Perna P/L
Proposed Subdivision
29 Davis Street, Nyora

1600073 – January 2016
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**ATTACHMENTS**

- **ATTACHMENT A:** ............................................................................................................. Certificate of Title
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- **ATTACHMENT D:** ............................................................................................................. Proposed Plan of Subdivision
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1. **INTRODUCTION**

Perna P/L has requested Beveridge Williams and Co P/L to make application for planning approval to subdivide land at 29 Davis Street, Nyora into six (6) lots to be accessed from an internal common property driveway.

The subject land is relatively large (2622m2) residential lot with an abuttal to Davis Street. The land contains an existing masonry building relating to a previous business use on the land but is otherwise vacant.

The subject land is included in the General Residential zone and in close proximity to the Nyora town centre where reticulated sewer is newly available.

Reticulated sewer is currently being installed in Nyora and is due to be “commissioned” soon. As such we would anticipate that a number of land owners in Nyora may seek to take advantage of the additional development potential possible through the installation of sewer. Similarly the lack of reticulated sewer within the town has restricted opportunities for smaller lot residential subdivision and medium density housing.

This report provides details of the proposal, town planning provisions and planning considerations.

2. **SITE CONTEXT**

2.1 **SUBJECT SITE**

The subject land is 29 Davis Street, Nyora. A copy of the Certificate of Title is contained in Attachment A.

The site is regular in shape and has an overall area of 2622m2. It has a 33.6m frontage to Davis Street and a corresponding depth of 78.05m.

The land contains an existing masonry shed which would appear to have related to a previous business operated on the site.

The long axis of the lot is approximately 12.5° south of east.

The land has a gentle fall of approximately 1.6m over the length of the with the low point close to the south east boundary.

The site is largely cleared of vegetation with there being only two planted trees at the front of the property.

Whilst it is not intended to remove the trees as part of the application there will be no specific “protection” offered through the subdivision process. The trees are not considered to be of any environmental or aesthetic significance.
The subject is already connected to operational reticulated electricity, telecommunications, and water. Reticulated sewer has been installed throughout Nyora however the scheme is yet to be commissioned.

The nature of sewer infrastructure to be installed within the subject land as part of the proposed subdivision is still to be determined through negotiations with South Gippsland Water.

A feature survey depicting the key elements of the land and site levels is contained in Attachment B.

2.2 SURROUNDING AREA

The site is located within the urban area of Nyora approximately 115m from the main street/commercial area (Mitchell Street) which provides basic convenience shopping (refer to the Site Context plan contained in Attachment C).

Davis Street is a well constructed urban road which is the main entry to town from the south, ultimately linking to the South Gippsland Highway.

There is only a very limited constructed footpath network throughout the town and no footpaths adjacent to the subject land.

Overall the area is predominately residential in character with lots of varying shapes and sizes throughout the area. There is a “smattering” of commercial uses to the north of the subject land along Davis Street and Mitchell Street, with a local takeaway shop situated over the road.

Overall the site is well located in regard to other community facilities including the commercial centre, recreation reserve and local primary school.

The ongoing improvement of key access routes such as the South Gippsland Highway and Bass Highway now bring Nyora within a “comfortable” commute to the south eastern suburbs, business areas and industrial areas.

3. THE PROPOSAL

It is proposed to subdivide the subject land into six (6) lots, as displayed on the proposed plan of subdivision contained in Attachment D.

The subdivision would create lots as follows:

Lot 1 an area of @421m² with frontage to Davis Street. The lot would be accessed from the proposed common property driveway. This lot would be subject to six (6) metre building setback from Davis Street and is designed accordingly.
The trees are situated centrally within the lot rather than on the periphery where some retention might be possible or practical.

Lot 2 would have an area of 384.5 m² and retain the existing shed.

Lot 3 would have an area of 318 m²

Lots 4-6 would each have an area of @351.2 m² with a “frontage” to the common property driveway.

A single common property driveway of approximately 445m² is proposed along the southern boundary of the land.

DESIGN RESPONSE/COMMENT

The nature of the subdivision is simple and responds to the location of the subject land and its proximity to the established town centre.

The previous lack of sewer in the Nyora township has restricted subdivision at traditional urban scale and the development of medium density housing. The recent implementation of sewer in the township now provides an opportunity to subdivide land in the General Residential zone to facilitate higher densities including medium density where appropriate. As such we would anticipate that a number of owners within the General Residential zone will seek to take similar advantage of the additional development potential provided where they have reticulated sewer available.

We consider that the proposal provides an option for smaller, easier to maintain lots within close proximity to the town centre.

The dwelling on lot 1 will need to be orientated to front Davis Street, whilst it is anticipated that development of the “internal” lots would front the internal driveway. A passing bay is provided within the driveway at the entry to the site and a single visitor parking space is provided at the rear of the property. These requirements would comply with the minimum standards of Clause 55 of the planning scheme.

The common property driveway is designed to enable vehicles to enter and leave the premises in a forward direction.

The use of a common property driveway is considered appropriate for a subdivision of this scale. This will provide the opportunity to maximise the use of the land without losing too much land for ultimately unnecessary road construction.

The proposal is essentially the same as a medium density dwelling subdivision but simply without the dwellings at this time.

Building envelopes are not shown at this time and are not considered necessary. The subsequent development of each lot is subject to relevant building and planning regulations which will control matters such as building height, setbacks, site coverage and provision of open space including secluded open space.
As such we consider that building envelopes would only “duplicate” those requirements and there are no significant features on the site or adjoining land that would require the additional “protection” afforded by a building envelope.

Additional analysis of the subdivision design is provided in Section 5.3 of this report.

4. PLANNING CONTROLS

4.1 STATE PLANNING POLICY FRAMEWORK

The following sections of the State Planning Policy Framework are considered relevant to the current application;

11 SETTLEMENT

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 facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

11.02 Urban growth

11.02-1 Supply of urban land

Objective

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

Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
1.05-4 Regional planning strategies and principles

Objective

To develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.

Strategies

Identify and assess the spatial and land use planning implications of a region’s strategic directions in Regional Strategic Plans.

Apply the following principles to settlement planning in Victoria’s regions, including the hinterland areas:

A network of integrated and prosperous regional settlements

Support a network of integrated and prosperous regional settlements by:

- Strengthening networks of settlements by maintaining and improving transport links, spatial patterns of service delivery, and promoting commercial relationships and community activities.

- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.

- Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.

Distinct and diverse regional settlements

Support the growth and development of distinctive and diverse regional settlements by:

- Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.

- Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.

- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.

- Ensuring that the potential of land that may be required for future urban expansion is not compromised.

- Creating opportunities to enhance open space networks within and between settlements.
Liveable settlements and healthy communities

Promote liveable regional settlements and healthy communities by:

- Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.

- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.

- Improving the availability of a diverse range of affordable accommodation, including social housing, in locations with good access to transport, commercial facilities and community services.

- Supporting innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

16 HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

16.01 Residential development

16.01-1 Integrated housing

Objective

To promote a housing market that meets community needs.

Strategies

Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

16.01-2 Location of residential development

Objective

To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
**Strategies**

*Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*

*Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

*Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*

*Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

*Identify opportunities for increased residential densities to help consolidate urban areas.*

**16.01-4 Housing diversity**

**Objective**

*To provide for a range of housing types to meet increasingly diverse needs.*

**4.2 LOCAL PLANNING POLICY FRAMEWORK**

**4.2.1 The Municipal Strategic Statement (MSS)**

**21.02 MUNICIPAL PROFILE**

**21.02-3 People and settlement**

*The Shire’s population of 27,506 (ABS 2011 Estimated Resident Population) is spread across 26 settlements and 41 localities. The largest town within the Shire is Leongatha with a population of 5,332 (2011 ABS Census). Other significant towns are Korumburra 4,373, Mirboo North 2,296 and Foster 6,667 (2011 ABS Census).*

*Key demographic characteristics for South Gippsland are as follows:*  
- Population density in the Shire is greatest within the urban centres and in the area between Korumburra, Leongatha and Kongwak  
- There is considerable seasonal variation in the number of persons within the municipality due to the holiday homes (especially in the coastal towns) and the large influx of tourists during the summer months  
- The proportion of the population in older age groups is increasing, consistent with an Australia-wide trend  
- Household sizes are decreasing, in keeping with the trend for Victoria  
- Just over half the Shire’s population live outside urban areas  
- There is also strong demand for dwellings outside the town areas by those seeking a more remote rural lifestyle*
• The proportion of persons employed in the agricultural sector is considerably higher than for the Gippsland region
• Unemployment rates are lower than for both the Gippsland region and Victoria
• The proportion of people in the Shire born overseas is slightly lower than for the Gippsland region, and significantly lower than Victoria

21.02-9 Infrastructure

The towns of Korumburra, Leongatha, Foster, Mirboo North, Toora, Welshpool and Port Welshpool are serviced by reticulated sewerage and water. Other towns and coastal areas are only serviced by reticulated water or are not serviced.

21.02-10 Community services

The Shire contains a range of community facilities and services to meet the needs of the community. Hospitals are located within the larger towns of Korumburra, Leongatha and Foster, while family, maternal and child health services are also provided in some of the smaller towns. Aged care facilities, such as nursing homes, are located at Korumburra, Leongatha, Foster, Mirboo North, Loch and Toora. A range of other facilities and organisations are provided throughout the Shire, including childcare centres, schools, community houses, libraries, public parks and reserves, community halls, sporting clubs and youth groups.

21.03-1 Settlement

• The need to recognise that the network of smaller rural towns throughout the Shire provide a valid alternative to the large settlements, particularly where reticulated services are provided
• The need to demarcate settlement boundaries and provide improved design guidance and control over development in coastal settlements, in order to protect settlement and coastal character as the pressure for development in these areas continues to increase
• The need to plan for housing and facilities to cater for anticipated population growth in the north-west of the Shire

21.03-6 Housing

• The need to raise the awareness of people who choose to live in rural areas that they must expect rural land uses and infrastructure levels as well as a rural amenity and lifestyle, while supporting living opportunities in rural areas throughout the Shire
• The need to provide diversity in housing types to accommodate decreasing household sizes and the ageing population
• The increasing pressure for housing development along the coast
• The need to avoid landscape and servicing issues arising from the development of dwellings in rural areas that are not reasonably connected to agricultural activities
21.04-2 Vision

The visions for South Gippsland are:

Settlement

- Availability of high quality and diverse lifestyle opportunities
- The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance
- Land management practices are environmentally sustainable
- The coastal environment is protected for its environmental, recreational, cultural, economic, heritage and landscape values
- Development on floodplains is compatible with the level of flood risk
- Development in bushfire prone areas is compatible with the bushfire risk
- Council controlled and other public areas are well managed, including their interface with private land
- The urban environment of the Shire’s towns is of a high quality

21.05 SETTLEMENT

21.05-1 Growth of towns

Overview

Currently, the majority of housing for permanent residents is being constructed in the larger towns of Leongatha and Korumburra. However, there is also significant housing development within coastal towns such as Venus Bay and the rural hinterland. Townships in the west of the Shire, particularly Loch, Nyora and Poowong are expected to experience residential growth pressures due to their proximity to Melbourne and imminent connection to a reticulated sewerage network. Growth pressures will need to be carefully managed to ensure that where growth occurs, it is sustainable and sympathetic to the existing character of the Shire’s towns.

<table>
<thead>
<tr>
<th>Town</th>
<th>Role and function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nyora</td>
<td>Low density community and closest Shire town to metropolitan Melbourne. Potential for significant growth with provision of reticulated sewerage.</td>
</tr>
</tbody>
</table>

Objectives and strategies

Objective 1 To ensure the growth of towns occurs in accordance with their role and function

Strategy 1.1 Promote the residential use and development of land in accordance with the township framework and structure plans at Clause 21.15
Strategy 1.2 Support the development of vacant, serviced residential land, in accordance with the areas indicated on township framework and structure plans
Strategy 1.3 Encourage consolidated residential development adjacent to central activity districts of towns to achieve a more efficient use of urban infrastructure
21.10 HOUSING

21.10-1 Housing choice and diversity

Overview

The Shire contains a diverse range of housing types that contribute to the lifestyle opportunities and attractiveness of the region as a place to work, live and visit. For the long-term sustainability of the region, it is important that adequate opportunities are provided to accommodate the changing lifestyles and housing needs of the existing and future population. Currently, there is a lack of innovative and creative medium density housing development within the Shire and opportunities exist to encourage this type of development in appropriate locations.

Objectives and strategies

Objective 1 To provide diversity in housing types across the Shire to meet the changing needs of the population

Strategy 1.1 Encourage diversity in dwelling type and size to provide greater choice and affordability
Strategy 1.2 Promote new housing that provides for the retention and development of sustainable communities throughout the Shire
Strategy 1.3 Encourage the development of retirement villages, hostel accommodation and medium density housing for older persons, in appropriate locations
Strategy 1.4 Encourage medium density housing in close proximity to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North

21.15-5 Nyora

Nyora is a small rural township that is the closest South Gippsland Shire town to metropolitan Melbourne. Nyora is seen as a desirable rural residential lifestyle location due to its relatively flat land and proximity to major urban centres. It has recently experienced strong population growth; however the absence of necessary commercial and community services has resulted in Nyora performing the role of a ‘dormitory’ residential location that relies on other urban centres for services, facilities and employment.

Local area implementation

- Ensure that any proposed use and development of land in Nyora is generally in accordance with the Nyora Framework Plan.
- Ensure that residential growth and land release is staged so that the provision of essential physical, retail and community infrastructure keeps pace with development and strengthens the town’s role in providing services.

Settlement

- Ensure that any subdivision in the Future Residential Areas or Long Term Residential Areas identified in the Nyora Framework Plan does not occur until:
  - Reticulated sewerage can be provided to the land
  - There is an identified need for additional residential land within the township.
• A comprehensive assessment, feasibility study and costing has been done of required development infrastructure (roads, drainage, etc) and community infrastructure
• A Development Contributions Plan Overlay (or similar infrastructure cost recovery method) based on the above infrastructure studies, has been applied to provide equitable financial contribution towards, or the provision of, development and community infrastructure upgrades required to support new urban residential development
• A Development Plan Overlay has been prepared which provides for the integrated development of the entire land having regard to environmental constraints and opportunities and which demonstrates how new development will complement existing development; and
• Residential Development Guidelines have been prepared to inform a Design and Development Overlay and/or Significant Landscape Overlay

  • Encourage infill development in the residential zoned land adjoining the Town Centre in a coordinated and integrated manner.
  • Promote medium density residential development near the Town Centre to support retirement living and household downsizing.
  • Discourage low density and rural residential development close to the township, unless the land has constraints that make it inappropriate for higher density development.
  • Discourage development in areas susceptible to water logging

4.2.2 Local Planning Policy

There are no specific local planning policies of relevance to the proposed subdivision.

4.3 NYORA FRAMEWORK PLAN

The subject land is located within the urban boundary of the township.

There are no recommendations specific to the subject site or the area surrounding it.

4.4 ZONING AND OVERLAYS

The subject land is included in the General Residential zone under the current South Gippsland Planning Scheme and is not included in any overlay areas.

Davis Street is a Road Zone Category 1.

A Planning Property Report for the subject land is contained in Attachment E.

The purpose of the General Residential Zone is;

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
To encourage development that respects the neighbourhood character of the area.
To implement neighbourhood character policy and adopted neighbourhood character guidelines.
To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport. To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

Clause 32.08-2 requires that an application to subdivide residential land assess the following parts of clause 56.

<table>
<thead>
<tr>
<th>CLASS OF SUBDIVISION</th>
<th>OBJECTIVES AND STANDARDS TO BE MET</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

5. PLANNING CONSIDERATIONS

5.1 STATE AND LOCAL PLANNING POLICY FRAMEWORKS

The State Planning Policy Framework encourages the consolidation of urban development within existing urban areas, to make better usage of existing infrastructure and improve energy efficiency.

The commitment to urban consolidation is then reinforced throughout the Municipal Strategic Statement and Local Planning Policies as a means by which to accommodate future population growth, reduce encroachment into rural land and maximise use of existing infrastructure.

Similarly policies also seek to ensure that short term development does not unnecessarily jeopardise the long term efficient development of land in accordance with the scheme provisions.

The proposed subdivision seeks to achieve this by creating six small residential lots within an existing serviced urban area that is in close proximity to the Nyora town centre and community facilities.

The lots will be vacant providing the opportunities for subsequent owners to “customise” the design of their dwelling within the “constraints” imposed by the lot size. This is considered to be a superior alternative to the traditional medium density development where people purchase a specific design off the plan.

It is noted that many of the current “volume” builders would have standard designs capable of being developed on the subject land.

The proposal will provide both the opportunity to down size and update local residential housing stock.
Indeed the local planning policy framework for Nyora contains the following specific directions:

- Encourage infill development in the residential zoned land adjoining the Town Centre in a coordinated and integrated manner.
- Promote medium density residential development near the Town Centre to support retirement living and household downsizing.

The proposed subdivision would be best described as infill development taking advantage of a large partly vacant lot which benefits from a General Residential Zone and close proximity to the town centre. As such it would clearly comply with policy directions above.

The nature of the original town layout may not necessarily permit the further conventional subdivision within all portions of the town, hence some (slightly) less conventional subdivision such as that proposed here would provide an excellent opportunity to increase densities.

It is considered that the proposed subdivision is strongly supported by the objectives and strategies of both the State and Local Planning Policy Frameworks of the South Gippsland Planning Scheme.

### 5.2 SITE AND CONTEXT DESCRIPTION

In accordance with the provisions of Clause 56.01 of the South Gippsland Planning Scheme, a Site and Context Description is required. This information is identified in Part 2 of this report, a feature survey contained in Attachment B and Site Context Plan contained in Attachment C.

The Site and Context description indicate that there are no identified significant noise or odour sources beyond those typical in a residential area. There are considered to be no significant views to and from the subject.

There is no knowledge of soil contamination and the land is not subject to inundation.

### 5.3 DESIGN RESPONSE/RESCODE ASSESSMENT

In accordance with Clause 56.01-4 of the South Gippsland Planning Scheme, an application to subdivide land must be accompanied by a design response that explains how the proposed design:

- Derives from and responds to the site and context description.
- Meets the objectives of Clause 56.
- Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
It must be remembered that the subdivision is an infill development which by its' very nature is strongly influenced by the established layout of the original subdivision and surrounding properties.

Similarly the existing development pattern, including the previous subdivision, also significantly influence the manner in which the land can be practically subdivided.

By way of design response the subdivision design is strongly influenced by and responds to the following site and locality characteristics:

- The policy objective to increase housing densities in close proximity to the town centre.
- The opportunity to intensify the use of a largely vacant residential lot.
- The use of common property access to land is a legitimate alternative to the creation of roads in subdivisions of this scale
- Creates appropriately sized urban lots in close proximity to the town centre.

Having regard to many of the larger elements of Rescode things such as road layout, road widths etc are simply not relevant in the circumstances and are determined by existing facilities.

The following analysis of the proposal against the relevant objectives and standards of Clause 56 is provided:

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>DESIGN RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>56.03 LIVABLE AND SUSTAINABLE COMMUNITIES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>56.03-5 Neighbourhood character</strong></td>
<td>The proposed lot sizes, dimensions and overall characteristics are considered to be consistent with the emerging and preferred residential pattern in the immediate area.</td>
</tr>
<tr>
<td>Objective</td>
<td></td>
</tr>
<tr>
<td>To design subdivisions that respond to neighbourhood character.</td>
<td></td>
</tr>
<tr>
<td><strong>Standard C6</strong></td>
<td>The subdivision is designed to provide six (6) vacant lots suitable for the construction of a single dwelling on each. Having regard to Council’s specific planning policies any assessment of residential character must have appropriate regard to the proposed increase in densities actively sought by the local planning policies for Nyora.</td>
</tr>
<tr>
<td>Subdivision should:</td>
<td>It must be remembered that the lack of reticulated sewer in Nyora has held back both smaller lot residential subdivision and medium density housing in</td>
</tr>
</tbody>
</table>
environment.  
- Protect significant vegetation and site features.

Overall it is considered that the subdivision will not have a detrimental impact on the existing residential character and identity.

As indicated previously the original crown layout and subsequent subdivision of the town may not necessarily enable the practical and "conventional" subdivision of the area, hence Council must be prepared to accept less conventional means by which the preferred development and densities are to be achieved.

### 56.04 LOT DESIGN

#### 56.04-1 Lot diversity and distribution

**Objectives**

- To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.
- To provide higher housing densities within walking distance of activity centres.
- To achieve increased housing densities in designated growth areas.
- To provide a range of lot sizes to suit a variety of dwelling and household types.

The nature of the subdivision means that there is limited opportunity to provide a significant variety of lot sizes.

These lots will be in close proximity to the town centre and regional public transport (VLine Bus Service).

They will however provide an alternative to the main range of residential lots situated throughout the town and provide opportunities for smaller lots, to be developed with modern housing.

As such they would ideally suit people wishing to downsize and/or modernize their existing residential accommodation.

#### 56.04-2 Lot area and building envelopes

**Objective**

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Each lot will have sufficient area and dimension for the development of a single dwelling.

Each lot will have adequate private open space and areas for vehicle parking.
**Standard C8**

Lots of between 300 square metres and 500 square metres should:

- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or
- If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Each lot is capable of retaining the requisite 10 x 15m rectangle.

Building envelopes are not shown at this time.

The lots have been “laid out” having regard to the relevant provisions of clause 54, 55 and 56 of the planning scheme whereby they present as appropriate lots upon which reasonable dwellings may now be built.

The implementation of a building envelope seems to be restrictive on the overall development of the land. Building design etc has come a long way since the implementation of Rescode whereby dwelling on lots between 300 – 400m2 are now common place and well served by popular “volume” builders with various designs available.

The subsequent development of the land will also be controlled by the current building and planning regulations in relation to building heights, setbacks, site coverage, overlooking, overshadowing and the like. Any building envelope if implemented would (more than likely) simply apply the same relevant building and planning provisions anyway.

There are no physical or environmental constraints on the subject land that would warrant the inclusion of a specific building envelope.

Further to the above there are no significant features or the like on adjoining land that would warrant the “protection” of a building envelope on the subject land.

Finally the applicant is uncertain as to what style of dwelling may be built on the subject land in the future and, as such it is considered that a building envelope might inadvertently and unnecessarily restrict the reasonable future development of the land for little resulting benefit.

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**56.04-3 Solar orientation of lots**

**Objective**
To provide good solar orientation of lots and solar access for future dwellings.

The site is orientated approximately 12.5° south of east and would therefore be within the preferred range for solar access.
## 56.04-4 Street orientation Objective
To provide a lot layout that contributes to community social interaction, personal safety and property security.

**Standard C10**
Subdivision should increase visibility and surveillance by:
- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.

Development on Lot 1 will be orientated to front Davis Street and setback the requisite 6m metres from the road reserve. Development of the remaining lots would be orientated to front the common property driveway.

This is considered to be an acceptable outcome in the circumstances providing adequate passive surveillance within the development.

### 56.04-5 Common area objectives
To identify common areas and the purpose for which the area is commonly held.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.
To maintain direct public access throughout the neighbourhood street network.

A common property driveway is proposed to access the development.

This would operate in the same manner as those associated with a medium density housing development without impact on Council resources.

There would be no impact on public access through the neighbourhood street network.

## 56.05 URBAN LANDSCAPE

### 56.05-1 Integrated urban landscape Objectives
To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.
To incorporate natural and cultural features in the design of streets and public open space where appropriate.
To protect and enhance native habitat and discourage the planting and spread of noxious weeds.
To provide for integrated water management systems and

The proposal would not have a detrimental impact on the Davis Street streetscape.

The dwelling on lot 1 will be orientated to front Davis Street.

The development would not preclude the appropriate placement of street trees or subsequent streetscape works.
**56.06 ACCESS AND MOBILITY MANAGEMENT**

**56.06-2 Walking and cycling network Objectives**
To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.
To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.
To reduce car use, greenhouse gas emissions and air pollution.

- The scale of the subdivision clearly does not create the opportunity to provide significant walking and cycling networks.
- Furthermore there is no comprehensive walking and cycling strategy for Nyora and there is currently a lack of local footpaths and cycling facilities.
- The target speed for the common property driveway is such that it provides for a reasonable opportunity for pedestrian and vehicles to share the pavement.

**56.06-4 Neighbourhood street network Objective**
To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

- As an infill subdivision no new street network is established.
- It is not intended that the subject land be “used” to facilitate pedestrian or cycle connections through the town.

**56.06-5 Walking and cycling network detail Objectives**
To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.
To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

- Once again the scale of the subdivision means that no comprehensive walking or cycling network is appropriate.
- There is no opportunity to use the subject land as a link between existing pedestrian/cycle networks.

**56.06-7 Neighbourhood street network detail Objective**
To design and construct street carriageways and verges so that the

- The subdivision relies on access to the existing street network and as such no new roads are required.
street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.  

The driveway entry to Davis Street has been designed in accordance with relevant provisions of Clause 55 and includes a passing bay at the entry to the site.

<table>
<thead>
<tr>
<th>56.06-8 Lot access objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide for safe vehicle access between roads and lots.</td>
</tr>
<tr>
<td>Standard C21</td>
</tr>
<tr>
<td>The design and construction of a crossover should meet the requirements of the relevant road authority.</td>
</tr>
</tbody>
</table>

Any new vehicle crossings required to serve the lots created will be constructed in accordance with Council/VicRoads urban standards.

<table>
<thead>
<tr>
<th>56.07 INTEGRATED WATER MANAGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>56.07-1 Drinking water supply Objectives</td>
</tr>
<tr>
<td>To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</td>
</tr>
<tr>
<td>Standard C22</td>
</tr>
<tr>
<td>The supply of drinking water must be:</td>
</tr>
<tr>
<td>* Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</td>
</tr>
<tr>
<td>* Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</td>
</tr>
</tbody>
</table>

Reticulated water is available to serve each lot within the subdivision.

Reticulated water will be provided in accordance with the requirements of South Gippsland Region Water Authority.  

There is ample area within each lot for the owners to install small rain water collection tanks as a supplement to the reticulated supply if required. Such tanks could also assist in peak stormwater detention.

<table>
<thead>
<tr>
<th>56.07-2 Reused and recycled water Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</td>
</tr>
</tbody>
</table>

There is no recycled or water reuse facilities available within Nyora.

In the absence of such schemes no opportunity to utilise recycled water is available beyond that involving onsite collection. Eg rainwater tanks.

| 56.07-3 Waste water management Objective  |
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.  

**Standard C24**  
Waste water systems must be:  
- 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 subdivision where required by the relevant water authority.

<table>
<thead>
<tr>
<th>Each lot will be connected to reticulated sewer.</th>
</tr>
</thead>
</table>

All sewer infrastructure will be designed and installed to the specifications of South Gippsland Water Authority.

Final specifications for sewer infrastructure will be determined in consultation with SGWA.

### 56.07-4 Urban run-off management

**Objectives**
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.  

**Standard C25**  
The urban stormwater management system must be:  
* Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.  
* Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as

<table>
<thead>
<tr>
<th>Having regard to the scale of subdivision only a simple storm water system will be needed to serve the subdivision.</th>
</tr>
</thead>
</table>

The fall of the land will enable stormwater to be directed to Davis Street noting that some limited fill or “building up” of the access driveway may be necessary.

| The stormwater drainage system will designed and constructed to the relevant standards of South Gippsland Shire having regard to the objectives and relevant standards of this clause. |
amended.
* Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.

<table>
<thead>
<tr>
<th>56.08-1 Site management</th>
<th>Due to the scale of the subdivision very little works will be required to implement the subdivision.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objectives</strong></td>
<td>To ensure minimum environmental impact all works shall be undertaken in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control (1991).</td>
</tr>
<tr>
<td>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</td>
<td></td>
</tr>
<tr>
<td>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</td>
<td></td>
</tr>
<tr>
<td>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</td>
<td></td>
</tr>
</tbody>
</table>

**Standard C26**
A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:
* Erosion and sediment.
* Dust.
* Run-off.
* Litter, concrete and other construction wastes.
* Chemical contamination.
* Vegetation and natural features planned for retention.
Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.

<table>
<thead>
<tr>
<th>55.09-1 Shared trenching</th>
<th>Each lot shall be connected to the existing infrastructure network as necessary. Where new infrastructure is required shared trenching will be utilised where ever practical.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objectives</strong></td>
<td></td>
</tr>
<tr>
<td>To maximise the opportunities for shared trenching.</td>
<td></td>
</tr>
<tr>
<td>To minimise constraints on landscaping within street reserves.</td>
<td></td>
</tr>
</tbody>
</table>
### Standard C27
Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

### 56.09-2 Electricity, telecommunications and gas Objectives
To provide public utilities to each lot in a timely, efficient and cost effective manner.
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

### Standard C28
The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.
Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the

Each lot will be provided with reticulated electricity and communications.
No extension to existing service networks is necessary as part of the subdivision.

All services shall be installed in accordance with the specific requirements of the relevant servicing authority.
satisfaction of the relevant gas supply agency.

56.09-3 Fire hydrants
Objective
To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.

Standard C29
Fire hydrants should be provided:
* A maximum distance of 120 metres from the rear of the each lot.
* No more than 200 metres apart.

Hydrants and fire plugs must be compatible with the relevant fire service equipment.

As an infill subdivision within the established residential area no additional fire hydrants are considered necessary.
Reticulated water is available in Nyora and hydrants provided within the town.

56.09-4 Public lighting
Objective
To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.
To provide pedestrians with a sense of personal safety at night.
To contribute to reducing greenhouse gas emissions and to saving energy.

No new street lighting will be necessary.

5.4 DECISION GUIDELINES OF CLAUSE 65.02 OF THE SOUTH GIPPSLAND PLANNING SCHEME

The suitability of the land for subdivision

There are no physical, economic or infrastructure deficiencies that make the land unsuitable for subdivision.

The proposed subdivision represents the most practical outcome relevant to the limited site constraints and the current zoning of the land.

The use of a common property driveway is a legitimate alternative to the construction of a more formal road and entirely appropriate for a subdivision of this scale.

The existing use and possible future development of the land and nearby land

It is expected that the each lot would be used and developed for a single dwelling consistent with the intent of the zoning.
Having regard to the zoning of the land such development is not unexpected and is unlikely to detrimentally impact upon the existing or proposed use of adjoining properties which are predominately residential in nature.

**The availability of subdivided land in the locality, and the need for the creation of further lots**

There is anecdotal evidence that small, easy to maintain residential land is in demand in this location.

The creation of six lots for residential purposes is not going to create a dramatic over supply of land in the location.

At this stage it is unlikely that there are lots of this size available within Nyora with subdivision and medium density housing having been previously constrained by lack of reticulated sewer.

**The effect of development on the use or development of other land which has a common means of drainage**

Only limited drainage infrastructure is needed to facilitate the subdivision.

There will be no detrimental changes to existing major drainage patterns as a result of the proposed subdivision.

Each lot is capable of draining to Davis Street via the common property driveway albeit utilising a little bit of fill and some ground remodelling.

**The subdivision pattern having regard to the physical characteristics of the land including existing vegetation**

The subdivision has been designed having regard to limited constraints associated with the property.

The existing vegetation is not considered to be of any major significance.

**The density of the proposed development**

The resultant density is considered appropriate having regard to the zoning of the land and Council’s local planning policies which actively seek to promote higher densities in close proximity to the town centre.

**The area and dimensions of each lot in the subdivision**

Each lot is considered to be of appropriate area and dimension for the intended use.

Each lot would be capable of the subsequent construction of a dwelling on the land.

**The layout of roads having regard to their function and relationship to existing roads**

As no new roads will be created, this issue is not considered relevant.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots

The subject land would be provided with an appropriate vehicle entry point to VicRoads’/Council’s standards as appropriate.

Davis Street is considered to be of adequate standard to cater for the extra traffic associated with the subdivision.

The subdivision is designed to enable vehicles to enter from and exit to Davis Street in a forward manner.

A passing bay is provided at the entrance to common property driveway.

The provision and location of reserves for public open space and other community facilities

No public open space is to be provided within the subdivision.

The staging of the subdivision

It not proposed to stage the subdivision at this time although the option to do so might be appropriate.

The design and siting of buildings having regard to safety and the risk of spread of fire

The whole of the site provides adequate opportunity to properly manage these risks.

The local area is sparsely treed and there is a communal responsibility for fire protection.

Good property maintenance and management would be sufficient to effectively manage the risk of fire.

The provision of off-street parking

All the proposed lots are more than adequate in size to accommodate off-street parking.

The provision and location of common property

As indicated previously a common property driveway is proposed. Again this is considered to be a legitimate alternative to the full construction of a new road for a subdivision of this scale.

The functions of any body corporate

The owners corporation would manage the common property as is typical in these circumstances. It might also be necessary/practical for the owners corporation to manage things like sewer and other infrastructure as appropriate.

At this time South Gippsland Water is uncertain how the sewer infrastructure might be managed in these circumstances.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

Each lot has access to the local telecommunications, water, sewer and electricity network.

If the land is not sewered and no provision has been made for the land to be sewer, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot

Not applicable

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

As stated previously no native vegetation is required to be removed to facilitate the subdivision.

6. CONCLUSION

The proposed subdivision is an infill development entirely consistent with the purposes of the General Residential Zone and consistent with and indeed supported by both the State and Local Planning Policy Framework.

The proposed subdivision will utilise existing infrastructure and provide for the infill of an established township and a site in close proximity to the town centre.

The lots created will contribute to the diversity of lot sizes within the broader Nyora residential area and will provide for higher densities within close proximity to the town centre.

In conclusion, it is considered that the subdivision design is appropriate for the subject site and compatible with the use and development of the surrounding land.

We therefore submit this application for consideration and approval by Council.

BEVERIDGE WILLIAMS & CO PTY LTD

GARY CHISHOLM
Senior Town Planner
January 2016
ATTACHMENT B

FEATURE SURVEY
ATTACHMENT C

SITE CONTEXT PLAN
ATTACHMENT E

PLANNING PROPERTY REPORT
Planning Property Report
from www.dtpli.vic.gov.au/planning on 01 February 2016 04:17 PM

Address: 29 DAVIS STREET NYORA 3987
Crown Description: Allot. 26 Sec. 6 TOWNSHIP OF NYORA
Local Government (Council): SOUTH GIPPSLAND Council Property Number: 182511
Directory Reference: VicRoads 709 T3

Planning Zone

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)
SCHEDULE TO THE GENERAL RESIDENTIAL ZONE - SCHEDULE 1

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

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Planning Overlay

None affecting this land - there are overlays in the vicinity

DEVELOPMENT PLAN OVERLAY (DPO)

Overlays Legend

- AED - Airport Environ
- EMO - Bushfire Management (also WMC)
- CLPO - City Link Project
- DCP - Development Contributions Plan
- DDO - Design & Development
- DDOPT - Design & Development Part
- DPO - Development Plan
- EA0 - Environmental Audit
- EMO - Erosion Management
- ESO - Environmental Significance
- FO - Floodway
- HO - Heritage
- IPO - Incorporated Plan

- LS10 - Land Subject to Inundation
- NAEC1 - Melbourne Airport Environ 1
- NAEC2 - Melbourne Airport Environ 2
- NCO - Neighbourhood Character
- PU - Parking
- PA0 - Public Acquisition
- RO - Restructure
- RC0 - Road Closure
- SBO - Special Building
- SLO - Significant Landscape
- SMD - Salinity Management
- SR0 - State Resource
- VF0 - Vegetation Protection

Note: due to overlaps some colours on the maps may not match those in the legend.
Further Planning Information

Planning scheme data last updated on 21 January 2016.

A planning scheme sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting Planning Schemes Online.

This report is NOT a Planning Certificate issued pursuant to Section 199 of the Planning & Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may abut the land. To obtain a Planning Certificate go to Titles and Property Certificates.

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit Planning Maps Online.


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