

## Planning Report - YR-2020/104 - 5 Seymour Street Seville

### APPLICATION DETAILS

<b>Site Address</b>	5 Seymour Street, Seville (Lot 1 on Title Plan 884246)
<b>Application No.</b>	YR-2020/104
<b>Proposal</b>	Staged six (6) lot subdivision, construction of four (4) dwellings, associated fencing and vegetation removal
<b>Existing Use</b>	Single dwelling
<b>Applicant</b>	Millar and Milligan
<b>Zone</b>	Clause 32.09 - Neighbourhood Residential Zone Schedule 3 Clause 35.05 - Green Wedge Zone Schedule 2
<b>Overlays</b>	Clause 42.01 - Environmental Significance Overlay Schedule 1 Clause 42.03 - Significant Landscape Overlay Schedule 6 Clause 42.03 - Significant Landscape Overlay Schedule 22 Clause 43.01 - Heritage Overlay Schedule 214 Clause 43.02 - Design and Development Overlay Schedule 5 Clause 44.04 - Land Subject to Inundation Overlay Clause 44.06 - Bushfire Management Overlay
<b>Permit trigger/s</b>	Clause 32.09 - Neighbourhood Residential Zone <ul style="list-style-type: none"><li>• A permit is required for buildings and works to construct two or more dwellings on a lot and for subdivision of the land;</li></ul> Clause 35.04 - Green Wedge Zone <ul style="list-style-type: none"><li>• A permit is required for subdivision of the land;</li></ul> Clause 36.02 - Public Park Recreation Zone <ul style="list-style-type: none"><li>• A permit is required to construct a fence with a height of more than 1.0 metres;</li></ul> Clause 42.03 - Significance Landscape Overlay - Schedule 22 <ul style="list-style-type: none"><li>• A permit is required to remove, destroy or lop any indigenous vegetation or substantial tree, buildings or works with a height above natural ground level of more than 7.0 metres, and to construct a fence</li></ul>

	<p>Clause 42.01 - Environmental Landscape Overlay - Schedule 1</p> <ul style="list-style-type: none"> <li>• A permit is required to remove, destroy or lop any indigenous vegetation or substantial tree and to construct a fence.</li> </ul> <p>Clause 43.01-1 – Heritage Overlay</p> <ul style="list-style-type: none"> <li>• A permit is required to construct a fence visible from a public park</li> </ul> <p>Clause 43.02 - Design and Development Overlay</p> <ul style="list-style-type: none"> <li>• A permit is required for subdivision of the land and for buildings or construct or carry out works.</li> </ul> <p>Clause 44.04 - Land Subject to Inundation Overlay</p> <ul style="list-style-type: none"> <li>• A permit is required to subdivide land</li> </ul> <p>Clause 44.06 - Bushfire Management Overlay</p> <ul style="list-style-type: none"> <li>• A permit is required for subdivision of the land;</li> </ul> <p>Clause 52.17 - Native Vegetation</p> <ul style="list-style-type: none"> <li>• A permit is required to remove native vegetation (Tree 87 and Tree 133);</li> </ul> <p>Clause 51.03 - Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan</p> <ul style="list-style-type: none"> <li>• A permit is required to subdivide the land zoned Green Wedge Zone;</li> </ul>
<b>Objections</b>	Two (2) objections and two (2) petitions of objection with a total of 49 signatures
<b>Encumbrances on Title (Covenants/Section 173 Agreements)</b>	Yes – E1 carriageway easement (six metre by five metre triangle) located at the south eastern corner of the site.
<b>Reason for Council Decision</b>	More than 10 objections
<b>Ward</b>	Chandler

## SUMMARY

The proposal is to subdivide the land into six lots in two stages, construct four dwellings, and associated removal of vegetation.

The application was referred to the Country Fire Authority (CFA), Melbourne Water, Yarra Valley Water, Comdain Gas, SP AusNet, Department of Transport and Planning an (DTP) and internally by Council's Engineering Traffic and Drainage Departments, Environmental Department, Arborist and Warburton/Lilydale trail working group. All referral assessments determined no overarching concerns with the proposal, subject to conditions.

Two (2) objections and two (2) petition objections have been received, with a total of 49 signatures. Objector concerns primarily relate to existing traffic conditions at corner/intersection of Howard Street and Seymour Street where vehicle users are having near traffic accidents and waste collection trucks are blocking traffic flow, waterway flooding and hard rubbish left on nature strips, and general amenity impacts with more development.

The proposed subdivision complies with the Scheme's minimum lot sizes, is compliant with Clause 55 ResCode current standards and relevant objectives Design and Development Overlay objectives and Council's Multi Unit Development Design Guidelines. The vegetation removal meets objectives set out in related policies and controls.

Overall, the proposed development and design response complies with relevant policies, provisions, and prescribed design standards of the Yarra Ranges Planning Scheme.

It is recommended the application be approved subject to conditions.

## RECOMMENDATION

***That Council resolve to approve Planning Application YR2020/104 for Staged six (6) lot subdivision, construction of four (4) dwellings, associated fencing and vegetation removal at 5 Seymour Street, Seville (Lot 1 on Title Plan 884246) and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.***

## DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural

Heritage Management Plan and determined that a Cultural Heritage Management Plan is required.

The application is accompanied by an approved Cultural Heritage Management Plan prepared by AKWP Heritage Advisors, dated 10 January 2020.

### **EXTRACTIVE INDUSTRY**

The subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### **HUMAN RIGHTS CONSIDERATION**

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

### **ENCUMBRANCES ON TITLE**

The subject site is encumbered by triangular shaped carriageway easement that affects the southeastern corner of the site.

### **SITE LOCATION AND DESCRIPTION**

The subject site known as 5 Seymour Street, (Lot 1 on Title Plan 884246) Seville is located on the northeast side of the T-intersection of Seymour Street with Howard Street in Seville (Figure 1).



**Figure 1 - Subject Site**

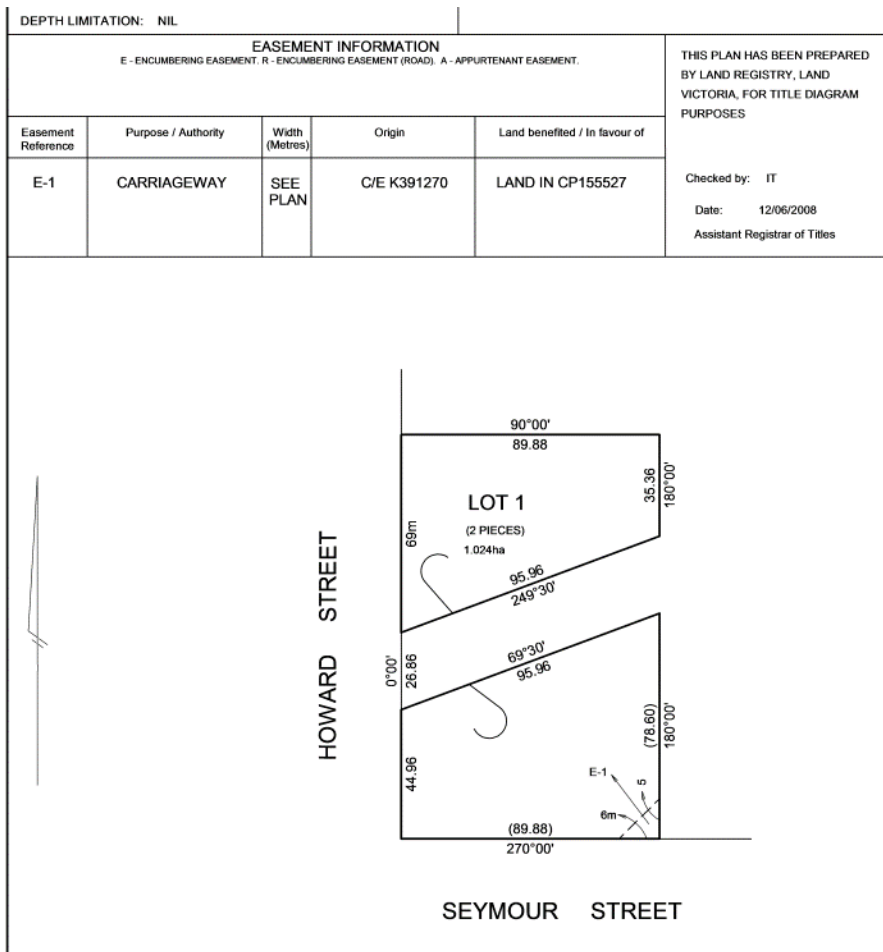


Figure 2 - Title plan and easement

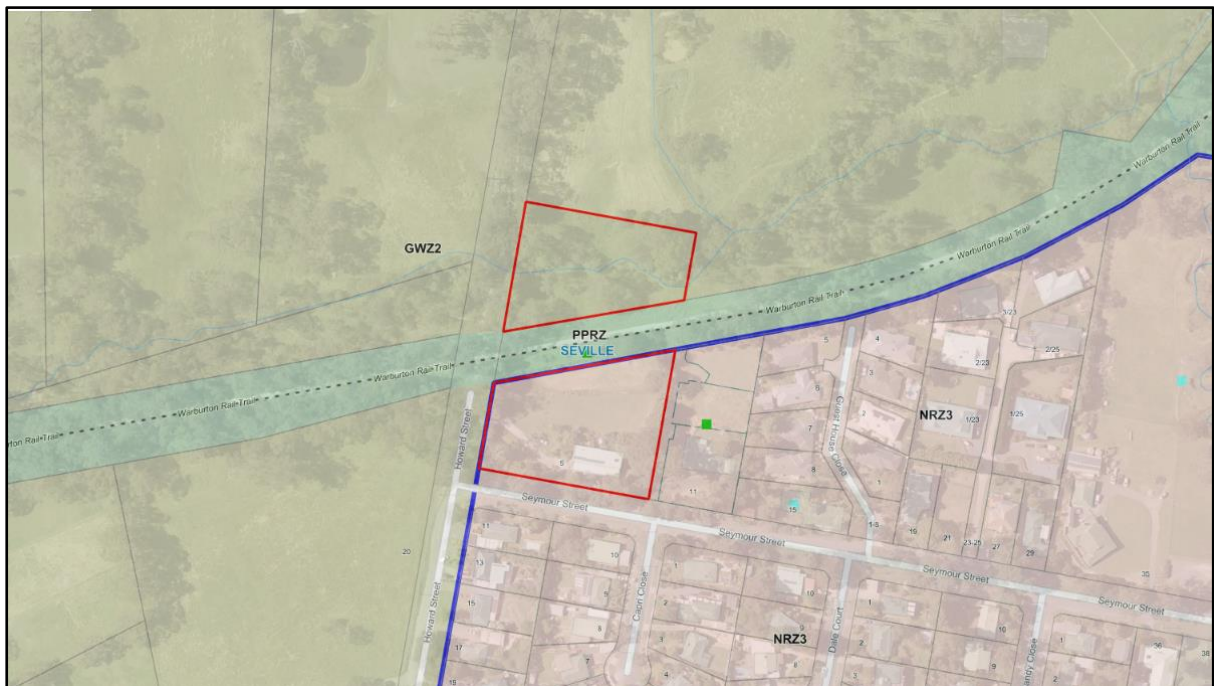


Figure 3 - Zoning and nearby properties and road network

The key features of the subject land are:

- The land straddles both the Green Wedge Zone and Neighbourhood Residential Zone, with a total area of 10,243 square metres (approximately 1.02 hectares) (Figure 3). The site is a rectangle shape, with a frontage width of roughly 89.88 metres along Seymour Street and a combined depth of 1,113.96 metres along Howard Street.
- This lot retains access to the unformed road frontage of Howard Street, located south of the Warburton Rail Trail. The northern portion of this lot is intersected by the Crown Land of the Warburton Rail Trail, which formerly connected Warburton to Melbourne. This division results in the lot spanning two zones and the Urban Growth Boundary. Access to the north side is also facilitated via Howard Street; however, this segment of the road is not managed by Council, although it remains a designated access road.
- The land is bisected by Warburton Rail Trail (formally known as Lilydale to Warburton Railway Line). This area is covered by Park Public and Recreation Zone and Heritage Overlay HO214. The Heritage statement of significance states:

*Lilydale to Warburton Railway Line is of regional historical and social significance, illustrating the impact of the railway on the development of the upper section of the Yarra Valley particularly for timber utilisation, and for its longevity of community use and association, symbolically representing this important aspect of the locality's past in the present, and developing a new series of public uses through community advocacy and action, ultimately enabling protection of key elements of the whole*

- The southern section of the property, situated south of the Warburton Rail Trail, features a mix of native and non-native vegetation, primarily concentrated along the property boundaries, with clearly delineated domestic areas around the existing split-level Brick and Weatherboard dwelling.
- In contrast, the northern portion of the property, located north of the Warburton Rail Trail falls within the Green Wedge Zone and is characterised by native vegetation, some fencing, and slightly improved pastureland. A watercourse, Wild Cattle Creek, traverses this part of the site.
- The land slopes down approximately 14 metres (as measured along the eastern title boundary) from Seymour Street to the middle section of the property, where it levels out toward the Warburton Trail.
- The southern section of the property is used for an existing double storey dwelling. This dwelling is to remain on site.
- The site has an existing carriageway easement to the far right hand side, catering for access to Seymour Street which is a sealed road.
- The site has access to existing drainage infrastructure, with a legal point of discharge onto Howard Street and Seymore Street.
- The site has access to telecommunication, power and sewerage connection points.

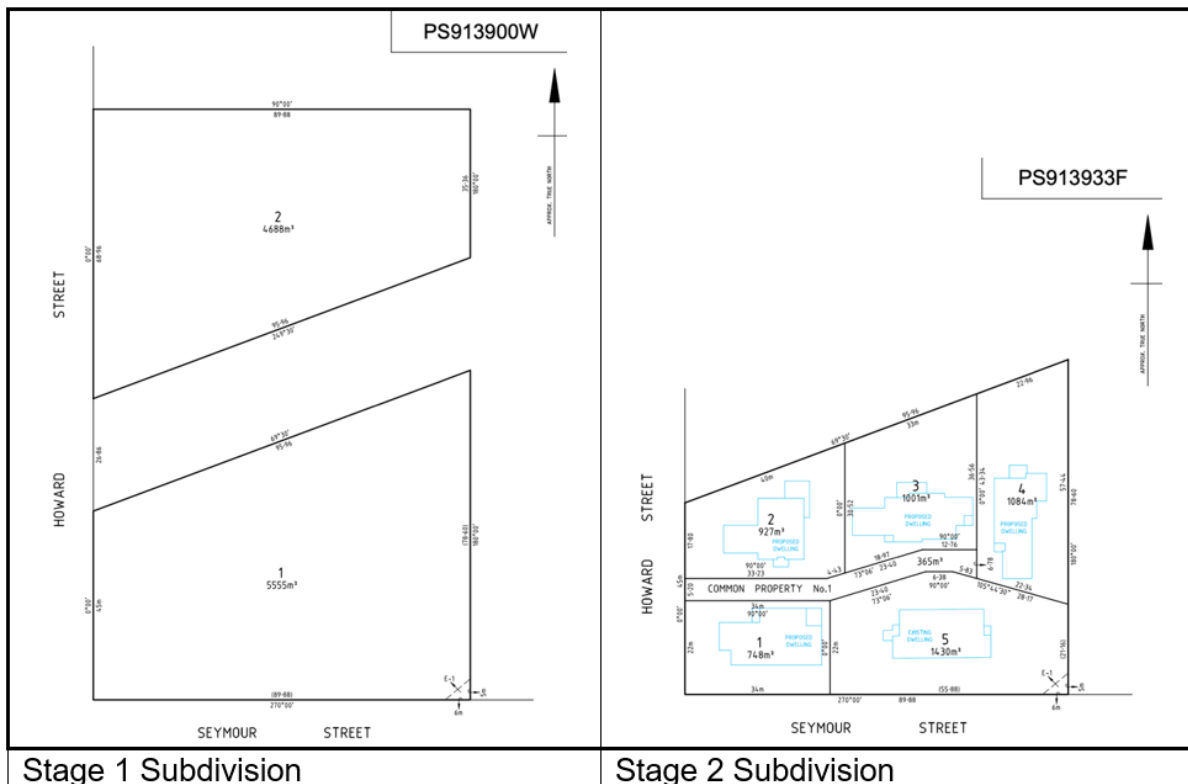
## **SURROUNDING AREA**

The surrounding area is primarily zoned for residential purposes and boasts a range of allotment sizes and configurations.

- Allotment sizes in the area to the east and south typically range from 800 to 1000 square metres, while the properties in the Green Wedge area to the north and west are larger rural land holdings of at least 3.5 hectares and greater.
- The area is characterized by the presence of single dwellings, varying in lot size and spanning across different architectural eras. In the immediate vicinity, there is no predominant architectural style; however, most dwellings feature a combination of weatherboard and brick veneer construction, with both single-story and double-story structures. These dwellings typically have generous setbacks from the road and expansive garden areas surrounding them.
- 11 Seymour Street – Adjacent site to the east is a residential property currently undergoing development, which will result in the construction of three new dwellings.
- 11 Howard Street and 10 Capri Close – Both are residential properties, opposite the subject land on the southern side of Seymour Street, are 855 square metres and 864 square metres respectively and each are developed with a dwelling.

## **PROPOSAL**

The application seeks planning permission for a two staged six (6) lot subdivision, construction of four (4) dwellings, associated fencing and vegetation removal (**Error! Reference source not found.**). Full subdivision and development plans are in Attachments 5 to 8.



**Figure 4 - Proposed Staged Subdivision**

The key aspects of the proposal include:

**Subdivision (Error! Reference source not found.4)**

Six lot staged subdivision.

Stage 1

- Lot 1 to include the Neighbourhood Residential Zone land with an area of 5555 square metres.
- Lot 2 to include the Green Wedge Zone land with an area of 4688 square metres.
- Lot 1 to continue gaining access from Howard Street and
- Lot 2 is proposed with a new access from the Northern section of Howard Street (north of Trail).
- This subdivision will separate the two sections of the land zoned differently and remove the current zoning anomaly.
- The existing easement would be retained on the site.

Stage 2

- Lot 1 to be further subdivided into five (5) lots.
- The average lot size is 1111 square metres:
  - Lot 1 – 748 square metres
  - Lot 2 – 927 square metres
  - Lot 3 – 1001 square metres



	<ul style="list-style-type: none"> <li>○ Lot 4 – 1084 square metres</li> <li>○ Lot 5 – 1430 square metres</li> <li>● Lots 1 to 4 are to be developed with new dwellings and Lot 5 will contain the existing dwelling.</li> <li>● Lots are access via common property running in an east-west direction.</li> <li>● Utilising existing crossover on Howard Street.</li> </ul>
<b>Buildings and Works (Figures 5 - 8)</b>	
Dwellings	<ul style="list-style-type: none"> <li>● Existing dwelling is to be retained unchanged.</li> <li>● Four (4) new dwellings to include four (4) bedrooms, living, dining kitchen, amenities area and an attached double garage.</li> <li>● Given the slope of the land, the dwelling has been designed to have spilt levels. Dwellings 1 and 3 would be single storey and Dwellings 2 and 4 would be double storey appearance of certain elevations.</li> <li>● All dwellings are provided with secluded private open space.</li> <li>● The existing dwelling, on Lot 5, is oriented to Seymour Street.</li> <li>● All other dwellings are orientated towards the common accessway.</li> <li>● Use of brickwork and weatherboard exterior walls and colorbond metal sheeting roof.</li> <li>● Total site coverage is 12.66 percent.</li> <li>● Total site area covered by buildings, including hard surfaces is 18.57 percent.</li> <li>● Total permeability is 81.43 percent.</li> <li>● Total Garden area is 81.43 percent.</li> <li>● Maximum overall building height is 8.9 metres (North elevation Dwelling 4).</li> </ul>
Fencing	<ul style="list-style-type: none"> <li>● Installation of a new 1.8 metre high timber paling fence along northern and eastern title boundary of Lot 1 – Neighbourhood Residential Zone (and shared boundary of Public Park Recreation Zone and Heritage Overlay)</li> <li>● Installation of a post and wire mesh fence along north side of Warburton trail in the correct title boundary location (exempt from planning permit).</li> <li>● Installation of a post and wire mesh fence along half of east side, interfacing Howard Street (exempt from planning permit).</li> </ul>

	<ul style="list-style-type: none"> <li>All existing other boundary post and wire and chain wire to remain.</li> </ul>		
<b>Other (Figure 9 and 10)</b>			
Access works	<ul style="list-style-type: none"> <li>A new three metre wide gravel cross over and driveway from Howard Street to Lot 2 (north of the Warburton Rail Trail). within the south western corner of the Green Wedge land which necessitates removal of vegetation (Figure 9).</li> <li>Seal Howard Street to the existing re-utilise crossover for Lot 1 (dwellings) (south of the Warburton Rail Trail) (Figure 10).</li> </ul>		
Carparking Spaces Visitor Car Space	<ul style="list-style-type: none"> <li>Exceeds more than two carparking spaces for each dwelling.</li> <li>One visitor car space</li> </ul>		
<b>Vegetation Removal (Figure 11)</b>			
<p>54 trees proposed for removal. Of these, nine require a planning permit, and the remaining trees are exempt:</p> <ul style="list-style-type: none"> <li>Eight trees require a permit under overlays - Trees 81, 82, 85, 87, 119, 123, 178 and 179</li> <li>Two (2) trees, being Trees 87 and 133 require a permit under Clause 52.17 Native Vegetation.</li> </ul> <p>All other trees are exempt under the Bushfire Protection Management or identified as Yarra Ranges weeds species.</p> <p>Tree 178 and 179 located on Council Road Reserve requires separate consent from Council's Arborist to remove.</p>			
<b>Tree number</b>	<b>Species</b>	<b>Origin</b>	<b>Arboricultural value</b>
81	<i>Acer species</i> Maple	Exotic	Medium
82	<i>Cedrus deodara</i> Deodara	Exotic	Medium
85	<i>Cupressus species</i> Cypress	Exotic	Low
87	<i>Eucalyptus</i>	Native	Low
119	<i>Citrus limon</i> Lemon Tree	Exotic	Low
123	<i>Eriobotrya japonica</i> Loquat	Exotic	Low
133	<i>Acacia species</i> Wattle Tree	Native	Medium

178 (road reserve)	<i>Acer pseudoplatanus Sycamore</i>	Exotic	High
179 (road reserve)	<i>Malus Species fruit tree</i>	Exotic	High

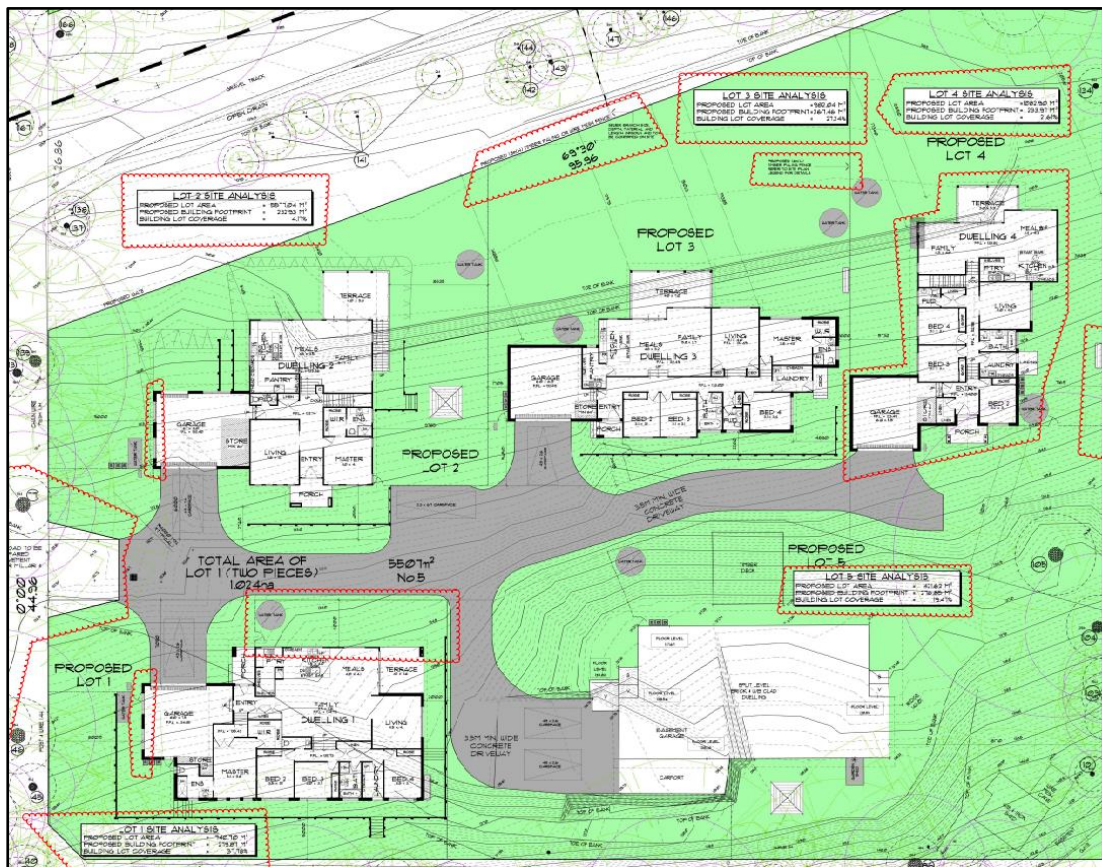


Figure 5 - Development - Ground Floor

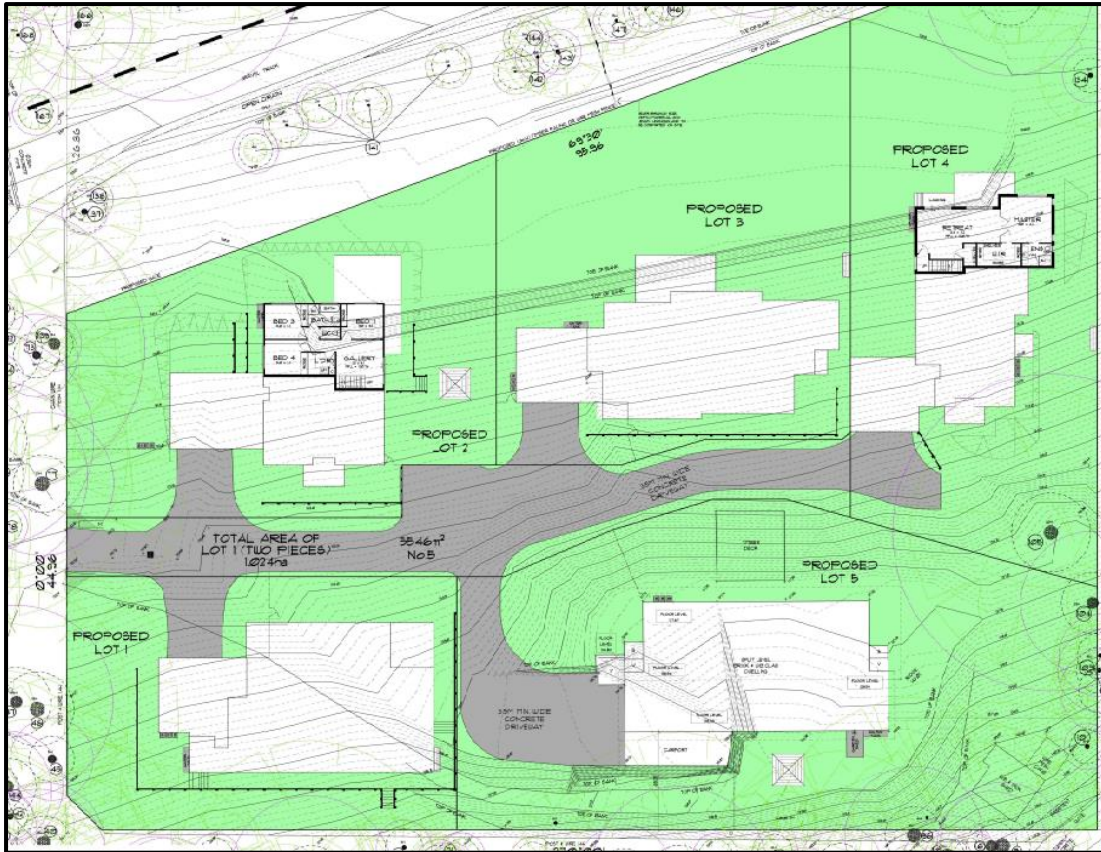


Figure 6 - Development – Lower Ground Floor



Figure 7 - Elevations (1)



Figure 8 - Elevations (2)

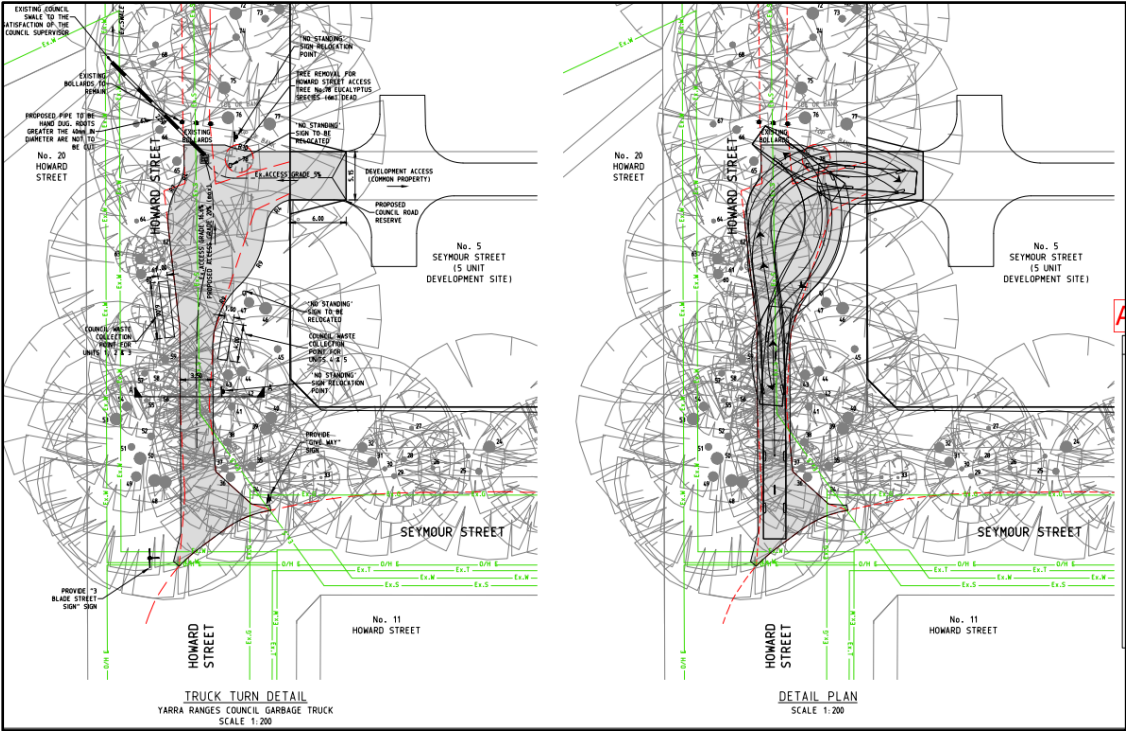


Figure 9 - Proposed works to seal access along Howard Street to Seymour Street

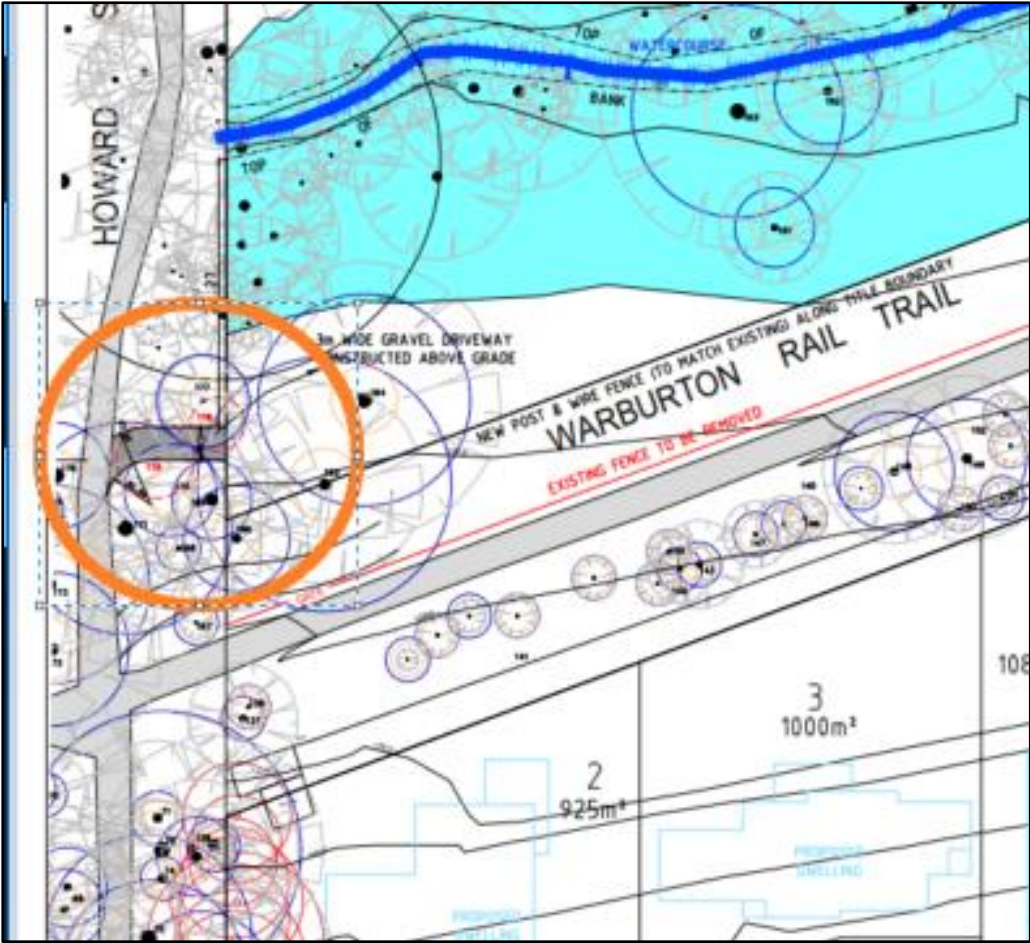
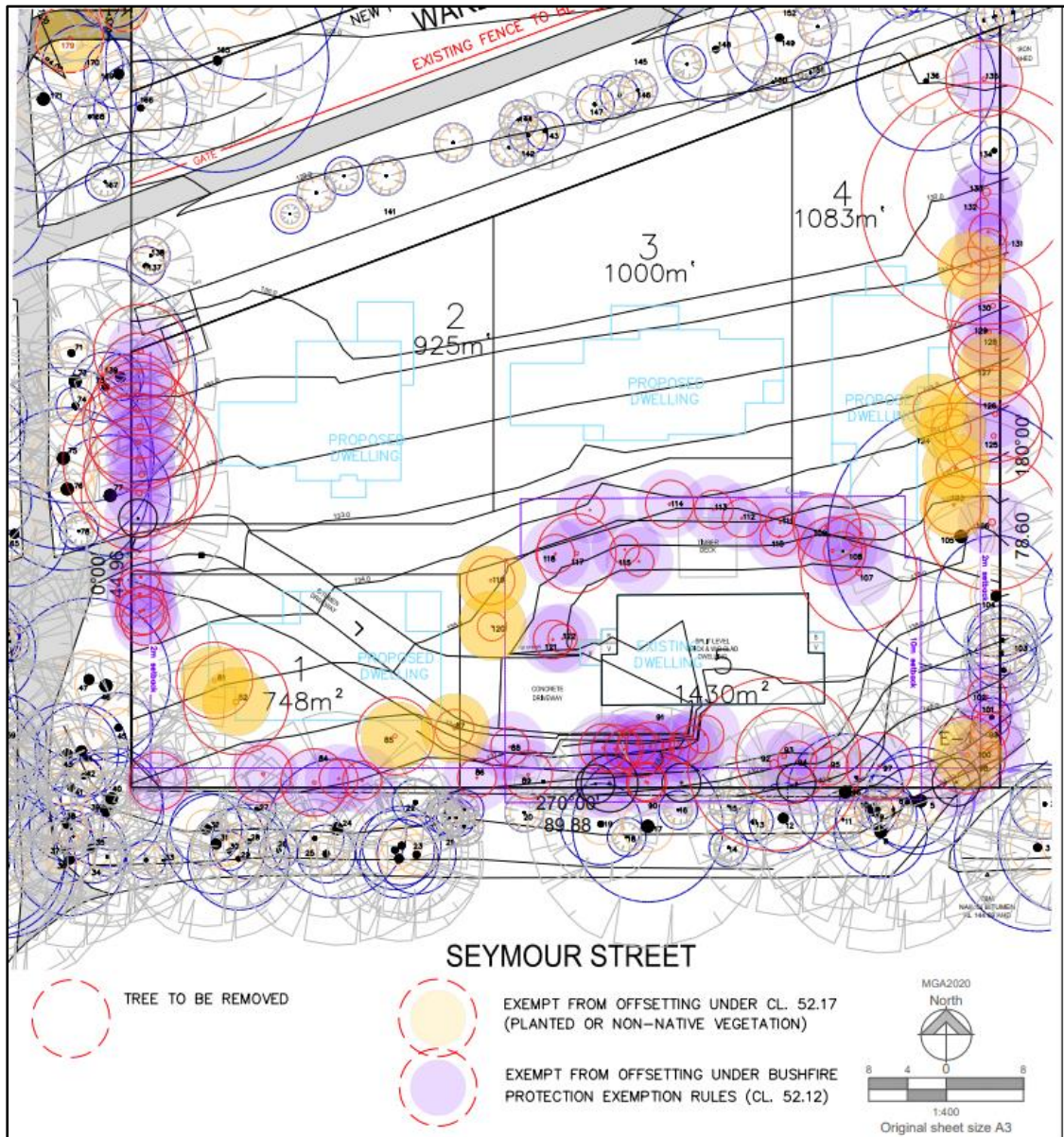


Figure 10 - Lot 2 (North section) Site Access Point



**Figure 11 - Tree removal and tree removal exemption plan**

## HISTORY

There is no planning history associated with the site.

## PLANNING CONTROLS

<b>Zoning:</b>	<p>Clause 32.09-Neighbourhood Residential Zone Schedule 3          Clause 34.04 Green Wedge Zone Schedule 2</p>
<b>Overlay:</b>	<p>Clause 42.01-Environmental Significance Overlay Schedule 1          Clause 42.03-Significant Landscape Overlay Schedule 6 and 22          Clause 43.02-Design and Development Overlay Schedule 5          Clause 44.06-Bushfire Management Overlay          Clause 44.0 -Land Subject to Inundation          Clause 43.01-1 – Heritage Overlay (adjoining land for fence only)</p>
<b>Planning Policy:</b>	<p>Clause 2.02 (Vision) seeks to:</p> <ul style="list-style-type: none"> <li>• Increase development in activity centres allowing people to have access to a range of transport options and an expanded network of pedestrian and bike trails.</li> </ul> <p>Clause 2.03-1 (Settlement) seeks to</p> <ul style="list-style-type: none"> <li>• Create sustainable urban form that consolidates development around a network of activity centres that also has environmental and social benefits including reducing car dependency, efficient use of community infrastructure, and reducing the need for urban development in rural areas.</li> </ul> <p>Clause 2.03-6 (Housing) seeks to</p> <ul style="list-style-type: none"> <li>• Provide more diverse and adaptable housing stock.</li> </ul> <p>Clause 11.01-1L-01 (Settlement) seeks to:</p> <ul style="list-style-type: none"> <li>• Cluster businesses, community facilities and housing within activity centres.</li> <li>• Support residential infill development in the consolidation areas of large neighbourhood activity centres or where appropriate to the role of the town or suburb consistent with Table 2 to Clause 2.03-1.</li> <li>• Discourage infill residential development in incremental areas that are not walkable to shops, public transport and public open space or in areas of environmental risk.</li> <li>• Discourage higher density housing in locations with poor access to activity centres.</li> <li>• Retain smaller towns and dispersed communities as locations for rural residential development options, which are dependent on larger urban centres for many services.</li> </ul>



- Contain rural towns within Urban Growth Boundaries to create distinctive and compact towns separated by rural land.

Clause 11.01-1L-05 Green wedge Subdivisions seeks to ensure subdivisions that create new lots:

- Respond to the characteristics of the site and its surroundings.
- Are designed to support the anticipated use of the proposed lots.
- Are sensitive to the land capability of each of the proposed lots.

Clause 11.02-1S (Supply of urban land) seeks to:

- Ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 12 (Environmental and Landscape Values) seeks to:

- Assist with protection and conservation of Victoria's biodiversity, to protect and conserve environmentally sensitive areas and to maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

Clause 12.05-2S (Landscapes) seeks to:

- Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Clause 13.02-1S - Bushfire planning seeks to:

- Give priority to the protection of human life.
- Identify bushfire hazard and undertake appropriate risk assessment.
- Plan to strengthen the resilience of settlements and communities and prioritise protection of human life.

Clause 15 (Built Environment and Heritage) seeks to:

- Require development to respond and protect to its context in terms of neighbourhood character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working

	<p>environments, facilitating accessibility and providing for inclusiveness.</p> <ul style="list-style-type: none"> <li>• Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.</li> <li>• Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment.</li> <li>• Adopt housing and settlement strategy detailing need and identify locations for rural residential development.</li> </ul> <p>Clause 15.01-1S (Urban design) seeks to:</p> <ul style="list-style-type: none"> <li>• Create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</li> </ul> <p>Clause 15.01-2L (Environmentally Sustainable Development) seeks to:</p> <ul style="list-style-type: none"> <li>• Achieve best practice in environmentally sustainable development from the design stage through to construction and operation.</li> </ul> <p>Clause 15.01-2S (Building design) seeks to:</p> <ul style="list-style-type: none"> <li>• Achieve building design outcomes that contribute positively to the local context and enhance the public realm.</li> </ul> <p>Clause 15.01-3S Subdivision design seeks to :</p> <ul style="list-style-type: none"> <li>• To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.</li> </ul> <p>Clause 15.01-5S (Neighbourhood character) seeks to:</p> <ul style="list-style-type: none"> <li>• Recognise, support and protect neighbourhood character, cultural identity, and sense of place.</li> </ul> <p>Clause 15.03-1S (Heritage conservation)</p> <ul style="list-style-type: none"> <li>• Encourage appropriate development that respects places with identified heritage values.</li> </ul> <p>Clause 16.01-1S (Housing supply) seeks to:</p> <ul style="list-style-type: none"> <li>• Facilitate well-located, integrated and diverse housing that meets community needs.</li> </ul> <p>Clause 16.01-2S (Housing affordability) seeks to:</p> <ul style="list-style-type: none"> <li>• Deliver more affordable housing closer to jobs, transport and services.</li> </ul>
<p><b>Schedule to Clause 51.03:</b></p>	<p>Section 4.0 - A permit may be granted to create lots that do not meet the land area requirements specified in a schedule to the</p>

	<p>Green Wedge Zone, Green Wedge A Zone, Rural Living Zone or Rural Conservation Zone if either of the following apply:</p> <ul style="list-style-type: none"> <li>• The subdivision is the re-subdivision of two existing lots, the number of lots is not increased, the number of lots the land could potentially be subdivided into under the zone does not increase and the number of dwellings that the land could be used for does not increase.</li> <li>• The subdivision is by a public authority or utility service provider to create a lot for a utility installation.</li> </ul> <p>All other provisions of the planning scheme must be met.</p>
<b>Particular Provisions</b>	<p>Clause 52.06 – Carparking          Clause 52.12 - Bushfire Exemptions          Clause 52.17 - Native Vegetation</p>
<b>Other Requirements:</b>	<p>Clause 52.01 - Public Open Space Contribution          Clause 53.18 - Stormwater Management in Urban Development          Clause 53.02 - Bushfire Planning          Clause 55 - Two or More Dwellings on a lot and Residential Buildings          Clause 56 – Subdivision          Clause 64.03 - Subdivision of Land in More than One Zone          Clause 65- Decision guidelines          Clause 71.02-3 - Integrated Decision Making</p>

For further information on planning policy and controls refer to Attachment 2.

## CONSULTATION

### *Internal Referrals*

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Officer comment
<b>Arborist</b>	No objection to nominated trees for removal, including Road Reserve Trees 178 and 179 covered by Significant Landscape Overlay, subject to standard Tree Protection conditions for remaining trees on site.	All trees sought for removal are supported.  Recommended conditions for tree protection for retained trees on site are included.

Department	Summary of Response	Officer comment
	Tree 78 located on Howard Street Road Reserve requires separate Council consent as there is no planning permit requirement to seek removal.	Condition 10 -17 (inclusive)
<b>Environment</b>	Conditional consent has been provided to the proposal, supporting the removal of native vegetation and seeks land use controls for Green Wedge land to the extent of no section 2 land uses and no grazing and keeping of animals for protection of wild cattle Creek waterway	Recommended conditions regarding offsetting the native vegetation and inclusion of a Section 173 agreement to limit land uses to Section 1 Land Uses. Green Wedge Zone Land already has capabilities of agricultural use without a planning permit. The purpose of 173 agreement is to remove high vehicle movements across Warburton Rail Trail Road that would have likely be generated by new section 2 land uses.  Condition 18 and 19 are included
<b>Traffic Engineering</b>	No objection subject to standard conditions for access and crossover and a condition for civil works to seal road surface at least 3.5 metres wide for Howard Street extension and turn around fronting the subject site	Recommended conditions are included.  Condition 28-33 (inclusive)
<b>Stormwater Engineering</b>	No objection subject to standard conditions for all dwellings to connected to legal point discharged and drainage strategy plan submitted for endorsement	Recommended conditions are included.  Condition 34-45 (inclusive)

<b>Department</b>	<b>Summary of Response</b>	<b>Officer comment</b>
<b>Waste Management</b>	No objection. Waste Management Plan and site layout details the subject site capable for Council waste collection.	The street frontage is adequate to enable collection of waste from site frontage, Howard Street

### **External Referrals**

This application was referred to the following statutory referral authorities for advice on particular matters. The following is a summary of the relevant advice:

<b>Referral Authority</b>	<b>Consent/Objection Summary of Response</b>	<b>Summary of Conditions</b>
<b>Melbourne Water (Determining authority)</b>	Conditional consent has been provided	Conditions seek amended plans to demonstrate the accessway for stage 1, lot 2 (north Green Wedge Lot) is located outside the top bank of wild Cattle Creek, provision of a drainage easement, also on lot 2 (north Green Wedge Lot) are included.  Condition 46-50 (inclusive)
<b>Country Fire Authority (Determining Referral authority)</b>	Conditional consent has been provided	Conditions require amended Bushfire Management Plan, construction of accessway and provision of fire hydrants are included.  Condition 51-53 (inclusive)
<b>Ausnet Services (Determining authority)</b>	Conditional consent has been provided	Conditions relating to reticulated Electricity supply are included.  Condition 54 and 55
<b>Yarra Valley Water (Determining authority)</b>	Conditional consent has been provided	Conditions relating to works and agreements to above reticulated water supply and sewerage

Referral Authority	Consent/Objection Summary of Response	Summary of Conditions
		Condition 56 and 57
<b>Comdain Gas (Determining authority)</b>	Conditional consent has been provided	Condition requiring Statement of Compliance from Comdain Gas is included. Condition 58

## **PUBLIC NOTIFICATION AND CONSULTATION**

Notification of the application was undertaken twice by:

- Placing two signs on the land, one along each street frontage
- Mailing notices to owners and occupiers of adjoining and/or nearby properties
- Placing the proposal on Council's website for a minimum of 14 days

The first period of notification was completed in September 2021.

Following the lodgement of an amended proposal, a second period of notification was completed in April 2023.

### Number of Objections:

Up to 10 October 2023, two (2) individual objections, and two petitions with a total of 49 signatories to the petitions, have been received.

The primary grounds of objection relate to:

- Existing road conditions at the corner of Howard Street and Seymour Street. causing traffic impacts including waste collection trucks blocking traffic flow.
- Waterway flooding.
- Illegal rubbish dumping on nature strips.
- Howard Street Access is too narrow for emergency service vehicles and waste collection trucks.
- No street vehicle parking spaces available during construction.

Assessment of proposal against each of the concerns are included in the following assessment section.

## **ASSESSMENT/ KEY ISSUES**

The proposal has undergone an assessment and has been determined to be in accordance with the relevant Zone and Overlay provisions, the Planning Policy Framework, Particular Provisions, and Decision Guidelines of the planning scheme.

The proposed subdivision, development, and vegetation removal align with the intended purpose of the zone and adhere to the decision guidelines provided. These guidelines emphasize the importance of considering the Municipal Planning Strategy and the Planning Policy Framework.

### ***Subdivision – Stage 1***

#### **Clause 64.03 - Land within more than one zone – Subdivision**

Stage one (1) is to subdivide this land into two separate lots, with each lot exclusively belonging to one zone (Attachment 4):

- Lot 1 contains land covered by the Neighbourhood Residential Zone;
- Lot 2 comprises the land covered by the Green Wedge Zone.

Importantly, this subdivision does not alter the shape or angles of the subdivision lines, nor does it reduce the area of the Green Wedge Zone parcel or the Neighbourhood Residential Zone parcel. The total lot areas associated with each zone remain unchanged.

Clause 64.03 purpose is to facilitate subdivision for land that has more than one zone. Clause 64.03 allows for one (1) lot to be smaller than the minimum zone requirement, if the other new lot / lots meet the minimum lot area criteria and each new lot / lots are covered by one zone only.

In this particular case, the proposal satisfies the criteria and takes advantage of Clause 64.03. It's worth noting that while the Green Wedge Zone Lot would be smaller than the minimum requirement stipulated by the Scheme (i.e., 12 hectares), the Neighbourhood Residential Zone has no minimum requirement. This application complies with the provisions of Clause 64.03, which allow for a reduction in lot size for the Green Wedge land.

#### **Clause 51.03 Upper Yarra Valley and Dandenong Regional Strategy – Subdivision**

This provision stipulates that any land located within the Green Wedge Zone, intended for subdivision, must have a minimum size of 12 hectares. The primary objective of this provision is to control the fragmentation of land and the configuration of areas within the Green Wedge Zone.

However, Clause 64.03, which serves as the appropriate planning tool to manage land that straddles or overlaps two zones. Clause 64.03 allows for the subdivision of land into parcels entirely contained within one zone, even if one of those parcels may be smaller than the minimum requirement for that zone.

There is no proposed alteration to the area or shape of the land within the Green Wedge Zone and the Neighbourhood Residential Zone. Both zones remain unaltered throughout the proposed development.

#### **Overlays - Subdivision**

The lot containing Green Wedge Zone is affected by the Land Subject to Inundation Overlay and the Bushfire Management Overlay. The lot containing Neighbourhood Residential Zone is affected by the Bushfire Management Overlay.

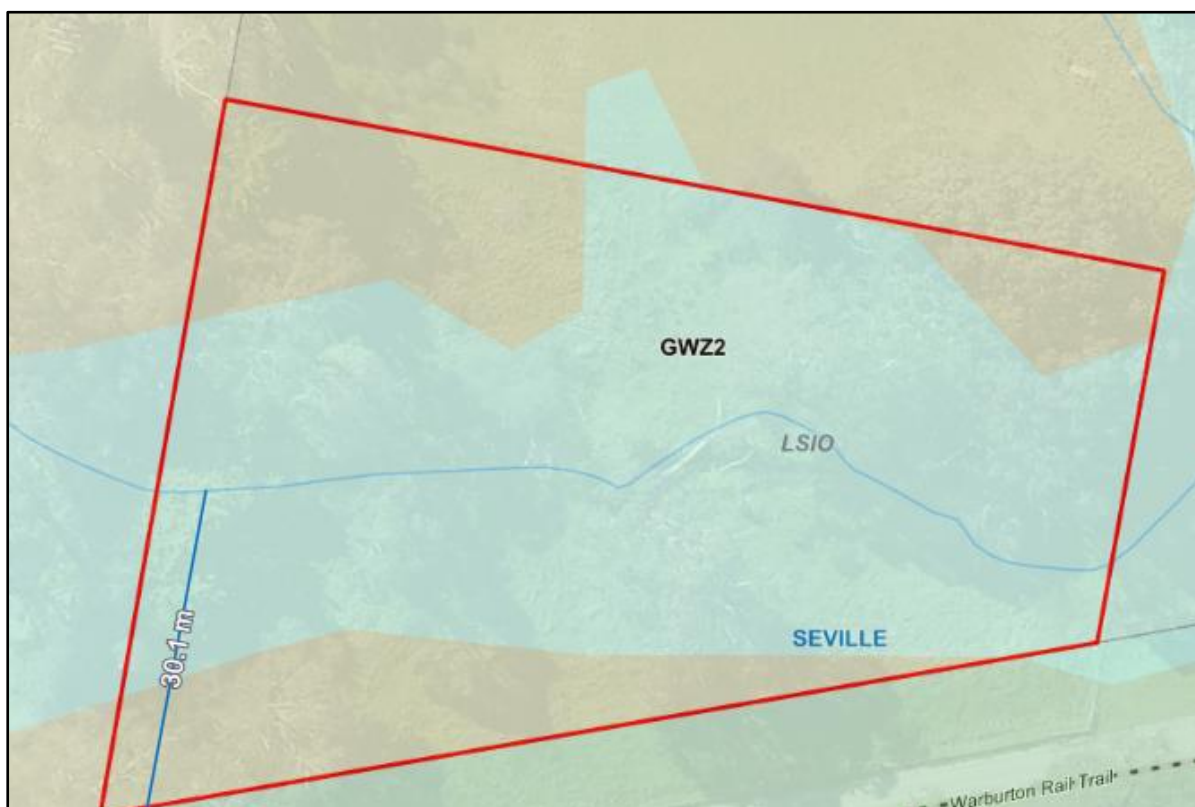
The proposed subdivision meets the decision guidelines of each overlay. The majority of subdivision requested is to facilitate new development parcels within a residential zone, where residential subdivision is generally supported by planning policy.

Additional Bushfire Management considerations are discussed below under relevant subheading.

### Section 173 Agreement - Subdivision

The support for Stage 1 of the subdivision is contingent upon the Council's ability to secure protective measures that restrict permissible land uses to the Green Wedge Zone parcel, especially since the subdivision would create separate disposal lots. Melbourne Water shares a similar concern and has requested assurance of future low-impact land uses.

Lot 2, designated as the Green Wedge parcel, falls under the Land Subject to Inundation Overlay due to its proximity to Wild Cattle Creek. This designation aims to prevent adverse impacts from riverine flooding on people and property. A portion, as shown in Figure 12, of Lot 2 lies within 30 metres of the waterway, aligning with Clause 14.02-1S, which aims to preserve natural drainage corridors with 30-metre-wide vegetated buffer zones on either side of waterways. This preservation serves natural drainage functions, stream habitats, wildlife corridors, and helps mitigate polluted surface runoff from adjacent land uses.



**Figure 12 - Setback from centre of waterway**

To meet the objectives of Clause 14.02-1S, it is necessary to limit land uses on the lot by preventing use and development of this lot with a future dwelling. This limitation can be established through a Section 173 Agreement between the Council and the permit



holder. The applicant has proposed using this planning tool to support the subdivision approval.

Failure to adopt a Section 173 Agreement to restrict land uses would likely set the expectation that the 4688 square metres vacant lot could be used for a dwelling (Section 2 land use) in the future.

Additionally, restricting land uses for a dwelling would minimise the potential for daily vehicle movements along Howard Street to and from the site.

The application was reviewed by Melbourne Water, the determining authority, which granted consent subject to conditions. One condition is the establishment of a drainage easement over the waterway, extending 20 metres in each direction from the top of the waterway's bank. Survey plans indicate that the waterway varies in width from three to five metres. Considering that the proposed lot is only 35 metres wide along the rear (eastern title boundary) and 69 metres wide along the frontage on Howard Street, creating this easement would encompass most of the land area, leaving only small portions along the northern and southern title boundaries. Melbourne Water has also sought to restrict a dwelling use and earthworks within this area.

Council has the opportunity, as part of its subdivision planning considerations, to implement a Section 173 Agreement that limits future land uses on the vacant land. This outcome ensures that the proposal effectively aligns with the relevant policy guidelines for protecting the natural environment of the land. Proposed condition four (4) ensures an appropriate Agreement is formulated.

#### Subdivision - Stage 2 - Design and Development Overlay 5

The proposal meets the minimum lot sizes and average lot size requirements specified in the overlay.

For existing sites, the minimum size must exceed 2000 square metres, and newly subdivided lots are required to have an average size of at least 1000 square metres, with no newly created lot being smaller than 500 square metres.

The proposal specifies an average lot size of 1111 square metres and a minimum lot size of 748 square metres. These lot sizes are in line with the sizes of the surrounding existing and recently subdivided residential land.

#### Subdivision - Stage 2 - Clause 56

Stage 2 subdivision is to subdivide residential parcel into five separate lots (Attachment 7).

All proposed residential lots' layout, configuration, shape, and size achieves the required standards and objectives set out in Clause 56 – residential subdivision layout and design.

#### Correcting title boundary fencing along Warburton Rail Trail/Green Wedge land

Surveying of the land identified the southern fence (1.4 metre high post and wire fence) for the Green Wedge land encroaches approximately four metres into Rail Trail land.

The submitted Development Plans and a recommended permit Condition 24, would secure this property anomaly with the applicant proposing to remove the existing fence and construct a new fence along the southern title boundary to match the existing fence. Another condition is recommended to have all relevant development plans consistent with fence removal/replacement of information.

Tree 165 is located on the southern boundary of the Green Wedge Zone land, along the interface with the Warburton Rail Trail. Tree 165 is a 20 metre high native Eucalyptus and identified as high retention value. Retention of this tree is appropriate. It is recommended to condition placed be on permit requiring the new title fence boundary to be sited outside the structural root zone of this tree which is 3.25 metres and as such weave around the 3.25 metres setback from the trunk. Proposed condition 24 is recommended to secure the retention of Tree 165 which is located on title boundary and intended to have a new boundary fence installed.

#### Access to Green Wedge Lot (Stage 1)

##### *Existing*

The new Green Wedge Zone Lot (north of the Warburton Rail Trail) has informal access available from the Howard Street gravel pathway and through an existing gate located approximately five metres from the edge of the southwestern boundary along the Warburton Rail Trail. The northern side of Howard Street along the Warburton Rail Trail is considered a declared road but is managed by public users rather than the Council.

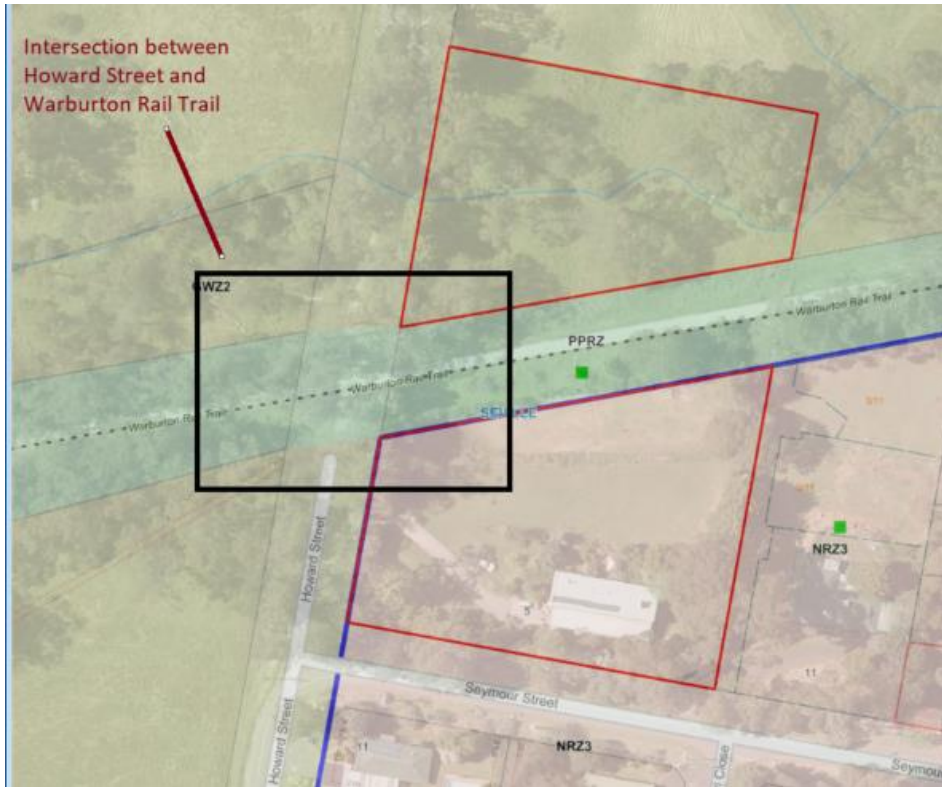
##### *Proposed*

The proposed crossover is depicted in Figure 9 and Attachment 9. It entails formalised crossover to the land via Howard Street, west of the Warburton Rail Trail. This crossover/access would be three metres wide and constructed with gravel to minimise impacts on adjacent trees. The removal of two road reserve weed species trees, 178 and 179, is proposed to make way for crossover, Council's Arborist Department has provided consent for their removal.

#### Safety Considerations:

The Warburton Rail Trail serves as a significant recreational pathway. The Section 173 Agreement discussed in this report aims to prioritise the safety of pedestrians along the trail and reduce the potential for vehicles to cross the trail to reach the land. The Section 173 Agreement would restrict the potential uses of the land to the designated Green Wedge Zone, thereby controlling vehicle crossings over the trail to access the land.

Council's Warburton/Lilydale Rail Trail Working Group has reviewed the application and raised no objections. They have suggested a requirement for the applicant to install 'beware of vehicle' signage at the intersection of the Warburton Rail Trail and Howard Street. However, signage details, such as wording, height, colour, exact location and other characteristics were not provided by the working group (Figure 13).



**Figure 13 - Intersection between Howard Street and Warburton Rail Trail**

Officers do not support imposing a permit condition for the permit holder to install and maintain signage on council-managed land and state-owned land. The current situation allows for access along Howard Street South, across the Warburton Rail Trail to Howard Street North. The proposal does not alter the existing access conditions.

While acknowledging the importance of the Warburton Rail Trail as a recreational pathway used by residents, the Section 173 agreement discussed in this report would restrict the potential land uses to the separated green wedge zoned land, thereby controlling vehicle crossings over the trail to access the land. This outcome ensures that the use and safety of pedestrians continue to take precedence at this intersection point.

**BUILDINGS AND WORKS**

*Minimum Requirements for Neighbourhood Residential Zone*

	<b>Minimum Required</b>	<b>Proposed</b>	<b>Complies</b>
Building Heights	9.0 metres, maximum two storeys	8.9 metres, two storeys	Yes
Garden Area	35 percent	81.43 percent	Yes

*Buildings and works - Neighbourhood Character*

Clauses 15.01-1S (Urban Design) and 15.01-5S (Neighbourhood Character) of the Scheme impose requirements on new development to align with its built form and policy context.

The proposal aligns with these urban design principles outlined in Clause 15.01-1S (Urban Design) and 15.01-5S (Neighbourhood Character) by delivering architectural and urban design outcomes that make a positive contribution to the local urban character and enhance the public realm. Simultaneously, it minimises adverse impacts on neighbouring properties.

Specifically, the site layout and design have been planned to ensure that the dwellings maintain a dwelling density that is consistent with what is observable in the vicinity of the site. Additionally, the proposed setbacks and spacing around the dwellings show respect for the preferred characteristics sought in the neighbourhood, which includes allowances for landscaping around the site. This landscaping provision serves to soften the overall appearance of the development and contributes to creating a garden-like characteristic.

Seville is designated as a Large Neighbourhood Activity Centre. Given that the site and its surroundings are zoned with a schedule for least change, with a relatively minor increase in density to respond to population growth and evolving housing needs, gradual changes in the area are expected. Therefore, new housing proposal, with a focus on integrating with the existing neighbouring character and adhering to the design principles outlined in the Design and Development Overlay (Schedule 5), are in line with the evolving nature of the area and the Scheme's objectives.

#### *Buildings and works - Design and Development Overlay 5*

The Design and Development Overlay (Schedule 5) 'Least change areas' serves as a guide for design objectives related to buildings, works, and subdivision, with the aim of preserving the unique character of the area and preventing an increase in the number of dwellings.

The proposed development demonstrates a scale and layout that aligns well with the Overlay's objectives. It includes a low site coverage of 12.66 per cent and coupled with hard surfaces area resulting in 18.57 percent site covered by buildings. With more than 81 percent of the land dedicated to gardens and permeable surfaces, the design not only allows for extensive landscaping but also creates a sense of spaciousness within the site.

The architectural design presents the dwellings as single detached units when viewed from the street and neighbouring properties, including the Warburton Rail Trail. To accommodate the significant slope of the land, the dwellings feature split levels and a combination of single and double-story elements. Dwellings two (2) and four (4), despite having a double-storey structure, appear as single-storey structures when viewed from the street and neighbouring properties. Access to the dwellings is facilitated through a common property accessway, which helps minimise the visual impact of car parking structures and promotes a more harmonious site layout.

The choice of materials and colours adheres to common non-reflective residential materials and a muted-toned colour palette. This selection ensures that the

development seamlessly integrates into its established residential and semi-urban bushland surroundings. Overall, the site layout, extent of development, and building attributes align with the design objectives outlined in the Overlay, contributing to a development that respects and complements the existing character of the area.

#### *Buildings and works – Clause 55*

The development proposal is compliant with the Standards and Objectives of Clause 55, of the Scheme, subject to an updated Landscape Plan, to meet Standard B1, B5 and B15, is recommended and proposed in permit conditions 5 and 6 which will secure a suitable Landscape Plan and subsequent works. Dwelling 4 – east elevation first floor habitable room windows does not comply with B23 Standard (internal overlooking), with clear glazed windows overlooking Dwelling 3 rear private open space. However, the objective design outcome is met. Dwelling 3 main secluded outdoor recreation area directly accessed by their living area would not be overlooked due to development layout and generous distance from subject windows.

See Attachment 3 for a full assessment.

#### *Buildings and works - Multi Unit guidelines (villa)*

The development proposal is assessed as compliant with design outcomes of Council endorsed Multi Unit guidelines.

See Attachment 4 for a full assessment.

#### *Buildings and works – Residential Fencing*

Clause 42.01-Environment Significant Landscape and Clause 42.03 - Significant Landscape Overlay 22, Public Park and Recreation Zone, and Heritage Overlay objectives, require the fence to be assessed in relation to the 1.8 metre timber paling title boundary fence along the northern side of Neighbourhood Residential Zone, interfacing Warburton Rail Trail.

The fence is necessary to define the title boundary and provide secure secluded private open spaces for the future owners of each dwelling. The use of timber material is a preferred choice to be sympathetic to the urban bushland setting character and is not invasive the adjacent public realm.

The fence does not negatively impact significant environmental features or obstruct important views along the Warburton Rail Trail.

The fence would not adversely affect the significance, character or appearance of the heritage character of Warburton Rail Trail enjoyed by the public.

#### ***Traffic Management and Carparking***

The Council's Engineering Traffic Department has conducted a review of the application, specifically focusing on access ingress/egress, carparking layout, and the impact of traffic generated by the proposal. Their assessment indicates that the proposal complies with the design standards outlined in the scheme. Furthermore, they have

determined that the traffic generated by the proposal can be adequately accommodated within the existing road infrastructure.

Council's Engineering Traffic Department has recommended standard conditions to facilitate the development. These conditions include the resealing of Howard Street from the Howard Street/Seymour Road intersection along the site's frontage (south of the Warburton Rail Trail). This improvement enables vehicles and waste trucks to access the site and execute effective turn-around manoeuvres within Howard Street.

Council's Engineering Traffic Department has addressed concerns raised by objectors regarding the current traffic situation at the intersection of Howard Street and Seymour Road. They have clarified that the approval of this proposal would not impose unreasonable additional traffic impacts on the existing intersection. However, they acknowledge that addressing the existing concerns at this intersection should be considered separately from the planning considerations for this proposal.

To address these concerns, the Council's Traffic Engineering department conducted a traffic survey in May 2023 and evaluated the data. As a result of this assessment, traffic civil works have been deemed necessary. These works would involve the installation of a splitter island and road widening at the bend in Howard Street and Seymour Street to prevent vehicles from "corner cutting" through the bend. These civil works will be integrated into future capital works projects.

In the interim, recent works have been completed, which included refreshing road line markings and installing RRPM (cat's eyes).

Clause 52.06 - Carparking

The proposal meets the relevant car parking requirement of Clause 52.06, subject to condition Development Plan and Concept Subdivision Plan updated clearly label visitor car space that is located within common accessway between Dwelling 2 and 3.

<b>Carparking rate assessment</b>			
<b>Land use</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
Five (5) dwellings - Four of the new dwellings have three or more bedrooms The existing dwelling has 3 bedrooms	10	10	Yes
Visitor car space	1	1	Yes - Subject to proposed condition 1 to obtained consistency across all documentation

**Road Safety**

A number of residents have raised issues in relation to the safety of the current road network, potential traffic increases due to the proposed development and previous conflicts between cars and pedestrians. It needs to be noted that the issues and deficiencies with the road network have been around for a number of years. Even though the development will increase the number of vehicles, it is not to an extent that would justify Council refusing the application, on this point, or requiring the developer to upgrade the road through conditions on the permit.

Council's Traffic Engineering Department assessed the application and provided the following comments:

*The additional four dwellings being proposed will result in 40 additional vehicle movements per day, with four (4) vehicles movements in morning peak and four (4) vehicle movements during afternoon peak. This increase is unlikely to have a significant impact on the existing traffic levels and issues on Seymour Street and Howard Street.*

- *Council's Traffic Engineering Department commissioned a traffic survey in May 2023 for a period of seven (7) days and the results were as follows:*
  - *Vehicle volume: 227 vehicles per day (northbound – 93 vehicle/day and southbound 134 vehicle/day)*
  - *85th percentile speed – 46.1 km/hr*
  - *Average Speed – 38.6 km/hr*
  - *Heavy vehicles – 7.8 percent (up to 1 vehicle per day)*
- *The 85th percentile speed is the speed at which 85 percent of vehicles are travelling at or below.*
- *The survey results show that the speed and volume of traffic along Seymour Street is consistent with other roads of similar status within the municipality and also the default speed limit for a built up area which is 50km/h.*
- *Furthermore, local roads have a vehicle capacity up to 1000 vehicles/day. The 227 vehicles per day recorded is well within the capacity on the road.*

### **Traffic Safety Assessment**

- It is generally accepted that dwellings in the outer suburban areas may generate traffic up to 10 vehicles per day, with 10 percent of daily traffic flows adopted during the morning and afternoon peak periods.
- Notwithstanding the above, it is acknowledged that the current width available at the bend needs to be widened to cater for simultaneous traffic movements through the bend. Council's Traffic team has identified a project to install a splitter island and road widening at the bend at Howard Street and Seymour Street. The widening of the bend is intended to ensure that there is adequate road width available for vehicles to safely manoeuvre through the bend and splitter island is intended ensure that vehicles do not 'corner cut' through the bend.
- This project has been referred for future budget considerations. Funding for the project is subject to following factors:

- Project ranking - Higher ranked projects generally prioritised to be delivered earlier. Local area traffic management device ranking is based on a range of criteria including no of vehicles, speeds, percentage heavy vehicles, crashes and likelihood of crashes.
- Delivery efficiencies - If two high priority projects are near each other they will be delivered together. This will bring delivery efficiencies and enhance safety in the local area.
- Adjacent projects – Where other capital works projects or development projects, the projects will be brought forward to be delivered in conjunction with those projects.
- Funding availability – The availability of funding in any year may determine the projects that are recommended for delivery in any given financial year.
- External funding opportunities – Projects that meet the relevant criteria for external grant fund funding may be elevated in priority for delivery.

Following recent resident concerns, Council's traffic engineering team refreshed the line marking and installed reflector (glow) markers along road centre (cat eyes). This is an interim solution until the ultimate solution of splitter island and road widening works are delivered. Maintenance issues associated with cat eyes would be referred to Council contractors for rectification.

- Concerns regarding the erosion of crushed rock shoulders has been referred to Council's maintenance team for assessment and rectification in line with Road Management Plan.
- Council's Traffic Engineering Department requires the applicant to provide a sealed driveway into the development. The sealed driveway access will provide a much safer walking area than the current steep gravel accessway. The advertised plans include a concept plan of the sealed driveway. The design submitted by the applicant satisfies the traffic engineering requirements. The design will be subject to further design reviews during the detailed design stage.

### ***Waste Management***

The Waste Management Team have reviewed the Waste Management Plan (Attachment 15) and approved the site for Council waste collection. The street frontage is adequate to enable collection of waste from the street and as such a private waste collection service is not required. In regard to hard waste collection, the width of street frontage provides sufficient area for each dwelling to benefit from the council service.

### ***Vegetation (tree) removal***

The application is accompanied by Tree Removal and Tree Exemption Site Plan (Attachment 9), Arborist Impact Assessment Report (Attachment 10), Native Vegetation Report (Attachment 11) and Biodiversity Report (Attachment 12).

The site required a Basic Assessment Pathway native removal assessment, indicating the site location is not within an endangered Ecological Vegetation Class and removal of trees would not have significant impact on any habitat for rare or threatened species.



These documents reviewed by Council's internal referral Arborist and Council's Environmental Department raised no concerns with removal of trees 81, 82, 85, 87, 119, 123, 133, 178 and 179.

All other trees sought for removal are exempt Bushfire Protection Management or identified as Yarra Ranges weeds species.

The Tree 78 (Eucalyptus), identified as dead with a poor structure, located on Howard Street Council Road Reserve is sought to be removed to allow for a proposed crossover to the residential properties. However, there is no planning permit requirement under the Planning Scheme to assess the tree removal, unlike the other street and private land trees covered by the Significant Landscape Overlay. Separate Council permission from Council's Arborist is required to remove this tree which has been confirmed as supported through the internal referral process.

#### Vegetation removal - Clause 42.03 - Significant Landscape Overlay 6 and 22

The trees marked for removal have medium to low retention value. The proposed development and subdivision have specific design and functional requirements that necessitate the removal of these trees. The recommendation to support the development instead of removing predominantly exotic vegetation trees is based on a careful balance of various pertinent planning policies and the underlying purpose of the zoning.

The proposal aims to preserve native trees 101, 104, 134, and exotic tree 136, all of which hold medium to high retention values within the residential land. This commitment contributes positively to maintaining the green landscape character of the area.

There is an opportunity to enhance the landscape by planting new canopy trees within the parameters of bushfire management. This addition would align the proposal with the overlay, which emphasises the importance of maintaining vegetation as a dominant element of the landscape. To achieve this, two replacement trees would be required for each new dwelling, effectively introducing eight (8) new trees on the land, mitigating the loss of nine (9) existing trees proposed (including seven (7) from the land).

The proposal allocates space for landscaping, providing sufficient opportunities for planting new canopy trees and shrubs around each building. This approach aligns with the desired design outcomes outlined in the Overlay strategy.

A Tree Protection Management Plan accompanied the application detailing construction management measures to ensure retaining trees are not impacted (see Attachment 13). A condition on the permit secures these measures.

#### Vegetation removal - Clause 52.17 Native Vegetation

There are two native trees identified for removal, Tree 87 and 133, to facilitate the new development within land zoned as Neighbourhood Residential. The trees stand at heights of four metres and nine metres, with low and medium retention values, respectively.

Clause 52.17 allows permit exemptions for tree removal associated with an existing residential lot to facilitate new dwellings, however given the existing lot has two overlapping zones (residential zone and green wedge zone) the exemption does not apply.

The extent of native vegetation within the subject lot is calculated to be 0.063 hectares, resulting in a general offset requirement of 0.016 general habitat units. In line with the assessment process for land subdivision outlined by the Department of Energy, Environment, and Climate Action in The Native Vegetation Guidelines (2017), vegetation loss calculations assume that all native trees (except those exempted) are lost, even though some native trees will be preserved.

Council's Environment Department raised no objections to the removal of this vegetation and has recommended permit conditions to secure third-party offsets.

These conditions include provisions for the planting of replacement trees and the implementation of vegetation offsets to ensure that the overall net biodiversity values of the local area and the broader state of Victoria are not diminished.

### ***Bushfire Protection/ Management***

The application is accompanied by a Bushfire Management Statement and Bushfire Management Plan prepared by Keystone Alliance, dated 16 March 2023 to respond to bushfire risks (Attachment 14).

The proposal suitably responds to the bushfire management objectives and strategies to mitigate bushfire risk and prioritise the protection of human life which Clauses 13.05, 44.06, 53.02 and 71.02-3 seek to achieve.

The Country Fire Authority (CFA) has conducted a review of the application and has expressed its support, contingent upon specific conditions outlined in the submitted Bushfire Management Plan. These conditions include the demonstration of a defensible space spanning a distance of 16 metres or reaching the property boundary. Additionally, the conditions entail the construction of sealed vehicle access and the installation of fire hydrants before the issuance of the Statement of Compliance.

Furthermore, the CFA has waived the requirement to include the mandatory subdivision condition stipulated in Clause 44.06-5 of the Scheme. This waiver is granted because the proposal does not involve the creation of any vacant lots within residentially zoned land, and it commits to implementing all the necessary bushfire mitigation measures before the Statement of Compliance is issued.

### **RESPONSE TO SUBMITTERS CONCERNS**

The grounds of objections and response to each are outlined below:

<b>Concern</b>	<b>Officer Comment</b>
More likely to be traffic accidents during peak hours	<ul style="list-style-type: none"><li>• Council's Traffic engineer has assessed the road curve and done a count of the traffic along this</li></ul>

Concern	Officer Comment
these roads are used as thoroughfare.	<p>stretch of the road and concluded that some works would be required to improve the curve (i.e. widening the curve and putting a splitter island) to address these concerns.</p> <ul style="list-style-type: none"> <li>• These works will be installed by Council as part of the capital works program in future. The engineer has further advised that the proposal for four dwellings has little bearing on their current assessment for works and approval of dwellings would not exacerbate urgency of works.</li> </ul>
Objection details recent witnessed traffic incidents (pedestrian and vehicle collisions)	<ul style="list-style-type: none"> <li>• Council's Traffic engineering department has no recorded traffic (vehicle and pedestrian) incidents along Howard Street and Seymour Street resulting in injury or reports to authorities in the last 20 years.</li> <li>• Record data includes Victoria Police data for Council use.</li> </ul>
Increased traffic associated with the proposal on Howard Street which provides a Fire Access Road for the area	<ul style="list-style-type: none"> <li>• As noted above the traffic engineers have reviewed the impacts of the additional traffic generation from the proposal on the surrounding street network including Howard Street and advised that there are no concerns. The street network has sufficient capacity to absorb the additional vehicle movements from four additional dwellings.</li> </ul>
Howard Street Access is too narrow for emergency service vehicles and waste collection trucks.	<ul style="list-style-type: none"> <li>• Council Traffic Department have determined that Howard Street is suitable to manage commercial and passenger vehicles.</li> <li>• Permit conditions are included to upgrade the road to a sealed surface and dimension aligned with engineering technical standards.</li> </ul>
Flooding impacts from the Wild Cattle Creek on Howard Street.	<ul style="list-style-type: none"> <li>• The Green Wedge land is not proposed for development and further council will be seeking to limit the future use of this land.</li> <li>• The access proposed for the four additional dwellings, from the Howard Street, , will be via the existing crossover which is located at least 60m away from the top of the bank of this waterway and will therefore have least impacts from any flooding of this waterway.</li> </ul>
Hard rubbish dumped nature strips on Seymour Road	<ul style="list-style-type: none"> <li>• Illegal hard rubbish dumping, outside designated hard rubbish collection timeframes, is a matter managed by Councils Local Laws Department.</li> </ul>

Concern	Officer Comment
Street (outside hard rubbish collection periods)	<ul style="list-style-type: none"> <li>Unlawful rubbish disposal is not as a result of proposal and cannot be considered as part of the planning process for this proposal.</li> </ul>
Not enough vehicle parking during construction. Vehicles will park illegally on roads causing traffic impacts along Howard Street and Seymour Street	<ul style="list-style-type: none"> <li>Howard Street fronting the subject site would be resealed and widened to Council' road standards. As there is no street parking on Seymour Street it is not expected the vehicles would park on the road disrupting traffic flow.</li> </ul>
Amenity impacts - Does not want any more development.	<ul style="list-style-type: none"> <li>The subject site is zoned for residential use and lot sizes exceed Design and Development Overlay minimum standards.</li> </ul>

## CONCLUSION

The application has assessed has been assessed in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies. The application provides sufficient responses to policy provisions of subdivision compliance, neighbourhood character, vegetation removal and bushfire risk management. The proposal delivers an uplift in the housing diversity with design outcomes that achieve Significant Landscape Overlay objectives within a residential zone.

The proposal is consistent with the objectives of planning policies, and the relevant zone and overlay provisions of the Planning Scheme.

As such, approval of the proposed development is recommended subject to conditions (Attachment 1).

## ATTACHMENTS

1. Planning Permit Conditions
2. Planning Scheme Policies
3. Assessment - Clause 55 Two or more Dwellings on a lot
4. Assessment - Multi Unit Guidelines (Villa)
5. Development Plans
6. Plan of Subdivision Stage 1
7. Plan of Subdivision Stage 2
8. Proposed Crossover for Lot 2 (Green Wedge Zone)
9. Vegetation Plan – Tree removal and exemptions

10. Arborist Impact and Removal Report
11. Native Vegetation Report
12. Biodiversity Report
13. Tree Protection Management Report
14. Bushfire Management Statement and Plan
15. Waste Management Plan