

4 NINE (9) LOT SUBDIVISION AT 94 WATTLETRE ROAD, BUNYIP

FILE REFERENCE INT1764307

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T160771 be issued for Subdivision of the land in to nine (9) lots at 94 Wattletree Road, Bunyip subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|----------|
| 1 | Locality plan | 1 Page |
| 2 | Subdivision plan | 4 Pages |
| 3 | Copies of objections circulated to councillors only | 16 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.: T160771

APPLICANT: JW Planning Services

LAND: 94 Wattletree Road, Bunyip VIC 3815

PROPOSAL: Subdivision of the land in to nine (9) lots

PLANNING CONTROLS: Low Density Residential Zone
Design and Development Overlay Schedule 1
Vegetation Protection Overlay Schedule 1

NOTIFICATION & OBJECTIONS: The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to the owners and occupiers of adjoining land placing a sign on site.

KEY PLANNING CONSIDERATIONS: Appropriateness of the subdivision within the area
Bunyip Township Strategy

RECOMMENDATION: Approval

BACKGROUND:

A previous planning permit application, T140204 was made to Council for a nine (9) lot subdivision, however, the proposal was deemed prohibited due to the proposed lot sizes couldn't meet the minimum lot size specified in Low Density Residential Zone at the time.

SUBJECT SITE:



The site is located on the southern side of Wattletree Road Bunyip.

A crossover is located northern alignment of the site and there are no easements on the property. The topography of the land is relatively flat.

The site currently contains an existing dwelling and an outbuilding.

The main characteristics of the surrounding area are:

- North Wattletree Road is located on the northern side of the property
- South The property towards the southern side of the land has been developed for residential purposes and contains a dwelling
- East for The property towards the eastern side of the subject site is developed for residential purposes and contains a dwelling
- West Chambers Road is located on the western side of the subject site.

PROPOSAL:

The proposal is for a subdivision of the subject property into nine (9) lots. The lots are ranging between the 2000 square metres to 3137 square metres. Five out of nine lots will be orientated towards Wattletree Road and with four lots are battle axe allotments with frontages to the road being 4 metres wide, all other lots are rectangular lots with frontages to the road between 30.59m and 35.80m.

Access to the front lots will be provided via future crossovers to Wattletree Road and access to the back lots is proposed to be provided via four separate carriageway easements which is approximately 4 metres in width.

All the lots have been provided with a building envelope. Lots 4,5,6 and 9 have been provided with a 10 metres front setback and 5 metres side and rear setbacks. Lot 1 has been provided with a 10

metre front and side setback from the western boundary (Chambers Road) and 5 metres setback from other boundaries. Lot 2 has also been provided with a setback of 10 metres from the Chambers Road and 5 metre setback from the remaining boundaries, and Lots 3,7 and 8 have been provided with 5 metres setback from all property boundaries. The proposal does not involve any vegetation removal or earthworks.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 12.04-1 Environmentally sensitive areas
- Clause 12.04-2 Landscapes
- Clause 16.02-1 Rural residential development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.07-6 Bunyip
- Clause 21.08-2 Townships
- Clause 21.09-1 Environment

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 56 – Residential Subdivision
- Clause 65 – The Decision Guidelines
- Clause 66 – Referral and Notice Provisions

Zone

The land is subject to the Low Density Residential Zone Schedule 3

Overlays

The land is subject to the following overlays:

- Design and Development Overlay Schedule 1
- Vegetation Protection Overlay Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for Subdivision of land into nine (9) lots requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.03-3 of Low Density Residential Zone Schedule 3, a permit is required for the subdivision of land.
- Pursuant to Clause 42.01-2 of Environmental Significance Overlay, a permit is required for subdivision.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site

Council has received 10 objections to date.

The key issues that were raised in the objections are:

- The proposed lot densities are not consistent with the development pattern and rural context of the area.
- Increase in traffic
- Stormwater and wastewater management

REFERRALS

Ausnet Services

The application was referred to *Ausnet Services* as a statutory referral. *Ausnet Services* had no objection to the proposal subject to conditions

APA Group

The application was referred to *APA Group* as a statutory referral. *APA Group* had no objection to the proposal and no conditions.

Melbourne Water

The application was referred to *Melbourne Water* as a statutory referral. *Melbourne Water* had no objection to the proposal subject to conditions.

South East Water

The application was referred to *South East Water* as a statutory referral. *South East Water* had no objection to the proposal subject to conditions.

DISCUSSION

State and Local Planning Policy Framework

The proposed subdivision addresses a number of key State Planning Policy Frameworks including the supply and diversity of residential development, urban, neighbourhood and subdivision design and protecting the biodiversity of the area. These frameworks set out to accommodate a level of change that is appropriate for this area given the current neighbourhood character and patterns of residential subdivision of this area of Bunyip.

Low Density Residential Zone– Schedule 3

The key purpose of this zone is to provide for low-density development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. A planning permit is required for the proposal under this zone to subdivide land. The property has been re-zoned through amendment C188 to Low Density Residential Zone Schedule 3 which allows a minimum lot size of 2000 square metres provided lots are connected to reticulated sewerage. This subdivision is consistent with the zone as it meets the requirements set out in this zone for subdivisions as it meets the minimum size for a subdivision under the zone (2000sqm) and the plans have provided a building envelope.

Although the subdivision is consistent with the lot sizes allowed by the zone, Council officers have concerns in relation to the proposed four carriageway easements to service the battle-axe allotments. Council Officers suggest (through a condition one amended plan condition) that the plans to be amended to reduce the number of crossover by the access driveways to the rear lots (Lots 2,3,7 & 8) are created as carriageway easements through the front lots (1, 4, 6 & 9) and the driveways to branch out from a single crossover. This would minimise the number of crossovers to Wattletree Road and be consistent with the existing development pattern along Wattletree Road.

Council's Engineering Department has requested a minimum 3m x 3m splay for road widening purposes at the intersection of Wattletree Road and Chambers Road and this will be requested as a condition on the permit.

Design and Development Overlay – Schedule 1 (DDO1)

The Design and Development Overlay – Schedule 1 relates to low-density residential development and aims to ensure that the design and location of buildings create an attractive low density environment and has regard to the environmental features and constraints of the land.

The decision guidelines of this overlay cover a number of matters, including the protection and enhancement of the natural environment and character of the area and the impact of proposed buildings and works on the landscape character of the area.

Pursuant to Clause 43.02-3 a permit is required to subdivide land. The proposed subdivision is consistent with the requirements of this overlay as a building envelope has been included as part of this application and if at a later date any buildings or works are commenced on this site, they will have to be carried out in accordance with the building envelopes and other restrictions set out by the Responsible Authority.

Overall the proposed subdivision is consistent with this overlay as the proposal responds to the objectives to this overlay by minimising the need to remove or negatively impact on significant existing vegetation, through the proposed siting of the building and waste envelopes on the site and through the use of appropriate setbacks from any roads, neighbouring properties, protected vegetation and waterways.

Vegetation Protection Overlay – Schedule 1 (VPO1)

The Environmental Significance Overlay – Schedule 1 recognises and seeks to conserve and protect areas with significant vegetation. It ensures the minimisation of vegetation loss and preserves existing trees and other vegetation, recognises areas of special significance, natural beauty, interest and importance. This overlay also seeks to maintain and protect habitat corridors for indigenous fauna through the protection and regeneration of native vegetation.

The decision guidelines of this overlay cover a number of matters including the effects of the proposed use, building, works or in this case subdivision on the nature and type of vegetation protected under this overlay, as well as the role of native vegetation in conserving flora and fauna.

The main objective being to minimise any adverse effects on the environment including, biodiversity, ground water, soil erosion and waterways of areas included in the overlay.

The site is mostly clear of vegetation however, it has been recognised that the proposed subdivision and the building envelopes of proposed Lot 1 and 2 will have some impact on the trees located within this area and along Chambers Road. The Arborist report provided by the applicant has assessed the trees relevant that could be impacted by the future development of Lots 1 and 2. As per Council's Environment Department's recommendation, the proposed building envelope for proposed Lot 1 must have a minimum of 5.1 metres from the western boundary and proposed Lot 2 must have a minimum setback of 2.5 metres from the western boundary. Both lots 1 and 2 have been provided with a 10 metre setback from the western boundary.

Bunyip Township Strategy

The Bunyip Township Strategy 2009 was incorporated into the planning scheme by Amendment C124 on 14 June 2012. The subject property is located within Precinct 3 Low Density Residential area which states '*The rural character of Bunyip's low density residential areas will be maintained and enhanced through the retention of existing indigenous trees and vegetation, the provision of very large allotments with wide frontages and considerable garden areas. New developments will be designed and constructed to a high standard.*'

The strategy allows for consideration of a 10m landscaped buffer instead of continuing with the nominal road width where appropriate. Council is also in the process of completing a study in relation to Southern Brown Bandicoots and the 10 metre landscaping buffer will aid in achieving the Bandicoot corridor within the area. As such, a condition will be placed on the permit to ensure that a 10 landscape buffer is provided for Lots 1,4, 6 and 9 which are fronting Wattletree Road. In addition to that Council suggests that the building envelopes of these lots to have a minimum of 5 metre setback from the edge of the landscape buffer to be consistent with the front setbacks of the adjoining properties.

A landscaping plan will also be required prior to the plans being certified to ensure the preferred landscaping outcome in accordance with the Bandicoot study is achieved. Once approved, the landscaping plan will be incorporated in to a Section 173 agreement which will be transferred to each and individual lots within the subdivision to be completed prior to the occupation of future dwelling of these lots.

Objector's concerns

Proposed higher density and impact on rural character and lifestyle

The main concerns raised in number of objections are related to the reduced Lot size of 2000 square metres. However, the property has been re-zoned through amendment C188 which considered the impact of the amendment on the affected residents in the area at this time. The minimum lot size allowed by the schedule 3 to the zone is 2000 square metres and the proposed subdivision is consistent with this requirement.

Increase in traffic

The subdivision proposes to create 9 lots, as such these allotments in time will be developed with nine residential dwellings. Therefore, it is unlikely that the residential use of the proposed allotments will create large amount of traffic. Wattletree Road is a local road managed by Council. It is Council's opinion that the Wattletree Road has the capacity to hold the additional vehicles.

Drainage and Sewerage

Matters in relation to drainage and sewerage will be achieved through conditions on the permit.

CONCLUSION

Having regard to the above, the proposal is consistent with the State and Local Planning Policy Framework, the Zone and relevant Overlay controls and Clause 56 of the Cardinia Planning Scheme. It is therefore recommended that a Notice of Decision to Grant Planning Permit T160771 be issued for Subdivision of the land in to nine (9) lots at 94 Wattletree Road, Bunyip subject to the following conditions.

CONDITIONS

1. Prior to certification, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A 10m landscape buffer within the front setback of Lots 1,4,6 and 9 and have building envelopes a minimum of 5m back off the landscape buffer to be consistent with the character of the area.
 - b. Building envelopes for each of the lots. The building envelopes for the Lots 1, 4, 6, 9 must be consistent with the setback requirement of point (a) above and Lots 1 and 2 must have a 10 metre setback from the western boundary.
 - c. Restriction to state the following:
 - No buildings or works must be carried out outside the area denoted as building envelope without further consent from the Responsible Authority.
 - No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the landscape buffer.
 - d. Reduced number of crossovers. As per the current plans, a total of nine (9) separate crossovers are proposed to be created from Wattletree Road. Council suggest that the access driveways to the rear lots (Lots 2,3,7 & 8) are created as carriageway easements through the front lots (1, 4, 6 & 9) and the driveways to branch out from a single crossover.
 - e. A minimum 3m x 3m splay for road widening purposes at the intersection of Wattletree Road and Chambers Road.
 - f. A landscape plan for the landscape buffer area prepared by a person suitably qualified and experienced in landscape design 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 plan must be drawn to scale with dimensions and show the following:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. A planting schedule of all proposed trees, shrubs and ground covers, 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 and consistent with Section 10.2.2 of the Southern Brown Bandicoot Habitat Protection Strategy and Environmental Significance Overlay (2016).

- g. The owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that:
- i. Fencing must not be constructed within the landscape buffer area or within 10 metres of the Wattletree Road boundary and must meet the following requirements:
 - The fence must have a gap of at least 10cm between the ground and the first strand/rail or bottom of the fence;
 - The fence must be permeable;
 - The posts are spaced at least 20cm apart;
 - At least 90% of the fence line must be open at ground level; and
 - Barbed wire must not be used.
 - ii. Landscaped areas within the landscape buffer are to be maintained to the satisfaction of the Responsible Authority and any dead or diseased plants replaced as soon as practicable.
 - iii. No buildings may be constructed and no earthworks other than required for landscaping or to create a single accessway may be undertaken within the landscape buffer.

The owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

2. Prior to Statement of Compliance being issued, the following must be completed:
 - a) Building envelope and landscape buffer must be created as a restriction on the Plan of Subdivision submitted to the Responsible Authority for certification and lodged with the Titles Office for registration.
 - b) The landscaping as shown on the approved landscape plan must be completed prior to the issue of a statement of compliance approved by Planning Permit T160771.
3. The layout of the subdivision as shown on the endorsed plans must not be altered unless with the written consent of the Responsible Authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
7. The owner of the land must enter into an agreement with:

- a. 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.
8. 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) 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.
9. Prior to the issue of a Statement of Compliance the following road and drainage works must be constructed in accordance with plans submitted to and approved by the responsible authority:
- a) Construction of kerb and channel on the south side of Wattletree Road extending across the full Wattletree Road frontage of the site.
 - b) Road widening as required on the south side of Wattletree Road for the full Wattletree Road frontage of the site.
 - c) Construction of residential standard concrete vehicle crossings to service all lots.
 - d) Provision of property drainage connection points to service all lots.
10. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a *functional layout plan* for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the *functional layout plan* will be endorsed and will then form part of the permit. Three copies of the *functional layout plan* must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The *functional layout plan* must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b. Topography and existing features, including contours for the subject land and any affected adjacent land,

- c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
- d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e. All trees proposed for removal from the subject land clearly designated,
- f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h. The proposed minor drainage network and any spatial features requiring access,
- i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l. A table of offsets for all utility services and street trees,
- m. Preliminary location of reserves for electrical kiosks and
- n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- o. The relationship between the subject subdivision stage and surrounding land,
- p. Proposed linkages to future streets, open space, regional path network and upstream drainage,
- q. Works external to the subdivision, including both interim and ultimate access requirements,
- r. Intersections with Category 1 roads showing interim and ultimate treatments,
- s. Drainage and sewerage outfalls including any easements required over other property

11. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,
- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed

12. All roads used for the purpose of haulage of imported or exported materials for construction must be:

- a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
- b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and

- c. Reinstated to the satisfaction of the Responsible Authority.
13. Before a Statement of Compliance is issued, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
14. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must provide:
- a) Provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
15. Before a certificate of practical completion is issued, “as constructed” digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
16. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

South East Water

17. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
18. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
19. The owner of the subject land can enter into an agreement with South East Water for the provision of separate services to each individual lot.

Ausnet Services

20. The applicant must –
- a) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- b) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Melbourne Water

21. Prior to the issue of a Statement of Compliance, the owner's shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater 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.
22. Prior to the issue of SOC of each Stage of Subdivision, engineering plans must be submitted to Melbourne Water for acceptance in an acceptable electronic format.
23. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.

24. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows to the satisfaction of the Responsible Authority and Melbourne Water.
25. 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 either as outlined in Melbourne Water's Land Development Manual, or where appropriate to Council's requirements and standards.
26. Local drainage must be to the satisfaction of Council.
27. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
28. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

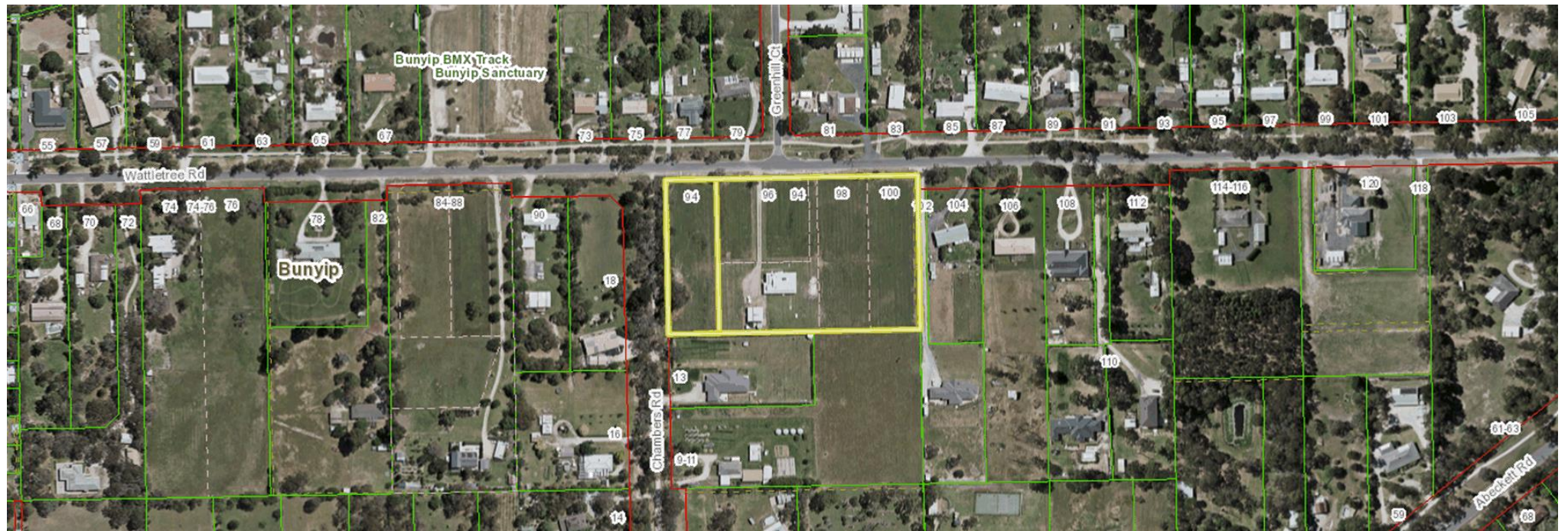
Expiry of the permit

This permit will expire if one of the following circumstances applies:

- a. The subdivision is not started within **two (2) years** of the date of this permit.
- b. The subdivision is not completed within **five (5) years** of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)



PS 645443 R



CHAMBERS ROAD

WATTLETREE ROAD

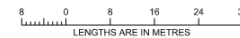


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SCALE
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ORIGINAL SHEET
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SHEET 2

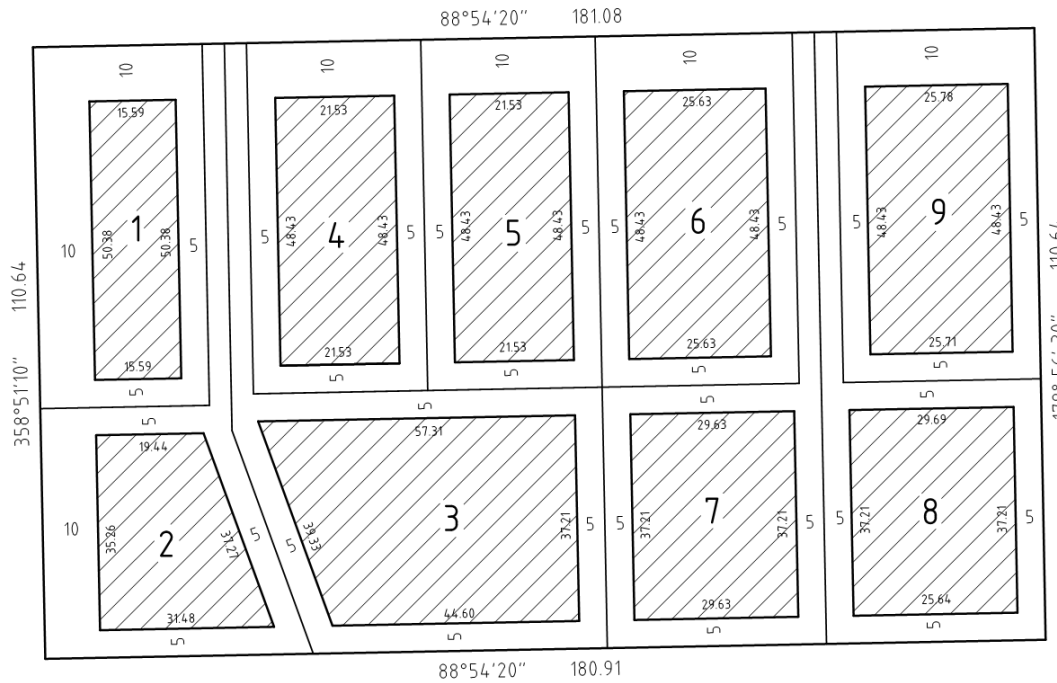
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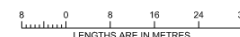
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 B.E. Denotes Building Envelope

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