features:-

Lot 1 – 4000sqm – new access from Tolson Street

Lot 2 –8436sqm – retain the existing dwelling, outbuilding and vehicle access



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 five (5) adjoining owners and occupiers. Notice was also carried out by placing a sign on the site.

As a result of the public notification, 2 objections were received. A copy of the objections are available at Attachment 2. Both objectors are from adjoining properties. The main concerns raised by the objectors relate to the amenity impact the subdivision would have in relation to drainage and flooding.

The objectors and applicant were invited to a consultation meeting, however one of the objectors did not want to attend, with the other being interstate for work and unable to attend. The owner of the property did arrange an on-site meeting to discuss concerns regarding drainage and flooding raised by the objectors with councils engineer. In addition concerns were raised regarding the removal of trees between the subject site and 59 Russell Street.

At this onsite meeting with Councils engineer, the property owner had indicated that they were prepared to:-

- Relocate the drain on the northern boundary of the subject site and 59 Russell Street so that it extends further and is immediately adjacent to the title boundary;
- Relocate/replace trees located on the northern boundary between the subject site and the property at 59 Russell Street.
- Upsize the existing culvert at drive entry to 69 Russell Street.

An email was sent through to the objectors outlining the above, asking whether concerns had been alleviated and whether the objections would be withdrawn.

There was no resolution or agreement reached as a result of the communication between the parties.

ASSESSMENT

The application was submitted to Council on the 28 August 2019 and a preliminary assessment was undertaken. There is no statutory referrals associated with a two (2) lot subdivision, however relevant internal referrals were carried out. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

Golden Plains Planning Scheme

Planning Policy Framework (PPF)

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.

The largest town is Bannockburn with approximately 19% of the population, followed by Teesdale with approximately 8% of the population. All other townships have a population of less than 1000 people. This highlights the dispersed nature of the population in Golden Plains Shire.

Clause 22.09 – Low Density Subdivision Policy

The policy applies to subdivision in the Low Density Residential (LDRZ). Key objectives of the LDRZ policies relevant to the proposal are:

- 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 Zone (LDRZ)**

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 require Council to consider, as appropriate;

Subdivision

- 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.

General provisions

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 sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

DISCUSSION**Planning Policy**

The proposed subdivision is considered to satisfy 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. A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal. In addition, the proposed subdivision has access to adequate infrastructure including sealed road network, drainage (upgrades as required) and utilities.

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, allowing for a street frontage and providing space for landscaping.

Objectors concerns

Objectors are concerned that the proposed subdivision will have a detrimental impact on the area by creating smaller lots which may result in drainage and flooding issues.

The application was initially referred to Council's works department; no objection was raised subject to conditions being included. In addition the concerns raised by the adjoining properties was referred to Council's engineers for review.

Council's engineers confirmed that the existing intercept drain on the low side of proposed lot 1 will only cater for the flow from lot 1, therefore the drain does not need to be an easement, as requested by the objector at 59 Russell Street. Given that this would only service one lot, Council's position is that it should not be responsible for this and any flooding that occurs is a civil matter between the parties. The only option available is for a Section 173 to be entered into that would state that the drain is not to be altered and be maintained by the owner. A condition has not been recommended requiring a Section 173 to be entered into, as the site will be required to be drained, with or without an agreement in place, therefore its seems a superfluous requirement.

An inspection of the street drainage in Russell Street was undertaken by Council's subdivision engineer and it was acknowledged that the drain is in good condition with a fall to Sutherland Street. Current drainage conditions within Russell Street would result in stormwater exceeding the extent of drains which may overtop existing drive entries should a major storm event occur. Further, the rural nature of the drainage in the area being surface drainage, it is expected that there will be some water that sits within the drains or infrastructure. On inspection of the drive entry to 69 Russell Street it was confirmed that the pipe was 225mm diameter which is less than the minimum size of 300mm normally adopted. It is acknowledged that the proposed two lot subdivision will generate increased flows, therefore a condition will be included that requires an upgrade to the culvert to 300mm for 69 Russell Street.

The Low Density Residential Development policy (Clause 22.09) aims to protect the character and amenity of low density residential areas and ensure that new subdivisions are capable of treating and retaining effluent on site and ensuring lots can be adequately serviced by infrastructure.

Council is seeing an increase in the number of infill subdivisions in established residential areas as some landowners succumb to maintenance and upkeep requirements, seek to gain a financial advantage by creating additional lots and in response to property purchasers who seek space but do not want several acres.

This site contains a dwelling, shedding and vegetation, largely contained to the south east corner of the site. It has a generous street frontage, capable of providing safe property access points, in line with the requirements of the Infrastructure Design Manual. The LCA submitted with the site has demonstrated that it is acceptable of treating and retaining effluent on site.

The subdivision responds appropriately to this site and is supported by policy.

Development Contribution

A Development Contribution of \$1500 per newly created lot (outside of Bannockburn) is required. As this site currently consists of 1 parcel of land which is being subdivided into 2, then the DC of \$1500 applies to the newly created lots only, being $1 \times \$1500 = \$1,500.00$. This is required to be paid prior to SOC.

Public open space contribution

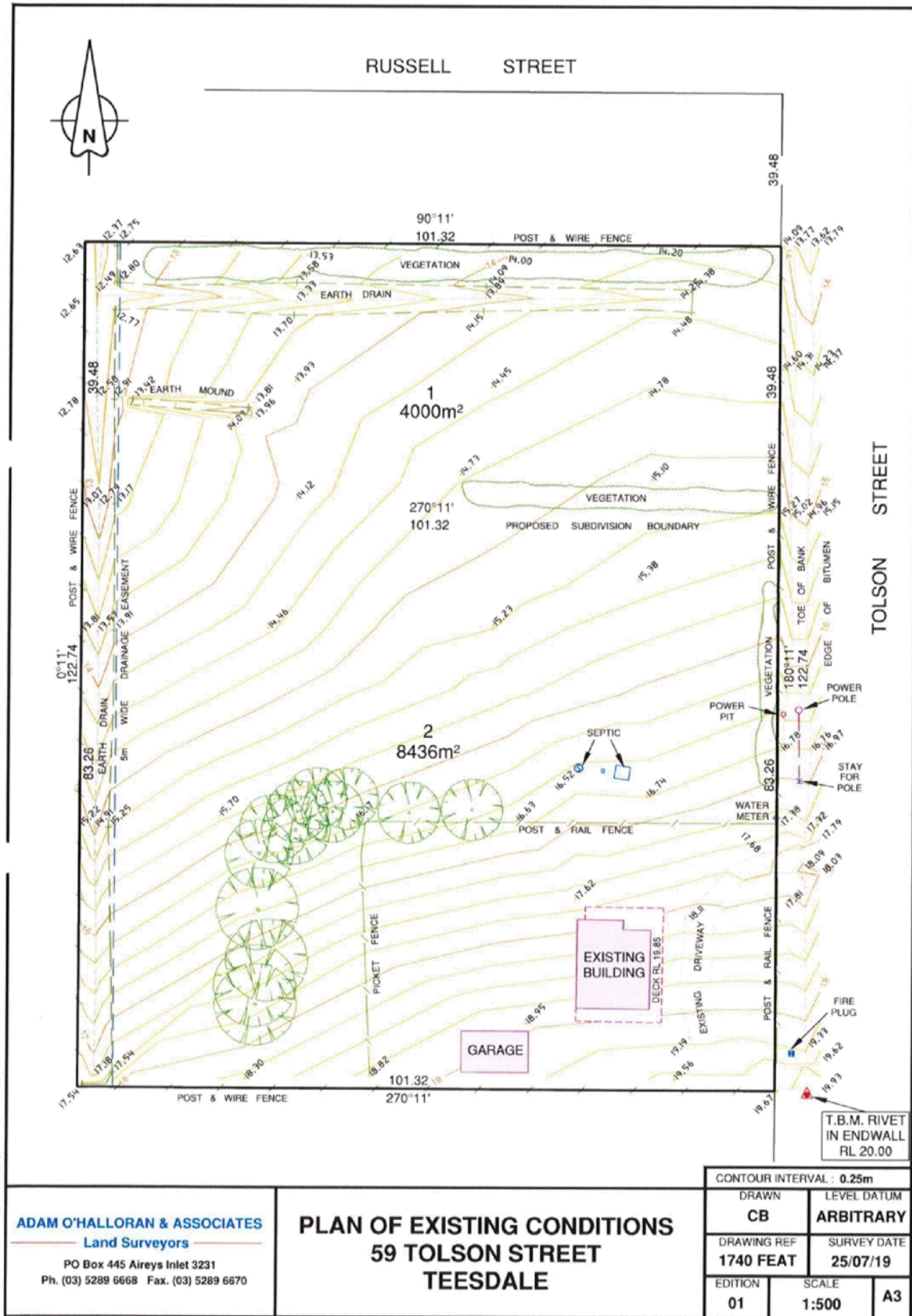
A condition of the permit will require a payment in lieu of public open space being the equivalent of 5% of the site value in accordance with Section 18 of the Subdivision Act 1988. It is considered that as a result of the subdivision there will be an increase in population density which will lead to more intensive use of existing open space and the need to improve existing open space.

CULTURAL HERITAGE IMPLICATIONS

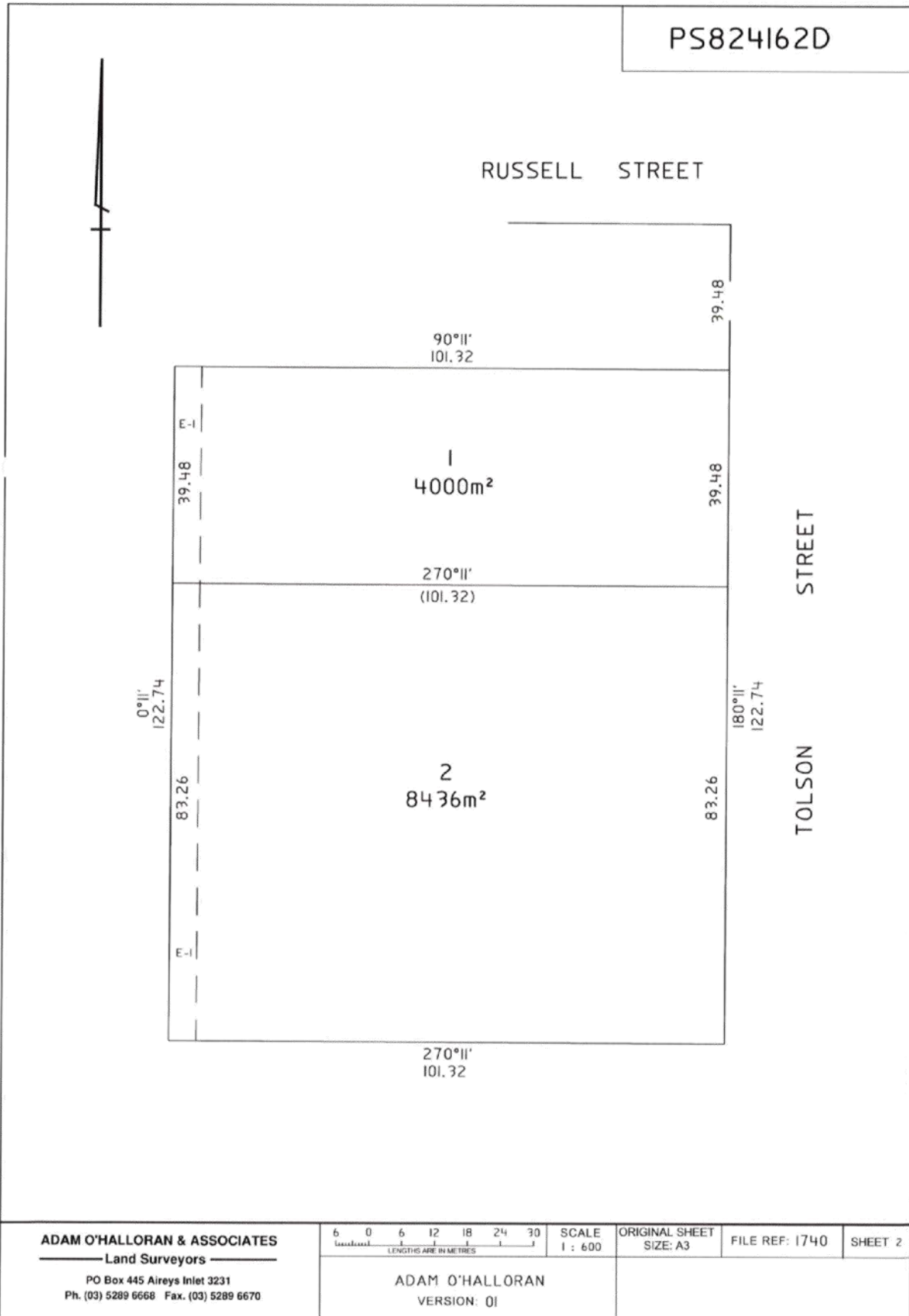
This proposal does not require the preparation of a Cultural Heritage Management Plan under the Aboriginal Heritage Regulations 2007.

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 maintain the character of the area and are capable of on-site effluent disposal.



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