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Planning Report Six Townhouses

1-3 Murphy Crescent,
Traralgon

Client

David Mitchell

Issued

2/11/2023

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Revision Table

REV	DESCRIPTION	DATE	AUTHORISED
A	Version 1 - Application	24.07.2023	JG
B	Version 2 – Clause 53.23	02.11.2023	JG

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1 INTRODUCTION

Beveridge Williams acts on behalf of the landowner of 1 and 3 Murphy Crescent, Traralgon (the site). This application seeks the approval of six two-storey townhouses to be constructed in a linear arrangement.

The site is located within an established residential neighbourhood that is 1.7km east of Traralgon Town Centre. The land is within a Neighbourhood Residential Zone Schedule 4 and is subject to no planning overlays.

The townhouses are to be constructed under a funding arrangement with Homes Victoria under the Victoria's Big Housing Build program to facilitate a form of public housing. The development was originally designed to achieve the requirements of Clause 52.20 – Victoria's Big Housing Build and for an application under that clause. However, necessary responses from the local Council under that clause have delayed lodgement and made public consultation under Clause 52.20 more difficult for the landowner.

The application also meets Category 2 of Clause 53.23 - Significant Residential Development with Affordable Housing, where the Minister for Planning is the responsible authority and there is a defined public consultation process that can be followed. Assessment under this clause is considered superior to Clause 52.20, particularly as the proposal aligns strongly with the purpose of Clause 53.23.

This report provides an assessment of the proposal against the relevant provisions of the Latrobe Planning Scheme. The townhouses are appropriately designed in a manner that respects the character of the local area and provides quality amenity for future residents. On this basis, we respectfully request that a planning permit be issued.

The below table provides an overview of the proposal.

Table 1: Application Summary

Site Address	1 and 3 Murphy Crescent, Traralgon
Title Particulars	Lot 3 on Plan of Subdivision 708927
Restrictions/Caveats	None
Site Dimensions / Area (approx.)	22m (front boundary) x 37.5m (approx. side boundary) / 826sqm
Current Land Use	Vacant
Proposal	Six two-storey townhouses, arranged in a linear manner along a common driveway that is parallel to the southern side boundary.
Applicable Zones and Overlays	Neighbourhood Residential Zone – Schedule 4 (NRZ4)
Permit Triggers	Clause 32.09-6 – NRZ4 <i>A permit is required to: Construct two or more dwellings on a lot.</i> Clause 52.06-3 – Car Parking <i>One visitor parking space is not provided.</i>
Other Relevant Controls	Clause 52.06.9 – Car Parking, Design Standards Clause 53.23 - Significant Residential Development with Affordable Housing
Assessing Authority	Minister for Planning (pursuant to Clause 53.23)

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2 PLANNING SCHEME REQUIREMENTS

Clause 53.23 of the Latrobe Planning Scheme is titled Significant Residential Development with Affordable Housing and outlines the following purposes:

- To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.
- To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.
- To facilitate residential development with high quality urban design, architecture and landscape architecture.

This clause applies to the use or development of land for accommodation (including six townhouses) under any provision of this planning scheme, and that fit within three various categories. Category 2 outlines:

- The use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) will be:
 - carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or
 - funded, or partly funded, by the State of Victoria or a public authority; or
 - carried out on Crown land.

At least 10% of the total number of dwellings in the development must be affordable housing...

The proposal complies with this as it seeks approval for accommodation, is carried in partnership with the State of Victoria (including a funding component), and proposed 100% affordable housing (through providing a form of public housing).

The permit trigger is a vexed question. Ordinarily, the permit trigger for six dwellings on the land would be Clause 32.09-6 under the Neighbourhood Residential Zone Schedule 4 (NRZ4). However, the landowner is also entitled to apply via Clause 52.20 – Victoria's Big Housing Build. The advice from several sources has been to lodge this application recognising the ordinary controls (the permit trigger in the zone), and to let any entitlement for an alternative assessment under Clause 52.20 pass. As indicated previously, the landowner sees merit in applying under the zone controls as it provides for a structured assessment against the objectives for high quality housing that apply statewide.

Clause 53.23-2 allows the Minister to waive or vary any mandatory requirements such as garden area, building height and setbacks.

Clause 53.23-3 outlines additional application requirements (which are 'as appropriate'), including a quantity surveyor report, consideration of how the proposal will contribute to the provision of affordable housing and meet existing and future needs and written advice of the Chief Executive Officer, Invest Victoria. In this instance the landowner has been working with Homes Victoria for over 12 months to provide a social housing product with various contracts signed.

Clause 53.23-4 outlines requirements before the grant of a permit which includes agreements with the responsible authority under Section 173 of the Act where required.

Clause 53.23-5 outlines an exemption from VCAT appeals from third parties. Clause 53.23-6 outlines an additional decision guideline being *the views of the Office of the Victorian Government Architect*.

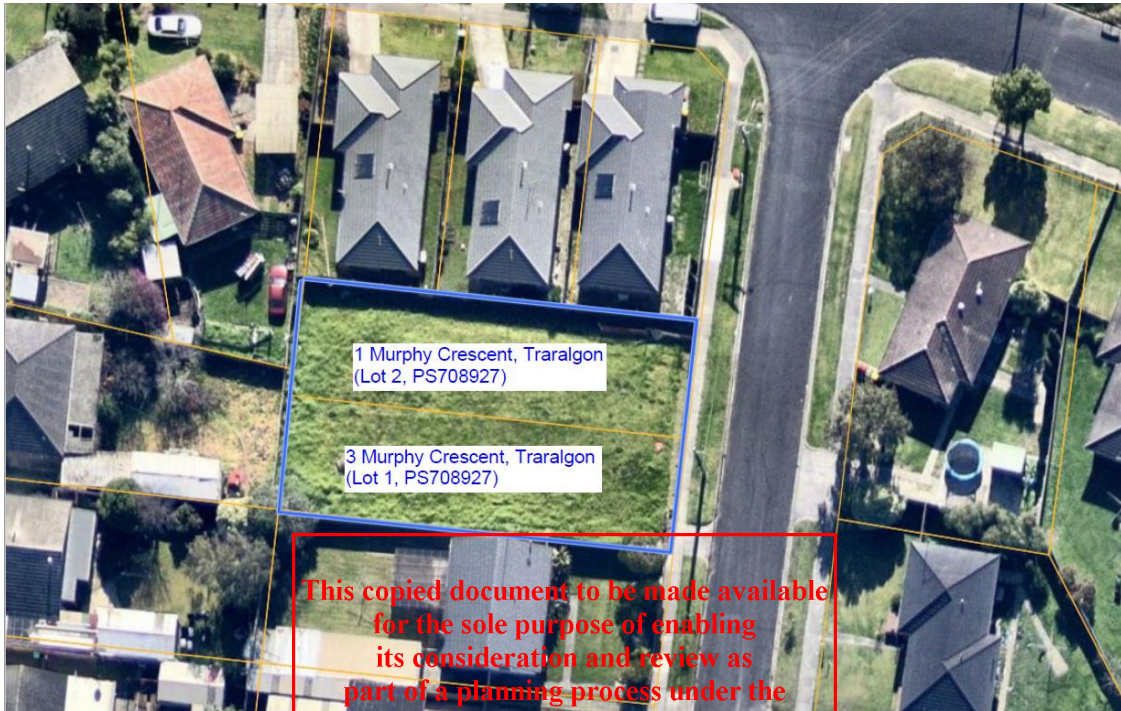
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3 SITE AND SURROUNDS

The project boundary is the title boundary of 1 and 3 Murphy Crescent, Traralgon (being Lot 1 and Lot 2, PS708927). Land titles are included in Appendix A. The project boundary is shown in Figure 1 of this report, as well as on Plan Lv4203-003A in the set of plans by Latrobe Valley Drafting.



The site is located within an established residential area in Traralgon within the municipality of Latrobe City. Murphy Crescent is a local residential street located approximately 1.7 km south-east of the Traralgon Central Activity Centre.

Figure 2 shows the site's location in relation to schools, convenience shopping, recreation and open space reserves. The Liddiard Road Primary School (500m), Traralgon College Junior Campus (300m), Cameron Street Preschool (500m) and a Foodworks Supermarket (400m) are all within a 500m radius.

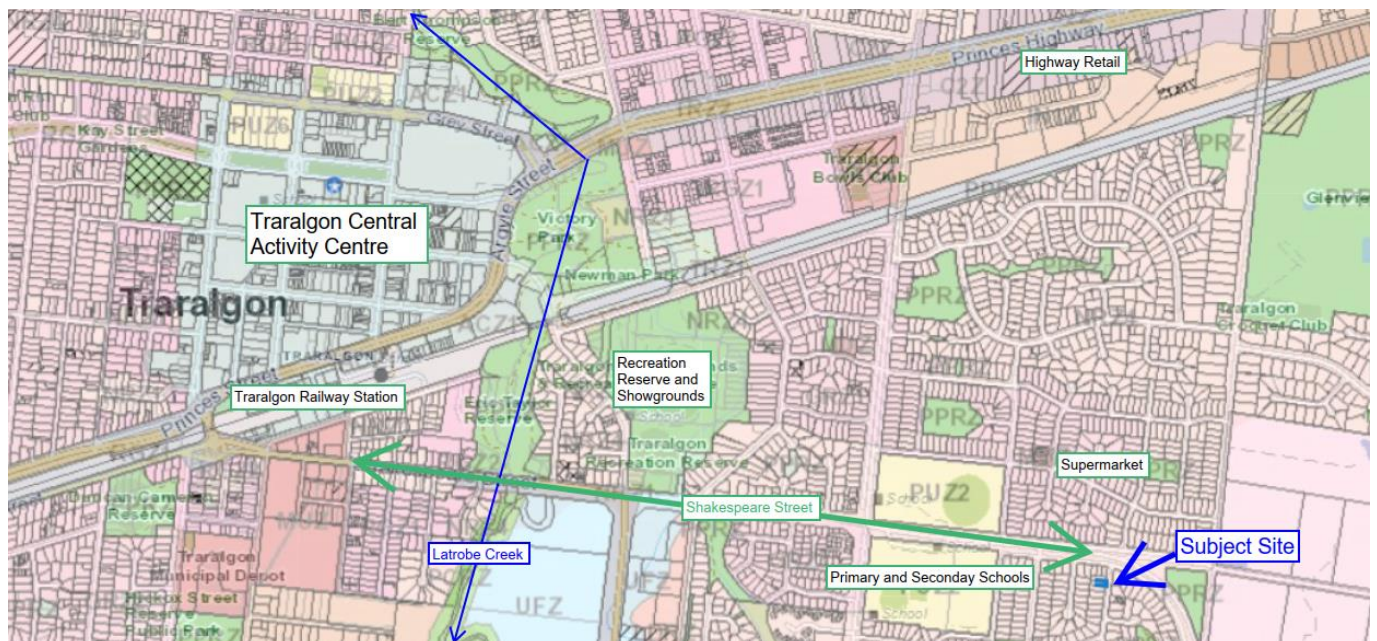


Figure 2 – Traralgon Services

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Figure 3 shows the subject site in relation to bus services operating in Traralgon. The site is located with 300m of bus stops servicing three routes (Route 7, Route 43 and Route 44). Route 7 only operates once a day to Federation University. On weekdays, Routes 43 and 44 provide 30 services to the Traralgon Central Activity Centre between 5.30am to 8pm. On Saturday, this reduces to 22 services, and on Sunday 18 services. This is reasonably frequent given the context of the site in a regional city.

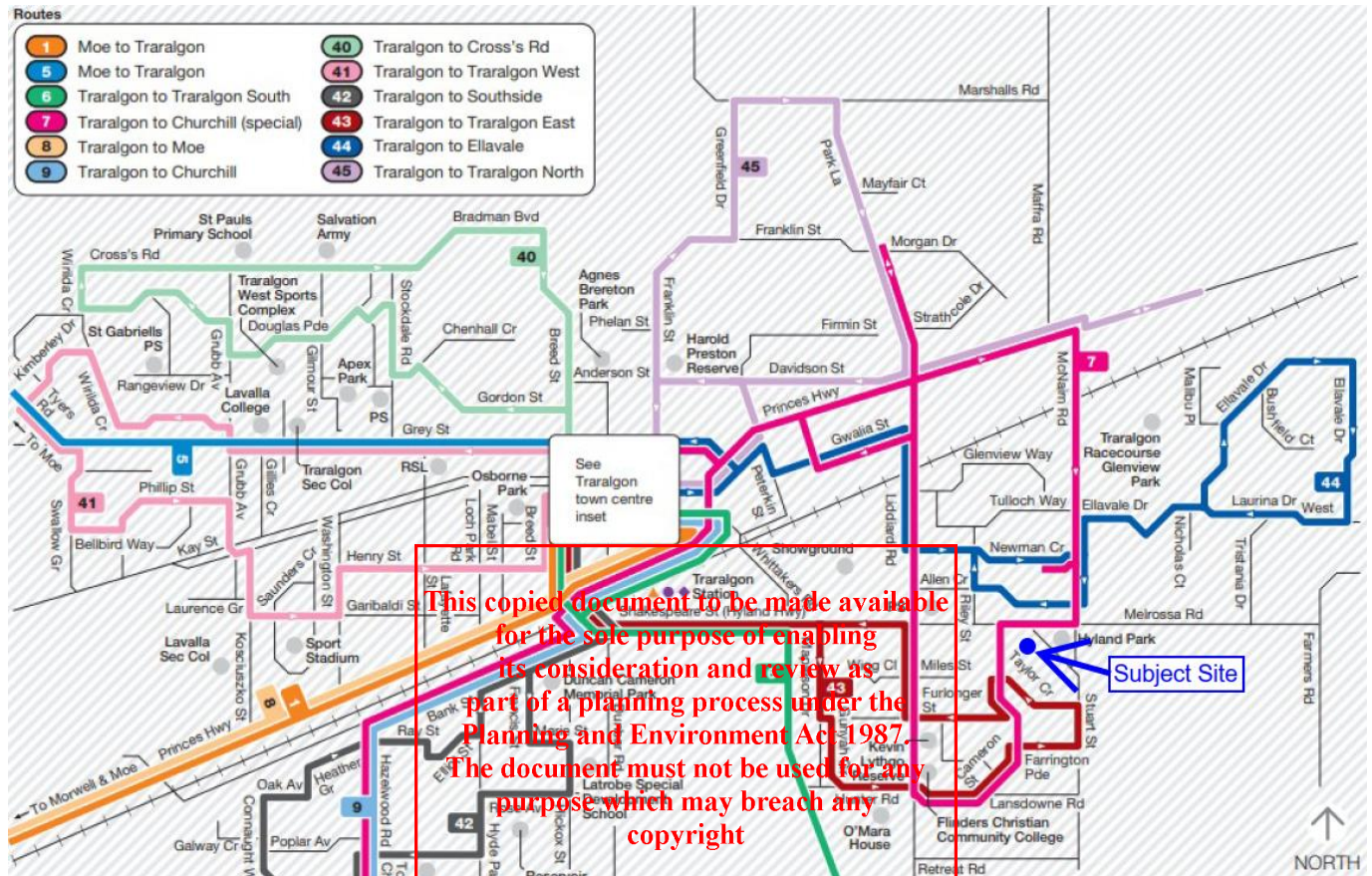


Figure 3 – Public Transport Traralgon

The subject site comprises No. 1 and 3 Murphy Crescent. The land is located on the western side of Murphy Crescent, approximately 30m south of Murphy Crescent's intersection with Stuart Street. (Stuart Street acts as a service road to Shakespeare Street.)

The subject site comprises two allotments (Lot 1 and Lot 2 of Plan of Subdivision 708927) and is rectangular in shape, with a frontage of 22m and a depth of approximately 37.5m, generating a total site area 826sqm. The title plans show a 1.8m wide drainage and sewerage easement traversing the rear (western) boundary. The proposed buildings and works proposed will not encroach into this area.

The subject site is currently vacant (refer to Figure 4 and Plan Lv4203-003A in the set of plans by Latrobe Valley Drafting). There is no vegetation on the site. The topography falls from a highpoint in the southwest rear corner to a low point on Murphy Crescent in the front northern corner. A crossover is located on the southern side of the site frontage and to the north of this is a power pole. A pedestrian footpath runs parallel in front boundary of the site. There appears to be no other impediments to site access, although it is noted the proposed development utilises the existing crossover and proposes no new vehicle access.

Timber paling fences of approximately 1.8m in height divide the site from neighbouring private residences.

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Figure 4 – The Site Frontage

The surrounding neighbourhood is characterised by similar-sized, if not slightly larger, rectangular allotments, generally featuring single-storey dwellings constructed from brick, weatherboard or render. Most dwellings surrounding the property are positioned centrally on their respective lots with open front setbacks or low fencing. Front setbacks are generally between 5m and 10m, and side setbacks support side access or a driveway. Front fencing is limited to low brick walls or open fencing. Car accommodation and private open space areas are generally located to the side and rear of the dwellings.

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Figure 5 – Site surrounds

To the immediate north of the site are three single storey detached dwellings constructed in 2016 (being 135, 137 and 139 Shakespeare Street). The three-bedroom dwellings are modest in size, constructed from brick and setback approximately 2.6m from the common boundary. Each dwelling has a secluded area of open space to a side boundary with access via a rear sliding door.

To the immediate south of the site is a detached dwelling at 5 Murphy Crescent. The dwelling is setback approximately 9.5m from Murphy Crescent and 2m from the common boundary. The dwelling has an elevated positions with views over the subject site and towards the east. The dwelling is constructed with from prefabricated timber boards and has a gabled tiled roof. Private open space is provided to the rear the dwelling under a sizable verandah.

To the immediate west of the site is the boundary of two properties. A minor length of boundary to the rear open space area of 133 Shakespeare Street which is a timber clad dwelling, and the rear boundary of a dwelling at 2 Jones Court. 2 Jones Court is a weatherboard dwelling that appears to be uninhabited. There is a rear verandah that overlooks the rear yard which is lawn and falls to the common boundary. The dwelling is setback 17m from the common boundary.

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4 DETAILS OF THE PROPOSAL

The application seeks approval for 6 two-storey townhouses positioned in a linear arrangement along the length of the site. A communal driveway and service area is provided parallel to the southern side boundary of the site and each dwelling has an area of secluded private open space adjacent to the northern boundary.

The townhouses present in a coherent manner through a two-storey building featuring a mix of grey and white painted facades constructed from weatherboard or FC sheets. The upper level is recessed from the ground floor through eaves at ground level or through setbacks. The roof of the building has a shallow pitched and is constructed from Colorbond (Woodland Grey).

The proposed development is shown on plans prepared by Latrobe Valley Drafting, Ref Lv4203, Revision P1 dated 25/08/2023.



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<p>PTa - Colour Paint Dulux Casper White Quarter External Render/FC Walls</p>	<p>PTb - Colour Paint DuluxLexicon Quarter External Render/FC Walls</p>	<p>WBC1 - Weatherboard Cladding Dulux Milton Moon External Cladded Walls</p>
<p>WBC1 - Weatherboard Cladding Dulux Casper White Quarter External Cladded Walls</p>	<p>MCR1 - Metal Clad Roof Colorbond Woodland Grey Metal Roof and awings</p>	<p>MF1 & 2 Colorbond Surfmist Metal fence & Picket Timber fence</p>
		<p>PDC1 Duralloy Lexicon Quarter Window & Door Frames</p>

Townhouse 1 is located at the front of the site. It features two bedrooms upstairs, and a study and open plan living, dining and kitchen at ground level. The dwelling is setback 4m from Murphy Crescent which is a space used to accommodate a parked vehicle (near the front door) and for private open space (behind a 1.2m high picket fence). The dwelling is setback 1.5m from the northern boundary which is a strip of land dedicated to services (a watertank and shed). The primary area of open space has a rectangular area of 25sqm, and features a 2m wide uncovered deck.

The dwelling presents to Murphy Crescent through windows providing visual interest and passive surveillance. A gable end roof at ground level projects forward of the first floor which helps recess the massing of the upper level. The front door is visible from the street and accessible from the communal driveway.

Townhouse 2-5 share a similar design with two bedrooms at first floor and an open plan kitchen, dining and living area at ground floor. The bedroom windows face north or south, and the living area at ground level have a northern outlook over an 25sqm open space area. The open space features a 2m wide deck that is partly covered by eaves. The front doors of the dwellings face the communal driveway, and each dwelling is provided a single car space that is protected from the weather by the first floor that projects partly over each space.

Townhouse 6 is located at the rear of the site. It features one bedroom at first floor and a study and open plan kitchen, dining and living area at ground level. This dwelling has an outlook west towards the rear of the site and over an area of secluded open space the is 41sqm in areas and 3.5m wide. The dwelling is setback 1.5m from the northern boundary, an area which is used for services (a watertank and shed). A car parking space is provided for the dwelling at the end of the communal driveway.

The communal driveway is accessed via the existing vehicle crossing in Murphy Crescent. The driveway is setback approximately 1.2m from the southern side boundary, which is an area that will be planted except for several bin enclosures.

The finished floor levels of the dwellings and the driveway rise gradually from Murphy Crescent consistent with the topography of the site. Dwelling 1 has a ground floor finished floor level of RL57.25 that is at grade to the driveway and elevated 600mm above the height of the northern boundary. Dwelling 2-5 have a ground floor finished floor level of RL57.65 or RL57.90 that is at grade with the driveway and elevated approximately 800mm above the height of the ground on the northern side. Dwelling 6 has a ground floor finished floor level of RL58.10 that is at grade to the driveway and elevated approximately 500mm above the height of the northern boundary.

Landscaping is shown around the perimeter of the site, including in a dedicated 1m wide landscape bed parallel to the northern side boundary. Landscaping in this bed will help screen direct views from the proposed dwelling and offer existing residents abutting the site an improved southern outlook. Vegetation is also provided in front setback of the site including a canopy tree within the open space area of Dwelling 1.

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5 PLANNING SCHEME REQUIREMENTS

There are two permit triggers under the Latrobe Planning Scheme.

The Neighbourhood Residential Zone – Schedule 4 (NRZ4) applies to *Regional Suburbs* where the following neighbourhood character objectives apply:

- To reinforce a spacious regional suburban character of existing and new neighbourhoods by providing generous front and side building setbacks and landscaped front setbacks with canopy trees.
- To minimise the prominence of buildings within the streetscape by setting back upper levels of buildings and siting garages and carports behind the front façade.
- To encourage walls on boundaries to be setback from the building façade to provide space for landscaping, building articulation and appearance of space between dwellings.



The purpose of the NRZ4 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

In response to the zone purpose and schedule objectives, the proposed development is limited to double storey in height and designed in a conservative manner that is sensitive to the surrounding built form through eaves, visible roof lines, the use of various materials and colours, doors and windows. The building includes generous landscaped side setbacks that ensures development replicates the rhythm and spacing of existing dwellings in the streetscape. As desired, there is an absence of car accommodation (garages and carports) including the front setback. The front setback is dominated by landscaping along the front boundary and canopy vegetation in front of Townhouse 1.

A section of this assessment considers the development in light of the Municipal Planning Strategy and the Planning Policy Framework and whether the development is respectful of neighbourhood character.

The permit trigger for the construction of two or more dwelling on the land is at Clause 32.09-6. This clause also outlines *development must meet the requirements of Clause 55.*

There is a second permit trigger at Clause 52.06-3 – Car Parking. In short, the required visitor space for every 5 dwellings is not provided. Each dwelling is provided a residential car parking space in accordance with the requirements.

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Response to Mandatory Application Requirements

Pursuant to the NRZ4, there are two mandatory requirements, being garden area and building height. That said, both may be varied by the responsible authority subject to Clause 53.23-2.

No variation is required for building height. The building is 8.76m at its maximum height and therefore compliant with the 9m maximum.

In relation to garden area, a variation is required. The site (at 826.2sqm) requires 289.1sqm of garden area. The proposed plans show that 238sqm is set aside for garden area currently. This could be increased by around 20sqm through increasing the landscaping bed south of Unit 1 and replacing driveway with landscape at the rear of Unit 6. However, the shortfall of approximately 31sqm or 3.8% would remain.

The slight shortfall in garden area should be considered in light of site coverage and permeability, where the development far exceeds the requirement at Clause 55 of the Latrobe Planning Scheme (building site coverage at 40.8% and permeable area at 28%). The amount of garden area also exceeds the amount that would be required if the two independent lots that make up the land were developed separately. If developed separately, only 25% or 206sqm of the site area would be required to be garden area. In this context, the variation to site coverage should be supported.

Response to Neighbourhood Character

The site is vacant and void of any specific environmental qualities. It contains no vegetation and has been graded to a reasonably flat area when the suburb was first established (around the 1960s). The land has remained vacant and grassed, being connected with a building used for a community centre/place of worship that occupy land immediately north until it was relocated to another site around 10 years ago.

The site description and analysis plan highlight significant development opportunities with a limited number of constraints. The subject site is cleared, relatively flat and provided with vehicle and pedestrian access that can support the proposed redevelopment.

The constraints to development appear modest, however include a lack of contemporary development on nearby sites (apart from the brick dwellings recently constructed immediately north of the site). And, the absence of contemporary built form means any proposed development must be relatively conservative in design.

A further constraint is the habitable room windows and open space within neighbouring dwellings adjacent to the northern boundary. Any development on the subject site will need to carefully manage the potential to overlook these windows and open space areas, noting north-facing windows are generally encouraged in new development to maximise solar access.

The proposed development responds to the opportunities and constrains through proposing the townhouses in a single double storey building that is appropriately setback from side and rear boundaries. This location of the building on site provides for quality solar access to each townhouse and maintains car parking and driveways on the southern side of the site, utilising the existing crossover. It also positions the building closer to new contemporary development immediately north of the site where there is increased capacity to support change and provides generous setbacks from the established neighbourhood to the south.

The dwelling design provides for secluded private open space areas and windows in each dwelling to face north. The open space area provides the building a landscape setback to this boundary. The potential for overlooking to the northern boundary is addressed through the inclusion of dedicated landscaping along the boundary and a trellis fence extension (to 2.4m in height). The landscaping will soften this private interface.

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The design of the building includes pitch roofs and eave lines at the ground level to compliment similar features found on single storey dwellings surrounding the site. The eave-line aids in creating a recessive first floor component where sheer two-storey walls are avoided. The materials and colour palette of the building has been chosen to respect surrounding buildings. Various colour tones are used to provide a sense of address for each townhouse and break up the massing. The building is viewed as a conservative contemporary addition to the neighbourhood.

Townhouse 1, at the front of the site, has been orientated to Murphy Crescent to activate the site frontage and provide passive surveillance to the street. The building is setback slightly further from the frontage than its northern neighbour to facilitate a desirable area of private open space with the provision of a canopy tree. The dwelling has a pedestrian entry that is visible from the street, and incorporates roof elements and design detail to ensure the ground level is prominent and distinct from the first floor. A low picket fence along the front boundary separates the public and private realms consistent with similar fencing in the neighbourhood. Townhouse 1 is an appropriate fit with the streetscape.

Townhouses 2, 3, 4 and 5 step with the fall of the land to minimise earthworks and impacts from being elevated. These townhouses have a highly desirable northern orientation at ground and first floor and generous setbacks from the northern boundary (4.8m) that feature a deck and landscaped area. Townhouse 6, at the rear of the site, is orientated to take advantage of land covered by an easement along the rear boundary. It has the largest areas of secluded private open space and the area can accommodate canopy tree planting at the rear of the site.

Massing from the building has sought to be minimised through the addition of a visible roof profile at the ground level. This introduces an eave line and ensures that the first floor is viewed as a recessive element, rather than sheer walls. The townhouses share a single roof profile which helps distort any design repetition.

The area of car parking on the south side of the building provides generous spacing (8.8m wide) to the southern interface. A 1.2m wide landscape bed along the boundary will usually suffer this interface for the neighbour and provides a pleasant outlook from each townhouse for future residents.

The design of each townhouse supports a quality living environment for future residents. Each townhouse is provided a visible and safe entry that support passive surveillance of the car parking and driveway approach. The proposed parking is convenient to each townhouse and the area will be dominated by pleasant landscaping along the southern boundary.

Once inside, the room dimensions are generous and provide flexibility on furnishings. Living areas dominate the ground floor level and will be bathed in sunlight from north-facing windows. Each living space is provided a quality outlook to secluded open space and landscaping. The secluded open space areas have a north orientation and include a highly usable deck area, as well as access to garden beds and external storage.

Bedrooms and full-service bathrooms are located at first floor level. The upstairs layout provides generous storage space and a separate study area in each townhouse. Each of the upper levels receive day light from at least two different facing facades (north and south).

The proposed development is respectful of neighbourhood character and responds appropriately to the opportunities and constraints of the site.

Response to Municipal Planning Strategy and the Planning Policy Framework

Clause 02.3 outlines Strategic Objectives for the Latrobe municipality including:

- *Traralgon is the largest of the four main towns in Latrobe. It is the key Regional Retail Centre for Gippsland. Compared to other towns in Latrobe, due to its role as a commercial centre, Traralgon is experiencing higher population and urban growth. This trend is expected to continue.*
- *Planning for neighbourhood character seeks to retain the regional suburban character of established and growing neighbourhoods where they are identified as limited change areas or where special neighbourhood character values have not been identified.*
- *Given the land use constraints and decreasing household size, urban renewal and housing intensification will play a key role to diversify housing choice, accommodate growth and maximise access to infrastructure and services. There is also a need to ensure an adequate supply of specialised housing for the aging population.*

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- Housing Framework Plans have been prepared for all towns and they provide direction on the location of preferred housing change including areas of 'Substantial' Change, 'Incremental' Change, 'Limited' Change and 'Minimal' Change.

Clause 15.01 outlines objectives and strategies for urban design, building design, healthy neighbourhoods and neighbourhood character, include:

- To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies to achieve this includes:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by 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.
- Minimise the loss of backyard areas and established vegetation in development.
- Ensure that multi-unit housing is landscaped, with tree and shrub selection.
- Ensure there is scope for canopy tree planting in private residential properties.

The Traralgon Framework Plan identifies the subject site as a 'limited change area'.

Limited change area provide for a limited degree of housing growth and change in established residential areas. These locations are generally beyond reasonable walking distances of public transport and services.

Limited Change Areas will encourage housing change in the form of townhouse, unit and dual occupancy in locations with good access to identified Local Neighbourhood Activity Centre. New development in the wider Limited Change Area will comprise dual occupancies and detached houses.

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The following are preliminary objectives for the proposed Incremental Change Area:

- Encourage housing growth and diversification in the form of townhouses, units, or dual occupancies in locations within 200 metres of identified Neighbourhood Activity Centres, Local Activity Centres and the retail centres of District and Small Towns.
- Encourage low density housing types, such as dual occupancies and detached housing in areas which are more remote from activity centres and public transport.
- Ensure new development maintains the spacious residential setting of established suburbs.

In response to the Limited Change Area, the proposed development is well located to public transport and a range of services as indicated under Requirement 4. The proposed development maintains a spacious setting through generous setbacks, new landscaping and a modest building form. The proposal aligns with the policy ambitions outlined in the Latrobe Planning Scheme.

Response to Clause 55 requirements

Requirement	Design Response
Clause 55.02-1 Neighbourhood Character	Met, refer to Response to Neighbourhood Character

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Requirement	Design Response
Clause 55.02-2 <i>Residential Policy</i>	Met, refer to <i>Response to Municipal Planning Strategy and the Planning Policy Framework</i>
Clause 55.02-3 <i>Dwelling Diversity</i>	Not Relevant
Clause 55.02-4 <i>Infrastructure</i>	<p>The proposed development will be connected to all available services including water, electricity and sewer.</p> <p>It is not considered that the construction of six townhouses on the subject land (which comprises two lots otherwise) would impose a load on any utility greater than the existing infrastructure capacity.</p>
Clause 55.02-5 <i>Integration with street</i>	<p>The proposed development is oriented to front the existing street with appropriate vehicle and pedestrian access to maintain accessibility for residents.</p> <p>High fencing in front of the development is provided</p>
Clause 55.03-1 <i>Street Setback</i>	<p>There is an existing building on both the adjoining allotments facing Murphy Crescent, and the site is not on a corner. Therefore, the building needs to be setback the average of the two buildings. The property to the north is setback 3.6m and the property to the south is setback 10.5m.</p> <p>The proposed development sits forward of the average to ensure the efficient use of the land. The proposed setback, which varies from 4m-4.2m is more than the property to the north and the minimum setback of the property opposite (at 1 Stuart Street) which is 3m setback.</p> <p>The presence of the driveway on the southern side of the site provides reasonable spacing and transition to the dwelling to the south at 5 Murphy Crescent which displays a greater front setback (10.5m).</p> <p>The development was originally designed to achieve Clause 52.20. The requirement in that clause (Clause 52.20-6.2) requires a setback of 3.6m which is exceed by the development.</p>
Clause 55.03-2 <i>Building height</i>	Met, the development is below the mandatory 9m maximum and is limited to double storey.
Clause 55.03-3 <i>Site Coverage</i>	Met, site coverage (including the ground floor footprint and decks) total 337sqm or 40.8% of the site, which exceeds the maximum site coverage of 60%.

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Requirement	Design Response
Clause 55.03-4 <i>Permeability</i>	Met, 231sqm or 28% of the site will retain permeable surfaces (including gardens beds and deck area), which exceeds the minimum permeable area of 20%. A STORM report forms part of the Sustainable Design Assessment which demonstrates best practice performance under the Urban Stormwater Guidelines.
Clause 55.03-5 <i>Energy Efficiency</i>	Met as each townhouse is provided a northern orientation and an outlook over secluded private open space with quality solar access. The the Sustainable Design Assessment demonstrates best practice performance under BESS rating tool. There are no rooftop solar energy systems on adjacent site impacted by the proposal.
Clause 55.03-6 <i>Open Space</i>	There is no communal or public open space provided in the development.
Clause 55.03-7 <i>Safety</i>	Each townhouse is provided an entry defined by a porch that is not obscured or hidden from the street. The car parking and internal driveway areas are also visible from Murphy Crescent and considered safe. The townhouses provide passive surveillance of the car parking area and driveway area. Planting in front of the building is limited and will be managed so it does not create unsafe spaces.
Clause 55.03-8 <i>Access</i>	The site has frontage to Murphy Crescent and maintains the existing vehicle access. This crossing does not exceed 33% of the site width. The proposed vehicle access does not prevent kerbside parking or impact nature strip plantings. The driveway and car parking areas allows space for service, emergency and delivery vehicle to stop and prop even if the car parking is fully occupied.
Clause 56.03-9 <i>Parking Location</i>	Convenient parking is provided adjacent to the front door of each townhouse. The spaces are secure being overlooked by windows and provided surveillance from Murphy Crescent. There are no car parking spaces or shared driveways located within 1.5 metres from habitable room windows (apart from each townhouse's own car parking space).
Clause 55.04-1 <i>Side and Rear Setbacks</i>	The requirements are easily exceeded on all sides. The nearest and highest walls to a boundary are associated with Dwelling 1 on the northern side of the site. The ground floor wall is setback 1.5m and the upper level is setback 3.5m. These setbacks far exceed the setback/height ration required under the control (1.15m and 2.1m setback respectively).

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Requirement	Design Response
Clause 55.04-2 <i>Walls on Boundaries</i>	Not applicable. There are no walls constructed to or within 200mm of a side or rear boundary.
Clause 55.04-3 <i>Daylight to Existing Windows</i>	The proposed development will not impact access to daylight for any windows of existing dwellings. The required light courts for window on neighbours dwellings do not encroach within the site boundary.
Clause 55.04-4 <i>North-Facing Windows</i>	The property to the south has two north-facing habitable room windows within 3m of the boundary that require protection under this requirement. The proposed development is required to be setback 2.44m from the boundary given the wall height facing south is 6m high. The proposed setback is 8.7m, which far exceeds the minimum.
Clause 55.04-5 <i>Overshadowing</i>	Shadow diagrams for 9am, 12noon and 3pm are included in the set of plans. The proposal easily complies with the requirement of this clause. The only additional shade cast by the proposed building (beyond the existing fence) occurs at 9am. The shade is limited to 18sqm of the rear secluded private open space of 2 Jones Court. This is approximately 10% of the dwelling's open space and the amount of shade reduces to zero by 12 noon.
Clause 55.04-6 <i>Overlooking</i>	At ground level, Townhouses 1 and 6 are provided obscured glazed windows to screen overlooking from the living area to the north. Townhouses 2, 3, 4 and 5 have north-facing windows and deck areas that face the dwelling at 135, 137 and 139 Shakespeare Street. The deck areas are elevated between 0.7-1.1m above the ground level at the boundary. As this figure is above 0.6m, the development cannot rely on the existing boundary fence to incorporate sufficient screening. An addition trellis section is proposed to be added to the height of the northern boundary fence, together with a wide landscape bed along the boundary where screen vegetation can be accommodated. The deck areas associated with Townhouse 1 presents to Murphy Crescent and should not generate overlooking. The deck of Townhouse 6 faces the rear boundary of the site and is lower in elevation in comparison to the other deck areas ensuring unreasonable overlooking is prevented by the boundary fence. A 1m wide landscape bed where screen vegetation can be accommodated is shown along the boundary adjacent to the rear boundary fence. At first floor, overlooking is prevented via the use of obscure glazing to 1.8m above finished floor level for north-facing windows (setback between 3.5m and 5.2m from the northern boundary). No screening is proposed on first floor south-facing windows which are setback between 8.8m and 9m from the boundary. There are no windows at first floor facing west (to the rear of the site).
Clause 55.04-7 <i>Internal views</i>	Met, there are no views from first floor windows down into open space areas within the development due to obscure glass.

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Requirement	Design Response
Clause 55.04-8 <i>Noise Impacts</i>	<p>The site is located within a residential area, away from main roads and without significant background noise.</p> <p>Noise generated from mechanical plant will be limited to air conditioning units. The condenser units are located at ground level on the exterior of the building, well setback from side boundaries; or area located on deck areas.</p>
Clause 55.05-1 <i>Accessibility</i>	Met, each townhouse has a dwelling entry that is accessible to people with limited mobility with direct access onto the driveway area.
Clause 55.05-2 <i>Dwelling Entry</i>	Met, each townhouse entry is visible and easily identifiable from Murphy Street and the driveway approach. The entries are provided shelter, a sense of personal address and a transitional space.
Clause 55.05-3 <i>Daylight to new windows</i>	Met, the setbacks of the townhouses from side boundaries are generous and provide natural daylight through windows to all habitable rooms in accordance with the control.
Clause 55.05-4 <i>Private Open Space</i>	<p>Variation sought. Each townhouse is provided an area of private open space at ground level that exceeds the control, including a rectangular space with a minimum area of 25sqm and a minimum width of 3m. Each open space area has a deck which makes the spaces desirable and usable.</p> <p>However, the private open space allocated to townhouses 2 - 5 do not achieve the 40sqm minimum. Only Townhouse 1, which benefits from the front setback, and Townhouse 6, which benefits from the rear setback achieved the desired 40sqm.</p> <p>The open space provided to townhouses 2 - 5 is high quality and includes a 16.5 sqm deck area that exceeds both the minimum balcony area for a dwelling (8sqm) and the minimum roof top area for a dwelling (10sqm). The deck is 3.3m wide and highly usable. It also overlooks a compact paved area where a clothesline can be hidden and onto a landscape bed that provides screen planting along the northern boundary. The quality of the spaces makes up for the small shortfall in area.</p> <p>The development was originally designed to achieve Clause 52.20. The requirement in that clause (Clause 52.20-6.16) requires only 25sqm of quality private open space.</p> <p>There is a further questionable measure whether the open space for Dwelling 1 can be deemed 'secluded' as it fronts Murphy Crescent and only enclosed by a 1.2m high fence (not 1.8m high). Extending the height of the fence is undesirable from a streetscape perspective. The combination of screen plantings along the front boundary and the elevated deck ensures that parts of this private open space is 'secluded' and away from pedestrians.</p>
Clause 55.05-5 <i>Solar Access to Open Space</i>	Not applicable. No townhouse is provided open space on the southern side of the building.
Clause 55.-5-6 <i>Storage</i>	Met, the required external storage space is provided to future residents at ground level through external sheds or space under each deck.

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Requirement	Design Response
Clause 55.06-1 <i>Detailed Design</i>	<p>Details design attributes have been carefully considered to generate a building that is respectful of neighbourhood character. The building is appropriately articulated through finished floor levels that step with the fall of the land and walls that include rebates and first floor setbacks the reduce visual bulk.</p> <p>Featureless elevations are avoided through large windows and the coherent use of materials that seek to highlight each townhouse.</p> <p>The pitch roof of the building and the use of eaves is respectful of housing that surrounds the site.</p>
Clause 55.06-2 <i>Front Fence</i>	<p>Met, a 1.2m high picket fence is proposed along the front boundary, including the private open space of Dwelling 1.</p> <p>Whilst this control allows the fence height to be increased to 2m in height, this would be inconsistent with Council's preference articulated through the consultation meeting and local planning policy that encourage front setbacks to remain 'open'.</p>
Clause 55.06-3 <i>Common Property</i>	<p>Met, common property areas are limited to the driveway and its adjacent landscaping. These areas are clearly delineated for shared use, functional and capable of efficient management.</p>
Clause 55.06-4 <i>Site Services</i>	<p>The development provides for efficient and well-designed service areas that can be maintained efficiently and safely.</p> <p>Bins for waste are proposed to be stored in a communal enclosure that are obscured from the street by a screen. Bins are easily accessible from the shared driveway. Bins can be easily moved to the street frontage for Council collection on collection day, and returned.</p> <p>Letterboxes are provided at the front of the site at the driveway entry. The boxes will be limited to 900mm in height so sightlines to pedestrians and vehicles are maintained.</p>

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Response to Clause 52.06 - Car Parking

There is a permit trigger associated with the waiver of 1 visitor car parking space under Clause 52.06-3 because the proposal includes no visitor car parking spaces, but includes more than 5 dwellings.

We note that the permit trigger is not relevant for an application under Clause 52.20 – Victoria's Big Housing Build, where zero visitor parking is required. We also note that resident parking on site far exceeds the 0.6 spaces per dwelling requirement at Clause 52.20-6.7.

Application requirements and decision criteria are listed at Clause 52.06-7 and include a demand assessment where applicable.

The development is expected to generate visitor parking demand consistent with any other 6 dwelling development. However, there are attributes that support the waiver. These include the availability of parking on the street, including directly in front of site to support this short-term demand. The kerbside can support two parked vehicles as the crossover width is limited and only one of two titles that make up the site area requires a crossover. Murphy Street is sufficiently wide to accommodate street parking and there are no restrictions.

The site is also reasonably convenient to public transport, particularly for a site is a regional centre. It is connected to a footpath network that is extensive within the suburb. These attributes support the waiver of a visitor car parking space.

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The design of car parking on site accords with the requirements at Clause 52.06-9:

Accessway

- The accessway is at least 3 metres wide, which is the minimum width under the control. Generally, the accessway is 5.2m wide.
- The accessway has no change of direction or overhead obstructions.
- The design of the accessway provides for vehicles parked in the last space to exit in a forward direction (noting this is not a public car park).
- The required triangular area that is at least 50 percent clear of visual obstructions extends north and south at the exist of the site (to provide a clear view of pedestrians on the footpath and vehicles on the road).

Car parking spaces

- The parking spaces are located perpendicular (90 degrees) to the accessway. The spaces achieve the minimum space requirements in the table of the clause being 3m wide, 4.9m long and with an aisle entry width of 5.2m.
- No tandem car parking spaces are provided.

Gradients

- The car parking area will be flat. The aisle is subject to a shallow gradient of 1:20, considerably less steep than the maximum permitted (1:5).

Mechanical parking

- No Mechanical parking is proposed.

Urban Design

- The car parking space for Dwelling 1 is located in the front setback of the building. This location is convenient to the dwelling's front entry. The space is not expected to unduly dominate the public realm due to the limited frontage it occupies, the presence of landscaping around the space, and the front boundary picket fence.
- The car parking contributes to the openness of the front setback, consistent with the established neighborhood character. The car park is nestled within a landscaped setting to ensure it is not visually dominate.

Safety

- The proposed car parking area in front of each townhouse provides for maximum passive surveillance and pedestrian visibility from adjacent buildings, the public realm and from the proposed townhouses.
- The car park is to be line marked and will be illuminated for users. Pedestrians are provided appropriate space to negotiate the car park safely.

Landscaping

- A landscape plan shows landscaping and trees planted around the car parking area to provide shade and shelter, and to soften the appearance of hardstand.
- The chosen tree species respond to the area provided for roots and canopy being dwarf varieties.

Response to adverse impacts on the environment / amenity

The residents of the six townhouses are unlikely to generate any adverse and ongoing impacts on the environment or amenity following construction. The EPA and Council's local laws provide limits in relation to noise and land use within residential areas. Future residents will need to comply with these, including the need to manage waste collection and garden maintenance as they would in any other residential setting.

The construction of the townhouses will not require significant earthworks or any unique construction. Murphy Crescent provides opportunities for building materials to be delivered and trade parking. It is unlikely that other projects nearby will occur simultaneously, adding pressure onto the local environment.

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Building issues such as public safety, site security, site amenities, construction hours, noise control, temporary stormwater and sediment control and waste management are controlled through various means including the building code, local laws and EPA regulations. Should it be required, a construction management plan could be required through a condition of permit.

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6 CONCLUSION

It is proposed to develop the land at 1-3 Murphy Crescent, Traralgon with six townhouses. The proposal is consistent with the requirements of the Neighbourhood Residential Zone Schedule 4 including the objectives and strategies of the Planning Policy Framework within the Latrobe Planning Scheme which advocates for incremental residential growth that maintains the spacious residential setting of the area.

The proposed development will contribute positively to surrounding neighbourhood through the redevelopment of a long-term vacant block of land with townhouses. The townhouses provide generous setbacks to side and rear boundaries that will support landscaping and provide a spacious setting. The front setback is 'open' to the street and contains landscaping as desired. The building is appropriately setback and design with visual interest

For the reasons discussed throughout the report, it is respectfully requested that a planning permit be issued for six dwellings at 1-3 Murphy Crescent, Traralgon.



Jeff Gower
Principal Town Planner

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APPENDIX A: CERTIFICATE OF TITLE

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

Page 1 of 2

VOLUME 11525 POLIO 983

Security no : 124108782710B
Produced 01/09/2023 12:00 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 708927U.

PARENT TITLES :

Volume 08605 Folio 701 to Volume 08605 Folio 703

Created by instrument PS708927U 15/10/2014

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

DAVID IAN MITCHELL of 4 CROWEA WAY MORNINGTON VIC 3931
PS708927U 15/10/2014

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ048068V 30/06/2011
WESTPAC BANKING CORPORATION

CAVEAT AV843895U 12/07/2022

Caveator

DIRECTOR OF HOUSING

Grounds of Claim

PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

20/06/2022

Estate or Interest

FREEHOLD ESTATE

Prohibition

UNLESS I/WE CONSENT IN WRITING

Lodged by

HOLDING REDLICH

Notices to

HOLDING REDLICH - LISA CODY of LEVEL 8 555 BOURKE STREET MELBOURNE VIC 3000

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

AGREEMENT Section 173 Planning and Environment Act 1987
AK865958T 30/01/2014

DIAGRAM LOCATION

SEE PS708927U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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PLAN**



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

Page 1 of 2

VOLUME 11525 FOLIO 984

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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 708927U.
PARENT TITLES :
Volume 08605 Folio 701 to Volume 08605 Folio 703
Created by instrument PS708927U 15/10/2014

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DAVID IAN MITCHELL of 4 CROWEA WAY MORNINGTON VIC 3931
PS708927U 15/10/2014

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ048068V 30/06/2011
WESTPAC BANKING CORPORATION

CAVEAT AV843895U 12/07/2022

Caveator
DIRECTOR OF HOUSING
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.

Parties
THE REGISTERED PROPRIETOR(S)

Date
20/06/2022
Estate or Interest
FREEHOLD ESTATE
Prohibition
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AK865958T 30/01/2014

DIAGRAM LOCATION

SEE PS708927U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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Signed by Council: Latrobe City Council, Council Ref: 2012/3, 2012/55/Crt, Original Certification: 14/11/2012, S.O.C.: 10/07/2014

PLAN OF SUBDIVISION		STAGE NO. <hr/>	LRS use only EDITION 1	Plan Number PS708927U
Location of Land Parish: LOY YANG Township: — Section: A Crown Allotment: 4A (PART) Crown Portion: — Title Reference: VOL.8605 FOL.701 VOL.8605 FOL.702 VOL.8605 FOL.703 Last Plan Reference: LP59038 LOTS 169,170 & 171 Postal Address: 135-137 SHAKESPEARE STREET (at time of & 3 MURPHY CRESCENT subdivision) TRARALGON 3844 MGA Co-ordinates E 461 260 (of approx. centre of N 5771 550 land in plan) ZONE: 55		Council Certification and Endorsement Council Name: LATROBE CITY COUNCIL Ref: 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under section 6. 3. This is a statement of compliance under Section 21 of the Subdivision Act 1988. Open Space 10 A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made (a) The requirement has been satisfied (b) The requirement is to be satisfied in Stage Council Delegate Council Seal Date / / Re-certified under section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /		LRS use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 06/10/2014 LRS use only PLAN REGISTERED Time 2:34 pm Date 15/10/2014 Mark Cagdas Assistant Registrar of Titles Notations Depth Limitation DOES NOT APPLY. Staging: This is not a staged subdivision Planning permit No. 2012/3 SUBDIVISION (REGISTRAR'S REQUIREMENTS) REGULATIONS 2011 APPLY. THIS IS A SPEAR PLAN. The land being subdivided is enclosed within thick continuous lines. Survey This plan is based on survey. This survey has been connected to permanent marks no(s). 38,127,150 & 169 In Proclaimed Survey Area No. —
Vesting of Roads and/or Reserves				
Identifier		Council/Body/Person		
—		—		
Easement Information				
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)				
Subject Land	Purpose	Width (Metres)	Origin Land Benefited/in Favour Of	
E-1	DRAINAGE PIPELINE OR ANCILLARY PURPOSES	2	THIS PLAN - SEC 136 LATROBE CITY COUNCIL CENTRAL GIPPSLAND REGION	

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Other Purpose of Plan
 THE DRAINAGE & SEWERAGE EASEMENT MARKED E-1 ON LP59038 IS TO BE REMOVED
 Grounds For Removal of Easement
 PLANNING PERMIT No.2012/3 LATROBE CITY COUNCIL.

Beveridge Williams
development & environment consultants
Traralgon ph : 03 5176 0374
www.beveridgewilliams.com.au

LICENSED SURVEYOR (PRINT) DEAN NORMAN SNEDDON

SIGNATURE DIGITALLY SIGNED

REF. **1100117** VERSION 2

Sheet 1 of 1 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

SCALE
5 0 5 10 15 20 25
LENGTHS ARE IN METRES

ORIGINAL SCALE SHEET SIZE
1:500 A3

Signed by: Dean Norman Sneddon (Beveridge Williams & Co Pty Ltd - Traralgon) Surveyor's Plan Version (2) SPEAR Ref: S024510A 08/11/2012