

11.3 PLANNING PERMIT APPLICATION PP24-0085 - 53 BARKLY STREET, RUTHERGLEN

File No: 2024/715

James Turner - Manager Planning & Statutory Services Planning & Corporate Services

For Decision

RECOMMENDATION

1. That Council refuse the proposed Development Plan for a two-lot subdivision at Barkly Street, Rutherglen on the following grounds:
 - a. The proposal does not meet the minimum Lot size requirements of 2000sqm as required by the Low Density Residential Zone (Clause 32.03);
 - b. The proposal will negatively impact on the existing subdivision pattern and future development;
 - c. The proposal will not be in-line with the neighbourhood character for the zone/subdivision;
 - d. The proposal does not comply with the standards and objectives outlined within the Indigo Planning Scheme; and
 - e. The proposal does not represent orderly planning of semi-rural residential land that will allow for the excising of the existing dwellings into sized lots.
2. That Council refuse to grant a planning permit for a two-lot subdivision at Barkly Street, Rutherglen on the following grounds:
 - a. The proposed development is not generally in accordance with an approved development plan as required by clause 43.04-2, as no development plan has been approved for the site.

SUMMARY

Application No: PP24-0085

Subject Land: 53 Barkly Street Rutherglen

Proposal: Development plan and planning permit for a two lot subdivision.

Recommendation: Refusal in accordance with the recommendation above.

BACKGROUND

Date application lodged: 13/05/2024

Purpose: Seek approval of a Development Plan to subdivide the land for the purposes of future development. Seek a planning permit consistent with the development plan for subdivision of the land.

Subject site land area: The subject site is 2724sqm

Current use of subject site: Single dwelling and associated outbuildings

Site constraints: The site is located on a four (4) way roundabout, that requires the creation of a carriage way easement to be implemented to access to proposed lot. Additionally, the proposed lot appears to abut a future road that will service the neighbouring lots.



Surrounding land use: The site is surrounded by larger residential lots.

Zoning of surrounding land: The site is surrounded by larger Low Density Residential lots to the north and east and General Residential lots to the south and west.



PROPOSAL

The proposed development plan is proposing to re-subdivide the land into two allotments to facilitate the potential construction of a new dwelling on Proposed Lot 2. Access to the proposed lots will be via a carriageway easement in favour of Lot 2 from the existing accessway.



ZONING AND PLANNING CONTROLS

Zoning: Clause 32.03 - Low Density Residential Zone (LDRZ)

Overlay/s: Clause 43.04 – Development Plan Overlay Schedule 3 (DPO3)

Site Context: The land is located approximately 1km north of the town centre.

Copy of title: Lots 1 and 2 on Title Plan 339699X

Parent titles:

Volume 07856, Folio 028

Created by instrument A002669 07/07/1955

Encumbrances: N/A

PERMIT TRIGGER

A development plan is required for the site in accordance with clause 43.04-3 of the *Indigo Planning Scheme* before any planning permits are granted.

A planning permit is required in accordance with clause 32.03-3 of the *Indigo Planning Scheme* for subdivision of land.

Normally, the subdivision to create lots less than the zone minimum would be prohibited, however an exemption allowing re-subdivision of lots applies in this case.

Planning and Environment Act 1987 - SECT 60

Section 60 of the Act provides that before deciding on an application, the responsible authority must consider:

- (a) the relevant planning scheme; and

- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- (a) any significant social and economic effects of the use or development for which the application is made; and...
- (j) any other relevant matter.

STATE AND LOCAL PLANNING POLICY

Introduction, Goal and Principles

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to take into account and give effect to in planning and administering their respective areas. It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. Planning and responsible authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.

- Land use and transport integration.

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. The following policies and clauses are deemed to be relevant to this proposal and have been considered in the assessment of this application:

Settlement

Clause 11.01-1S – Settlement

Clause 11.01-1R – Settlement Hume

Clause 11.01-1L-02 – Rutherglen

Built Environment and Heritage

Clause 15.01-3S – Subdivision design

Clause 15.01-5S – Neighbourhood character

Housing

Clause 16.01-1S – Housing supply

Planner comments:

The proposed Development Plan is not in line with the state and local policies as the proposal would permit a subdivision not in keeping with the existing neighbourhood character, subdivision design and future development intent of the area. Additionally, the proposal goes directly against the intent of the zone.

The proposed planning permit is not in line with the requirements of the state and local planning policies for the same reasons.

PARTICULAR PROVISIONS

Clause 52.02 - Easements, Restrictions and Reserves:

Clause 52.02 sets out specific matters relating to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

This section specifies that a permit is required before a person proceeds:

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*
- *Under Section 24A of the Subdivision Act 1988.*
- *Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.*

This does not apply:

- *If the action is required or authorised by the schedule to this clause.*
- *In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.*
- *If the person proceeds under Section 362A of the Land Act 1958.*
- *In the case of a person proceeding under Section 36 of the Subdivision Act 1988, if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of the Subdivision Act 1988.*

In this clause, **restriction** has the same meaning as in the Subdivision Act 1988.

The application and planning report satisfy the requirements of this clause.

Planner comments:

The proposed development plan and planning permit have been referred to Councils Infrastructure department for comments. Infrastructure has no objection to the proposed easement subject to conditions on the permit.

GENERAL PROVISIONS

65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

Clause 65.01 Decision Guidelines	Assessment of Current Proposal
The matters set out in Section 60 of the Scheme	The current proposal fails to meet the objectives and strategies of the Indigo Planning Scheme. The development plan will have a negative effect on the Rutherglen area.
Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The current proposals are not consistent with the SPPF and LPPF.
The purpose of the zone, overlay or other provision and any matter required to be considered in the zone, overlay or other provision.	The proposed Development Plan cannot provide the lot size encouraged under the LDRZ.
The orderly planning of the area.	The proposed Development Plan will see the land reconfigured. This reconfiguration will require the creation of an easement to access the lot. The small sizes of the lots would set a precedent for the area that lots less than the zone minimum are acceptable.
The effect on the amenity of the area.	The subdivision will have minimal effect on the amenity of the area.
The proximity of the land to any public land.	The subject site is not located close to any public land, other than the road reserve. The impacts on the road reserve have been considered by Council's assets team.
Factors likely to cause or contribute to	There are no factors relating to the current

land degradation, salinity or reduce water quality.	application which will cause or contribute to land degradation, salinity or reduce water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposed development will not affect the quality of stormwater in and out of the site.
The extent of character of native vegetation and the likelihood of its destruction.	The proposal does not require the removal of any native vegetation.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The proposal will have no impact on native vegetation.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	No hazards have been identified above the normal background urban risk.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	N/A.
The impact the use or development will have on the current and future development and operation of the transport system.	N/A.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

Clause 65.02 – Applies to Subdivision	Response
The suitability of the land for subdivision	The provisions of the zone discourage subdivision at the requested lot sizes.
The existing use and possible future development of the land and nearby land	The site is not appropriate for future development given its zoning, size and neighbourhood character and that it adjoins other residential lots of a similar sizes.
The availability of subdivided land in the locality and the need for the creation of further lots	There is a need for residential lots in the Low Density Residential Zone within Rutherglen however, must be in line with the minimum lot size requirements.
The effect of development on the use or development of other land which has a common means of drainage	The subdivision will have no adverse effects on drainage and should a permit be issued drainage design would have to meet Council requirements.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation	The subdivision does not respond well to the physical characteristics of the site.
The density of the proposed development.	The proposed density is not consistent with other developed lots given the low density zoning.
The area and dimensions of each lot in the subdivision	The areas and dimensions of the proposed lots are sufficient to accommodate development of the land for residential uses.
The layout of roads having regard to their function and relationship to existing roads	Roads are not proposed.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots	An easement is required to access the lot
The provision of and location of reserves for public open space and other community facilities.	Not applicable.
The staging of the subdivision	N/A
The design and siting of buildings having regard to safety and the risk of spread of fire.	N/A
The provision of off street parking	Each lot is of sufficient area to accommodate off street parking.
The functions of any Body Corporate	N/A
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas	Given the location of the site there is adequate provision of utility services. Easements can be created to protect assets and ensure supply.
The size of each lot has more than adequate area to allow for disposal by absorption methods within lot boundaries.	Not applicable as sewer available
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	Native vegetation will not be impacted
The impact the development will have on the current and future development and operation of the transport system.	No anticipated impact.

Based on the decision guidelines, re-subdivision is not supported, and the land should be consolidated. If the applicants wish to revisit this proposal, it should be in the context of the whole of

the Low-Density precinct bounded by Barkly Street, Bartley Road, Waldrons Lane and Humphreys Road.

REFERRAL AUTHORITIES

The application was referred to the following referral authorities in accordance with Section 55 of the Planning and Environment Act 1987 and/or advice was sought from the following:

- Indigo Shire Council – Assets team

Responses received recommend approval subject to conditions.

PUBLIC NOTICE

Informal public notice of the application was given to adjoining owners and occupiers and other relevant persons. As the application is for a development plan, there are no formal notification procedures prescribed by the act or regulations.

Due to the operation of the Development Plan Overlay, the planning permit is exempt from public notice and review.

Zero (0) submissions were received in response.

DISCUSSION

The proposed Development Plan for the future subdivision of the subject site fails to meet the minimum lots size required by the Low Density Residential Zone. The Low Density Residential Zone states:

Clause 32.03 – Low Density Residential Zone (LDRZ)

The purpose of this zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The permit trigger is at clause 32.03-3 and states:

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- *0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.*
- *0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.*

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- *Excises land which is required for a road or a utility installation.*
- *Provides for the re-subdivision of existing lots and the number of lots is not increased.*

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

Planner comments:

The subject site has a total size of 2724sqm. If subdivided Lot 1 will be 1555.89sqm and Lot 2 will be 1194.39. These proposed lot sizes do not comply with the Low Density Residential Zone (LDRZ) which requires a minimum of 2000sqm for lots with the ability to be connected to reticulated sewerage. Additionally, this the subject site adjoins large vacant Low-density Residential lots to the north. These lots as well as the subject site, will form the streetscape of the not yet constructed unnamed road. The vacant parcel currently conforms to the subdivision objectives and standards of the LDRZ.

The LDRZ overlay is adjacent the General Residential Zone. The surrounding land to the north, east and south east is all large LRDZ lots. If a subdivision occurs creating smaller lots, it would create an unnecessary precedent going directly against the LDRZ minimum lot size requirement. It is acknowledged that the subject site is in two parcels, one of which is not suitable for a dwelling. Council would recommend consolidating the parcels. This would further meet and maintain the subdivision pattern, neighbourhood character, streetscape and LDRZ requirements. This could be revisited as part of a larger subdivision of the whole precinct.



Figure 1 – Aerial image – 2024

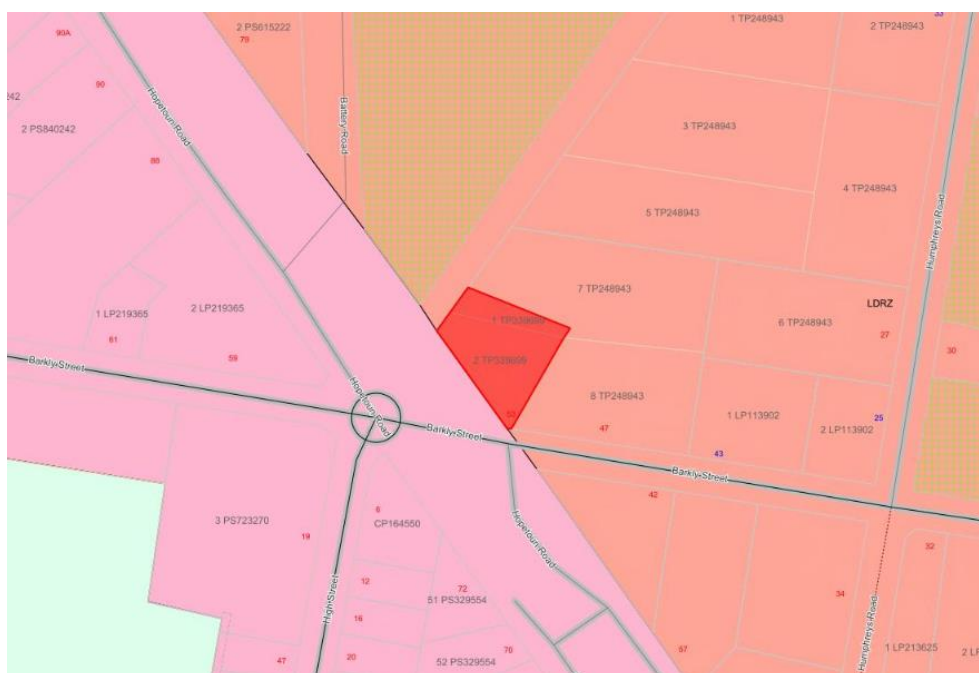


Figure 2 – Zone mapping

CONCLUSION

The Development Plan proposal comprising of a two-lot subdivision is not consistent with the relevant provisions of the PPF, as well as the objectives of the Low-Density Residential Zone. The Development Plan for future subdivision should not be support for the following:

1. Does not meet the minimum Lot size requirements of 2000sqm as specified under the Low-Density Residential Zone
2. Will negatively impact on the existing subdivision pattern and future development
3. Will not be in-line with the neighbourhood character for the zone/subdivision
4. Does not comply with the standards and objectives outlined within the Indigo Planning Scheme;
5. Does not represents orderly planning of semi-rural residential land that will allow for the excising of the existing dwellings into suitably sized lots and has not considered the wider precinct.

Overall, the proposed Development Plan is not centred on sound planning principles and does not respond appropriately to the surrounding semi-rural context appropriately and not supported by the provisions of the Indigo Planning Scheme. As such, the proposed Development Plan is recommended for refusal by Council.

The planning permit requires an appropriate development plan be prepared and approved prior to a planning permit being granted. If the development plan is not approved, as recommended, Council is unable to grant a planning permit, and that component of the proposal should be refused on that ground.

On the merits, the planning permit is not acceptable for the same reasons as the development plan, namely:

- It is not consistent with the lot size expectations of the LDRZ;
- It will negatively impact on the subdivision pattern;

- It will cause negative impacts on the neighbourhood character of the area; and
- The proposal is not orderly planning, as it has not been considered in the context of the entire precinct

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning & Corporate Services
- James Turner – Manager Planning & Statutory Services
- Steven Hawkins – Coordinator Planning
- Danieel Matthews – Senior Planning Officer

Attachments

1. PP24-0085 - Application
2. PP24-0085 - Plan



Planning Enquiries
Phone: (03) 5728 8000
Local call: 1300 365 003
Web: www.indigoshire.vic.gov.au

Clear Form

Office Use Only

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

Questions marked with an asterisk (*) must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Click for further information.

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:

St. No.: 53

St. Name: Barkly Street

Suburb/Locality: Rutherglen

Postcode:

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A

Lot No.: 1&2

☐ Lodged Plan

☒ Title Plan

☐ Plan of Subdivision

No.: TP339699

OR

B

Crown Allotment No.:

Section No.:

Parish/Township Name:

The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit? *

Two lot resubdivision

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Estimated cost of any development for which the permit is required *

Cost \$40,000

You may be required to verify this estimate. Insert '0' if no development is proposed.

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling and associated outbuildings.

☒ Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☒ Not applicable (no such encumbrance applies).

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title:

First Name:

Surname:

Organisation (if applicable): Mountain Planning

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name: PO Box 172

Suburb/Locality: Bright

State:

Postcode:

Contact information for applicant OR contact person below

Business phone:

Fax:

Contact person's details*

Same as applicant ☒

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:

Name:

Same as applicant ☐

Title: Ms

First Name:

Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:


Owner's Signature (Optional):

Date:


day / month / year

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature 

Date: 8/5/24

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

☒ No

☐ Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site.



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).



Completed the relevant council planning permit checklist?



Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Mailing address:

Indigo Shire Council
PO Box 28
Beechworth VIC 3747

Planning Office location:

34 High Street
Yackandandah

Contact information:

Phone: 1300 365 003
Fax: (03) 5728 1676
Email: info@indigoshire.vic.gov.au

Deliver application in person, by post or by electronic lodgement.

MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description – the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting the Planning Schemes Online section of the department's website <http://planning-schemes.delwp.vic.gov.au>

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

 Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?


A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

 You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.



Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

⚠ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

⚠ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between Council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

⚠ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist

What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

⚠ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

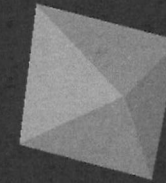
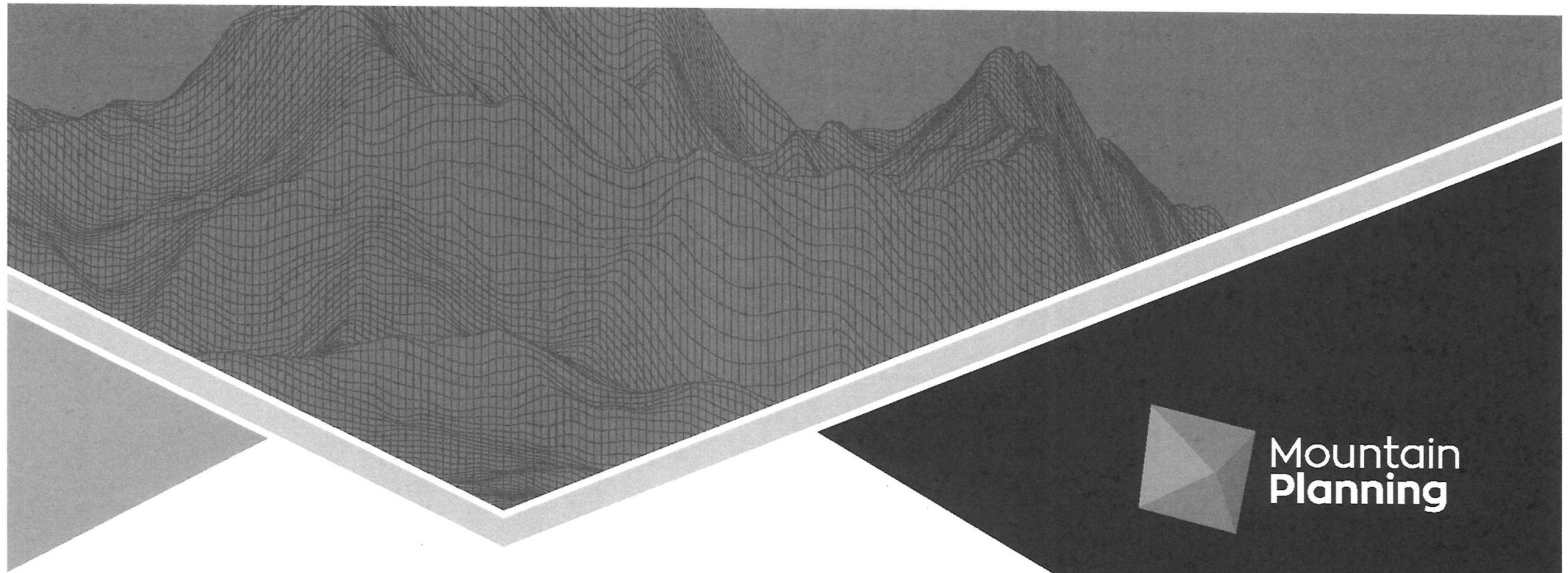
Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

⚠ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.



Mountain
Planning

TOWN PLANNING REPORT

Proposal: Two Lot re-subdivision
Address: 53 Barkly Street, Rutherglen
Applicant: Mountain Planning
Date: May 2024

1. Executive Summary

Subject Land	53 Barkly Street, Rutherglen (Lots 1 & 2 on TP339699)
Area of Land	2726 sq. m
Proposal	Two Lot Subdivision
Zone	Low Density Residential (LDRZ)
Overlays	Development Plan Overlay – Schedule 3 (DPO3)
Planning Permit Triggers	Clause 32.03-3 – A permit is required to subdivide land in the Low-Density Residential Zone
Summary of Merits	<ul style="list-style-type: none">- The proposal complies with the requirements of the Indigo Planning Scheme and is consistent with Council's policy on urban consolidation of land within townships in the Shire.- The site is zoned to provide for residential development and this proposal facilitates the future redevelopment of the land for residential purposes.- No new lots are being created- The subject land is located within the township of Rutherglen and is suitable for further development.- The subdivision design is site responsive and respects the existing conditions of the site.

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2. Introduction

This report has been prepared by Mountain Planning on behalf of the landowners to support a planning permit application to the Indigo Shire Council for a two lot re-subdivision of the land at the subject site known as 53 Barkly Street, Rutherglen (Lots 1 & 2 on TP339699).

The land is zoned Low Density Residential (LDRZ) under the Indigo Planning Scheme and is covered by the Development Plan Overlay (Schedule 3).

This application is accompanied by:

- Development Plan
- Title information
- Proposed Plan of Subdivision

This report addresses the relevant provisions of the Indigo Planning Scheme, including the Planning Policy, Municipal Planning Strategy and local planning policies.

2.1 Permit requirements under the Indigo Planning Scheme

The following provision of the Indigo Planning Scheme trigger a planning permit in this instance:

- To subdivide the land pursuant to Clause 32.03-3 of the General Residential Zone.

Additionally, while not an independent planning permit trigger, Clause 43.04-2 of the planning scheme states:

- *A permit must not be granted to use or subdivide land.... until a development plan has been prepared to the satisfaction of the responsible authority*

2.2 Cultural Heritage Management Plan

The subject land is not within an area of Cultural Heritage Sensitivity. Furthermore, a two lot subdivision is not a high impact activity (Regulation 49) and therefore a Cultural Heritage Management Plan is not required.

3. Subject Land and Surrounds

3.1 Subject Land

The subject land is located at 53 Barkly Street, Rutherglen. The subject land is formally known as Lot 1 and Lot 2, TP339699. The subject land is located to the north of Barkly Street. Immediately north-east of the Barkly Street, Hopetoun Road and High Street Roundabout. The subject land has a narrow frontage to Barkly Street of approximately 3m and a depth along the eastern boundary of approximately 60.5m. The land is irregular in shape and has an area of 2,726m².

Along the northern and western boundaries there is a row of trees containing a mix of endemic and exotic species. The remainder of the property is flat and cleared with a single storey dwelling accessed off Barkly Street and some scattered exotic vegetation.

A current aerial photo of the subject land is provided as Figure 3.1.



Figure 3.1 Current aerial photo of the subject land

3.2 Surrounding Land

The subject land is located to the north of the Rutherglen activity centre. The land is located approximately 1km from the town centre. The area is on the fringe of a residential-agricultural interface and is diverse with a very wide range of built form, lot sizes and character. The residential precinct along High Street to the south and Barkly Street to the east and west is experiencing increased densities as can be seen from similar subdivisions and unit developments undertaken at 15 Barkly Street and 18a Barkly Street, Beechworth. Notably, the subject land is within an area identified as a Nominated Growth Area by Indigo Council.

Significant recent development has occurred in the surrounding locale, with subdivisions having occurred to the east, west and south. The built form of dwellings constructed on these lots is extremely varied and ranges from single storey detached dwelling to two storey dwellings and the aforementioned units located at 15 Barkly Street, Rutherglen.

Lot sizes in the area range greatly from 196m² at 2/15 Barkly Street to 24,997m² on the adjoining land at Battery Road, Rutherglen.

Landscaping is both formal and informal with a distinct character of exotic, deciduous trees.

Photos of the subject land and surrounding properties are provided in the following figures.



Figure 3.2 Subject land and surrounds



Figure 3.3 Subject land looking north showing existing access off Barkly Street to existing dwelling



Figure 3.4 Subject land looking west showing new development further along Barkly street



Figure 3.5: Subject land looking south showing dwelling density along High Street



Figure 3.6: Subject land looking east



Figure 3.7: Barkly Street looking east showing existing access to existing dwelling



Figure 3.8: Barkly Street looking west



Figure 3.9: Existing internal access (to be retained)



Figure 3.10: Existing dwelling on Proposed Lot 1



Figure 3.11 Rear of existing dwelling



Figure 3.12 Proposed Lot 2



Figure 3.13: Proposed lot 2 looking south east toward existing dwelling



Figure 3.14: Existing accessway (to be retained)

4. The Development

It is proposed to re-subdivide the land into two allotments to facilitate the potential construction of a new dwelling on Proposed Lot 2 in the future. Access to the proposed lots will be via a carriageway easement in favour of Lot 2 from the existing accessway.

Lot 1, retaining the existing dwelling and outbuildings will have a total area of 1,555.89m².

Proposed Lot 2 will have a total area of the allotment will be 1,194.39 m².

The proposed subdivision is shown in Figure 4.1 below and in **Attachment B**.



Figure 4.1: Proposed Plan of Subdivision

5. Planning Scheme Controls

5.1 Zone

The site is located within the Low Density Residential Zone (LDRZ) of the Indigo Planning Scheme. Figure 5.1 shows the zoning of the subject land and surrounds.



Figure 5.1 Zoning of the subject land and surrounds

The relevant purposes of the LDRZ are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

It is submitted that the proposal is consistent with the purpose of the LDRZ as the proposed subdivision respects the character of the area and encourages further residential development within a residential area. Our analysis of the character of the area is defined by allotments generally between 300m² and 2,000m² with a mix of single dwellings and unit developments. There are also examples of similar subdivision being approved within close proximity of the subject land.

Pursuant to Clause 32.03-3 a planning permit is required to subdivide land.

The Low Density Residential Zone also includes a requirement, specific for subdivisions, that where there is reticulated sewerage, the minimum area for each Lot is 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

We submit that this application is for the re-subdivision of existing lots to allow for a future dwelling on the vacant lot and will not result in an increased number of lots.

The relevant decision guidelines under the zone require the responsible authority to consider the following:

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

We submit that the subdivision will have little to no bearing on the natural environment and character of the area, being an underutilised semi-rural allotment. Additionally, the land has full access to reticulated services including the transport network, with no new access points required.

Relevant standards of clause 56 are considered in the 'particular provisions' component of this report.

Overall, it is submitted that the proposed subdivision is consistent with the Low-Density Residential Zone.

5.2 Overlays

The subject land is covered by the Development Plan Overlay – Schedule 3 (DPO3) which requires that a development plan be prepared to the satisfaction of the responsible authority.

The 53 Barkly Street Development Plan is attached and forms part of this application.

Schedule 3 requires that a Development Plan comply to the 17 requirements identified below and addressed in detail in the attached Plan.

DPO3 Criteria	Response
Be generally in accordance with any relevant Outline Development Plan or Structure Plan.	No Outline Development Plan or Structure Plan for the DPO3 area exists or is publicly available. The proposal is compliant with key aspects of the Planning Policy Framework including the Rutherglen Settlement Plan as shown at clause 11.01-1L-02 of the Indigo Planning Scheme.
Describe the relationship of proposed development on the land to existing and proposed developments on adjoining land.	The proposed form and character of the Development Plan is consistent with the existing layout of outer-Rutherglen. A site and surrounds analysis has been undertaken and forms Part 6.2 of the Plan.
Identify proposed buffer areas separating land.	A building envelope setback 2m from side and rear boundaries and 10m from the front boundary is proposed for the empty lot to be created. No buffer is considered necessary for the proposed allotment already containing a dwelling.

Identify any sites of conservation, heritage, archaeological significance or with landscape value and how they will be proposed to be managed and/or protected.	The Development Plan area does not hold any natural, archaeological, heritage or landscape values that are considered necessary of protection.
Identify potential residential densities.	The Development Plan is intended to facilitate a resubdivision of land that would allow additional development opportunity for a single dwelling only.
Show the conceptual layout of future internal roads and proposed external road access to the land.	No internal roads are intended. No modifications to the existing accessway to Barkly Street is intended. The newly created lot is to be accessed from a carriageway easement across the lot containing the existing dwelling.
Where appropriate, include the provision of adequate and functional open space networks and recreational areas and linkages to nearby existing and proposed open space/recreational areas.	Not relevant to this proposal. Immediately south of the site is a shared bicycle/pedestrian pathway, linking the site to recreational areas within Rutherglen.
Provide appropriate arrangements for the provision and funding of necessary physical infrastructure (including adequate potable water supply) and social infrastructure unless otherwise required by an adopted Development Contribution Plan.	It is anticipated that North-East Water will require connection to reticulated services as a condition of a planning permit issued for this subdivision. No Development Contributions Plan exists.
In cases where a reticulated sewerage system cannot be provided, demonstrate that the proposed density of the development responds to the water catchment in the area and makes provision, where appropriate, that lots created cannot be further subdivided unless reticulated sewerage is provided.	The subject land can adequately be serviced by reticulated infrastructure. No further subdivision opportunity exists.

In cases where a reticulated water system cannot be provided, identify proposed water supply systems to service residential development on site, by either tanks or community supply from storages. Where bore water is proposed, a report demonstrating that the water is potable and that supply can be assured is required. Such a report also needs to address potential risks due to residential density in the locality and onsite effluent disposal.	As above.
Provide for the orderly staging of development and supply of services. In order to prevent leapfrog development and the oversupply of land, staging must be determined having regard to: <ul style="list-style-type: none"> Existing land supply in the locality. Efficient use of existing and future infrastructure. 	The proposed re-subdivision of the land will only require one stage.
Where practical, list the anticipated timing of development.	It is anticipated that approval of this development plan and approval of the associated subdivision will occur concurrently.
Provide an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of vegetation.	The subject land contains only scattered exotic vegetation. While there is no intent to remove this vegetation, however the environmental qualities of this vegetation are not considered worthy of protection measures.
Provide for suitable linkages and where necessary the funding or provision of suitable infrastructure between the site, adjacent areas, and public	No additional linkages are proposed. Both proposed lots can be adequately connected to

facilities and nearby urban areas for road, pedestrian, bicycle and public transport facilities.	the road transport network from the existing accessway.
Identify proposed water supplies, storage and systems required for fire-fighting purposes.	Reticulated water is available along Barkly Street. It is anticipated that any future dwelling will adhere to CFA standards to further increase resilience against grassland or building fires.
Require the provision of soil and water reports to accompany all applications demonstrating the capacity of infrastructure to service the development, treat and retard stormwater and reduce any downstream soil and water impacts of the development.	As the re-subdivision of this land is considered small scale, soil and water reports are not considered pertinent to the consideration of the proposal. The proposal will result in only a very minor increase in water and reticulated sewer use, while stormwater is intended to be drained to the legal point of discharge in accordance with Council requirements.
Demonstrate how Water Sensitive Urban Design (WSUD) principles will be used in managing stormwater and drainage.	WSUD principles are not considered relevant to this low-density region of Rutherglen.

The Planning Policy Framework (PPF) comprises general principles and objectives of planning in Victoria which planning authorities must take into account and give effect to.

The following PPF policies are considered relevant to the proposed development.

- Clause 11.01-1S – Settlement
 - *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
 - *Limit urban sprawl and direct growth into existing settlements.*
 - *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*
- Clause 11.01-1R – Settlement-Hume
 - *Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.*
- Clause 11.01-1L-02 – Rutherglen
 - *Encourage retail and commercial use and development that meets the needs of residents and visitors.*
- Clause 15.01-3S – Subdivision design
 - *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- Clause 15.01-5S – Neighbourhood character

- *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Heritage values and built form that reflect community identity.*

- Clause 16.01-1S – Housing supply
 - *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
 - *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
 - *Identify opportunities for increased residential densities to help consolidate urban areas.*

It is submitted that there is considerable support for the proposed development under the provisions of the PPF for the following reasons:

- Population growth will be able to be contained within the existing settlement boundaries by providing a higher density of development.
- The PPF directs housing growth in existing settlements; the proposal assists with this policy as it facilitates additional housing growth within an existing settlement.

- The proposal is infill development which is a specific PPF outcome.
- Growth and development are encouraged within Rutherglen – particularly in this identified Growth Area area of the township.
- The lot sizes are consistent with the character of the area.
- The subdivision will create lots which are different in size to the adjoining allotments to provide diversity.
- Increased housing yield is encouraged within existing urban areas.
- The subject land has excellent access to physical and social services and is suitable for an additional dwelling in the future.
- The subject land will facilitate the construction of an additional, smaller dwelling in the future which will provide housing diversity within the area which is an outcome sought by the PPF.

5.4 Municipal Planning Strategy

It is our assessment that the proposal complies with the provisions of the Municipal Planning Strategy (MPS) and its strategic directions

Clause 02.03-1: Settlement identifies the following relevant strategies:

- *Direct the majority of population growth to townships serviced by reticulated infrastructure and good social infrastructure.*
- *Direct population growth to serviced and zoned land to make efficient use of infrastructure and land.*
- *Consolidate development in towns by encouraging infill development*
- *Accommodate a diverse range of residential, lifestyle and tourism developments whilst protecting agriculture, rural landscapes, rural character, and environmental assets.*

The relevant Housing objectives and strategies of Clause 02.03-6 are:

- *Support development that provides housing choice while being sympathetic to the overall character, presentation and heritage values of the Shire's towns and streetscapes.*

It is submitted that the proposed subdivision is consistent with the objectives and strategies of the MPS for the following reasons:

- The proposed subdivision is consistent with the character of the area as the lot sizes proposed are consistent with the existing pattern and size of lots in the area.
- The proposed subdivision will facilitate further residential development that will provide further diversity in the housing stock for the area.

- The MPS encourages development that is connected to physical and social infrastructure.
- Urban consolidation is a strategic direction of Council and this achieves further infill development of a residential allotment within the residential area of Rutherglen.

5.5 Local Planning Policy Framework

There are no relevant local planning policies that have not been addressed elsewhere in this report.

5.6 Particular Provisions

5.6.1 Clause 56

Pursuant to the Indigo Planning Scheme an application for the subdivision of land for residential development must be assessed against the objectives and standards of Clause 56. In the Low Density Residential Zone, only standards 56.07-1 to 56.07-4 must be considered.

The ResCode assessment for the subdivision is provided in the table below.

Table 5.1: Clause 56 Decision Guidelines and responses.

56.07 INTEGRATED WATER MANAGEMENT	Response
<p>56.07-1 Drinking water supply objectives</p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p> <p>Standard C22</p> <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> - Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. - Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p><i>The supply of potable water will meet the requirements of the responsible authority.</i></p>
<p>56.07-2 Reused and recycled water objective</p>	

<p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p> <p>Standard C23</p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. - Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p><i>Not applicable to this proposal. It is not proposed to use recycled water supply systems.</i></p>
<p>56.07-3 Waste water management objective</p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p> <p>Standard C24</p> <p>Waste water systems must be:</p> <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. - Consistent with any relevant approved domestic waste water management plan. - Reticulated waste water systems must be provided to the boundary of all lots in the 	<p><i>Each lot will have reticulated sewerage.</i></p>

subdivision where required by the relevant water authority.	
<p>56.07-4 Urban run-off management objectives</p> <ul style="list-style-type: none"> - To minimise damage to properties and inconvenience to residents from urban run-off. - To ensure that the street operates adequately during major storm events and provides for public safety. - To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. 	<p><i>Stormwater management will be designed in accordance with Council's IDM and will link up with existing infrastructure in the area.</i></p>

5.7 Clause 65

The general decision guidelines for buildings and subdivision are contained within Clause 65 of the Indigo Planning Scheme. Table 4.1 below lists the decision guidelines and provides a response of compliance.

Table 5.2: Clause 65 Decision Guidelines and responses.

Clause 65.01 relevant issues	Response
The matters set out in Section 60 of the Act.	<i>The proposal is consistent with the matters of Section 60 of the Act.</i>
Any significant effects the environment, including the contamination of land, may have on the use or development.	<i>The surrounding environment is not expected to have any impact on the subject land. No use or development is proposed.</i>
The Municipal Planning Strategy and the Planning Policy Framework..	<i>This is addressed within this report.</i>
The purpose of the zone, overlay or other provision.	<i>This has been addressed in this report.</i>
Any matter required to be considered in the zone, overlay or other provision.	<i>All other matters have been considered.</i>
The orderly planning of the area	<i>The development represents orderly planning in that it meets the requirements of the Indigo planning scheme and is proposing infill allotments in an appropriately zoned and located area.</i>
The effect on the environment, human health and amenity of the area	<i>The development will have no adverse effect on the amenity of the area.</i>
The proximity of the land to any public land	<i>The proposed development will not impact the surrounding public land.</i>
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	<i>The proposed development will not impact the environment.</i>

Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.	<i>The development will have no adverse effects on the quality of stormwater within or exiting the site. Storm water management will be implemented to the satisfaction of the responsible authority.</i>
The extent and character of native vegetation and the likelihood of its destruction.	<i>There is no remnant native vegetation on the subject land.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	<i>As above</i>
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	<i>There are no environmental matters requiring consideration.</i>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	<i>N/A</i>
Clause 65.02 applies to subdivision applications	Response
The suitability of the land for subdivision	<i>The land is highly suitable for a re-subdivision to allow the use of the current undeveloped allotment. See report for further details.</i>
The existing use and possible future development of the land and nearby land	<i>The site is highly appropriate for future development given its zoning and that it adjoins other residential lots of a similar size proposed.</i>
The availability of subdivided land in the locality and the need for the creation of further lots	<i>There is a need for residential lots in the Low Density Residential Zone within Rutherglen as an identified Growth Area.</i>
The effect of development on the use or development of other land which has a common means of drainage	<i>The subdivision will have no adverse effects on common means of drainage and drainage design will meet council requirements.</i>

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation	<i>The subdivision responds well to the physical characteristics of the site, correcting the currently unusable title layout of the land.</i>
The density of the proposed development	<i>The density is consistent with other developments within close proximity to the site as highlighted earlier in this report.</i>
The area and dimensions of each lot in the subdivision	<i>The areas and dimensions of the proposed lots are sufficient to accommodate development of the land for residential uses.</i>
The layout of roads having regard to their function and relationship to existing roads	<i>Roads are not proposed.</i>
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots	<i>Subdivision layout enables ease of access to each lot.</i>
The provision of and location of reserves for public open space and other community facilities.	<i>Not applicable.</i>
The staging of the subdivision	<i>One stage.</i>
The design and siting of buildings having regard to safety and the risk of spread of fire.	<i>Any future buildings will be well separated to minimise the fire risk between each building.</i>
The provision of off street parking	<i>Each lot is of sufficient area to accommodate off street parking.</i>
The functions of any Body Corporate	<i>N/A</i>
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas	<i>There is adequate provision of utility services. Easements can be created to protect assets and ensure supply.</i>
The size of each lot has more than adequate area to allow for disposal by absorption methods within lot boundaries.	<i>Not applicable as sewer available.</i>

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	<i>Native vegetation will not be impacted.</i>
The impact the development will have on the current and future development and operation of the transport system.	<i>No anticipated impact.</i>

6. Conclusion

It is proposed to re-subdivide the subject land into a more appropriate layout. This is primarily to facilitate the future development of a dwelling on the vacant allotment while retaining the existing dwelling on proposed Lot 1. The subject land is ideally placed in a neighbourhood with key social and physical infrastructure where increased housing should be encouraged. Furthermore, the subject land does not contain any site constraints which would prohibit the subdivision of the land.

The proposed re-subdivision of land to create an additional lot within the Low-Density Residential Zone on the fringe of the Rutherglen Township can occur without jeopardising future development opportunity of surrounding land.

The proposed subdivision design respects the character of the area and proposes allotments of similar size to that recently approved in the general area.

Overall, the proposal is centred on sound planning principles and responds to the surrounding semi-rural context appropriately while being well-supported by the provisions of the Indigo Planning Scheme. As such, a planning permit is able to be issued by Council.

Attachment A – Copy of Title

Imaged Document Cover Sheet

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Transfer of Land

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1. Land/s

Land Title

Volume 8111 Folio 255

2. Estate and Interest

FEE SIMPLE

3. Transferor/s

Transferor 1

Given Name/s

Family Name

Transferor 2

Given Name/s

Family Name

4. Transferee/s

Transferee 1

Given Name/s

Family Name

5. Manner of Holding

SOLE PROPRIETOR

6. Address/es of Transferee/s

Address of Transferee 1

Unit

Street No

Street Name

Street Type

Locality

State

Postcode

7. Directing Party

None

8. Consideration

Devise by Will

9. Signing

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Transferor 1

Signature of Transferor

Transferor 1 Witness

Signature of Witness

AL439168U

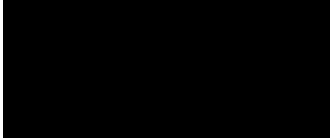
Transfer of Land


Section 45 Transfer of Land Act 1958

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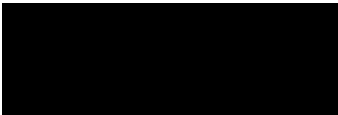
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Transferor 2



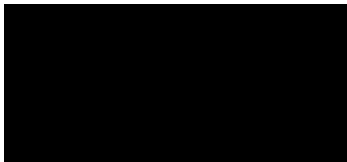
 Signature of Transferor


Transferor 2 Witness



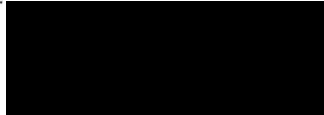
 Signature of Witness


Transferee



 Signature of Transferee

Transferee Witness



 Signature of Witness

You may lodge this form in two ways:

1. In person

Land Registration Services
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Land Victoria
PO Box 500
East Melbourne Vic 8002
Or DX 250639 Melbourne

10. Date

Date: (DD/MM/YYYY) 22/8/14.

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

VOLUME 08111 FOLIO 255

Security no : 124113695600E
Produced 26/03/2024 09:41 AM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 339699X.
PARENT TITLE Volume 07856 Folio 028
Created by instrument A002669 07/07/1955

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

REDACTED

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE TP339699X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

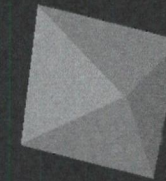
DOCUMENT END

Delivered from the LANDATA® System by Landchecker Pty Ltd

TITLE PLAN		EDITION 1	TP 339699X								
Location of Land Parish: CARLYLE Township: Section: 41 Crown Allotment: 18 (PT), 18C (PT) Crown Portion: Last Plan Reference: Derived From: VOL 8111 FOL 255 Depth Limitation: 50 FEET		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN									
Description of Land / Easement Information ENCUMBRANCES REFERRED TO As to the land coloured blue - - - - <u>THE DRAINAGE EASEMENT</u> reserved by - - Instrument of Transfer No.A.2669 in - - the Register Book - - - -		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 02-03-2000 VERIFIED: AD									
<table border="1"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 18 (PT)</td> </tr> <tr> <td colspan="2">PARCEL 2 = CA 18C (PT)</td> </tr> </tbody> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 18 (PT)		PARCEL 2 = CA 18C (PT)	
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LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	COLOUR CODE BL = BLUE									
			Sheet 1 of 1 sheets								

Attachment B – Proposed Plan of
Subdivision





**Mountain
Planning**

53 Barkly Street Development Plan

Proposal: Re-subdivision of two lots
Address: 53 Barkly Street, Rutherglen
Applicant: Mountain Planning
Date: April 2024



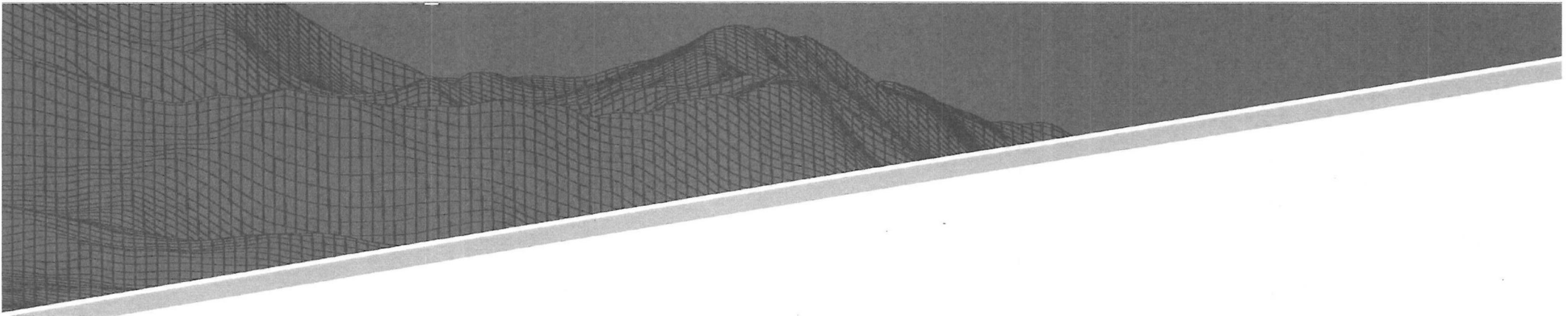
Subject land at 53 Barkly Street,
Rutherglen

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Dwelling on subject land



PART 1

Introduction & Context

1. OVERVIEW

This explanatory report and development plan have been prepared to facilitate the re-subdivision of two existing lots at 53 Barkly Street Rutherglen (Lots 1 & 2 TP339699X). The land is zoned Low-Density Residential (LDRZ) and is impacted by Schedule 3 to the Development Plan Overlay (DPO3). The DPO3 area encompasses approximately 115.4 hectares of land along the north-eastern fringe of the Rutherglen Township and is a nominated growth area of the Indigo Shire. The subject site itself, however, encompasses a very small area of this overall growth area of approximately 2,750sqm on the western edge of the DPO3 area.

Within the Indigo Planning Scheme, clause 43.04-2 states that *"a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority."*

As the proposal for a two-lot re-subdivision of land triggers the need for a planning permit under the Low Density Residential Zone, approval of a development plan is required.



It is stressed that this application for approval of a Development Plan does not pertain to the entirety of the Development Plan Overlay area, but rather to facilitate a minor re-subdivision of two existing lots.

2. CONTEXT

The *Rutherglen Place Plan 2023* identifies Rutherglen as an essential contributor to the economy of the Shire and highlights housing as a major challenge facing the town.

Having regard to the strategic role of Rutherglen to the broader region, the purpose of this development plan is to articulate a clear vision and development requirements for the proposal. It will showcase how the proposed development will make a positive extension to the existing area of Rutherglen.

Rutherglen is important to Indigo Shire and the wider Hume region in terms of its role as a service and tourist centre that supports established industries including viticulture, farming, agriculture, and tourism.

- Preparation of this Development Plan has been underpinned by the strategic directions for the town as set out in the Municipal Planning Strategy which seeks to “consolidate development in towns by encouraging infill development.”

Preparation of this Development Plan has been guided by a number of key questions and considerations including:

- > How can the Vision of the Municipal Planning Strategy be meaningfully applied and implemented?
- > How can the Development Plan ensure diversity in housing choice and design outcomes that will respect the existing character of the area?
- > How can the subdivision be designed to overcome any impediments/challenges impacting the subject land to ensure the subject land can be developed in a holistic manner whilst still creating a well-connected and designed subdivision?

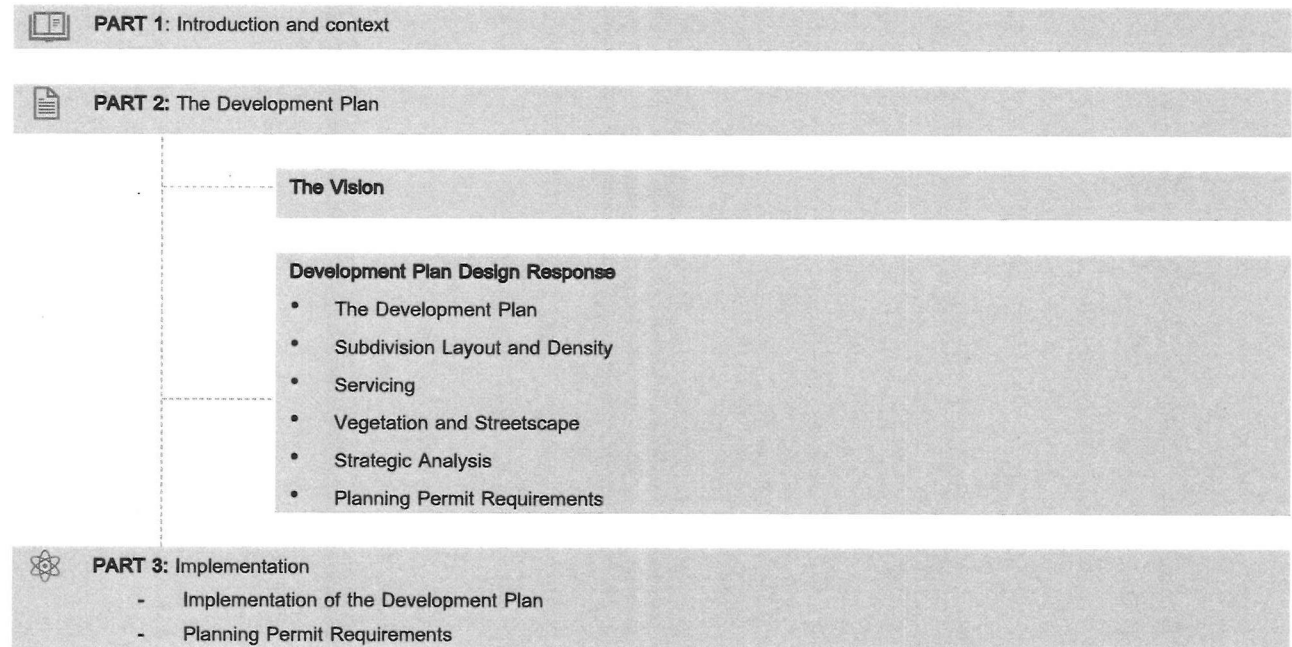
Through a detailed understanding of the role of Rutherglen within the Shire, the site conditions and Indigo Planning Policy, this document serves to answer these key questions to provide clarity on how the proposal responds to the planning and site constraints.

Preparation of the 53 Barkly Street Development Plan sets the framework that will ensure that a coordinated planning outcome is achieved and the new subdivision responds to the vision and strategic outcomes of the Indigo Planning Scheme.

3. STRUCTURE OF THE DOCUMENT

This Development Plan is a detailed planning tool that aims to assist Council in assessing how the proposal responds to the requirements of the indigo Planning Scheme.

FIGURE 01 Structure of the Document



4. METHODOLOGY

The Development Plan was prepared through a comprehensive review of the town of Rutherglen and the Indigo Planning Scheme.

5. THE ROLE OF RUTHERGLEN

Rutherglen is a key destination town in Indigo Shire and is one of the two Wine Geographic Indicators in the Shire.

The town is primarily supported by tourism-related industries including accommodation, food services and retail. Additionally, Rutherglen provides essential community services like health and education, as well as professional, scientific and technical services, manufacturing, construction, and agricultural industries.

Rutherglen



Current population 2,579 (2021)



300km North East

of Melbourne



Population growth 1.9%



ROLE



Prime wine industry role in the State



Key tourist destination town

260,000 annual tourism visitors



44% of the Shire's economic output

6. POLICY CONTEXT

6.1 Planning Policy Framework (PPF)

The Planning Policy Framework (PPF) seeks to balance the various and competing objectives of the planning scheme and to facilitate sustainable development that achieves a net community benefit.

State and local planning policy seeks to ensure future development is responsive to site, community and local context while also affording efficient and sustainable provision of utilities and infrastructure.

The following clauses of the PPF are relevant to this Development Plan:

- > Clause 11.01-1R – Settlement – Hume
- > Clause 11.01-1L-02 – Rutherglen
- > Clause 15 – Built Environment and Heritage
- > Clause 16 – Housing
- > Clause 16.01-3S – Rural Residential Development
- > Clause 17 – Transport
- > Clause 19 – Infrastructure

Please refer to the associated Town Planning Report supporting the planning permit application for a two lot re-subdivision of this land for further analysis of the proposal's credentials against the Planning Policy Framework

VISION

Our townships and places are connected, inviting and attractive and we adopt a balanced multi-generational approach to growth across the Shire, supported by infrastructure, planning and development that is sensitive to our unique character, natural environmental values and changing climate.

6.2 Planning Zone

The proposed Development Plan area is currently zoned Low Density Residential. This zone allows for residential development within a residential context and applies minimum subdivision sizes and appropriate Lot sizes for dwellings.

While it is noted that the proposed resubdivision of land will result in allotments smaller than the minimum 0.2 hectares, the Zone states that “a permit may be granted to create lots smaller than (the minimum lot size) if the subdivision – provides for the re-subdivision of existing lots and the number of lots is not increased four emphasis”

For further consideration of the zone, please refer to the associated Town Planning Report.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

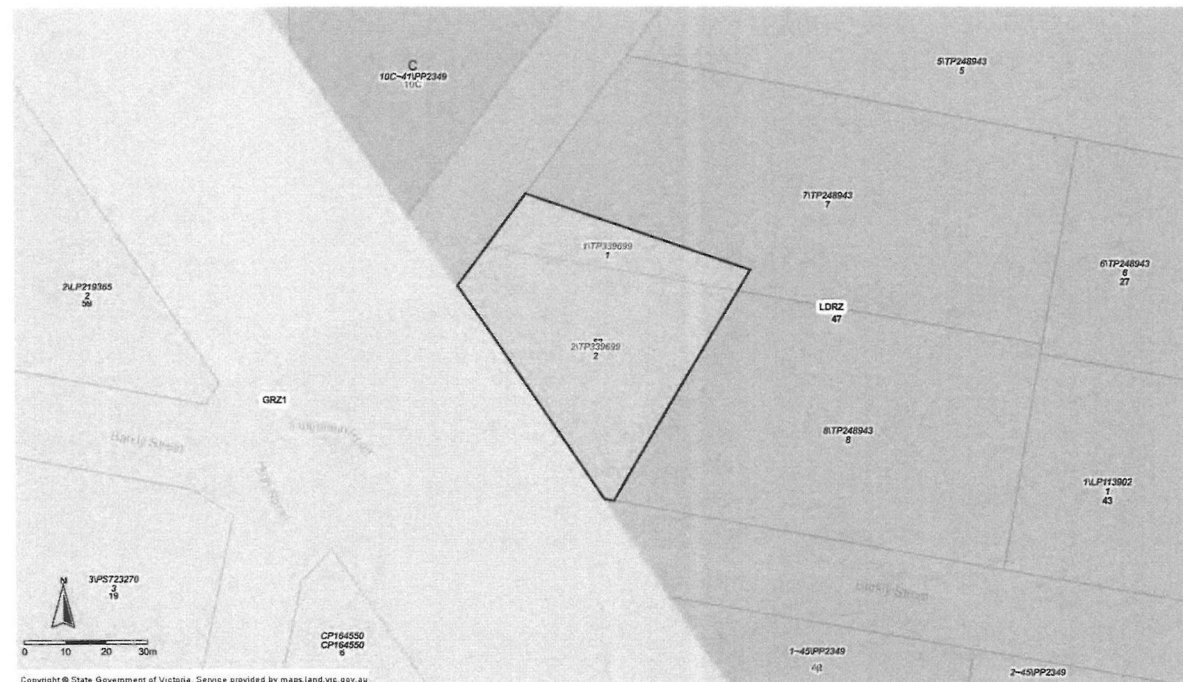


Figure 6.1: Subject Land and surrounding area zoning

6.3 Planning Overlays

Development Plan Overlay: Schedule 3

This overlay covers the entirety of the Development Plan area. The overlay requires a development plan to be prepared to the satisfaction of the responsible authority prior to the issue of a planning permit to guide the appropriate use and development of land. The Schedule outlines the requirements of a development plan relating to subdivision, services, community facilities and open space.

The seventeen key criteria are addressed within Part 2 of this report.

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.



Figure 5.2: BSDP area and overlay coverage

7. SITE CONDITIONS

7.1 Form and Character of Rutherglen

To ensure that the proposed form and character of the Development Plan area integrates with (and becomes a logical expansion of) the surrounding area it is important to understand the form and existing character of the area.

A simplified analysis of Rutherglen relative to the Development Plan area

Key features:

- > The main township of Rutherglen is generally defined by historical buildings and a streetscape from the mid 1800s. The town centre is designed around a gridded road system
- > The town centre contains a vibrant mix of business, property, financial and personal services as well as health and community services making it an important hub for shire residents and visitors.
- > Wide roads and tree-lined streets consisting of both exotic and native trees are typical.
- > Numerous ornate, historical buildings feature throughout the town adding to its historical character and importance in the region.
- > Over recent years, particularly during COVID19, Rutherglen has seen increased investment and development both in established areas and on the outer edges of the township to meet growing residential and tourist needs.

- > As Rutherglen has grown and expanded beyond the historical centre, the gridded road network changes along east-west connections particularly along the Murray Valley Highway and Chiltern Rutherglen Road
- > The landform of Rutherglen is generally flat.

7.2 Barkly Street Site Analysis

The Development Plan area is located at 53 Barkly Street, Rutherglen to the north of the Rutherglen CBD and contains two parcels: Lot 1 on TP339699, and Lot 2 on TP339699.

The subject site is irregular in shape and has a narrow frontage to Barkly Street of approximately 3m. The eastern boundary is approximately 59m long and western boundary approximately 28m. The land is 2750sqm in area and the topography is flat. The area has been extensively cleared and there are only scattered non-native trees.

There is an existing dwelling located in the north western corner of the subject land. There are also two large sheds located near the dwelling.

The landscaping around the existing dwelling consists largely of exotic species.

The subject site abuts the General Residential Zone to the south. The character of the surrounding area is defined by single storey detached dwellings and outbuildings with informal landscaping consisting of a mix of exotic and endemic vegetation.

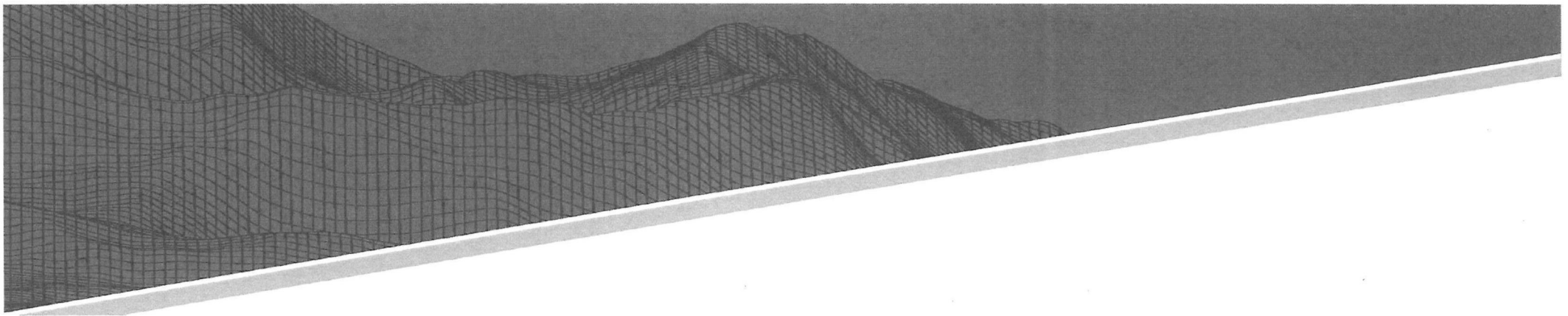
The lot sizes in the local area vary greatly, ranging in size from 196m² to 24,997m².

Two Lot Subdivision





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PART 2

Development Plan

8. THE VISION

The Development Plan area will continue the growth of the established low density living area of Rutherglen accommodating future growth of the town. In doing so, the re-subdivided site will provide essential housing supply for the growing region.

Specifically, the vision of the Development Plan is to:

- > Create a new subdivision consisting of two allotments which draws upon the existing character of the surrounding area and which positively contributes to the local area.
- > Provide a subdivision design that recognises the structural limitations/barriers of the area and implements design initiatives to ensure the creation of allotments that are physically and visually connected.
- > Provide for a subdivision design which positively responds to site-specific features that will serve to create a sense of place.
- > Encourage sensitive design outcomes within the Development Plan area that recognise its location relative to the zone.

- > Ensure a well-considered, coordinated and sustainable drainage and service provision to support the new subdivision.
- > The following section will explain each section of the Development Plan as it implements this vision.

The Development Plan area will form a northern extension to the established residential area of Rutherglen and will accommodate the future growth of the town and in doing so, provide essential housing supply for the growing region.

9. 53 BARKLY STREET DEVELOPMENT PLAN - DESIGN RESPONSE

9.1 Development Plan Overview

This section describes the Development Plan in a series of layers, and describes each as follows:

Design Response

Describes the design rationale for each specific element of the Development Plan.

Subdivision layout and density

Describes the rationale behind the subdivision design and density.

Servicing

Describes how the Development Plan area will be serviced including accessways, water, onsite wastewater disposal, drainage and stormwater, electricity and telecommunications to meet the standards of the relevant service authority

Vegetation and Streetscape

Outlines measures to address native vegetation, landscaping and streetscape treatment.

Strategic Analysis

Describes specific areas of compliance with relevant planning policy.

The following sections of this Chapter set out in more detail the design rationale that underpins the vision for the Development Plan area.

The Development Plan area encompasses approximately 2,750sqm.

The Development Plan area will:

- > Accommodate 2 dwellings
- > Be conducted as a single stage

9.2 Design Response

The proposed subdivision design has taken into consideration an assessment of the subject site which found the following:

- > The subject land consists of predominately flat topography.
- > Scattered exotic vegetation exists throughout the property.
- > The subject land is not within an area of cultural heritage sensitivity.

The existing landscape influences and constraints being the arterial road system, typography, vegetation and surrounding land uses set the conditions for the creation of the proposed subdivision.

The building envelope has been designed with consideration to the amenity of the adjacent land uses to minimise adverse impacts through the design and orientation of future developments.

Each Lot has been designed to appropriately accommodate both the existing dwelling on the land and a future dwelling on the western lot.

9.3 Subdivision layout and density

This Development Plan proposes a two-lot re-subdivision with a single, carriageway easement directly off Barkly Street

It is not anticipated that the proposal will have any negative impacts on Barkly Street as the proposal will generate minimal vehicle movements and Barkly Street is of a suitable standard to accommodate any additional movements. Most critically, the proposed re-subdivision of these lots will not jeopardise the potential for future development of land immediately surrounding the site, earmarked as a future growth area of the Rutherglen Township.

The proposed road access point to the subject land has been designed to be setback from the roundabout at the junction of Barkly Street, Carlyle Road and Hope Street and at a point where there is excellent visibility in both directions.

Figure 17.1 below sets out the preferred subdivision design which details subdivision layout, carriageway easement, lot boundaries and proposed building envelope. Whilst the land is well connected to reticulated services and well placed to be further developed, the current zoning of the land prevents any further development potential.

The design has also taken potential bushfire risk into consideration and there is excellent egress from the development providing direct, unobstructed, access to the township.

Two Lot Subdivision

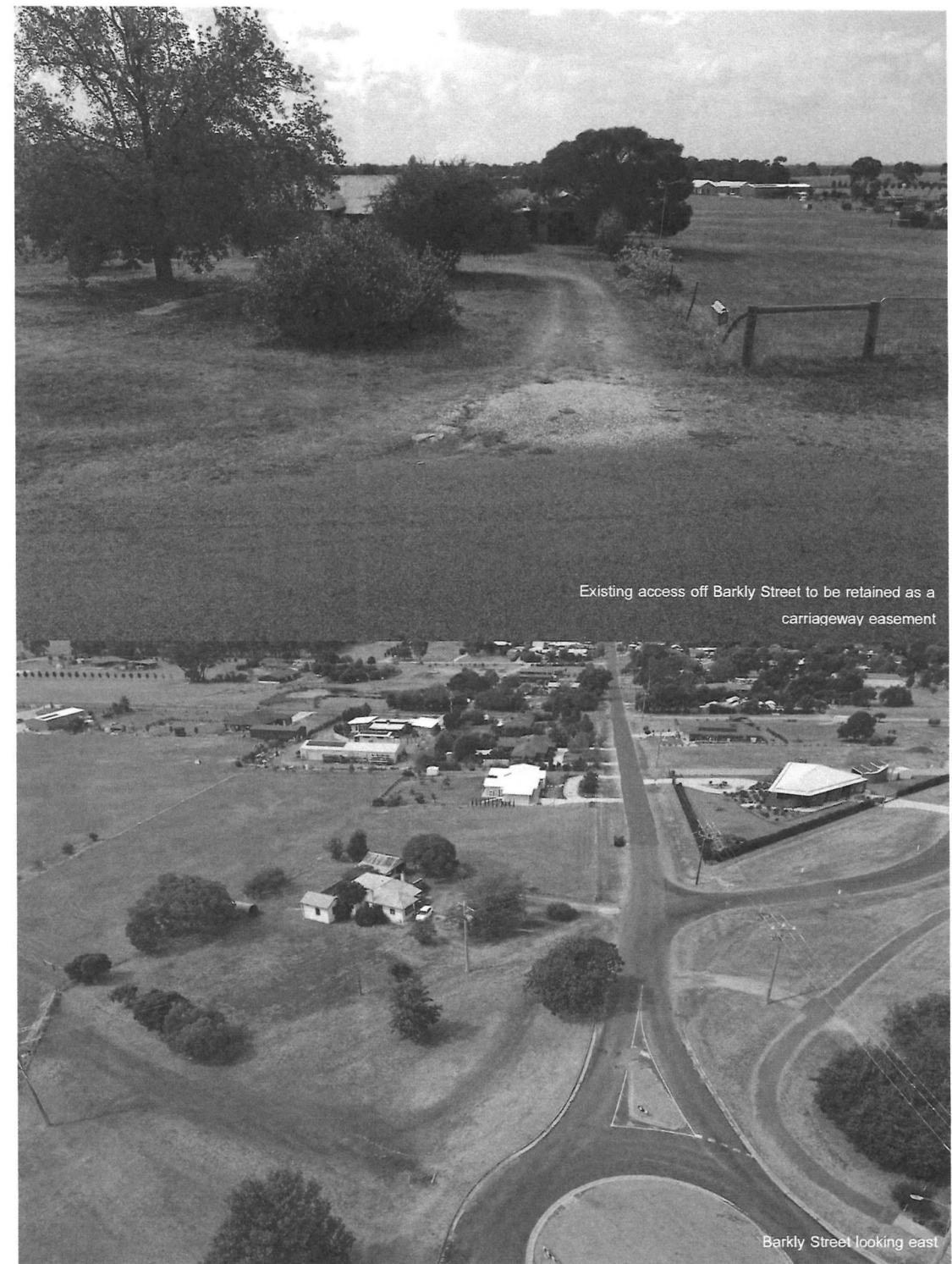




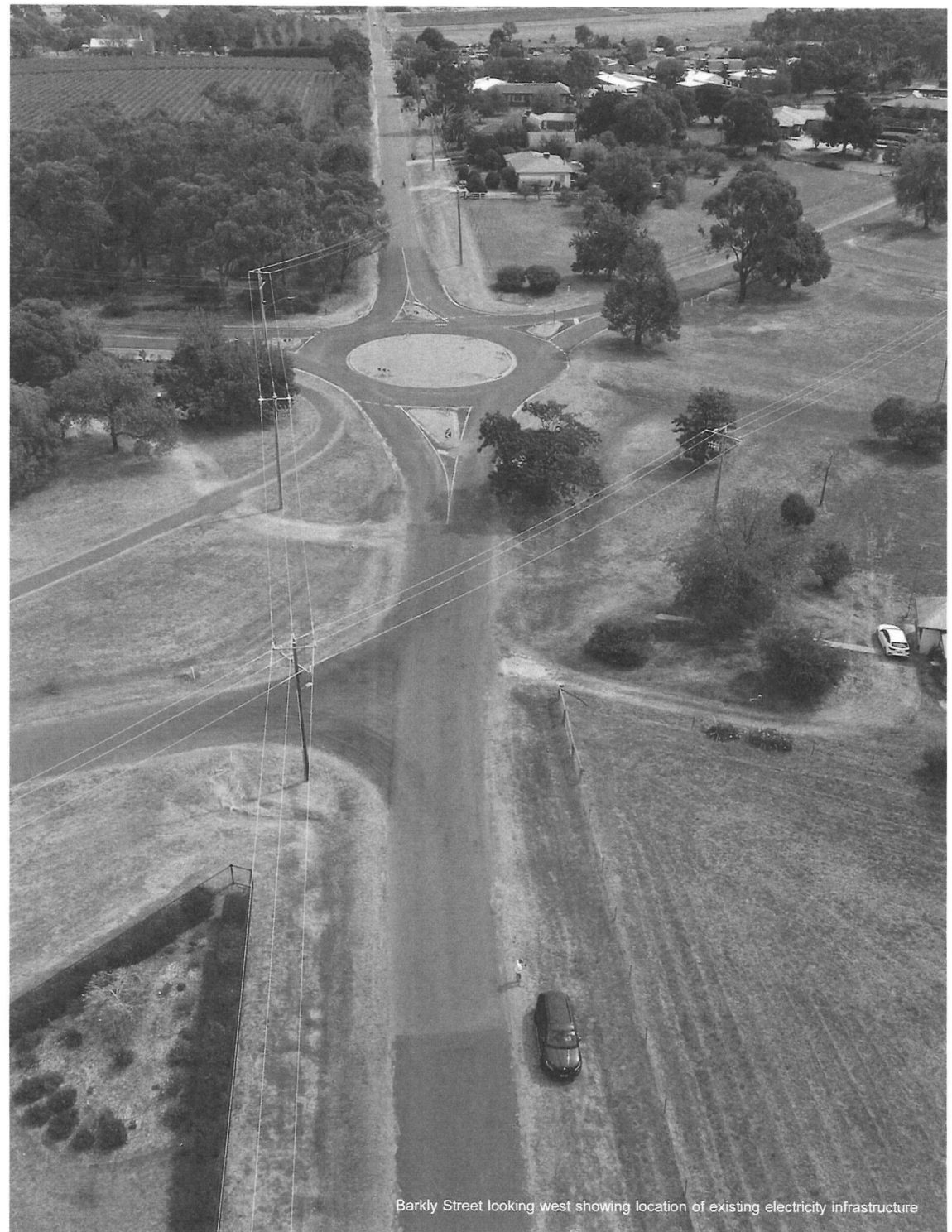
Figure 7.1: Proposed plan of subdivision

9.4 Servicing

The design of the DP service network responds to the site conditions and drainage infrastructure requirements.

- > Each Lot will be connected to reticulated sewage in accordance with any North-East water requirements and in accordance with the provisions of the zone.
- > Electricity and telecommunications are to be connected directly from Barkly Street.
- > Drainage is to be constructed and managed in accordance with Council guidelines ensuring environmental compliance and that storm-water run-off does not impact landscaping within the site nor result in unacceptable discharge to adjacent land.

Two Lot Subdivision



Barkly Street looking west showing location of existing electricity infrastructure

9.5 Vegetation and Streetscape

The Development Plan area is located in a prominent location at the northern precinct of Rutherglen.

The DP recognises the role of the site and seeks to enhance the visual amenity of the DP area through:

- > Retaining vegetation along Barkly Street to maintain the existing streetscape and ensuring building

envelopes have regard to views and vistas particularly from the rural approach into the town. Landscaping within the private realm is encouraged to soften prominent views.

- > The DP encourages the retention of existing vegetation where possible for its ecological value and contribution to the broader landscape.

- > The DP proposes an internal carriageway easement in favour of Lot 2 for vehicular and cycle links. This allows access to the transport network for future residents.



Image source: Rutherglen Place Plan (Indigo Shire Council) 2023

9.6 Planning Permit Requirements and Guidelines

Applications for a subdivision within Development Plan area are required to demonstrate compliance with the following:

- > Clause 32.03-3 of the Low Density Residential Zone
- > Clause 43.04 - Schedule 3 of the Development Plan Overlay.

These are addressed in detail in the accompanying Town Planning Report.

Clause 32.03 - Requirements and Decision Guidelines

- > Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:
 - 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.
- > An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis.
- > Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- > The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- > The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.
- > The relevant standards of Clauses 56.07-1 to 56.07-4.

Clause 43.04 - Schedule 3 Requirements

- > A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.
- > All residential development must be serviced with:
 - Reticulated water and sewerage.
 - Sealed roads.

9.7 Strategic Analysis

The DP is required to demonstrate compliance with the following:

- > The capability of the land to accommodate the proposed use or development.
- > Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- > The potential for the future expansion of the use or development and the impact of this on adjoining and other land uses.
- > The potential for the future expansion of the use or development and the impact of this on adjoining and other land uses.
- > The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.

These requirements are addressed in detail in the attached Town Planning Report and appendices.

The size and location of the Development Plan area, combined with the typography and ecological features have informed the subdivision design resulting in a cohesive design that responds both to the constraints of the surrounding conditions and to the requirements guidelines of applicable policy.

APPENDIX 1

PROPOSED DEVELOPMENT PLAN AREA LAYOUT



