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Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	89 Pearson Street BAIRNSDALE 3875 Lot: 1 LP: 24883
The application is for a permit to:	Two lot Subdivision
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2024.110.1

You may look at the application and any documents that support the application free of charge at: https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must •

- be made to the Responsible Authority in writing,
- include the reasons for the objection, and
- state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before: Subject to the applicant giving notice	The Responsible Authority will not decide on the application before:	Subject to the applicant giving notice
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If you object, the Responsible Authority will tell you its decision.





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REGISTER SEARCH STATEMENT (Title Search) for pay preproset which may breach grow to pyright. Land Act 1958

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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 024883. PARENT TITLE Volume 01635 Folio 898 Created by instrument 2557937 11/05/1953

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
STEPHANIE HOLLY COX
CHRISTOPHER JAMES COX
AV841552N 11/07/2022

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP024883 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT------

Additional information: (not part of the Register Search Statement)

Street Address: 89 PEARSON STREET BAIRNSDALE VIC 3875

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



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TOWNSHIP AND PARISH OF BAIRNSDALE

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COUNTY OF TANJIL

VOL 1701 FOL 012 VOL 1635 FOL 898

Measurements are in Feet & Inches

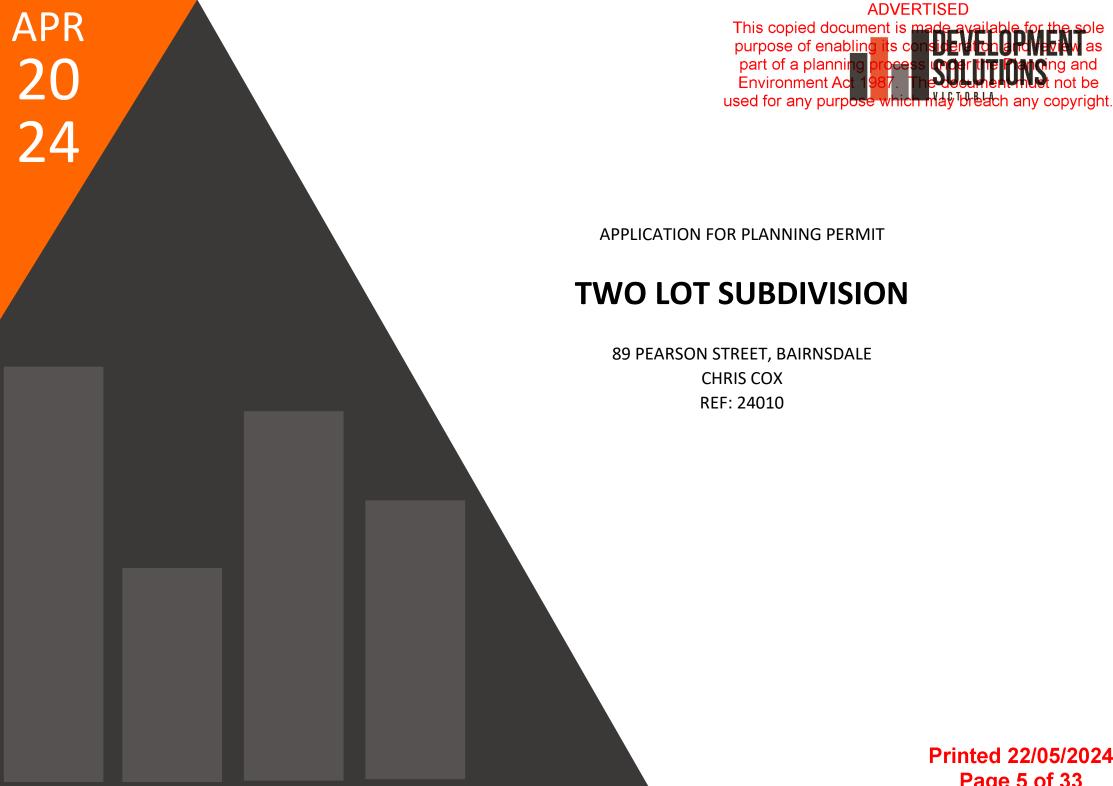
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2	Site Context	5
3	The Proposal	12
4	Zones and Overlays	13
5	Planning Assessment	17
6	Conclusion	19

APPENDIX

- A Copy of Title and Title Plan
- **B** Proposed Plan of Subdivision
- **C** Clause 56 Assessment

DOCUMENT REVISION

- **1** Draft Report DAC 04/04/2024
- 2 Final Report CMC 05/04/2024



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1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Chris Cox, the owner of land and applicant for this planning permit application for a two lot subdivision at 89 Pearson Street, Bairnsdale.

This submission and supporting documentation provide details of the subject site, relevant planning controls and policies and provides an assessment against the provisions of the East Gippsland Planning Scheme.

The proposal is consistent with the objectives of the East Gippsland Planning Scheme, is an appropriate subdivision in this location and will result in an appropriate planning outcome.

	used for any purpose which may breach
Address	89 Pearson Street, Bairnsdale
Site Description	Lot 1 on Plan of Subdivision 024883
Title Particulars	Vol 07898 Fol 088
Site Area	763m ²
Proposal	Two Lot Subdivision
Planning Scheme	East Gippsland Planning Scheme
Zone	General Residential Zone – Schedule 1
Overlays	Design and Development Overlay – Schedule 16
	Specific Controls Overlay – Schedule 1
Aboriginal Cultural Heritage	Not identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 32.08-3 General Residential Zone – Subdivision
Notice	No exemption available
Referrals	No mandatory referrals
Work Authority Licence	Not applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02
	Settlement - Growth area towns - Clause 02.03-1
	Environmental and landscape values – Clause 02.03-2
	Environmental risks and amenity – Clause 02.03-3
	Built environment and heritage – Clause 02.03-5
	Planning Policy Framework – Clause 10
	Settlement – Clause 11
	Environmental and landscape values – Clause 12
	Environmental risks and amenity – Clause 13
	Built environment and heritage – Clause 15
	Housing – Clause 16
	General Residential Zone – Clause 32.08
	Decision guidelines – Clause 56
	Decision guidelines – Clause 65.01
	Decision guidelines – Clause 65.02

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2. SITE CONTEXT

Site

The subject site is located at 89 Pearson Street, Bairnsdale. A copy of the Title and Plan of Subdivision is contained in *Appendix A*. The title is not affected by any restrictive covenants or agreements. There is an existing drainage easement along the southern boundary.

The site is rectangular in shape with a total area of approximately 763m² and contains an existing dwelling and garden shed.

The site is relatively flat in nature, contains scattered vegetation throughout and is used for residential purposes. Details of the site are depicted in the photographs provided below.

Access to the site is existing via a grass crossover along the eastern boundary, directly from Ligar Street. Ligar Street is a constructed bitumen sealed road with kerb and channel, traversing in a north to south direction. Pearson Street is a constructed bitumen sealed road, with rollover kerb and channel traversing in an east to west direction.

The subject site in relation to Bairnsdale as well as the surrounding land, is shown in the locality plans in *Figure 1* and *Figure 2*.



Figure 1 – Locality Plan – 89 Pearson Street, Bairnsdale (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 89 Pearson Street, Bairnsdale (source: mapshare.vic.gov.au)

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Surrounds

The land surrounding the subject site is predominantly developed residential land.

Adjoining the northern boundary is Pearson Street and further land containing residential development. Adjoining the eastern boundary is Ligar Street and further land containing residential development. Adjoining the southern and western boundaries contains existing residential development and associated facilities.

Diagonally opposite the site to the north east is the Bairnsdale Tennis Club, Croquet Club and Bowling Club.

The site is located to the east of the central business district of Bairnsdale.

Bairnsdale is the main commercial city of East Gippsland, is located on the Mitchell River and is built around the Princes Highway. The Princes Highway through the main centre of Bairnsdale is a large boulevard featuring trees, garden areas, a rotunda and many other public amenities.

The subject site in relation to Bairnsdale is shown in the aerial photograph below.







Photograph 2 – Subject site at 89 Pearson Street, Bairnsdale showing existing access.



Photograph 4 – Existing dwelling on proposed Lot 1.



Photograph 6 – Proposed Lot 1 facing west.



Photograph 3 – Proposed access to Lot 2 along the eastern boundary from Ligar Street.



Photograph 5 – Proposed Lot 1 facing north along the eastern boundary of the subject site.



Photograph 7 – Proposed Lot 1 facing southwest along the northern boundary.



Photograph 8 – Existing garden shed on proposed Lot 2.



Photograph 10 – Proposed Lot 2 facing south along the eastern boundary.



Photograph 12 – Proposed Lot 2 facing west.



Photograph 9 – Proposed Lot 2 facing southwest.



Photograph 11 – Proposed Lot 2 facing east.



Photograph 13 – Neighbouring property adjoining the western boundary at 91 Pearson Street, Bairnsdale.



Photograph 14 – Neighbouring property along the southern boundary at 44 Ligar Street, Bairnsdale.



Photograph 16 – Property directly opposite the subject site at 87 Pearson Street, Bairnsdale.



Photograph 18 – Pearson Street facing west.



Photograph 15 – Properties directly opposite the subject site along Pearson Street.



Photograph 17 – Pearson Street facing east.



Photograph 19 – Ligar Street facing north.

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Photograph 20 – Ligar Street facing south.



Photograph 21 – Intersection adjoining Pearson Street and Ligar Street.

3. THE PROPOSAL

This application seeks approval for the subdivision of land into two lots. A proposed plan of subdivision is provided in *Appendix B*.

Lot 1

The proposed Lot 1 will be almost rectangular in shape and will be approximately $402m^2$ in area. This lot comprises the northern portion of the site and will contain the existing dwelling. This lot will contain a new carport and access as indicated on the proposed development plans.

Lot 2

The proposed Lot 2 will be rectangular in shape and will be approximately $361m^2$. This lot will comprise the southern portion of the site and will be vacant land. This lot will contain an indicative building envelope and the existing drainage easement along the southern boundary as indicated on the proposed development plans.

Services

The subject site has access to an appropriate level of services including reticulated water, sewerage, electricity, telecommunications, drainage and a good quality road network.

Each of the proposed allotments will be connected to all available services.

It is requested that formal drainage plans be a requirement on any planning permit to be granted.

Access

Access to proposed Lot 1 will be provided along the northern boundary via a new concrete crossover directly from Pearson Street.

Access to proposed Lot 2 will be via the existing grass crossover along the eastern boundary directly from Ligar Street.

The subject site does not require the removal of any vegetation to facilitate the proposed subdivision and no earthworks will be required.

A copy of the proposed subdivision is provided to the right and in *Appendix B*.

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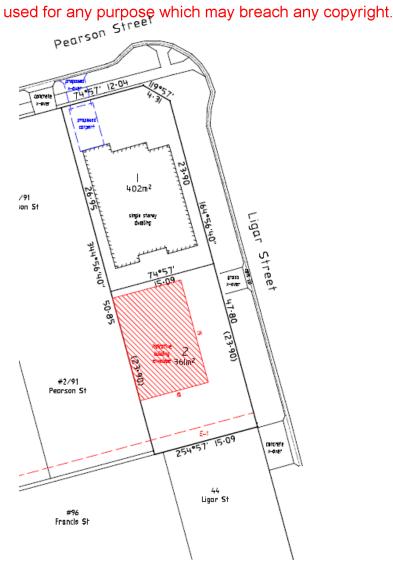


Figure 3 - Proposed Plan of Subdivision - One Plan

4. ZONES AND OVERLAYS

General Residential Zone - Schedule 1

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

An extract of the General Residential Zone Map is provided in *Figure 4.*

Clause 32.08-3 of the General Residential Zone provides a permit is required to subdivide.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause

56. The relevant standards of Clause 56 are addressed in *Appendix C.*

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Figure 4 – Zoning Map – (source - mapshare.vic.gov.au)

Design and Development Overlay -Schedule 16

The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

The design objectives of Schedule 16 include:

- To ensure that the height of buildings and works do not encroach on the flight path areas associated with the Bairnsdale Hospital helicopter landing site.
- To ensure that the height of development avoids creating a hazard to aircraft using the Bairnsdale Hospital helicopter landing site.

An extract of the Design and Development Overlay Map is provided in *Figure 5*.

Clause 43.02-3 – Provides a permit is required to subdivide land and for the construction of a carport. The schedule provides in 2.0 a permit is not required to construct a building with a

height less than 31.5 metres. The proposed carport will not exceed the height of the existing dwelling. 3.0 of the schedule provides a permit is not required to subdivide land and as such this is not addressed further.



Figure 5 – Design and Development Overlay – (source - mapshare.vic.gov.au)

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Specific Controls Overlay

The purpose of the Specific Controls Overlay is:

 To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

An extract of the Specific Controls Overlay Map is provided in *Figure 6*.

Clause 45.12 does not provide any requirements for the subdivision of land. SCO1 is applicable to the site – Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document.

The proposal is not seeking to construct any buildings at this time and as such a permit is not required for the subdivision of land, this is not addressed further.

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Figure 6 – Specific Controls Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is not identified as being within an area of Aboriginal Cultural Heritage Sensitivity.

As such a Cultural Heritage Management Plan is not required. This is not further addressed.

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5. PLANNING ASSESSMENT

This proposal has been assessed against the objectives and standards of applicable clauses of the East Gippsland Planning Scheme and it is considered that the proposed subdivision is appropriate for the following reasons:

- The proposal meets the objectives of the Municipal Planning Strategy at Clause 02 and the Planning Policy Framework at Clause 10 providing an additional vacant parcel of land that can be developed in the future with a residential dwelling that can be respectful of the existing surrounding development and the environment.
- The proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing the lot layout to meet the constraints of the land reducing any potential negative environmental implications as sought to achieve by the relevant clauses including Clause 02.03 and Clause 11. The site does contain some scattered vegetation however no vegetation is required to be removed to facilitate the proposed subdivision.
- Clause 02.03-1 identifies Bairnsdale as a growth area town and encourages development on fully serviced residential land. The proposed subdivision will result in one vacant allotment that can adequately

accommodate a residential dwelling in the future. The subject site is currently connected to all available services the proposed vacant lot being created will be connected to all available services and infrastructure including reticulated water, sewerage, electricity, telecommunications and a good quality road network.

- The proposal meets the objectives of **Clause 16** by providing an additional vacant allotment that can be developed with a dwelling in the future which in turn will support housing for the area. **Clause 16.01-2S** recognises the need to ensure land supply is sufficient to meet demand. The proposed subdivision will create one additional vacant lot within an existing residential area of Bairnsdale.
- The proposal is consistent with the decision guidelines of the General Residential Zone at Clause 32.08-12 which seeks to encourage development that respects the neighbourhood character.
- The proposed subdivision creates one additional vacant allotment that can be developed in the future with a residential dwelling that can be in keeping with the neighbourhood character of the area.
 Proposed Lot 1 will contain the existing dwelling and proposed carport and will front Pearson Street. The proposed Lot 2

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- An indicative building envelope is proposed on Lot 2 as indicated on the proposed plan of subdivision. Proposed Lot 2 will contain the existing drainage easement along the southern boundary.
- The proposed subdivision has addressed the relevant standards as set out in Clause 56 and is contained in *Appendix C*.
- The pattern of subdivision for the area is varied with lots ranging in shapes and sizes.
 There are other similar sized allotments within the area including one adjoining the western and southern boundary.
- Access to proposed Lot 1 will be provided along the northern boundary directly from Pearson Street via a newly constructed concrete crossover and access to proposed Lot 2 will be via the existing grass access along the eastern boundary directly from Ligar Street.
- This submission has addressed the decision guidelines of Clause 65.01 and the proposed subdivision supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area. The proposal does not require the removal of any native

- vegetation and there will be no negative impact on the existing road network.
- The site is not identified as being susceptible to bushfire, erosion or flooding hazards. All preventative measures will be implemented during the construction phase of the proposed new access crossover and provision of services to ensure no erosion occurs and no detrimental impact to surrounding properties.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.
- This submission has addressed the decision guidelines of Clause 65.02 and it is concluded the proposed subdivision is suitable in this location and the subject site can adequately accommodate a residential dwelling in the future that will in turn support the community by providing for additional housing.
- The subject site is currently connected to all available services and the proposed Lot 2 will be connected to all available services. The additional lot is not expected to exceed the capacity of the services in this location. Proposed Lot 1 will contain the existing dwelling.
- The proposed vacant allotment will support infill residential development with access to

a suitable range of services and infrastructure. Infill residential development is strongly encouraged to support diversity of housing types and increase supply.

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6. CONCLUSION

This submission is in support of a planning permit application for a two lot subdivision at 89 Pearson Street, Bairnsdale.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and it has been ascertained that the proposed subdivision is appropriate in this location. It is requested that the proposal be supported for the following reasons:

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the objectives of the General Residential Zone.
- The proposed subdivision will provide for an appropriate allotment that can be developed with a residential dwelling in the future.
- The pattern of subdivision is site responsive and consistent with the surrounding lot layout.

It is requested that a planning permit be granted for this subdivision.

Development Solutions Victoria

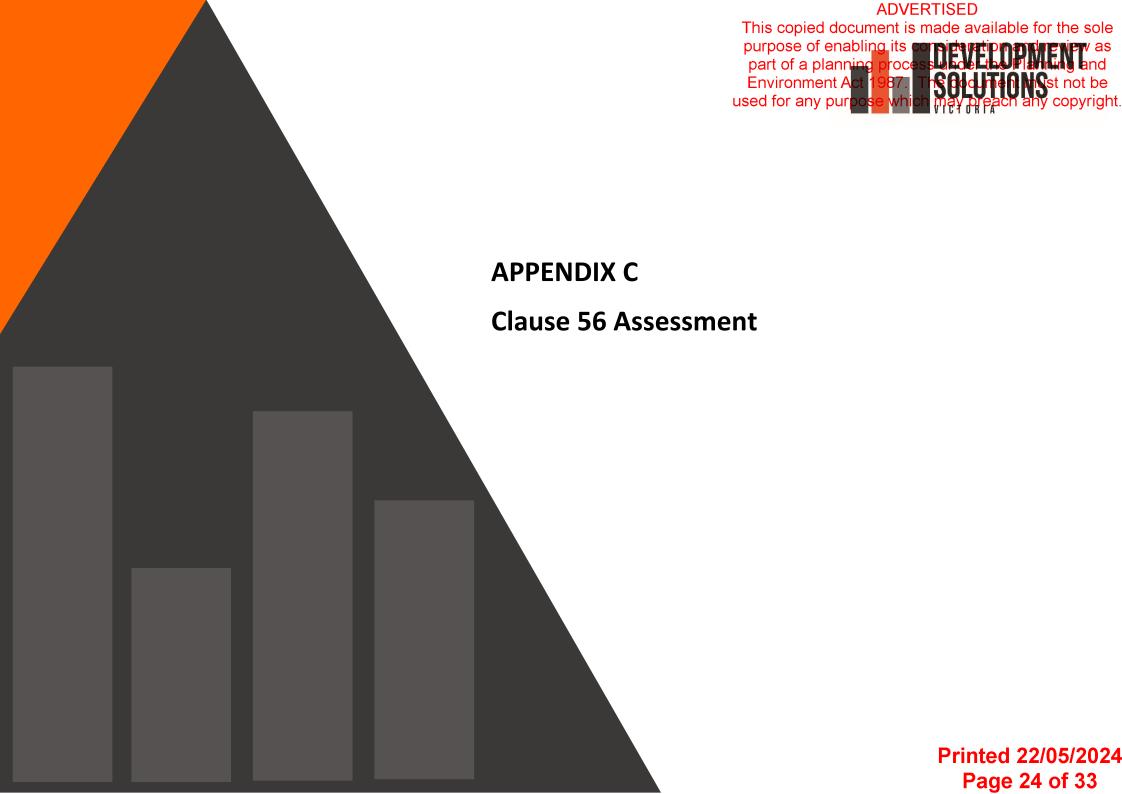
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CLAUSE 56 ASSESSMENT

Clause 56 – Residential Subdivision

Under the provisions of Clause 32.08-3 of the General Residential Zone, the following provisions of Clause 56 must be addressed as appropriate.

The purpose of Clause 56 is:

"To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create liveable and sustainable neighbourhoods and urban places with character and identity.

To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas.
- Infill sites within established residential areas.
- Regional cities and towns.

To ensure residential subdivision design appropriately provides for:

- Policy implementation.
- Liveable and sustainable communities.
- Residential lot design.
- Urban landscape.
- Access and mobility management.
- Integrated water management.
- Site management.
- Utilities."

Clause 56 provides the following requirements:

"An application to subdivide land:

- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone."

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The provisions of Clause 56 are addressed below.

Clause 56.01 requires an application to be accompanied by:

- A subdivision site and context description.
- A design response.

The table below addresses the relevant requirements of Clause 56.

Clause 56.03-5 Neighbourhood Character Objective:

To design subdivisions that respond to neighbourhood character.

Response:

There is no Neighbourhood Character Statement or specific character identified for this location. This area is predominantly residential in nature containing both single and double storey dwellings. All development is on lots ranging in shapes and sizes, there are similar style allotments within the immediate area.

The proposed lot layout is responsive to the site, will support the existing use and development on the site, whilst providing for future residential development that can be consistent with the existing surrounding development.

The area of the proposed lots ensures adequate provision for the subdivision to provide for an appropriate level of services and facilities for the existing development and for future residential development.

Both allotments will have suitable driveway access and adequate street frontage. Proposed Lot 2 will contain the existing grass crossover along the eastern boundary directly from Ligar Street and Lot 1 will have access provided via a new crossover along the northern boundary directly from Pearson Street. The proposed new access is unlikely to result in a detrimental impact to the flow of traffic in this location.

There is no vegetation on the subject site that requires removal. There are no significant features in the area that would be detrimentally affected by the proposed subdivision and potential future residential development. The proposed subdivision will not negatively impact the existing streetscape or neighbourhood character.

The proposal meets the objectives and standards of this clause.

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Clause 56.04-2 Lot area and building envelopes objective:

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

Response:

This application seeks approval for the creation of two allotments each greater than 300m² in area to accommodate the existing dwelling on the site and to create a vacant allotment for future infill residential development. The proposed Lot 1 will be 402m² in area and will contain the existing dwelling. The proposed Lot 2 will be 361m² in area and will be vacant land.

Access to proposed Lot 1 will be provided along the northern boundary directly from Pearson Street and proposed Lot 2 will contain the existing access along the eastern boundary directly from Ligar Street.

The proposed lot dimensions and layout are considered to adequately accommodate solar access for the existing dwelling and any future development on the vacant lot being created. The subject site does contain scattered vegetation throughout however, the proposed subdivision does not require the removal of any vegetation.

The size and configuration of the proposed lots are considered more than adequate to accommodate the existing development on the site and could accommodate future development if desired whilst respecting surrounding lot configurations for future uses and development surrounding the site.

The proposal meets the objectives and standards of this clause.

Clause 56.04-3 Solar orientation of lots objective

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

Response:

The proposed subdivision creates two allotments of north south orientation with the long axis of the lot within the range north 20 degrees west to north 30 degrees east.

Each of the lots will have appropriate solar access and any future development on the vacant lot being created will not impact the solar access of surrounding properties.

The proposal meets the objectives and standards of this clause.

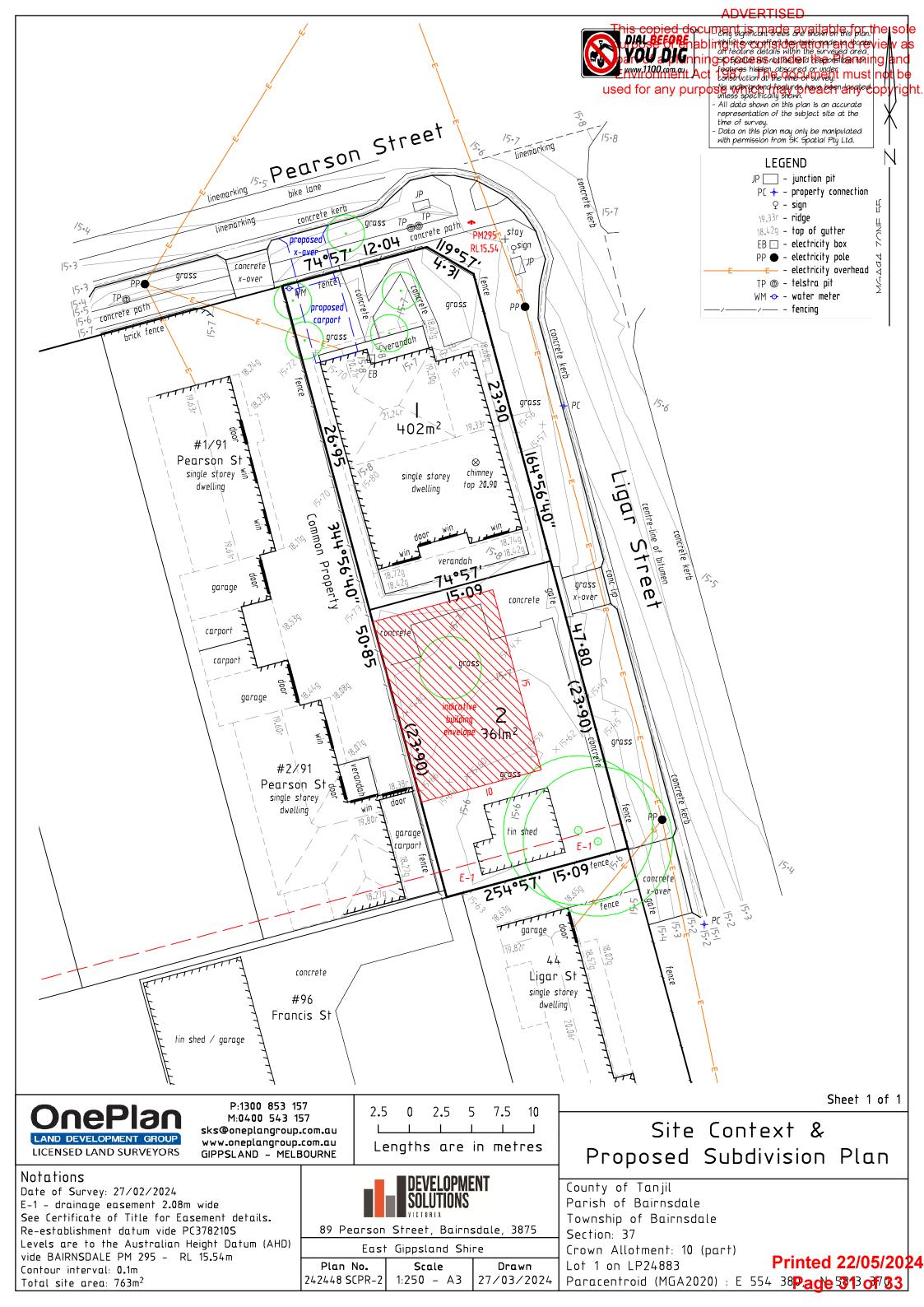
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	Environment Act 1907. The document must not be
Clause 56.04-5 Common area objectives	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that reason necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.
Response:	The proposal does not include any common property area.
	This clause is not relevant to the proposal.
Clause 56.06-8 Lot access objective:	To provide for safe vehicles access between roads and lots.
Response:	Access to proposed Lot 1 will be provided via a new concrete crossover along the northern boundary directly from Pearson Street and proposed Lot 2 will contain the existing grassed access along the eastern boundary directly from Ligar Street. The proposed access is considered suitable to support the existing dwelling on proposed Lot 1 and any future dwelling on the vacant lot being created and will provide for safe vehicle access between the roads and the dwellings. The proposal meets the objectives and standards of this clause.
Clause 56.07-1 Drinking water supply objectives	To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.
Response:	The proposed lots will be connected to the existing reticulated water supply which provides for drinking water supply. The existing reticulated water system is considered to be suitable to supply the existing dwelling and any future dwelling on the vacant lot being created with drinking water. The proposed additional lot and potential future residential development is not anticipated to exceed the capacity of the existing reticulated water network. The proposal meets the objectives and standards of this clause.
Clause 56.07-2 Reused and recycled water objective	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.
Response:	A reuse and recycle water supply is not available to this site at this time. Water supply to both allotments will be via the existing reticulated water system.
	The proposal meets the objectives and standards of this clause.

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Clause 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 pyrice friendly manner.
Response:	Both allotments will be connected to the existing reticulated sewer network. The proposed additional lot is not expected to exceed the capacity of the network.
	The proposal meets the objectives and standards of this clause.
Clause 56.07-4	To minimise damage to properties and inconvenience to residents from stormwater.
Stormwater	To ensure that the street operates adequately during major storm events and provides for public safety.
management objectives	To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
	To encourage stormwater management that maximises the retention and reuse of stormwater.
	To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
Response:	Site runoff will be directed to the legal point of discharge to the satisfaction of the responsible authority. The subject site is not liable to flooding and no flood mitigation works are considered necessary. The existing drainage network is considered to be of a suitable standard to accommodate the proposed subdivision and any future development on the vacant lot being created. Each of the proposed lots contain adequate area to implement water sensitive urban design principles to manage stormwater runoff.
	The proposal meets the objectives and standards of this clause.
Clause 56.08-1 Site	To protect drainage infrastructure and receiving waters from sedimentation and contamination.
Management	To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.
objectives	To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.
Response:	All preventative measures will be implemented during the construction phase of the proposed subdivision to ensure no erosion occurs. The subject site does contain some scattered vegetation however, no vegetation is required to be removed to facilitate the proposed subdivision.
	The proposal meets the objectives and standards of this clause.

Clause 56.09-1 Shared Trenching objectives:	To maximise the opportunities for shared trenching. To minimise constraints on landscaping within the street reserves. used for any purpose which may breach any copyrig
Response:	Given the proposal is seeking a two lot subdivision with one lot containing an existing dwelling there is unlikely to be any ability for shared trenching beyond the new services. Each of the relevant service authorities will be contacted prior to certification of the plan to ensure all service requirements are met and shared trenching can occur where possible. The proposal meets the objectives and standards of this clause.
Clause 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.
Response:	Both lots will be connected to services including reticulated water, sewerage, telecommunications, drainage, electricity and a good quality road network. The proposed subdivision is not expected to affect the existing service arrangements nor exceed their capacity. Each of the service providers will be contacted prior to the certification of the plan of subdivision. The proposal meets the objectives and standards of this clause.



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