

8 March 2022

Form 2

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	<b>191 Nicholson Street BAIRNSDALE Lot 1 LP 1611</b>
The application is for a permit to:	<b>Development of Land into Three Dwellings and Three Lot Subdivision</b>
The applicant for the permit is:	<b>Hatch Planning Pty Ltd</b>
The application reference number is:	<b>55/2022/P</b>
You may look at the application and any documents that support the application on the website of the responsible authority.	<b>(Intentionally blank)</b>

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

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

The Responsible Authority will not decide on the application before:	<b>Subject to applicant carrying out notice</b>
--	---

**If you object, the Responsible Authority will tell you its decision.**

Please note submissions received will be made available for inspection and may be made available to other parties in accordance with the Planning & Environment Act 1987. If you have concerns about this, please contact the East Gippsland Shire Council's Planning Office.

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

Page 1 of 3

VOLUME 07014 FOLIO 735

Security no : 124095083816E

Produced 26/01/2022 08:21 PM

### LAND DESCRIPTION

Lot 1 on Plan of Subdivision 001611.  
PARENT TITLE Volume 03889 Folio 743  
Created by instrument 2076259 04/06/1947

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
DANIEL JAMES FERGUS WILSON of 191 NICHOLSON STREET BAIRNSDALE VIC 3875  
AU081871P 25/02/2021

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU081872M 25/02/2021  
COMMONWEALTH BANK OF AUSTRALIA

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 LP001611 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: 191 NICHOLSON STREET BAIRNSDALE VIC 3875

### ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA  
Effective from 25/02/2021

DOCUMENT END

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# Plan of subdivision of ALLOT<sup>s</sup> 5, 6 & 7 SECTION 39

Township of Bainsdale - County of Tanja

VOL.582 FOL.320

Measurements are in Feet & Inches

Conversion Factor

FEET X 0.3048 = METRES

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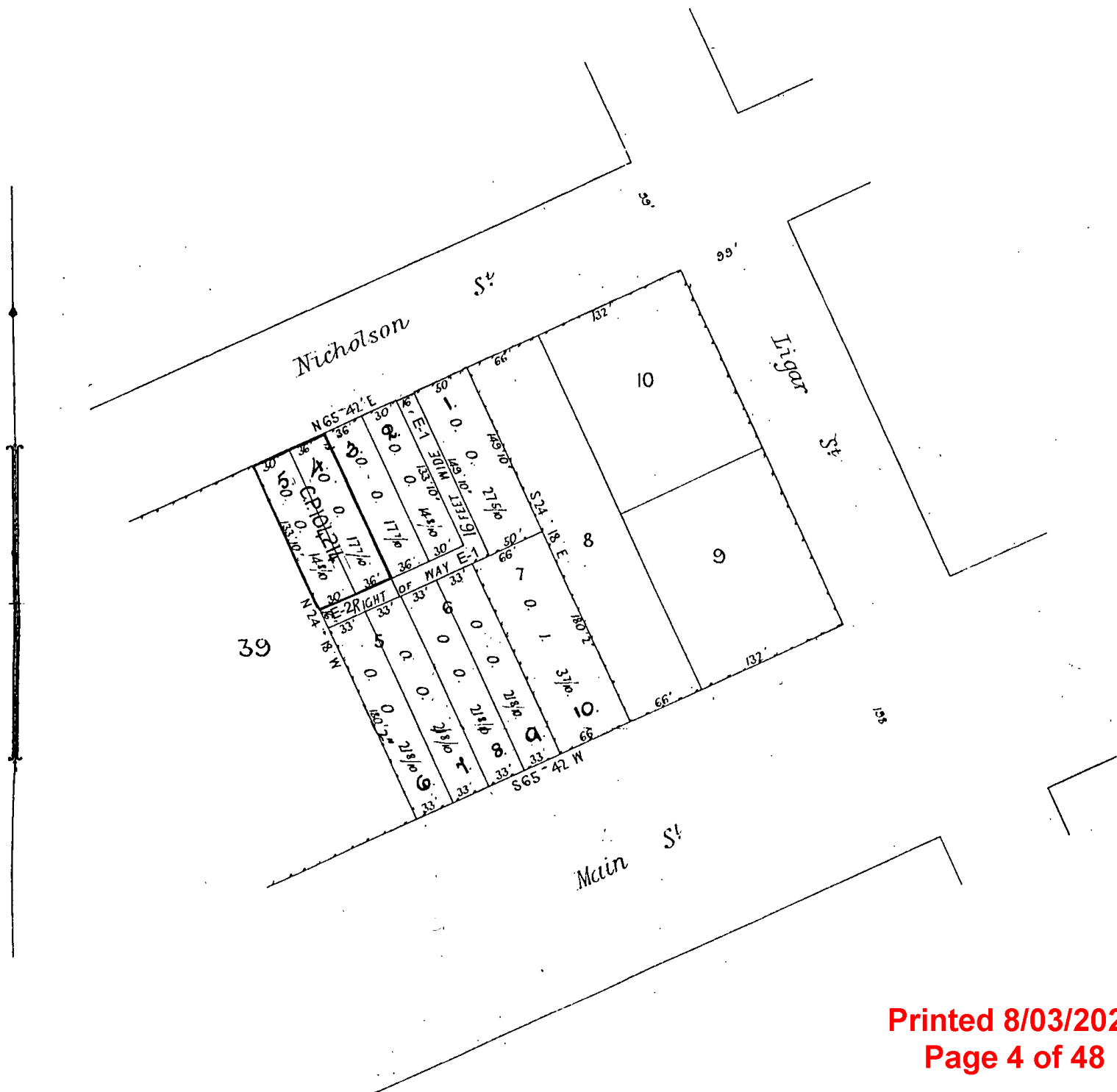
IP 1611  
EDITION 2  
COLOUR CODE  
BL=BLUE G=GREEN  
BR=BROWN P=PURPLE  
Y=YELLOW R=RED  
H=HATCH CH=CROSS HATCH

## APPURTENANCIES

AS TO LOT 3  
TOGETHER WITH A RIGHT OF  
CARRIAGEWAY OVER E-1

AS TO LOTS 1, 2, 7, 8 & 9  
TOGETHER WITH A RIGHT OF  
CARRIAGEWAY OVER E-1 & E-2

LIST OF MODIFICATIONS				
LAND	MODIFICATION	DEALING No.	A.R.T	EDN. No.
LOTS 1, 2, 3 7, 8 & 9	APPURTENANCY NOTATION ADDED		AD	2





# **Development of land with three (3) dwellings and subdivision of land into three (3) lots**

## **Planning Permit Application**

**191 Nicholson Street  
BAIRNSDALE 3875**

**Prepared for:**  
**E2E Growth Consultants Pty Ltd**

**Prepared by:**  
**Tim Berger**  
**Director, Hatch Planning**





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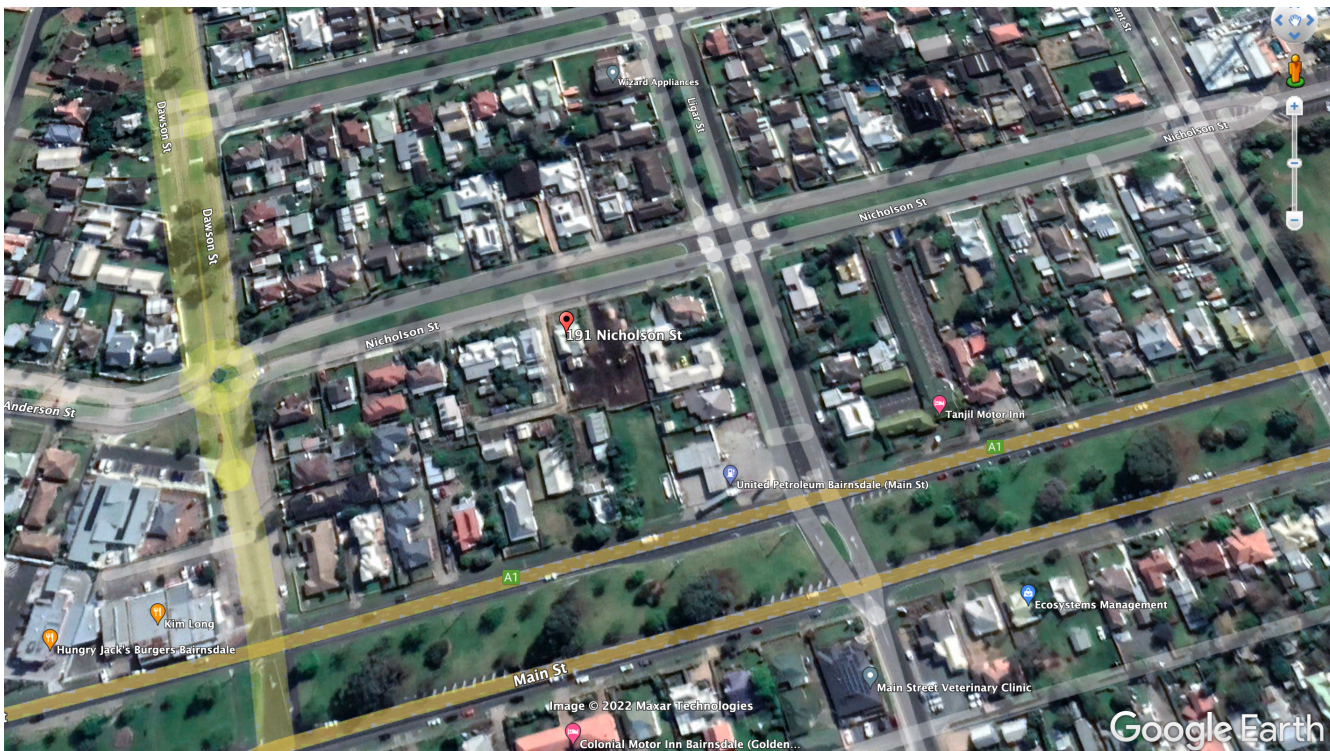
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## 1. Introduction

This town planning report has been prepared in support of an application for a planning permit for the development of land with three (3) dwellings and subdivision of land into three (3) lots at 191 Nicholson Street, Bairnsdale.

Figure 1 shows the subject land in relation to the surrounding landscape.



*Figure 1: Subject site and immediate surrounds (August 2021). Source: Google Earth.*

This report provides details of the site and its environs, the proposal, relevant planning controls and an assessment against the relevant provisions of the East Gippsland Planning Scheme.



## 2. Subject site and surrounding area

The subject site, Lot 1 LP1611 Township of Bairnsdale, known commonly as 191 Nicholson Street, Bairnsdale, is a 696sqm allotment located approximately 600 metres west of the Bairnsdale commercial strip and 1km west of the primary Bairnsdale CBD area. The subject land is generally rectangular in shape, and is currently improved by a single dwelling (proposed to be removed). Access is to be provided from Nicholson Street and the unnamed roadway on the western boundary.

The surrounding area generally comprises a combination of single dwellings on lots such as the subject land and smaller approved infill developments/subdivisions (such as at 201, 216, 218 and 220 Nicholson Street and 54 Ligar Street). Building typologies and setbacks vary from street to street, with no consistent development typology present.

Immediately to the east of the subject land is 189 Nicholson Street, which has recently been granted a Planning Permit for development of four (4) dwellings and a four (4) lot subdivision (Planning Permit 395/2021/P), with a total site area of approximately 925sqm. To the west is 193 Nicholson Street, which is improved by a single dwelling and outbuildings on a lot of approximately 376sqm. To the south is 398 Main Street, comprising a single dwelling and outbuildings with a total area of approximately 1,110sqm.

The subject site appears to have access to reticulated electricity, telecommunications, water and sewer.



### 3. The Proposal

The subject land is proposed to be developed by our clients, E2E Growth Consultants. The land is currently improved by a single residential dwelling and domestic curtilage; this dwelling will be removed to accommodate the proposed development. This proposal seeks to develop three (3) new 4-bedroom dwellings. An associated three (3) lot subdivision of the land is also proposed.

Each dwelling and lot contains the following features as described below:

#### Dwelling 1

- Dwelling characteristics:
  - Total floor area – 214.7m<sup>2</sup>
    - Lower floor plan – Open plan kitchen and living/dining areas with walk in pantry and adjoining laundry, mud room and WC and double garage.
    - Upper floor plan – 1 x bedroom with WIR and ensuite, 1 x bedroom with BIR and ensuite, 2 x bedrooms with BIR and bathroom with shower and WC.
  - Height of 7.67 metres above natural ground level
  - Materials
    - Brickwork at ground level, 'Easy Lap' cladding at first floor in grey, tiled roofing (22.5 degree pitch) in grey or similar.
  - Boundary setbacks:
 

East:	2.1 metres
West:	3.06 metres
North:	6.15 metres
- Access:
  - New crossover proposed along the northern boundary to Nicholson Street.
- Car parking:
  - Double garage on eastern boundary with internal connection.
- Subdivided lot to have an area of 267.55m<sup>2</sup>



## Dwelling 2

- Dwelling characteristics:
  - Total floor area – 208.25m<sup>2</sup>
    - Lower floor plan – Open plan kitchen and living/dining areas with walk in pantry and adjoining laundry, mud room and WC and double garage.
    - Upper floor plan – 1 x bedroom with WIR and ensuite, 1 x bedroom with BIR and ensuite, 2 x bedrooms with BIR and bathroom with shower and WC.
  - Height of 7.55 metres above natural ground level.
  - Materials
    - Brickwork at ground level, 'Easy Lap' cladding at first floor in grey, tiled roofing (22.5 degree pitch) in grey or similar.
  - Boundary setbacks:
 

East:	1.83 metres
West:	3.15 metres
- Access:
  - New crossover proposed along the western boundary to the unnamed laneway.
- Car parking:
  - Double garage on northern elevation with internal connection.
- Subdivided lot to have an area of 215.45m<sup>2</sup>

## Dwelling 3

- Dwelling characteristics:
  - Total floor area – 208.25m<sup>2</sup>
    - Lower floor plan – Open plan kitchen and living/dining areas with walk in pantry and adjoining laundry, mud room and WC and double garage.
    - Upper floor plan – 1 x bedroom with WIR and ensuite, 1 x bedroom with BIR and ensuite, 2 x bedrooms with BIR and bathroom with shower and WC.
  - Height of 7.55 metres above natural ground level



## Hatch Planning Pty Ltd

Land Use and Development | Subdivision |  
Council Assessments | VCAT Representation |  
Strategic Planning | Due Diligence Advice

- Materials
  - Brickwork at ground level, 'Easy Lap' cladding at first floor in grey, tiled roofing (22.5 degree pitch) in grey or similar.
- Boundary setbacks:
 

East:	1.83 metres
West:	3.15 metres
South:	2 metres
- Access:
  - New crossover proposed along the western boundary to the unnamed laneway.
- Car parking:
  - Double garage on northern elevation with internal connection.
- Subdivided lot to have an area of 213m<sup>2</sup>

Pursuant to the provisions of the East Gippsland Planning Scheme, a Planning Permit is required for the development and subdivision of the subject land as proposed.



## 4. Planning controls

### 4.1 Planning Policy Framework

The East Gippsland Planning Scheme contains the following State and Local Planning Policies relevant to this proposal:

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Gippsland
- Clause 15.01-1S Urban design
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-1S Housing supply
- Clause 21.03-1 Planning for Growth Areas
- Clause 21.07-1 Urban Design
- Clause 21.08-1 Residential Development
- Clause 21.12-2 Lakes and Coastal

**Clause 11.01-1S Settlement** has the objective

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant strategies to achieve this objective include:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.*
- *Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.*
- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*
- *Create and reinforce settlement boundaries.*





- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*

**Clause 11.01-1R Settlement - Gippsland** has the relevant strategies:

- *Support urban growth in Latrobe City as Gippsland's regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns.*
- *Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.*

**Clause 15.01-1S Urban Design** has the objective:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*

Relevant strategies to achieve this objective include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*



**Clause 15.01-3S Subdivision Design** has the objective:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

Relevant strategies to achieve this objective include:

- *In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:*
  - *Creating compact neighbourhoods that have walkable distances between activities.*
  - *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
  - *Creating neighbourhood centres that include services to meet day to day needs.*
  - *Creating urban places with a strong sense of place that are functional, safe and attractive.*
  - *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.*
  - *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
  - *Protecting and enhancing native habitat.*
  - *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
  - *Reduce car dependency by allowing for:*
    - *Convenient and safe public transport.*
    - *Safe and attractive spaces and networks for walking and cycling.*
    - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
    - *A convenient and safe road network.*
  - *Being accessible to people with disabilities.*
  - *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

**Clause 15.01-5S Neighbourhood Character** has the objective:

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place*



Relevant strategies to achieve this objective include:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*
- *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 respecting the:*
  - *Pattern of local urban structure and subdivision.*
  - *Underlying natural landscape character and significant vegetation.*
  - *Neighbourhood character values and built form that reflect community identity*

**Clause 16.01-1S Housing Supply** has the objective:

- *To facilitate well-located, integrated and diverse housing that meets community needs.*

Relevant strategies to achieve this objective include:

- *Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*
- *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.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
- *Encourage the development of well-designed housing that:*
  - *Provides a high level of internal and external amenity.*
  - *Incorporates universal design and adaptable internal dwelling design.*
- *Support opportunities for a range of income groups to choose housing in well-served locations.*
- *Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*



**Clause 21.03-1 Planning for Growth Areas** has the relevant objectives:

- *To make best use of the community's investment in urban infrastructure and to provide support for community and commercial services.*
- *To build and support the urban centres so they remain commercially viable and a focus for services to residents and their wider districts.*
- *To provide for a fifteen year land supply to accommodate the future population growth within Bairnsdale.*

Relevant strategies designed to achieve these objectives include:

- *Ensure a range of lot sizes and dwelling types to provide diversity and choice in new residential areas.*
- *Support medium density development for both tourist and permanent residential use in residential zones.*
- *Encourage infill or incremental development of existing towns in preference to dispersed development.*
- *Encourage development of strong township centres through consolidation of retail and commercial areas.*
- *Encourage medium-rise residential or commercial development, more than three storeys high, on appropriate sites in Bairnsdale and Lakes Entrance.*
- *Support infill medium density housing close to Bairnsdale CBD to provide greater housing choices identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 3 Revitalisation and Growth Strategy.*
- *Support residential infill development within existing residential zones identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 3 Revitalisation and Growth Strategy.*

**Clause 21.07-1 Urban Design** has the relevant objective:

- *To ensure that future development contributes to, reinforces and enhances East Gippsland's identity, aesthetic quality, and economic diversity.*
- *To identify design improvements to active building frontages, laneways and arcades, and residential streets in the Bairnsdale CBD and residential areas.*



Relevant strategies designed to achieve this objective includes:

- *Identify and protect significant remnant vegetation parcels.*
- *Encourage high standards of design in all new developments, with special emphasis on urban areas, coastal and lakeside areas and other localities of high landscape quality, and land adjacent to parks and reserves.*
- *Ensure all development is designed in keeping with landscape and town character.*
- *Support development applications that ensure new buildings adjoining laneways incorporate active edges and upper floors that are active to laneways.*
- *Require subdivision and development applications within Bairnsdale to provide safe, consistent and accessible paths of travel for all pedestrians in residential streets by incorporating good practice and sound urban design principles.*

**Clause 21.08-1 Residential Development** has the relevant objective:

- *To cater for the housing needs and preferences of all segments of the community.*
- *To ensure social considerations are taken into account when considering applications for residential development.*
- *To encourage residential development to be directed to locations that minimises negative impacts on the Shire's urban waterways.*

Relevant strategies designed to achieve this objective includes:

- *Encourage the supply of elderly persons' housing in the main centres and facilitate development of community housing.*
- *Facilitate urban development for Bairnsdale within the existing town boundary identified in the Bairnsdale Growth Strategy, November (2009) and on Plan 3 Revitalisation and Growth Strategy.*
- *Support infill medium density housing and a mix of housing types close to Bairnsdale CBD and key locations to provide greater housing choices identified in the Bairnsdale Growth Strategy, November (2009) and on Plan 1 Housing Diversity.*
- *Manage the impacts of new residential developments on waterways through the application of the principles of the East Gippsland Shire Council Urban Waterway Guidelines.*





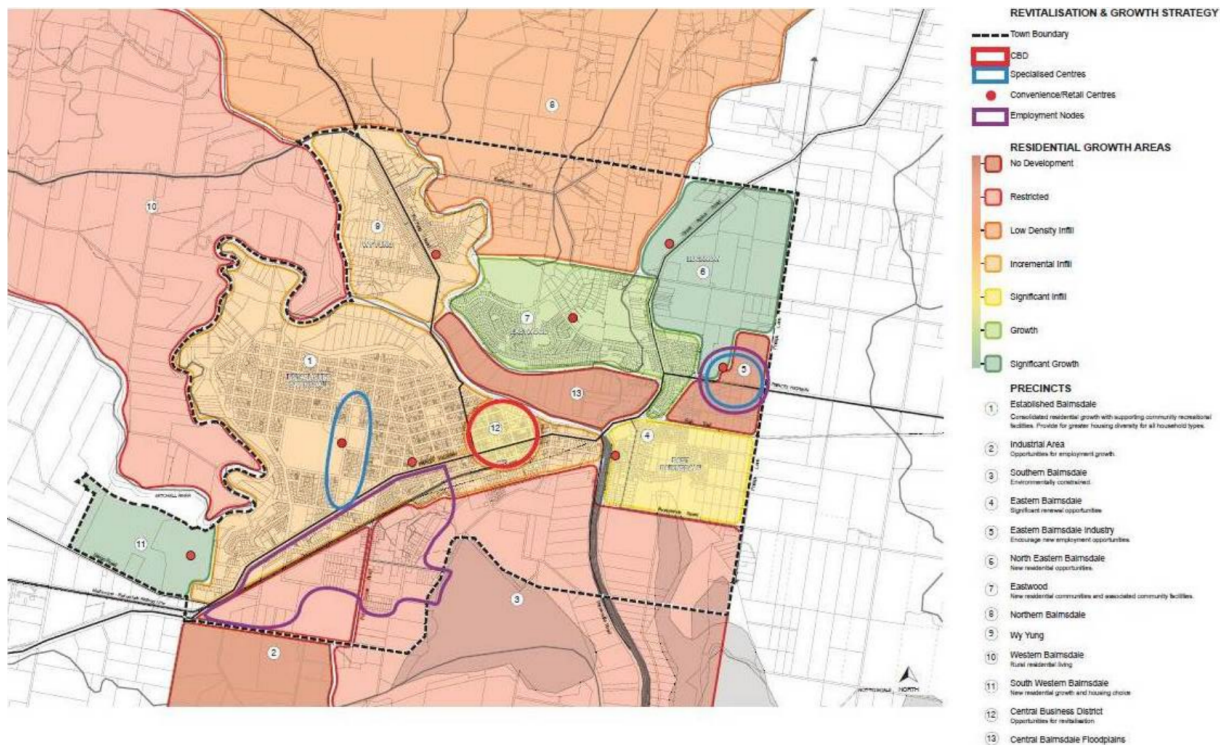
**Clause 21-12-2 Lakes and Coastal** provides the following overview of policy for development in Bairnsdale:

*From a social and economic perspective, the Lakes & Coastal sub-region (described in Clause 21.02-3 above) has the highest population density of the Shire, with the main commercial, retail and tourist centres located along this coastal fringe.*

*Bairnsdale is the largest town in the sub-region providing major commercial, retail, educational and public sector services.*

Relevant strategies for Bairnsdale include:

- Continue to encourage residential development within the urban areas already zoned residential. Future development should continue in Lakes and Shannon Waters Estate (see Plan 3 Revitalisation and Growth Strategy).
- Support residential infill development within existing residential zones identified within the Bairnsdale Growth Strategy, November (2009) and at Plan 3 Revitalisation and Growth Strategy.
- Facilitate the implementation of key recommendations contained within Bairnsdale Growth Strategy, November (2009).





## Discussion

The interaction with the relevant decision guidelines of the General Residential Zone is contained in Section 5 of this report. The key considerations applying to this application and the application of policy relate to the level of intensity of development in the GRZ and ResCode compliance, with the overwhelming policy direction being to intensity residential development in such areas in close proximity to jobs, transport and services.

When assessing the application against the state policies in the PPF, there is clear support for the proposed increase in density on the site as the site is well serviced by infrastructure and community services, and is close to the main commercial areas of Bairnsdale. This ensures efficient use of infrastructure and supports the usual preference that established residential areas experience residual increase in population and density. State and local policy also encourages new medium density housing to respect neighbourhood character, to which the proposal responds satisfactorily encouraging housing diversity in established areas with access to services.

The built form of the development will achieve architectural and urban design outcomes that contribute positively to the local urban character as required by Clause 15.01-1S of the Scheme given scale, bulk and mass in relation to the adjoining sites. The dwellings are detached, double storey and will be respectful of the scale of dwellings in the surrounding area, and consistent with those approved on the abutting allotment at 189 Nicholson Street. The proposed site layout and built form will be respectful of the existing built form in the area.

The architectural quality of the proposed development will reflect the particular characteristics of the neighbourhood whilst enhancing, livability and diversity of housing within the township as a whole, consistent with Clauses 15.01-1S and 15.01-5S.

The built form of the dwellings and the area of secluded private open space for each dwelling is appropriate, there are ample landscaping opportunities within the site. The intensity of the development is consistent with State Planning Policy.

The key planning considerations associated with the proposal relate to whether the proposed intensity of the development, including its layout and built form will achieve satisfactory outcomes. In determining the appropriateness of the proposal in the context of the local policies, due weight and consideration must also be given to the sites' location within an established residential area and the role of the town.

The proposed development and associated subdivision will be consistent with the proximity of the site to the main commercial precincts of Bairnsdale and designation in an 'incremental infill' area under Clause 21.12-3, facilitating an increase in residential density in an established residential area within walking distance of the Bairnsdale town centre. The proposed development is respectful of the existing neighbourhood character in terms of built form and landscape response and does not seek to create an outcome discordant with the surrounding development forms and intensity; providing for a compact urban form, with double storey building heights and suitable landscaping.

For these reasons, the proposal is considered to represent an appropriate built form outcome for the site and surrounding area when considered against relevant policy. The development is of an intensity commensurate with development expectations for the site and designed in such a way to provide passive surveillance of the surrounding public space and suitable landscaping.

## 4.2 Zoning and overlay controls

### 4.2.1 Zoning

The subject land is located within the General Residential Zone – Schedule 1 (GRZ1) under the East Gippsland Planning Scheme. An extract of the relevant zoning map is provided below:

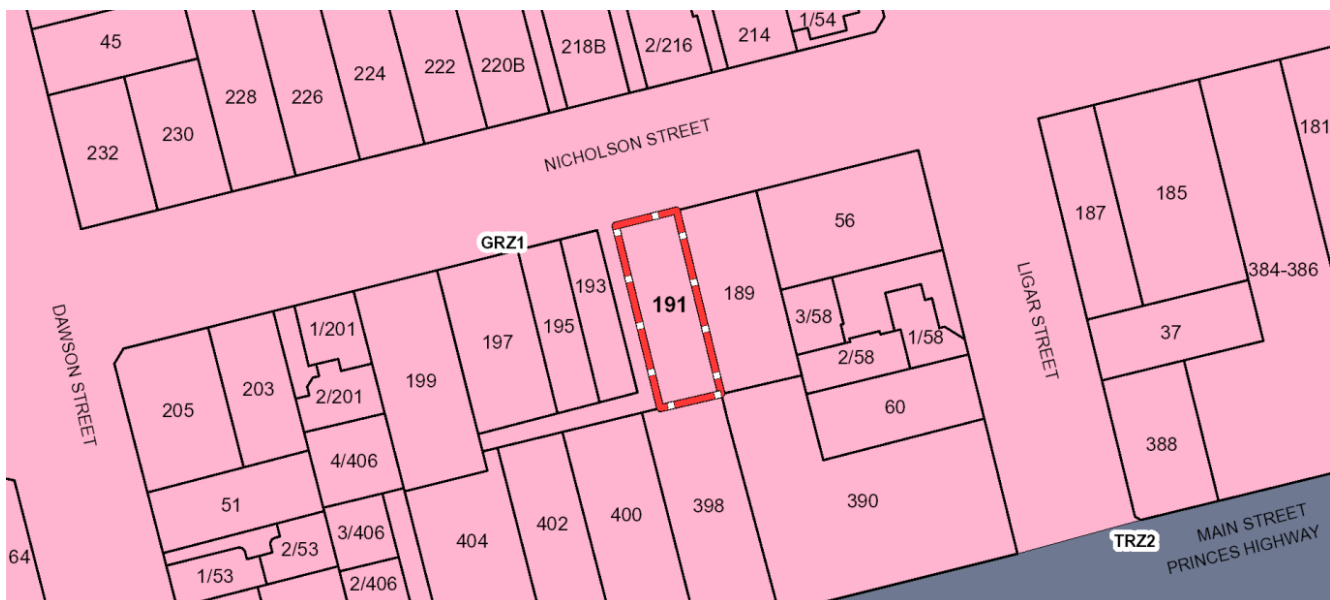


Figure 2: Zoning map of subject site and immediate surrounds. Source: VicPlan





The purpose of the General Residential Zone, as stated at Clause 32.08 of the Scheme 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.

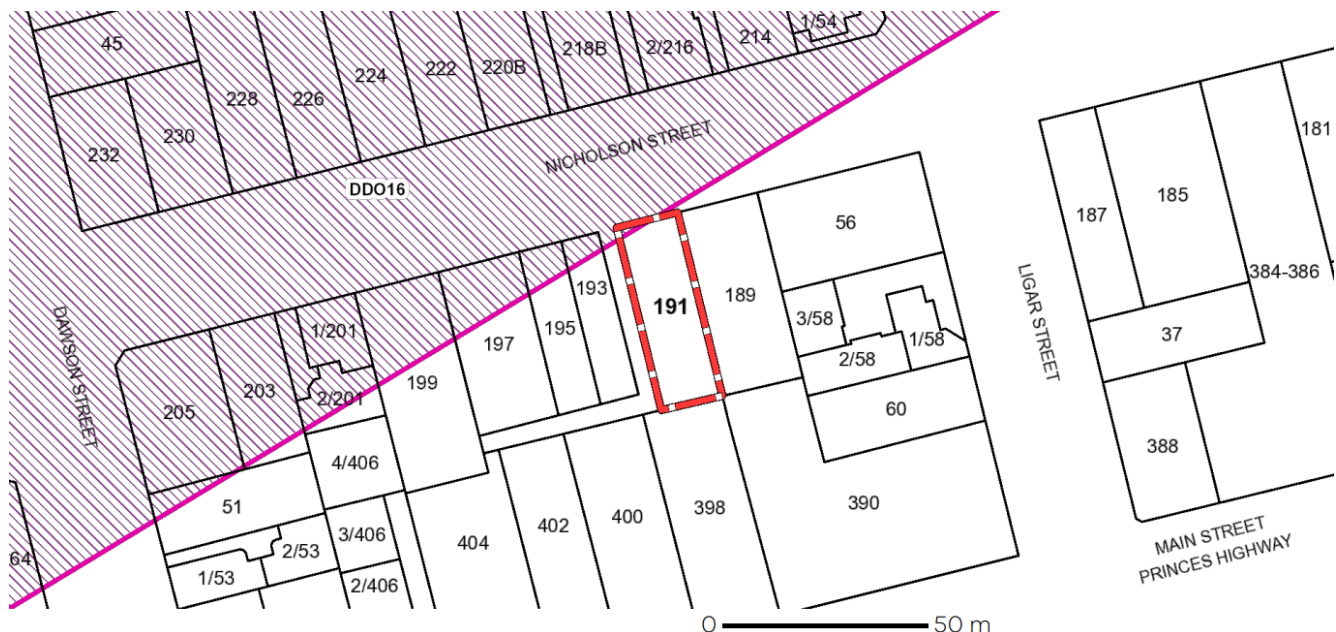
Pursuant to Clause 32.08-3, a permit is required to subdivide land.

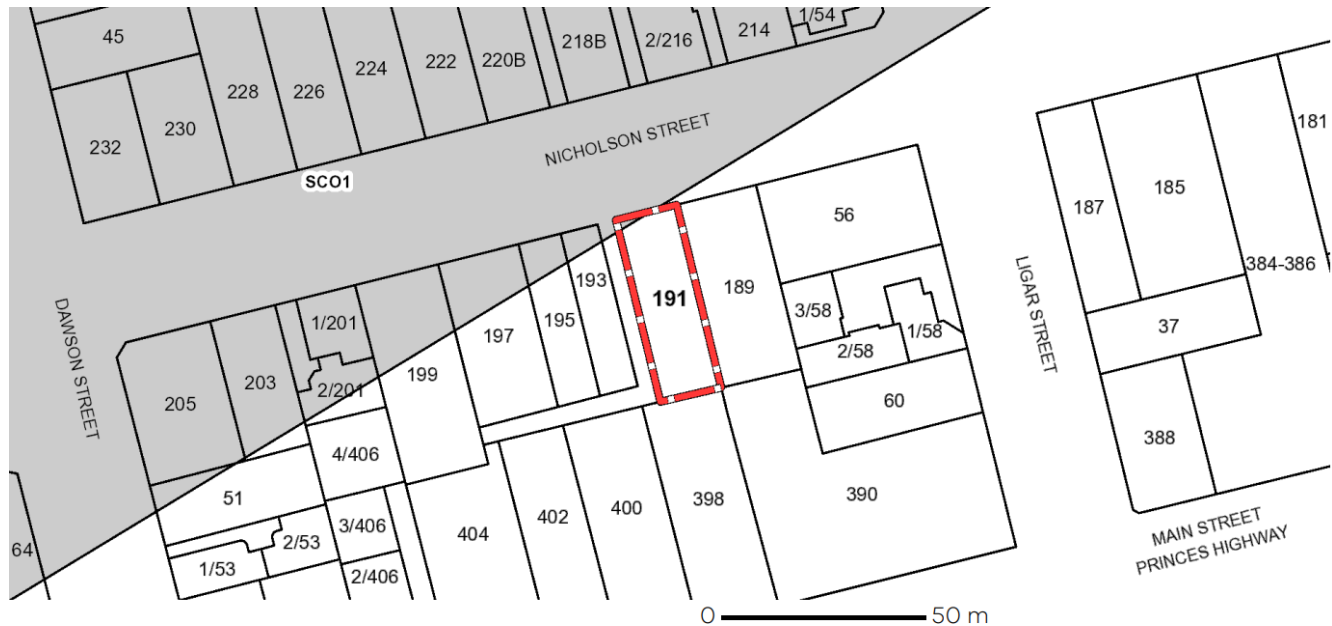
Pursuant to Clause 32.08-6, a permit is required to construct two (2) or more dwellings on a lot, and must meet the requirements of Clause 55. An assessment against the provisions of Clause 55 is provided in Section 5 of this report.

Clause 32.08-4 provides that 35% of the site must be provided as garden area. The proposal currently provides for 37.4% garden area, thus meeting this requirement.

#### 4.2.2 Overlays

The subject land is partially covered by the Design and Development Overlay – Schedule 16 (DDO16) and Specific Controls Overlay – Schedule 1 (SCO1) under the East Gippsland Planning Scheme. An extract of the relevant overlay maps is provided below:





*Figures 3 and 4: Overlay maps of subject site and immediate surrounds. Source: VicPlan*

As the proposal does not contain any building works in these areas, and there is no subdivision trigger under these controls, the provisions of the DDO and SCO are not discussed further in this report.

#### 4.3 Particular provisions

**Clause 52.06 – Car Parking** is relevant to this application. Each dwelling is provided with car parking in accordance with Clause 52.06-5 of the East Gippsland Planning Scheme, and in accordance with the relevant design standards of Clause 52.06-9. As such, no further assessment of this Clause is required.

**Clause 55 – Two or more Dwellings on a lot and Residential Buildings** is relevant to this application. A detailed assessment against Clause 55 is provided at Section 5 of this report.

**Clause 56 – Residential Subdivision** is relevant to this application. As the proposal is for a subdivision in conjunction with development, a separate assessment is not provided of Clause 56 as compliance with Clause 55 will be deemed to satisfy the requirements of Clause 56.

#### 4.4 General provisions

The provisions of Clause 65 – Decision Guidelines are relevant to this proposal and are discussed at Section 5 of this report.



## 5. Planning Assessment

### 5.1 The decision guidelines of the General Residential Zone

The decision guidelines of the General Residential Zone set out the matters that the Responsible Authority must consider (as appropriate):

#### General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

#### Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

#### Dwellings and residential buildings

- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.*

#### Discussion

As discussed in Section 4 of this report, it is considered that the proposed development is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework in relation to urban design, subdivision design and neighbourhood character. The further development of housing options in an existing residential area in close proximity to the town centre is encouraged by the relevant provisions of the Scheme and the GRZ. The proposal will not affect rooftop solar systems and meets the relevant objectives of Clause 55 as applicable to this proposal.



## 5.2 Assessment of the proposal against Clause 55

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE				
<b>55.02-1 Neighbourhood Character</b>	<b>Met?</b>	<b>Standard B1</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.</i></p> <p><i>To ensure that development responds to the features of the site and the surrounding area</i></p>	Yes	<i>The design response must be appropriate to the neighbourhood and the site.</i>	Yes	<p>As discussed through this report, the character of the area consists of a combination of single and double storey residences (including approved double storey residences to be constructed), with varied size backyards and varied setbacks to the street.</p> <p>The proposal is consistent with the existing and emerging development forms in the area, in a manner both supported and encouraged by planning policy. Given the location of the site in close proximity to the Bairnsdale town centre, the proposal is an appropriate intensification in the GRZ as envisaged by the Scheme.</p>
		<i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site</i>	Yes	
<b>55.02-2 Residential Policy</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</i></p>	Yes	<i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i>	Yes	A response to relevant Planning Policy is provided in Section 4 of this report and assessment against the relevant permit triggers is provided in Section 5 of this report.
<b>55.02-3 Dwelling Diversity</b>	<b>Met?</b>	<b>Standard B3</b>	<b>Met?</b>	<b>Comments</b>



<i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i>	N/A	<i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i> <ul style="list-style-type: none"> <li><i>Dwellings with a different number of bedrooms.</i></li> <li><i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i></li> </ul>	N/A	The development is for three (3) dwellings only
<b>55.02-4 Infrastructure</b>	<b>Met?</b>	<b>Standard B4</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure development is provided with appropriate utility services and infrastructure.</i>	Yes	<i>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</i>	Yes	All reticulated services are available to the land and will be connected per the requirements of the relevant authority.
<i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>		<i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i>	Yes	The development will not unreasonably impact service capacity.
		<i>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</i>	Yes	As above.
<b>55.02-5 Integration With The Street</b>	<b>Met?</b>	<b>Standard B5</b>	<b>Met?</b>	<b>Comments</b>
<i>To integrate the layout of development with the street</i>	Yes	<i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i>	Yes	Each dwelling is provided with appropriate vehicular and pedestrian access.
		<i>Development should be oriented to front existing and proposed streets</i>	Yes	The front dwelling is orientated to Nicholson Street, with the rear dwellings orientated to the laneway to the west.
		<i>High fencing in front of dwellings should be avoided if practicable</i>	Yes	Complies.
		<i>Development next to existing public open space should be laid out to complement the open space.</i>	N/A	Not applicable.

<b>55.03 SITE LAYOUT AND BUILDING MASSING</b>				
<b>55.03-1 Street Setback</b>	<b>Met?</b>	<b>Standard B6</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the</i>	Yes	<i>Walls of buildings should be set back from streets the distance specified below:</i> <p><i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> <li><i>The average distance of the</i></li> </ul>	No	The proposal provides a setback of 6 metres to Nicholson Street, whereby the Standard would call for a setback of 7.5 metres, in line with the approved dwelling at 189 Nicholson Street (Planning Permit 395/2021/P). This represents a variation of 1.5 metres to the Standard.





<p>site</p>	<p><i>setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</i></p> <p><i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner:</i></p> <ul style="list-style-type: none"> <li><i>▪ The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></li> </ul> <p><i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> <li><i>• 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></li> </ul> <p><i>The site is on a corner.</i></p> <ul style="list-style-type: none"> <li><i>• Min front setback if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i></li> <li><i>• Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i></li> <li><i>• Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i></li> <li><i>• Side walls of new development on a corner site should be setback the</i></li> </ul>	<p>In considering whether this is an acceptable design response, regard must be had to the objective of Clause 55.03-1; <i>being to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i></p> <p>There are 2 attributes to this objective, being:</p> <ul style="list-style-type: none"> <li>- Character; and</li> <li>- Efficient use of site,</li> </ul> <p>which are discussed in turn below.</p> <p><b>Character</b></p> <p>In terms of character outcomes, while the land at 193 Nicholson Street is not directly applicable under the Standard, its built form is relevant to the neighbourhood character outcomes of the area. The dwelling on this site has a setback of approximately 6.8 metres to Nicholson Street.</p> <p>A number of other dwellings on Nicholson Street (such as 195, 197 and 216, amongst others) provide setbacks less than what would be required by the Standard, such that uniformity in street setback is not considered to be part of the overall neighbourhood character of the area.</p> <p>The proposed development, by utilising a setback of 6 metres, represents a minor variation to the average setback of 189 and 193 Nicholson Street; the built form of which is broken up by the presence of the laneway to the west of the site. For most pedestrians and vehicles moving through the area, the front dwelling will be viewed when travelling along Nicholson Street, where the presence of the</p>
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		<p><i>same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i></p>		<p>laneway breaks up the streetscape pattern in this area. Further, it is noted that Nicholson Street comprises a wide road reserve and divided carriageway, where passing traffic and pedestrians are less likely to be able to discern a variation in setback than they would on a narrower street or where large/homogenous setbacks form part of the neighbourhood character of the area.</p> <p><b>Efficient use of site</b></p> <p>Part of the objective of Clause 55.03-1 requires the Responsible Authority to consider the efficient use of the site. This is an acknowledgement that variation to the Standard may be appropriate to allow for a development outcome that would be compromised if strict adherence to the Standard were imposed.</p> <p>While we submit that the proposal is consistent with the prevailing neighbourhood character of the area for the reasons outlined above, the proposal and its proposed 6 metre setback allows for the development of three (3) dwellings on a site where housing intensification is encouraged, while ensuring that all future dwellings are afforded reasonable liveability, including good sized habitable rooms and useable Secluded Private Open Space. The alternate outcome would be to reduce these aspects to achieve numeric compliance with the street setback standard, which we submit would result in a poorer outcome for the site and future residents than what is proposed.</p>
		<p><i>Porches, pergolas and verandahs that are &lt; 3.6m high and eaves may encroach ≤ 2.5m into the setbacks of this standard</i></p>	Yes	<p>Encroachments within allowable limits.</p>



<b>55.03-2 Building Height</b>	<b>Met?</b>	<b>Standard B7</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character</i>	Yes	<i>The maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i>	Yes	Complies.
		<i>Changes of building height between existing buildings and new buildings should be graduated.</i>	Yes	All proposed dwellings are double storey, consistent with the surrounding streetscape and development approved at 189 Nicholson Street.
<b>55.03-3 Site Coverage</b>	<b>Met?</b>	<b>Standard B8</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</i>	Yes	<i>The site area covered by buildings should not exceed 60 per cent</i>	Yes	Building site coverage is less than 60% (53.4%).
<b>55.03-4 Permeability</b>	<b>Met?</b>	<b>Standard B9</b>	<b>Met?</b>	<b>Comments</b>
<i>To reduce the impact of increased stormwater run-off on the drainage system</i> <i>To facilitate on-site stormwater infiltration</i>	Yes	<i>The site area covered by the pervious surfaces should be at least 20% of the site</i>	Yes	Permeable area is greater than 20% (38.6%).
		<i>The stormwater management system should be designed to:</i> <ul style="list-style-type: none"> <li><i>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).</i></li> </ul> <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i>	Yes	A permit condition will require the submission of a stormwater management plan
<b>55.03-5 Energy Efficiency</b>	<b>Met?</b>	<b>Standard B10</b>	<b>Met?</b>	<b>Comments</b>





<p><i>To achieve and protect energy efficient dwellings and residential buildings</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</i></p>	Yes	<p><i>Buildings should be:</i></p> <ul style="list-style-type: none"> <li><i>Orientated to make appropriate use of solar energy</i></li> <li><i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</i></li> <li><i>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i></li> </ul>	Yes	The proposed dwellings provide for windows of all habitable rooms on eastern, western or northern elevations to allow solar access, and the height and form of the new dwelling will not unreasonably affect solar access on other existing dwellings.
		<p><i>Living areas and private open space should be located on the north side of the development if practicable</i></p>	Yes	Living and POS areas for all dwellings are on the northern aspect as far as practicable (noting the orientation and form of the land creates constraints for north facing solar access), and where not practicable are afforded east/west solar access to ensure that suitable light is provided. All POS areas have some access to northern aspects.
		<p><i>Developments should be designed so that solar access to north-facing windows is maximised</i></p>	Yes	As above.
<b>55.03-6 Open Space</b>	<b>Met?</b>	<b>Standard B11</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To integrate the layout of the development with any public and communal open space provided in or adjacent to the development</i></p>	N/A	<p><i>If any public or communal open space is provided on site, it should:</i></p> <ul style="list-style-type: none"> <li><i>Be substantially fronted by dwellings, where appropriate</i></li> <li><i>Provide outlook for as many dwellings as practicable</i></li> <li><i>Be designed to protect any natural features on the site</i></li> <li><i>Be accessible and useable</i></li> </ul>	N/A	N/A
<b>55.03-7 Safety</b>	<b>Met?</b>	<b>Standard B12</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To ensure the layout of development provides for the safety and security of residents and property</i></p>	Yes	<p><i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i></p>	Yes	The entrances to each dwelling are readily identifiable from the street and internal accessways.
		<p><i>Planting which creates unsafe spaces along streets and accessways should be avoided</i></p>	Yes	No such plantings proposed.



		<i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i>	Yes	Each car parking space and internal accessway is afforded good passive surveillance from the dwellings and the public realm.
		<i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i>	Yes	The development does not present opportunity for inappropriate use as a public thoroughfare.
<b>55.03-8 Landscaping</b>	<b>Met?</b>	<b>Standard B13</b>	<b>Met?</b>	<b>Comments</b>
<p><i>To encourage development that respects the landscape character of the neighbourhood</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site</i></p>	Yes	<p><i>The landscape layout and design should:</i></p> <ul style="list-style-type: none"> <li><i>Protect any predominant landscape features of the neighbourhood</i></li> <li><i>Take into account the soil type and drainage patterns of the site</i></li> <li><i>Allow for intended vegetation growth and structural protection of buildings</i></li> <li><i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i></li> <li><i>Provide a safe, attractive and functional environment for residents</i></li> </ul> <p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</i></p>	Yes	Sufficient area is provided for landscaping for each dwelling. It is anticipated that a detailed landscaping plan will be required as a condition of any permit issued.
<b>55.03-9 Access</b>	<b>Met?</b>	<b>Standard B14</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure the number and design of vehicle crossovers respects the neighbourhood character</i>	Yes	<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> <li><i>33% of the street frontage, or</i></li> <li><i>if the width of the street frontage is less than 20m, 40% of the street frontage</i></li> </ul>	Yes	Complies (less than 40% to Nicholson Street and less than 33% to the laneway).



		No more than one single-width crossover should be provided for each dwelling fronting a street	Yes	Complies (1 single width crossover for each dwelling)
		The location of crossovers should maximize the retention of on-street car parking spaces	Yes	Crossover locations are designed to minimise impacts on on-street car parking.
		The number of access point to a road in a Road Zone should be minimised	N/A	The site does not abut a Road Zone.
		Developments must provide access for service, emergency and delivery vehicles	Yes	Complies.
<b>55.03-10 Parking Location</b>	<b>Met?</b>	<b>Standard B15</b>	<b>Met?</b>	<b>Comments</b>
To provide convenient parking for resident and visitor vehicles	Yes	Car parking facilities should: <ul style="list-style-type: none"> <li>Be reasonably close and convenient to dwellings and residential buildings</li> <li>Be secure</li> <li>Be well ventilated if enclosed</li> </ul>	Yes	Complies.
To protect residents from vehicular noise within developments		Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway	Yes	Complies.

<b>55.04 AMENITY IMPACTS</b>				
<b>55.04-1 Side And Rear Setback</b>	<b>Met?</b>	<b>Standard B17</b>	<b>Met?</b>	<b>Comments</b>
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings	Yes	A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.	Yes	Complies.
		Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5m into the setbacks of this standard	Yes	Encroachments are within allowable standards.
		Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard	Yes	N/A



<b>55.04-2 Wall On Boundaries</b>	<b>Met?</b>	<b>Standard B18</b>	<b>Met?</b>	<b>Comments</b>
<i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</i>	Yes	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul>	Yes	Complies.
		A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.	N/A	N/A
		The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.	Yes	Complies.
<b>55.04-3 Daylight To Existing Windows</b>	<b>Met?</b>	<b>Standard B19</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate daylight into existing habitable room windows</i>	Yes	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The calculation of the area may include land on the abutting lot	Yes	All existing habitable room windows will have access to the requisite light court.



		Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window. Refer to Diagram B2	N/A	Not applicable to this development.
<b>55.04-4 North Facing Windows</b>	<b>Met?</b>	<b>Standard B20</b>	<b>Met?</b>	<b>Comments</b>
To allow adequate solar access to existing north-facing habitable room windows	Yes	If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east. Refer to Diagram B3	Yes	Complies.
<b>55.04-5 Overshadow Open Space</b>	<b>Met?</b>	<b>Standard B21</b>	<b>Met?</b>	<b>Comments</b>
To ensure buildings do not significantly overshadow existing secluded private open space	Yes	Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September	Yes	The development complies with the Standard for all existing dwellings.
		If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced	N/A	Not applicable.
<b>55.04-6 Overlooking</b>	<b>Met?</b>	<b>Standard B22</b>	<b>Met?</b>	<b>Comments</b>
To limit views into existing secluded	Yes	A habitable room window, balcony, terrace, deck or patio should be	Yes	No overlooking can occur from the development as proposed



private open space and habitable room windows		located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level		
		A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> <li>offset a minimum of 1.5m from the edge of one window to the edge of the other</li> <li>have sill heights of at least 1.7m above floor level</li> <li>have fixed, obscure glazing in any part of the window below 1.7m above floor level</li> <li>have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent</li> </ul>	Yes	Fixed, obscure glazing is provided to all applicable habitable room windows.
		Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard	N/A	N/A
		Screens used to obscure a view should be: <ul style="list-style-type: none"> <li>perforated panels or trellis with a maximum of 25% openings or solid translucent panels</li> <li>permanent, fixed and durable</li> <li>designed and coloured to blend with the development</li> </ul>	N/A	As above.
<b>55.04-7 Internal Views</b>	<b>Met?</b>	<b>Standard B23</b>	<b>Met?</b>	<b>Comments</b>
To limit views into the secluded private open space and	N/A	Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private	Yes	Complies (obscure glazing provided to prevent internal overlooking)





<i>habitable room windows of dwellings and residential buildings within a development</i>		<i>open space of a lower-level dwelling or residential building directly below and within the same development</i>		
<b>55.04-8 Noise Impacts Objective</b>	<b>Met?</b>	<b>Standard B24</b>	<b>Met?</b>	<b>Comments</b>
<i>To contain noise sources in developments that may affect existing dwellings</i>	Yes	<i>Noise sources, such as mechanical plant, should not be located near boundaries of immediately adjacent existing dwellings</i>	Yes	No such plant or equipment required.
<i>To protect residents from external noise</i>		<i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties</i>	Yes	The site is located in a typical residential area with typical noise sources and emissions.
		<i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms</i>	Yes	The subject land is not located near a busy road, railway line or industry.

<b>55.05 ON-SITE AMENITY AND FACILITIES</b>				
<b>55.05-1 Accessibility</b>	<b>Met?</b>	<b>Standard B25</b>	<b>Met?</b>	<b>Comments</b>
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments</i>	Yes	<i>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</i>	Yes	Each dwelling entry is at ground level and accessible to persons with limited mobility.
<b>55.05-2 Dwelling Entry</b>	<b>Met?</b>	<b>Standard B26</b>	<b>Met?</b>	<b>Comments</b>
<i>To provide each dwelling or residential building with its own sense of identity</i>	Yes	<i>Entries to dwellings and residential buildings should:</i> <ul style="list-style-type: none"> <li><i>be visible and easily identifiable from streets and other public areas</i></li> <li><i>provide shelter, a sense of personal address and a transitional space around the entry</i></li> </ul>	Yes	Each entry is readily identifiable and visible from the street, and provides a porch/verandah as a transitional space to same.
<b>55.05-3 Daylight To New Windows</b>	<b>Met?</b>	<b>Standard B27</b>	<b>Met?</b>	<b>Comments</b>
<i>To allow adequate daylight into new habitable room windows</i>	Yes	<i>A window in a habitable room should be located to face:</i> <ul style="list-style-type: none"> <li><i>an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</i></li> <li><i>a verandah provided it is open for at least one third its perimeter, or</i></li> </ul>	Yes	All new habitable room windows are provided with the requisite light courts.



		<ul style="list-style-type: none"> <li>a carport provided it has two or more open sides and is open for at least one third of its perimeter</li> </ul>		
<b>55.05-4 Private Open Space</b>	<b>Met?</b>	<b>Standard B28</b>	<b>Met?</b>	<b>Comments</b>
To provide adequate private open space for the reasonable recreation and service needs of residents	Yes	<p>A dwelling or residential building should have private open space:</p> <ul style="list-style-type: none"> <li>an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or</li> <li>a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or</li> <li>a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</li> </ul>	Yes	Each dwelling is provided at least 40m2 of POS and SPOS with convenient access from a living room.
<b>55.05-5 Solar Access To Open Space</b>	<b>Met?</b>	<b>Standard B29</b>	<b>Met?</b>	<b>Comments</b>
To allow solar access into the secluded private open space of new dwellings and residential buildings	Yes	The private open space should be located on the north side of the dwelling or residential buildings	No	Given the orientation of the site and laneway, POS is primarily on the eastern and southern aspects for dwellings 2 and 3. However, each dwelling is provided some north facing solar access to POS and SPOS areas. This is discussed further below.
		The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall Refer to Diagram B29	No	<p>Dwellings 2 and 3 require a setback of 4.466 metres, where only 3.98m and 3.92m is provided respectively.</p> <p>The objective of Standard B29 requires consideration of the design response and the useability and amenity of the space. In considering this, each POS area is afforded some northern light access, with the variation considered to have benefits in ensuring that passive cooling is provided to these areas, particularly given the heat that is experienced in urban areas in summer. The POS areas remain useable and practical and will not be unreasonably affected by the variation.</p>
<b>55.05-6 Storage</b>	<b>Met?</b>	<b>Standard B30</b>	<b>Met?</b>	<b>Comments</b>
To provide adequate storage facilities for each dwelling	Yes	Each dwelling should have convenient access to at least 6m <sup>3</sup> of externally accessible, secure storage space	Yes	Each dwelling is provided external storage of the requisite size.





55.06 DETAILED DESIGN				
55.06-1 Design Detail	Met?	Standard B31	Met?	Comments
To encourage design detail that respects the existing or preferred neighbourhood character	Yes	The design of buildings, including: <ul style="list-style-type: none"> <li>• Facade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> should respect the existing or preferred neighbourhood character.	Yes	The existing and proposed dwellings are double storey, commensurate with the prevailing streetscape of a scale and intensity appropriate for the location for the reasons discussed in this submission.
		Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character	Yes	Each garage is integrated with the development form, and will not be a dominant feature of the streetscape or overall development.
55.06-2 Front Fences	Met?	Standard B32	Met?	Comments
To encourage front fence design that respects the existing or preferred neighbourhood character	Yes	The design of front fences should complement the design of the dwelling and any front fences on adjoining properties	Yes	No front fencing proposed.
		A front fence within 3m of a street should not exceed: <ul style="list-style-type: none"> <li>• Streets in a Road Zone – 2m</li> <li>• Other Streets – 1.5m</li> </ul>	Yes	As above.
55.06-3 Common Property	Met?	Standard B33	Met?	Comments
To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained  To avoid future management difficulties in areas of common ownership	N/A	Developments should clearly delineate public, communal and private areas	N/A	No common property is proposed.
		Common property, should be functional and capable of efficient management	N/A	As above.
55.06-4 Site Service	Met?	Standard B34	Met?	Comments
To ensure that site services can be installed and easily maintained  To ensure that site facilities are accessible, adequate and attractive	Yes	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically	Yes	The design of the dwellings provides sufficient space for all services to be accommodated and maintained efficiently and economically, including in easements if required.
		Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development	Yes	Sufficient area is available for these facilities to be provided and integrated with the development, which can be a condition of any permit granted.



		<i>Bin and recycling enclosures should be located for convenient access</i>	Yes	Bin storage is readily accommodated at the rear of each dwelling, easily accessible and moveable to the street frontage and not visible from the street.
		<i>Mailboxes should be provided and located for convenient access</i>	Yes	Mailboxes can be readily accommodated in accordance with Australia Post requirements.

### 5.3 The decision guidelines of Clause 65

The decision guidelines contained in Clause 65 of the East Gippsland Planning Scheme set out the matters that the Responsible Authority must consider (as appropriate):

#### Development

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to 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 extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *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.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

#### Subdivision

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*



- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewerage and no provision has been made for the land to be sewerage, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

## Discussion

The proposed dwellings and subdivision are considered to accord with the relevant matters enunciated in this Clause. As explored through this report, the development provides for a diversity in housing types and housing options in an area well connected to private and public services. It is anticipated that permit conditions would require submission of detailed stormwater management plans. No natural hazards issues are identified in relation to the site and no staging is required.



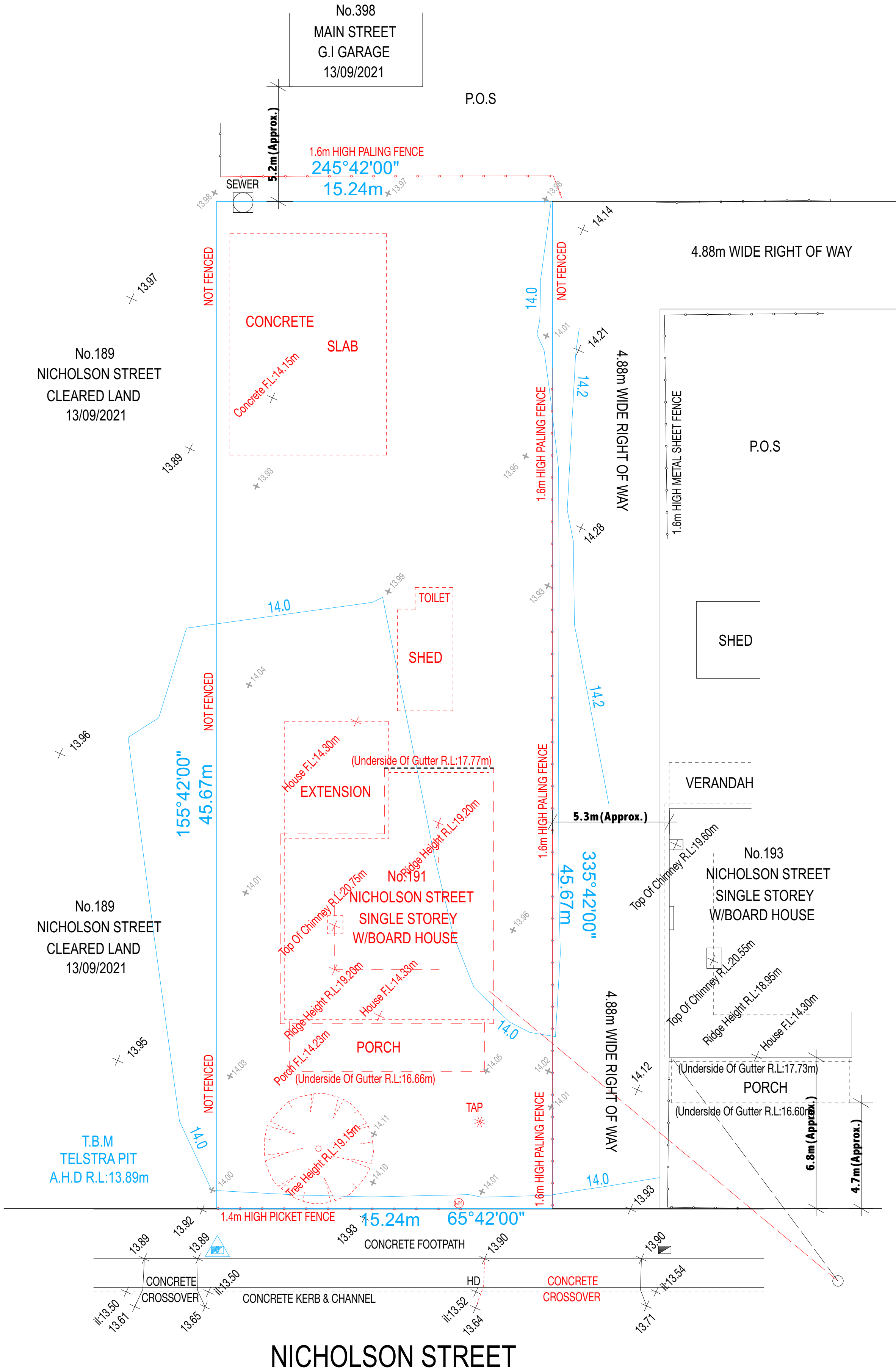
## 6. Conclusion

This report demonstrates that the proposal is consistent with the relevant provisions of the East Gippsland Planning Scheme, including the Planning Policy Framework, Municipal Planning Strategy and the relevant objectives and decision guidelines of the General Residential Zone, Clause 52.06, Clause 55 and Clause 65.

The proposed development and subdivision is appropriate for the site as it:

- Is supported by relevant State and Local Planning Policy relating to infill development with good access to jobs, transport and services;
- Is of a scale commensurate with the surrounding neighbourhood, existing approved development and providing for intensification of development in the area;
- Satisfies the relevant objectives and decision guidelines of the General Residential Zone;
- Satisfies the relevant objectives and decision guidelines of Clause 55; and
- Is consistent with the decision guidelines of Clause 65 of the East Gippsland Planning Scheme.

It is therefore considered that the proposal is worthy of support, and it is therefore respectfully requested that the East Gippsland Shire Council issue a Planning Permit to allow the development and subdivision as described in this report at 191 Nicholson Street, Bairnsdale.





Bairnsdale Regional Health  
Morrison Street Medical

No.189  
OLSON STREET  
ARED LAND  
3/09/2021

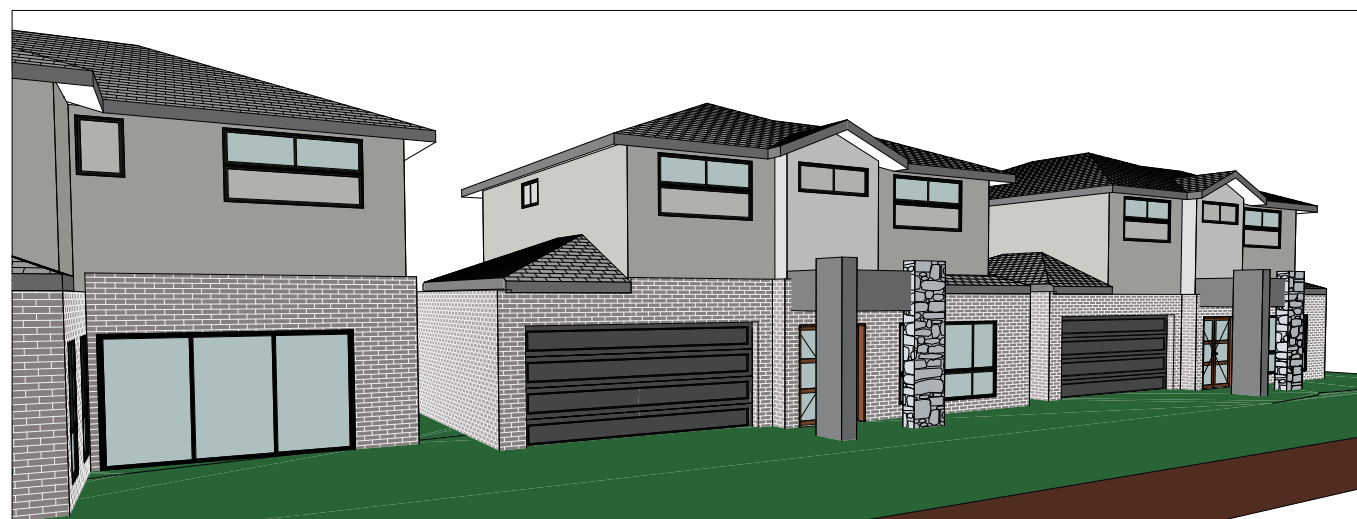
Setbacks to the private open spaces have been provided to ensure sufficient space for meaningful landscaping. It is also designed to maximise northern solar access to the dwellings and avoid overshadowing impact on the adjoining properties.

In summary, the proposal is designed in a manner which will make efficient use of the site and will impact positively on the surrounding neighbourhood.

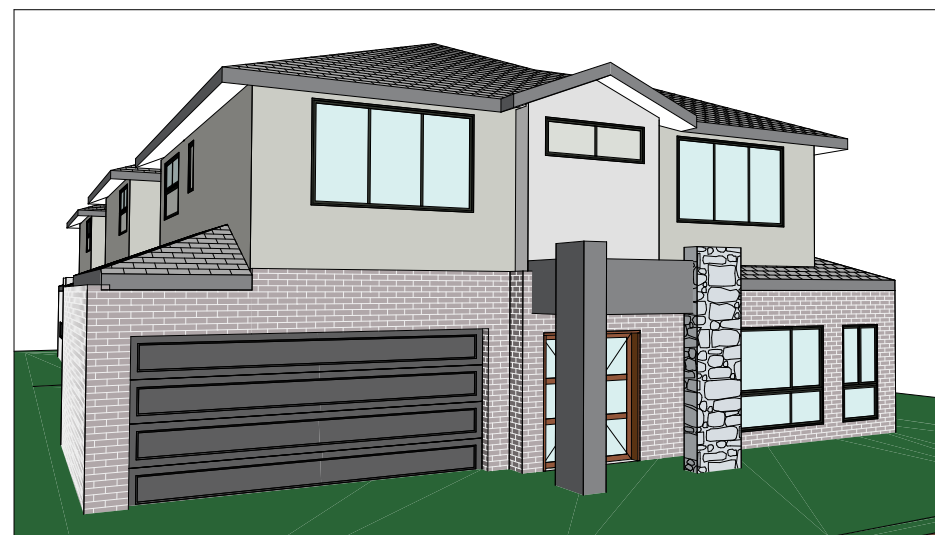
No.189  
NICHOLSON STREET  
CLEARED LAND  
13/09/2021

T.B.M  
TELSTRA PIT  
A.H.D R.L:13.89m

# NICHOLSON STREET



## PERSPECTIVE 01



## PERSPECTIVE 02

DESIGN RESPONSE PLAN Printed 8/03/2022

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Page 42 of 48  
TOWN PLANNING

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PROJECT

**191 Nicholson Street, Bairnsdale**

PROPOSAL

### PROPOSAL

#### Proposed Multi Unit

SCALE: 1:130, 1:500, 1:5665, 1:2600, 1:89. 28/1/22

SHEET: TP02

ISSUE: **A**





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CLEARED LAND  
13/09/2021

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PROPOSAL  
**Proposed Multi Unit**

SCALE: 1:100

PAPER: A2

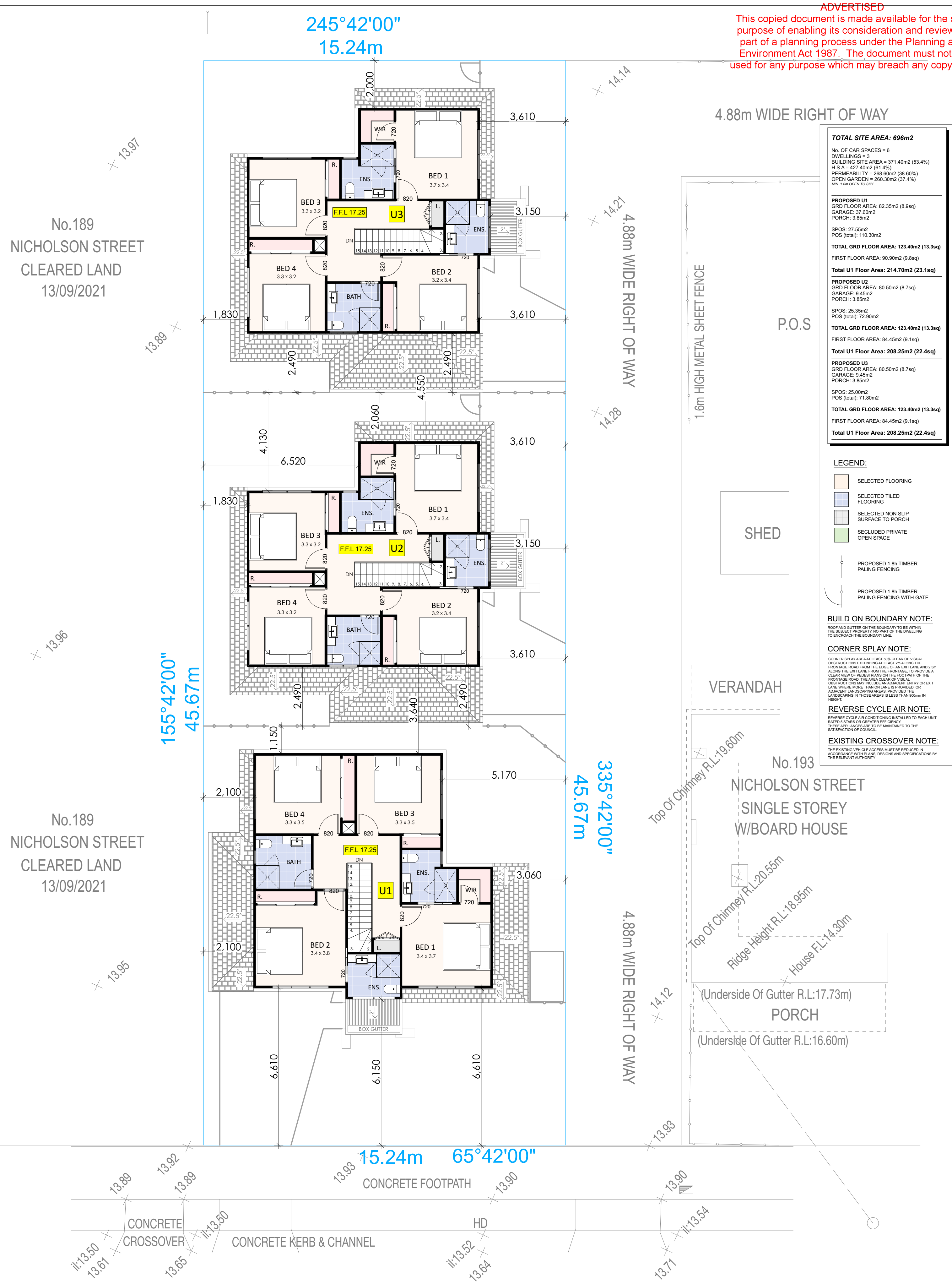
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SHEET: TP04

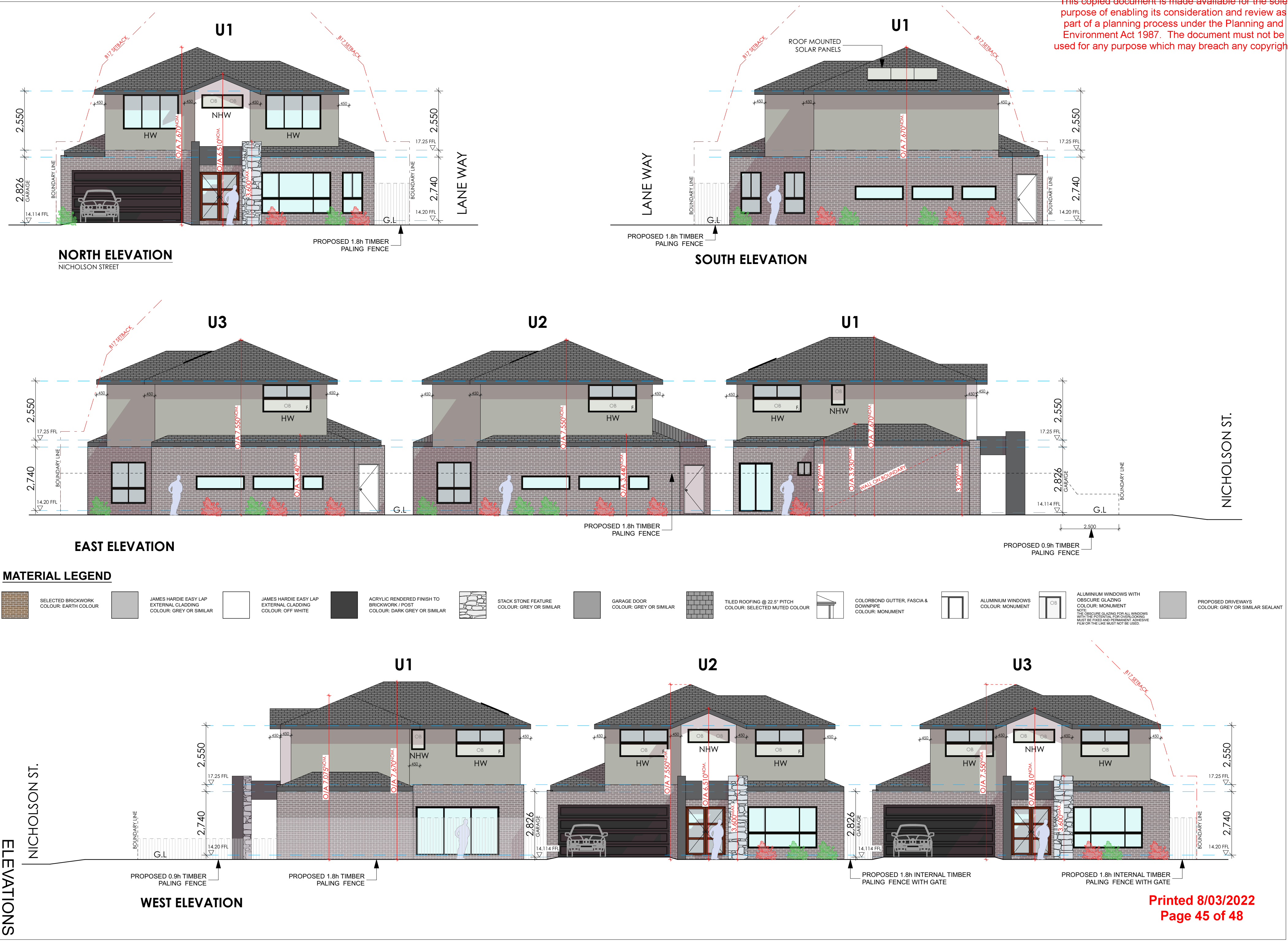
ISSUE: A

FIRST FLOOR PLAN

Printed 6/03/2022  
Page 44 of 48  
TOWN PLANNING







U1

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h TIMBER PALING FENCE

NORTH ELEVATION

NICHOLSON STREET

U1

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h TIMBER PALING FENCE

SOUTH ELEVATION

LANE WAY

U3

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h TIMBER PALING FENCE

U2

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h TIMBER PALING FENCE

U1

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 0.9h TIMBER PALING FENCE

EAST ELEVATION

NICHOLSON ST.

MATERIAL LEGEND

SELECTED BRICKWORK

COLOUR: EARTH COLOUR

JAMES HARDIE EASY LAP

EXTERNAL CLADDING

COLOUR: GREY OR SIMILAR

JAMES HARDIE EASY LAP

EXTERNAL CLADDING

COLOUR: OFF WHITE

ACRYLIC RENDERED FINISH TO

BRICKWORK / POST

COLOUR: DARK GREY OR SIMILAR

STACK STONE FEATURE

COLOUR: GREY OR SIMILAR

GARAGE DOOR

COLOUR: GREY OR SIMILAR

TILED ROOFING @ 22.5° PITCH

COLOUR: SELECTED MUTED COLOUR

COLORBOND GUTTER, FASCIA & DOWNPIPE

COLOUR: MONUMENT

ALUMINIUM WINDOWS

COLOUR: MONUMENT

ALUMINIUM WINDOWS WITH

OBSCURE GLAZING

COLOUR: MONUMENT

NOTE: THE OBSCURE GLAZING FOR ALL WINDOWS WITH THE POTENTIAL FOR OVERLOOKING MUST BE FIXED AND PERMANENT ADHESIVE FILM ON THE LINE MUST NOT BE USED.

PROPOSED DRIVEWAYS

COLOUR: GREY OR SIMILAR SEALANT

U1

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 0.9h TIMBER PALING FENCE

U2

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h TIMBER PALING FENCE

U3

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h INTERNAL TIMBER PALING FENCE WITH GATE

U2

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h INTERNAL TIMBER PALING FENCE WITH GATE

U1

2.550

17.25 FFL

2.740

14.20 FFL

2.826

14.114 FFL

BOUNDARY LINE

PROPOSED 1.8h INTERNAL TIMBER PALING FENCE WITH GATE

WEST ELEVATION

NICHOLSON ST.

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Ashu Goel

PROJECT

191 Nicholson Street, Bairnsdale

PROPOSAL

Proposed Multi Unit

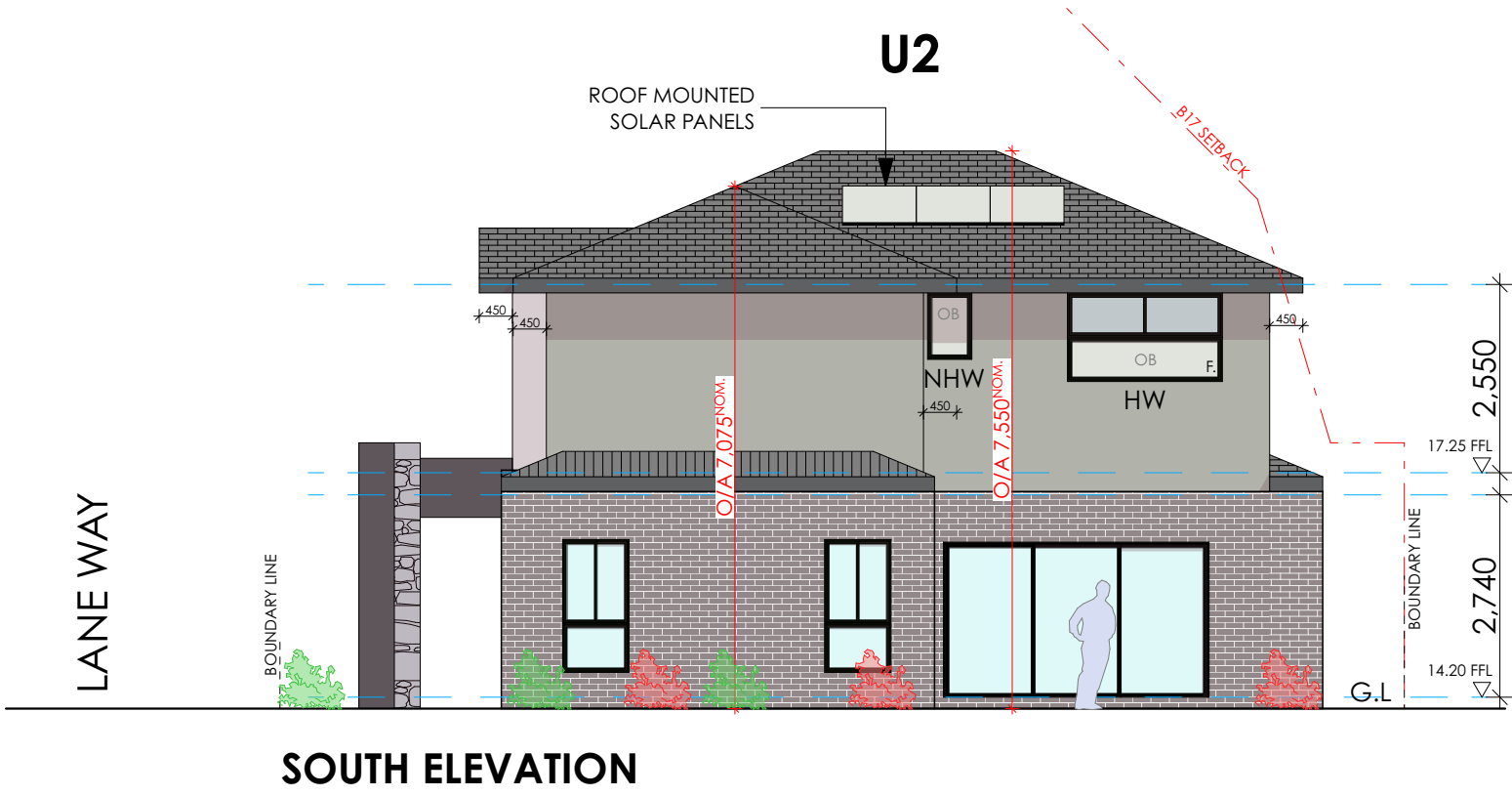
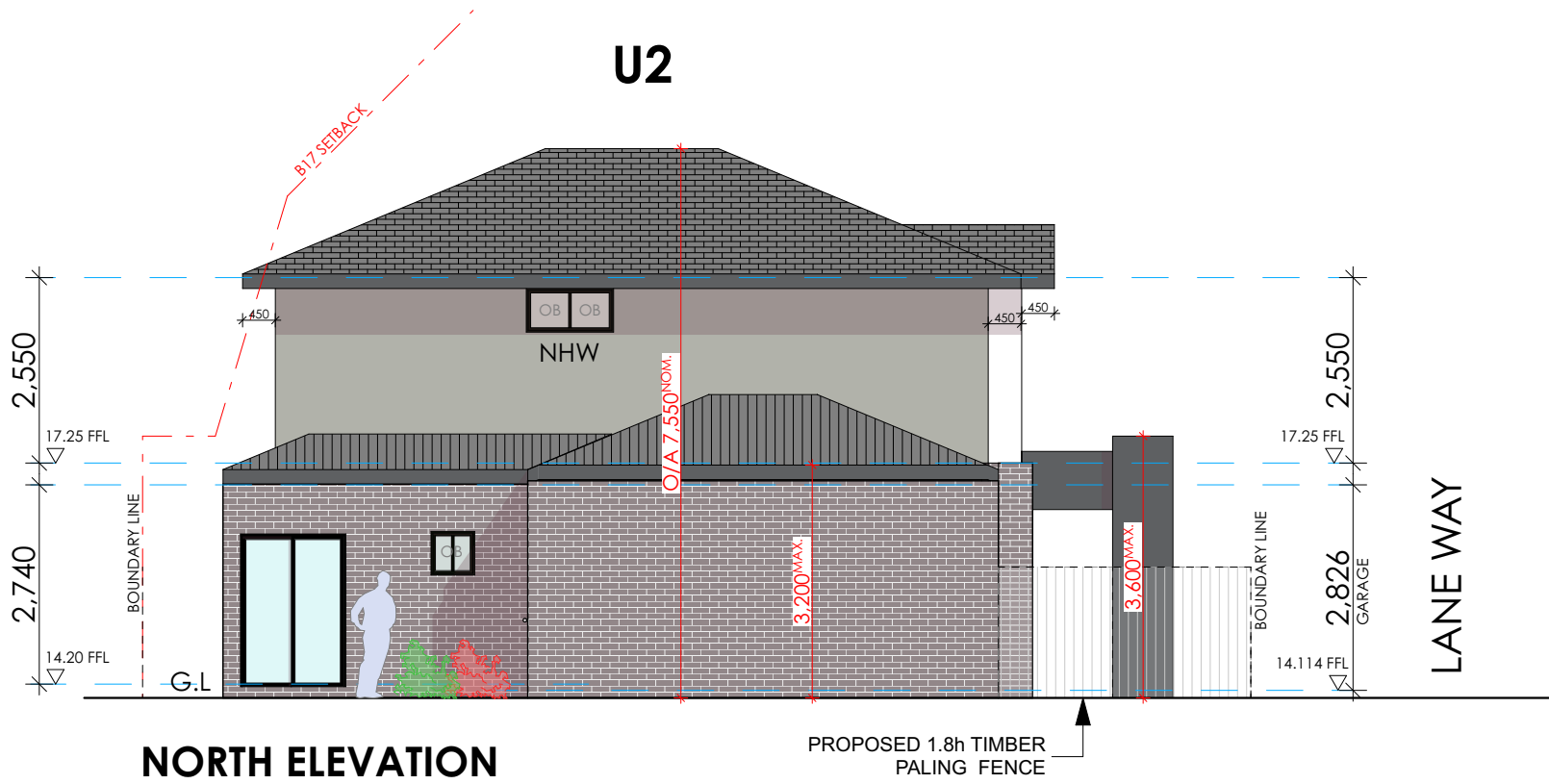
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










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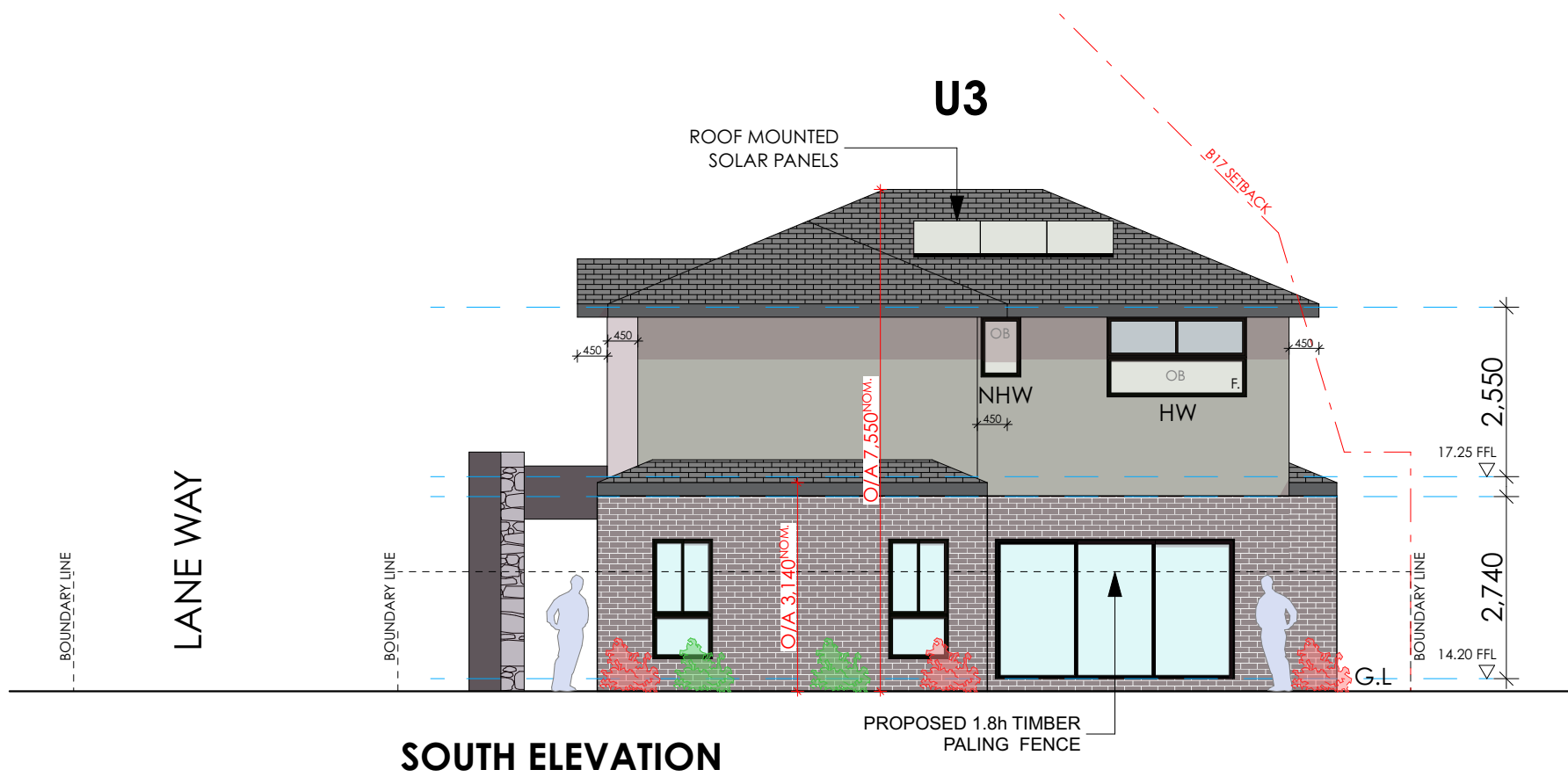
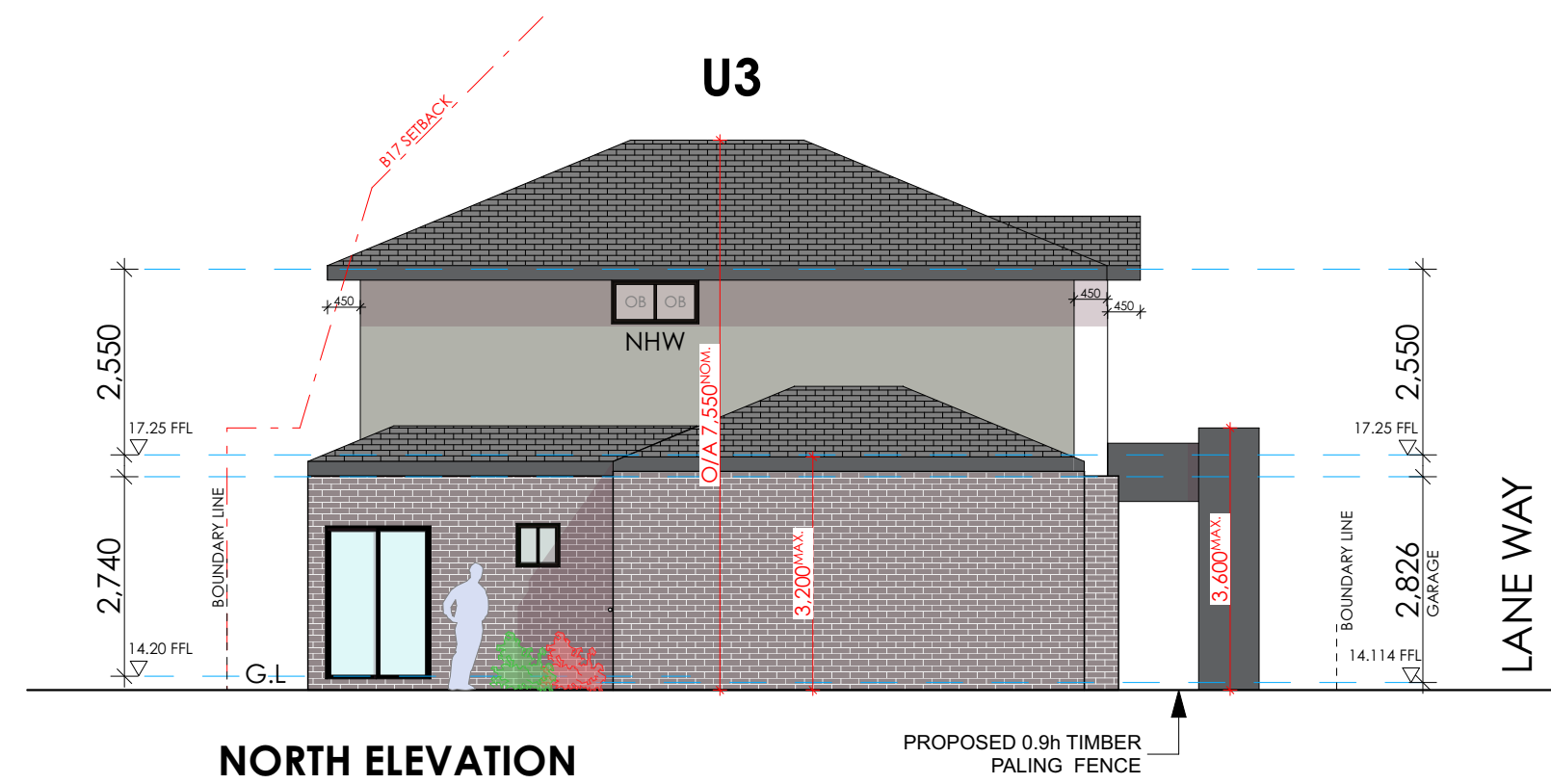
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ISSUE: A



MATERIAL LEGEND

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|--|--|--|---|--|---|--|--|--|--|--|--|--|--|--|--|--|---------------------------------------|--|---|--|---|
|  | SELECTED BRICKWORK<br>COLOUR: EARTH COLOUR |  | JAMES HARDIE EASY LAP<br>EXTERNAL CLADDING<br>COLOUR: GREY OR SIMILAR |  | JAMES HARDIE EASY LAP<br>EXTERNAL CLADDING<br>COLOUR: OFF WHITE |  | ACRYLIC RENDERED FINISH TO<br>BRICKWORK / POST<br>COLOUR: DARK GREY OR SIMILAR |  | STACK STONE FEATURE<br>COLOUR: GREY OR SIMILAR |  | GARAGE DOOR<br>COLOUR: GREY OR SIMILAR |  | TILED ROOFING @ 22.5° PITCH<br>COLOUR: SELECTED MUTED COLOUR |  | COLORBOND GUTTER, FASCIA &<br>DOWNPIPE<br>COLOUR: MONUMENT |  | ALUMINIUM WINDOWS<br>COLOUR: MONUMENT |  | ALUMINIUM WINDOWS WITH<br>OBSCURE GLAZING<br>COLOUR: MONUMENT<br>NOTE:<br>THE DISCURE GLAZING FOR ALL WINDOWS<br>WITH THE POTENTIAL FOR OVER COMING<br>MUST BE FIXED AND PERMANENT ADHESIVE<br>FILM OR THE LIKE MUST NOT BE USED. |  | PROPOSED DRIVEWAYS<br>COLOUR: GREY OR SIMILAR SEALANT |
|--|--|--|---|--|---|--|--|--|--|--|--|--|--|--|--|--|---------------------------------------|--|---|--|---|



ELEVATIONS



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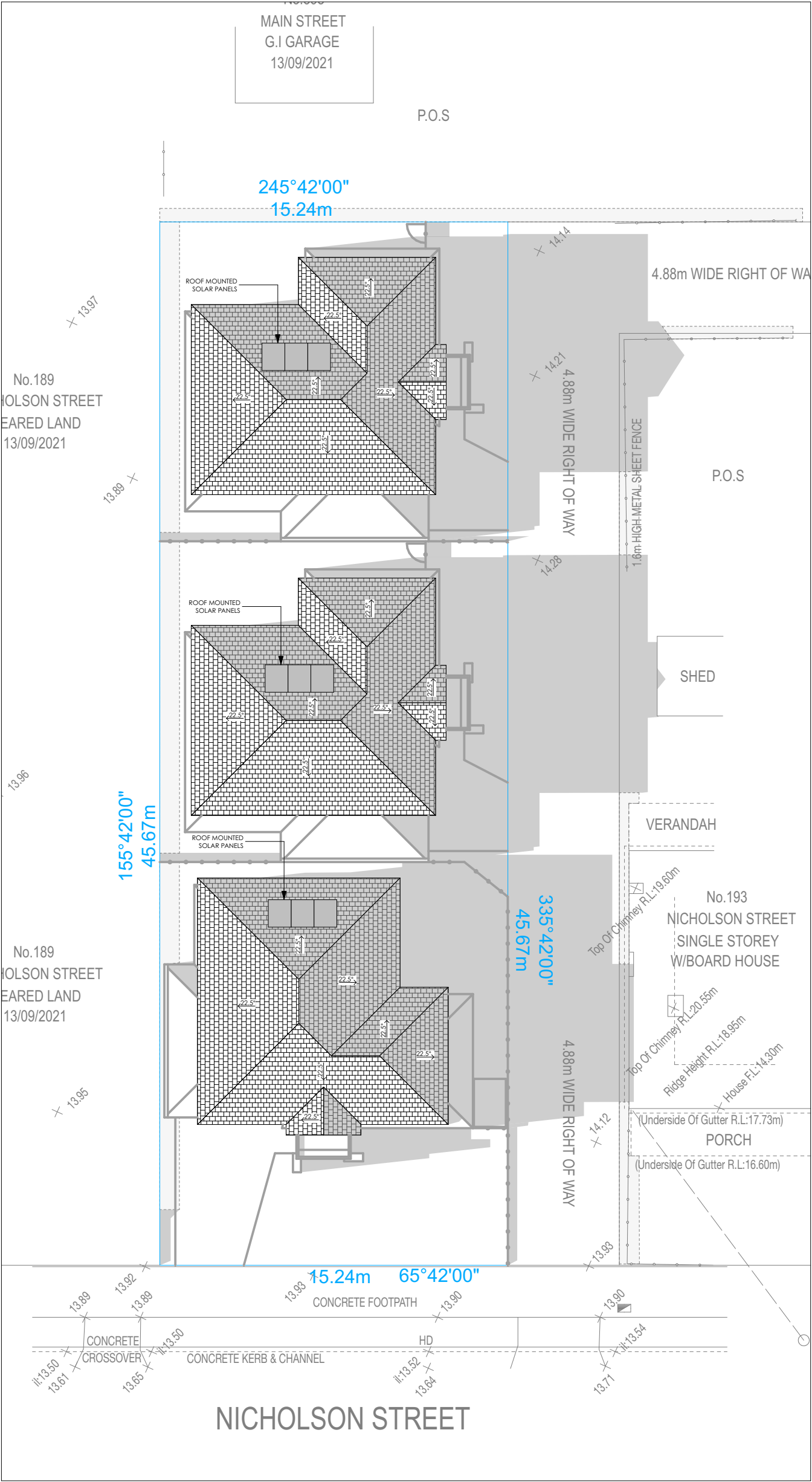
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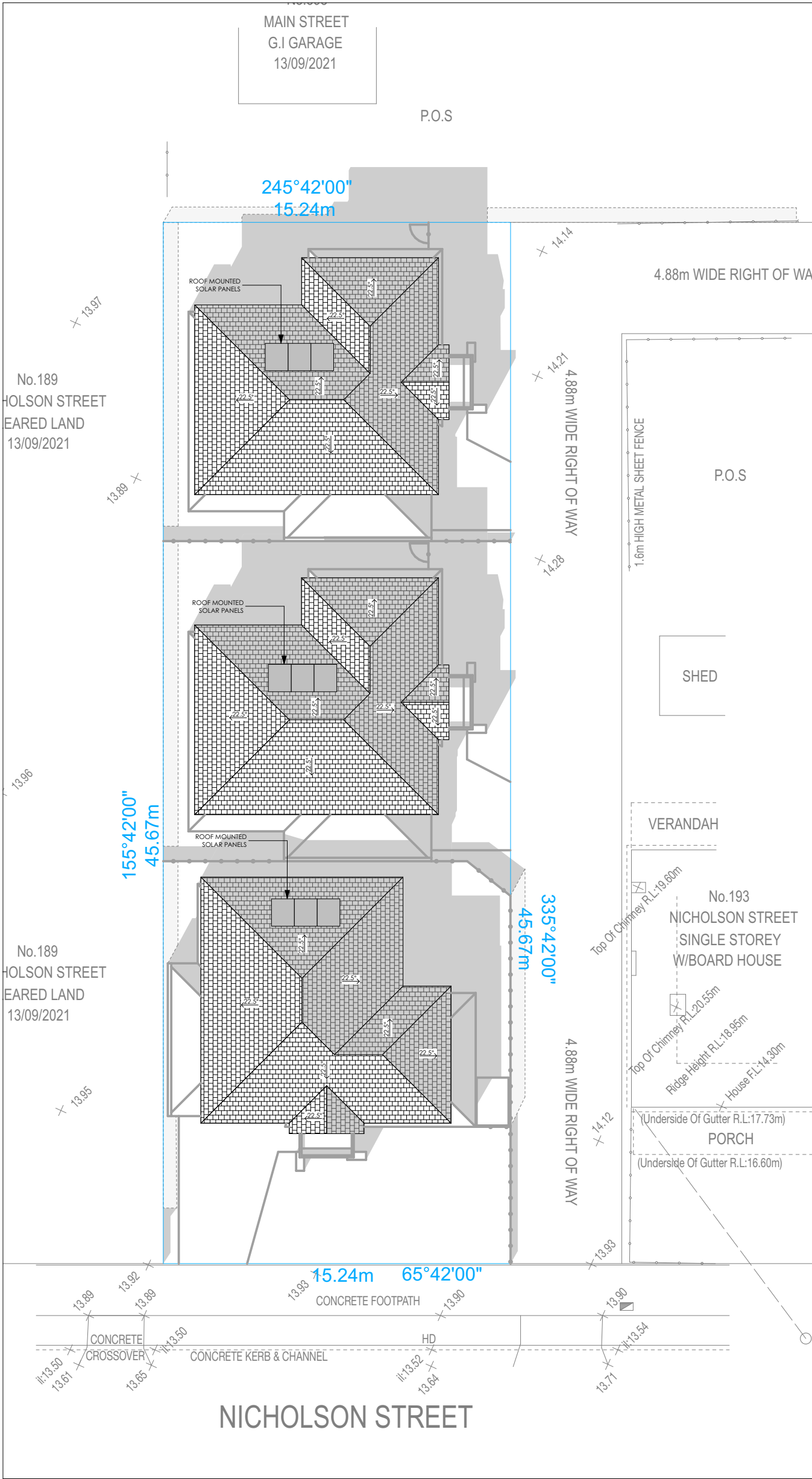
ISSUE: A

TOWN PLANNING

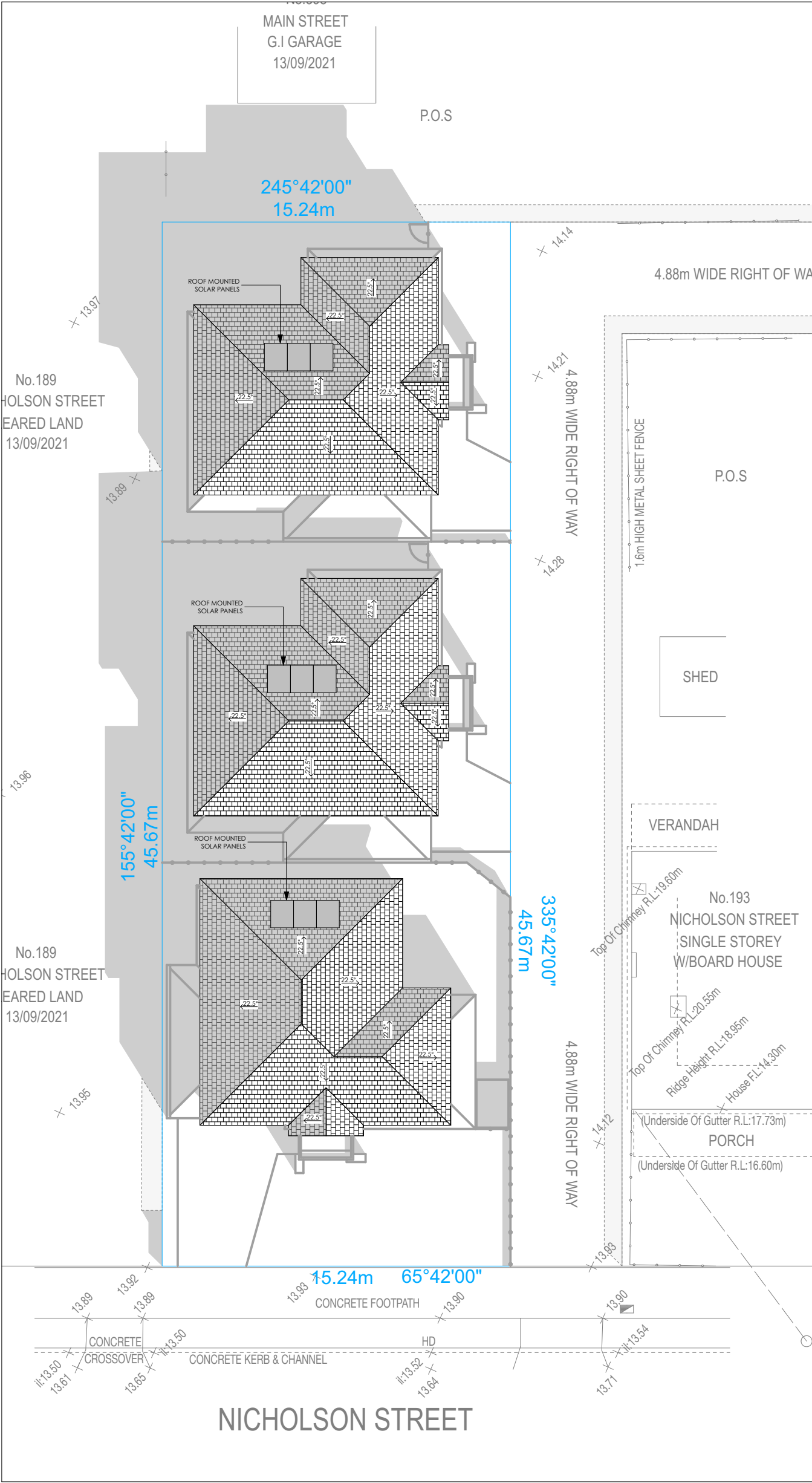
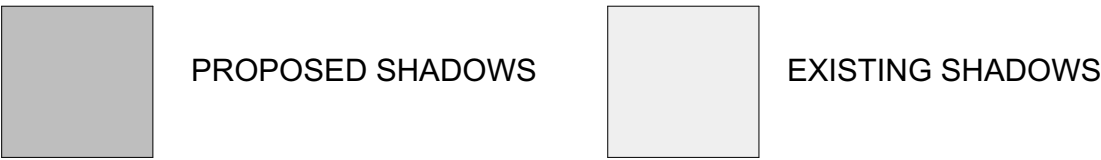
21st SEPT. SHADOW DIAGRAM PLAN



9am Shadow



12pm Shadow



3pm Shadow

PRELIMINARY ONLY

