



GOLDEN PLAINS SHIRE

ATTACHMENTS

**Under Separate Cover
Ordinary Council Meeting**

6.00pm Tuesday 25 February 2020

Table of Contents

7.7	P19-294 - 153 Burnside Road, Bannockburn (Two (2) lot subdivision)	
	Attachment 2	Objections 4
	Attachment 3	Full officers report..... 6
	Attachment 4	Permit Application..... 13

SUBMISSION / OBJECTION TO GRANTING A PLANNING PERMIT

Planning and Environment Act 1987



GOLDEN PLAINS SHIRE
Golden Plains Shire Council
Bannockburn -
2 Pope Street, Bannockburn
Linton -
58 Sussex Street, Linton
M: PO Box 151
Bannockburn, Victoria 3331
P: (03) 5226 7111
F: (03) 5226 7100
E: resources@goldenplains.vic.gov.au
W: www.goldenplains.vic.gov.au

Before completing this form, it is recommended you inspect the planning permit application online or at a Customer Service Centre.



DETAILS OF THE PERMIT APPLICATION YOU ARE RESPONDING TO: p19-294

Application Number: Lot 7 Plan 412601

Address of Subject Land: 153 Burnside Rd Bannockburn

Description of Proposal: Two lot subdivision

Name of Applicant: Smith Land Surveyors P/L

DETAILS OF SUBMISSION / OBJECTION:
(State reasons for objection and how you would be affected by the granting of a planning permit)

We would like to know what drainage is in place for lot 1 of subdivision. Currently they have dug several drains on the front half of their property so any storm water drains on to our property. We want confirmation that all ~~drains~~ waste water will be contained to their own property.

Continued - see over

obj ①

DETAILS OF SUBMISSION / OBJECTION: Continued

and all of these drains will be removed so as not to push excess water on to neighbouring properties
 Note - I have taken photos of these drains

Attach additional pages if required

Are there any changes that could be made to the proposal to address your concerns? Yes No

If yes, what changes would you suggest that would meet your concerns:

Improved drainage to Lot 1 plans

Signed:

[Redacted Signature]

Date: 14/11/2019

IMPORTANT NOTES ABOUT SUBMISSIONS / OBJECTIONS TO PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice - Application for Planning Permit.
4. An objection must state the reasons for your objection; and state how you would be affected if a permit is granted.
5. The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Please be aware that copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process in accordance with the Planning & Environment Act 1987.
7. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the website.
8. If you object before the responsible authority makes a decision, the authority will tell you its decision.
9. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil and Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
10. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

Golden Plains Shire Privacy Statement

The Golden Plains Shire considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy.
 Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act 2014.
 Council has in place a standard operating procedure that sets out the requirements for the management and handling of personal information.
 If you have any queries regarding this Privacy Statement, please contact the Privacy Officer on 03 5220 7111.

File Number:	P19-294
Author:	Sandra Tomic, Town Planner
Authoriser:	Steven Sagona, Director Infrastructure and Development
Applicant:	Smith Land Surveyors Pty Ltd
Owner:	Alan Lennon & Dianne Mitchell
Proposal:	Two lot subdivision
Location:	153 Burnside Road, Bannockburn
Attachments:	1. Draft Conditions 2. Objection 3. Full Officer Report 4. Permit Application

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 153 Burnside Road, Bannockburn 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 153 Burnside Road, Bannockburn. 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 is an unresolved objection 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 the natural and built environment.

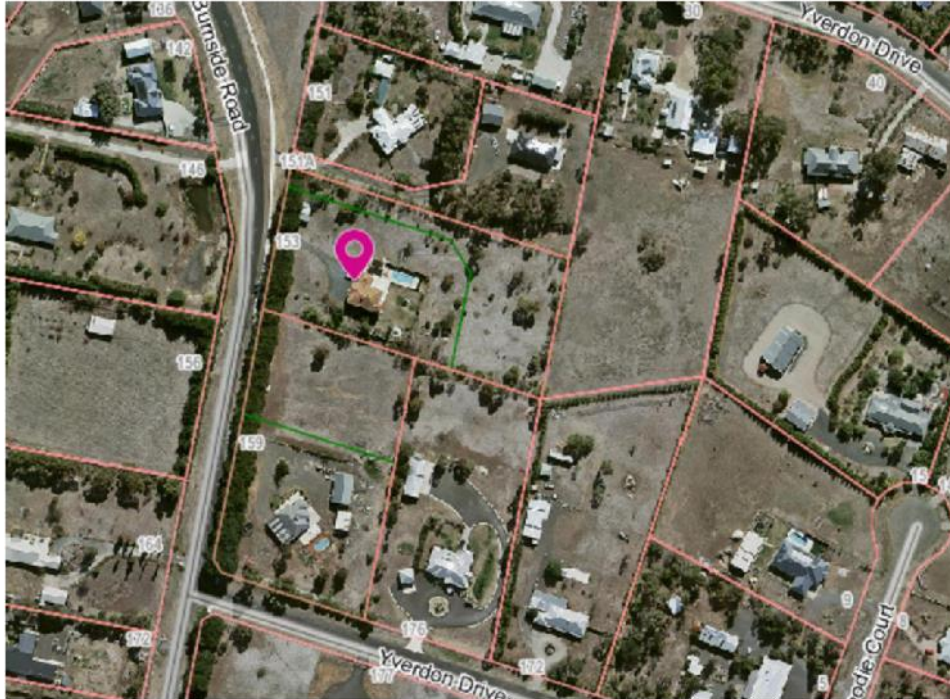
BACKGROUND INFORMATION

Site description

The subject land is situated on the east side of Burnside Road, Bannockburn. The site has a frontage to Burnside Road of 70.53m and a depth of 142.97, with a total area of 10,000sqm (1.0ha). The site currently contains a single storey brick dwelling and garage, which will be retained on Lot 1. The site currently gains access from Burnside Road, this access will be retained. 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



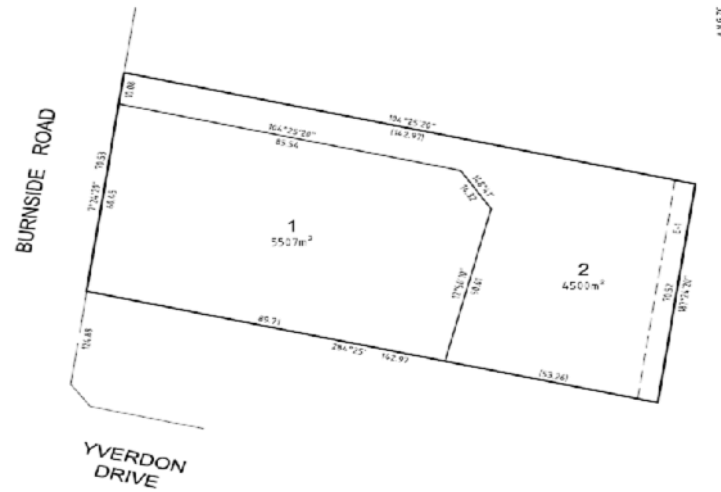
The proposal

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 – 5000sqm – retain the existing dwelling, swimming pool, outbuilding and access arrangement.

Lot 2 – 4500sqm – vacant lot, with a new access from Burnside Road, via a 10m wide battle-axe driveway, on the northern boundary.

Proposed Plan of Subdivision



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 Seven (7) adjoining owners and occupiers. Notice was also carried out by placing a sign on the site.

As a result of the public notification, objection was received. A copy of the objection is available at Attachment 2. The objector is from the adjoining property to the south. The main concerns raised by the objector relate to the impact the subdivision will have in relation to drainage.

The objectors and applicant were invited to a consultation meeting, however the objector commented that they did not want to stop the development, they wanted to know and be assured that the proposal would not impact on their property, particular in regards to drainage. Concerns were also raised regarding existing drainage issues. A copy of the objection was referred to Councils' Works department, who provided the following response.

"GPSC Works have assessed the objection received to the above development. Following drainage conditions will be placed to prevent any potential overland flows from the proposed subdivision to the neighbouring property at 159 Burnside Road.

- *Open drain along the southern boundary of proposed Lot 1 and Lot 2 discharging to the existing open drain that runs along the rear of the property.*
- *Intercept drain along the eastern boundary of proposed Lot 1 where required or as agreed with the Council."*

An email was sent out to objector on 9 January 2020, stating that their objection had been reviewed by Council Engineers and that drainage conditions would be required to prevent potential overflow.

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

ASSESSMENT

The application was submitted to Council on the 17 October 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)

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 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

The decision guidelines contained in Clause 65.01 of the planning scheme require Council to consider

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

The application satisfies the objectives of the Local Planning Policy Framework (LPPF) including the Settlement policy (Clause 21.02) which seeks to focus growth into townships as indicated on the Golden Plains Strategic Framework Plan. Bannockburn is shown as a subregional centre on the Strategic Framework Plan.

The policy for Rural Areas (Clause 21.02-3) applies to Low Density Residential Zones and seeks to control the density and overall lot sizes of land according to environmental conditions and established character and to avoid indiscriminate subdivision of land by requiring provision of appropriate infrastructure including on-site effluent disposal. The proposed subdivision is considered to satisfy the policy because the proposed subdivision is consistent with the character of the surrounding area and there is adequate infrastructure.

The proposed subdivision is supported by the objectives of the local policy for Bannockburn and the Bannockburn Urban Design Framework (Clause 21.07-1) which seeks to promote sustainable growth in Bannockburn and ensure the efficient provision of infrastructure. The Bannockburn UDF overall principles plan shows the site within an area identified for low density residential development.

The Low Density Residential Development Policy (Clause 22.09) applies to all land in the LDRZ. This policy recognises that land capability and character are the key considerations relevant to managing residential growth in low density residential areas. The application satisfies the policy because the proposed lots are capable of on-site effluent disposal and the character of the area will be maintained because the proposed subdivision design provides for the retention of existing vegetation and creates lots with sufficient area to accommodate setbacks in accordance with the DDOS.

Objector concerns

The objector is concerned that the proposed subdivision will have a detrimental impact on the area as a result of drainages issues.

A copy of the objection and proposal was referred to Council's work department, no objection was raised subject to conditions be included. These conditions have been included in the recommended conditions.

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, swimming pool, outbuildings and vegetation, largely contained to the front 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 requirement prior to Statement of Compliance has been made as a condition of permit. It has been required at a rate of \$4500 per lot for each new lot (applicable to subdivisions in Bannockburn). This application proposes one new lot therefore a total contribution of \$4500 is required.

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.

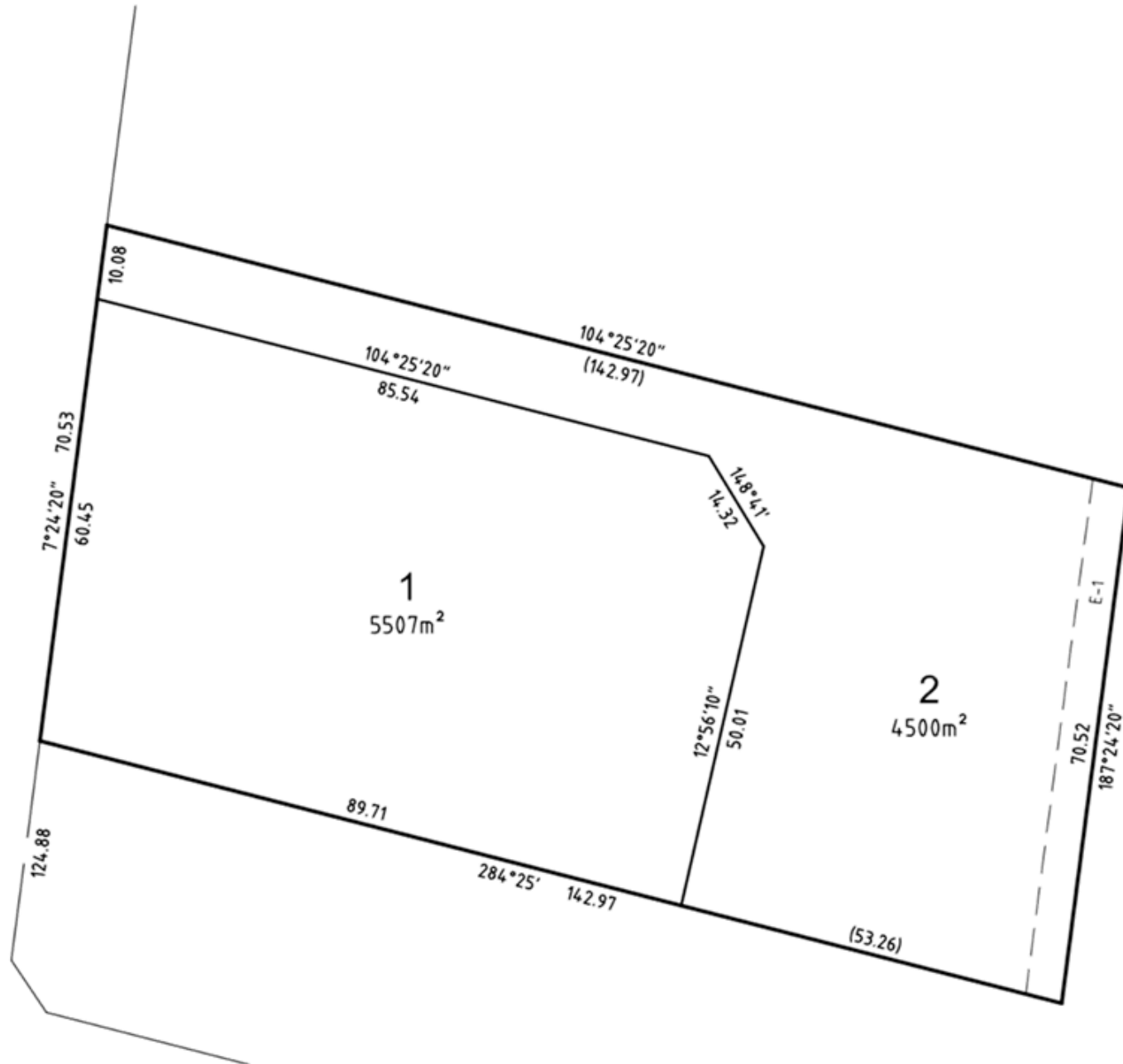
PLAN OF SUBDIVISION		EDITION 1	PS 837293P	
Location of Land Parish: MURGHEBOLUC Township: - Section: 20 Crown Allotment: 13 & 14 (PARTS) Crown Portion: - Title References C/T VOL 10406 FOL 782 Last Plan Reference: LOT 7 ON PS 412601B Postal Address: 153 BURNSIDE ROAD (at time of subdivision) BANNOCKBURN 3331 MGA Co-ordinates: E: 252 820 Zone 55 (of approx centre of land N: 5 784 350 GDA 2020 in plan)		Council Name: Golden Plains Shire Council SPEAR Reference Number: S148153E		
Vesting of Roads and/or Reserves		Notations		
Identifier	Council/Body/Person	Planning Permit No. - Survey: This plan is based on survey. Staging: This is not a staged subdivision. This survey has been connected to permanent marks No(s). - in Proclaimed Survey Area no. -		
NIL	NIL			
Notations				
Depth Limitations: DOES NOT APPLY				
Easement Information				
LEGEND: Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Section 12(2) of the Subdivision Act 1988 applies to all the land in this plan				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	5	PS 412601B	Golden Plains Shire
 Smith Land Surveyors Pty Ltd Office - 142a Fyans Street, South Geelong, Vic. 3220 P (03) 5222 1234 F (03) 5223 3141 E survey@smiths.com.au W www.smithlandsurveyors.com.au ABN 72 142 046 964		SURVEYORS FILE REF: 2019-0347POS		SHEET 1 OF 2
		LICENCED SURVEYOR..... Glenn Graham Smith		
		VERSION: 2		

PLAN OF SUBDIVISION

PS 837293P

BURNSIDE ROAD

YVERDON DRIVE



Smith Land Surveyors Pty Ltd
 Office - 142a Fyans Street, South Geelong Vic, 3220
 P (03) 5222 1234 F (03) 5223 3141
 E survey@smithls.com.au
 W www.smithlandsurveyors.com.au
 ABN 72 142 046 964

SCALE
1:750



ORIGINAL SHEET
SIZE: A3

SHEET 2

LICENCED SURVEYOR Glenn Graham Smith
 REFERENCE: 2019-0347POS VERSION: 2