



**Myers**  
Planning & Associates

## Planning Permit Application

Lot 2 on PS904528, Waggs Lane, Mortlake

Issued  
27 April 2023  
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Dispensary Lane (Rear of 190 Timor Street)  
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# Overview

## Background

Applicant	Myers Planning & Associates
Address	Waggs Lane, Mortlake
Lot Description	Lot 2 on Plan of Subdivision 904528R (Volume 12465, Folio 251)

## Relevant Planning Controls

State Planning Policy Framework	Clause 11 Settlement
	Clause 13 Environmental Risks and Amenity
	Clause 14 Natural Resource Management
	Clause 15 Built Environment and Heritage
	Clause 16 Housing
Local Planning Policy Framework	Clause 21.02 Municipal Overview
	Clause 21.03 Factors Influencing Future Planning and Development
	Clause 21.04 Municipal Vision
	Clause 21.05 Settlement and Housing
	Clause 21.06 Environment
	Clause 21.09-4 Mortlake
	Clause 22.03-8 Fire Protection Local Policy
Zone	Rural Living Zone
Overlays	Design and Development Overlay (Schedule 26)
Particular Provisions	Not applicable
Strategic Planning Documents	Not applicable
<b>Permit Application Details</b>	
Description of Proposal	Six (6) lot subdivision
Permit requirement	Clause 35.03-3 Subdivision (Rural Living Zone)
	Clause 43.02-3 Subdivision (Design and Development Overlay)



## Acknowledgement of Country



We acknowledge the Traditional Owners of the Country on which this application applies and recognise their continuing connection to the land, water and culture. We pay our respects to their Elders past, present and emerging.

## We care about our community



We donate a fixed percentage of our income each year to local organisations that work towards a better world. We also advise and represent a select group of clients on a reduced cost of pro bono basis.

# Quality assurance

**Town Planning Report**

Lot 2 on PS 904528  
Waggs Lane, Mortlake

**Project Number**

21-706

**Revision**

00

**Prepared By**

LB

**Reviewed By**

DP

**Project Lead**

DP

**Issued**

27 April 2023

Revision	Date	Issue
00	27 April 2023	FINAL Town Planning Report

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# 1. Introduction

## 1.1. Purpose

This Town Planning Report has been prepared by Myers Planning & Associates in support of a planning permit application for a six (6) lot subdivision, at Waggs Lane, Mortlake (the 'Site').

The Site is part of a recently permitted 2 lot subdivision (PL21/338) at 93 Cairnlea Lane, Mortlake, whereby the rectangular allotment that forms the Site now features access and frontage to Waggs Lane to the south. The application seeks approval to subdivide the land into six lots, with vehicle access to each lot provided via common property through the centre of the Site. Some planted vegetation will require removal to accommodate the common property, particularly where it meets Waggs Lane.

The proposal triggers the following permit requirements under the Moyne Planning Scheme:

- Clause 35.03-3 Subdivision (Rural Living Zone)
- Clause 43.02-3 Subdivision (Design and Development Overlay)

Having considered the proposal with respect to the Moyne Planning Scheme, it is the conclusion of this report that proposal is consistent with both state and local planning policy, and applicable planning controls. As such, this report recommends, and requests, that Council issue a permit for the proposal.

The following documents should be read in conjunction with this report and are provided as part of the application:

- Certificate of Title
- OneMap Site Report
- Proposed Plan of Subdivision

## 1.2. Limitations

This report has considered the following documents:

- Moyne Planning Scheme (as of 12 December 2022)
- Certificate of Title (dated 18 April 2023)
- Glenelg Hopkins Regional Catchment Strategy 2022-2027
- Planning Scheme Amendment C70moyn (Rural Housing and Settlement Strategy)

## 2. Site and surrounds

### 2.1. Site description and title particulars

Site address	Waggs Lane, Mortlake
Title details	Lot 2 on Proposed Plan of Subdivision 904528R (Volume 12465, Folio 251).
Site description	The Site is generally of rectangular shape with an area of 12.19 hectares and a frontage of approximately 201.168 metres.
Easements, restrictions or covenants	<p>The site is encumbered by a 5-metre-wide water easement along the eastern boundary, in favour of Wannon Water.</p> <p>No other restrictions or covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988 exist on the land.</p>

Refer to the Certificate of Title (**Appendix A**) for further details.

### 2.2. Site analysis

The Site is located on the northern side of Waggs Lane, has an area of 12.19 hectares and is of rectangular shape. Containing a 201.168 metre length southern (front) boundary to Waggs Lane, a northern (rear) boundary of 201.168 metres, and both an eastern (side) boundary and western (side) boundary of 605.82 metres.

Located within the Rural Living Zone, the Site exists as vacant, being the balance of land resulting from a recent planning permit for a dwelling excision (PL21/338). Each boundary is lined with post and wire fencing, with an internal post and wire fence running through the centre of the Site from the northern (rear) to southern (front) boundary.

An established, planted windbreak exists along the southern (front) boundary, with some planted vegetation along each of the side boundaries and through the central fence line of the Site. There are no existing crossovers or vehicle access into the Site, aside from a farm gate in the southeast corner of the eastern (side) boundary, accessed via the adjoining lot to the east. The landscape is generally flat, though features a very gentle undulation towards the centre of the Site, which is dominated by grazing paddock.

A 5-metre-wide drainage easement exists along the eastern boundary of the Site.



Figure 1: Aerial Site Plan (Source: NearMap)

### 2.3. Site Context

The Site is located approximately 1.5 kilometres north of the Hamilton Highway, where the centre of the Mortlake township lies, and is approximately 50.6 kilometres northeast of the Warrnambool city centre. Surrounding lots within the Rural Living Zone are generally of rectangular shape, ranging in areas to accommodate dwelling excisions of 2,500 square metres, and balanced lots of 22 hectares. by a patchwork quilt of Farming Zone, lots are generally of irregular shape and varying sizes. A number of dwelling excisions exist within the Rural Living Zone, forming lots of between 2,500 square metres and 4 hectares, with balance lots in excess of 30 hectares.

The Site is located within an area of Rural Living Zone that provides a buffer between the General Residential Zone, commencing on the southern side of Waggs Lane, and the Farming Zone, on the northern side of Cairnlea Lane to the north of the Site. Lots within the General Residential Zone immediately south of Waggs Land generally exist as larger allotments, yet to be subdivided, aside from subdivision existing along Mount Road to the southwest. With the Mortlake township to the south of the Site, the Rural Living Zone extends to its east, northeast and northwest, with General Residential Zone occupying the majority of the towns centre.

The surrounding topography provides a generally flat layout, with some gentle undulation across the landscape. Remnant, mature vegetation exists throughout the surrounds, whilst retaining an open, rural character, with grazing pasture dominating the Rural Living Zone and Farming Zone to the north. Approximately 1.1 kilometres due north of the Site lies the scoria cone of Mount Shadwell, with the Mount Shadwell Quarry located slightly to its northeast.

The Site's key interfaces are as follows:

North – 93 Cairnlea Lane	Existing as part of the recent dwelling excision associated with PL21/338, the land is located within the Rural Living Zone and contains a single dwelling and associated outbuildings, fronting Cairnlea Lane to the north.
East – 69 Cairnlea Lane	Consisting of a single dwelling and associated outbuildings within the Rural Living Zone, the battle-axe block is accessed via Cairnlea Lane, and is currently devoid of any significant vegetation.
East – Lot 3 of 93 Cairnlea Lane	Dominated by managed pasture, the land is bound by planted windbreaks along the eastern boundary, and part of the northern boundary, with farmgate access within the southwest corner, fronting Waggs Lane, servicing both this lot and the Site.
South – 38 Mount Road	Located on the corner of Mount Road and Waggs Lane, the lot contains a single dwelling and associated outbuilding, with two vehicle crossovers to Waggs Lane and a single crossover to Mount Road. Mature vegetation dominates the landscape surrounding the existing dwelling.
South – 74 Waggs Lane	A small, 1,500 square metre allotment, the land contains a single dwelling and horseshoe driveway, with significant vegetation located to the rear of the lot.
South – 78 Waggs Lane	Containing a single dwelling, and associated outbuildings, on the lot via a long driveway, the land contains a mix of mature vegetation with managed pasture, housing sheep within the land.
West – 97 Cairnlea Lane	A larger lot containing a single dwelling and associated outbuilding, vehicle access is located along the eastern (side) boundary, with manicured landscaping immediately surrounding the dwelling. Managed pastures dominate the land, with windbreak vegetation partially located along the eastern boundary.
West – Lot 3 on Title Plan 237702 (Waggs Lane)	Containing some significant, remnant vegetation, and shrubs towards the Waggs Lane frontage, the lot is dominated by pasture, with a large outbuilding located towards the southern (front) boundary.

Refer to Aerial Context Plan (**Figure 2**) and OneMap Site Context Plan (**Figure 3**) for details.



Figure 2: Aerial Context Plan (Source: NearMap)

## 3. Proposal

### 3.1. Overview

The proposal seeks planning approval for a six (6) lot subdivision at Waggs Lane, Mortlake. The Site is part of a recent planning permit for a two (2) lot subdivision associated with 93 Cairnlea Lane (Planning Permit PL21/338), with the land largely existing as vacant, aside from post and wire fencing through the centre of the Site.

Refer to enclosed Proposed Plan of Subdivision (**Appendix D**) for full details of the proposal.

### 3.2. Planning permit triggers

In accordance with the provisions of the Moyne Planning Scheme, the proposal triggers the following planning permit requirements:

- Clause 35.03-3 Subdivision (Rural Living Zone)
- Clause 43.02-3 Subdivision (Design and Development Overlay)

### 3.3. Key elements

The proposal includes a six (6) lot subdivision, with each lot consisting of the following areas:

- Lot 1: 1.92 hectares
- Lot 2: 2.126 hectares
- Lot 3: 1.727 hectares
- Lot 4: 2.128 hectares
- Lot 5: 1.722 hectares
- Lot 6: 2.123 hectares

Vehicle access to each lot is via a 10-metre-wide common property running north to south through the centre of the Site, servicing all lots and splaying to 30 metres wide where it meets Waggs Lane. The common property runs on the western side of the existing internal fencing and planted vegetation ensuring these can be largely maintained.

Some vegetation removal along the southern (front) boundary to Waggs Lane is required to accommodate the common property and its entry.

There are no building envelopes proposed given the size of each allotment and lack of native vegetation existing that would require protective measures.

## 4. Planning policies and controls

### 4.1. Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the proposal are set out below.

#### Clause 11 Settlement

- Clause 11.01-1S **Settlement**: To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Clause 11.01-1R **Settlement – Great South Coast**: To attract more people to the region.
- Clause 11.03-5S **Distinctive areas and landscapes**: To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.
- Clause 11.03-6S **Regional and local places**: To facilitate integrated place-based planning.

#### Clause 13 Environmental Risks and Amenity

- Clause 13.02-1S **Bushfire planning**: To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.07-1S **Land use compatibility**: To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential off-site impacts.

#### Clause 14 Natural Resource Management

- Clause 14.01-1S **Protection of agricultural land**: To protect the state's agricultural base by preserving productive farmland.

#### Clause 15 Built Environment and Heritage

- Clause 15.01-3S **Subdivision design**: To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Clause 15.01-5S **Neighbourhood Character**: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

#### Clause 16 Housing

- Clause 16.01-3S **Rural residential development**: To identify land suitable for rural residential development.
- Clause 16.01-3R **Rural residential development – Great South Coast**: To support rural residential development in locations that are adjacent to towns with limited growth demand to sustain population levels and communities.

An assessment of the proposal against the policies of the PPF is contained within **Section 5.2.1** of this report.

### 4.2. Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework (LPPF) sets out local and regional planning policy with a focus on specific areas and issues within Moyne Shire Council. The Municipal Strategic Statement (MSS) and local policies relevant to the proposal are detailed below.

#### Clause 21 Municipal Strategic Statement

- Clause 21.02 **Municipal Overview**: The Shire is predominately rural based, with a focus on grazing agriculture. Development pressure throughout the Shire's townships relate to landscape character, often occurring on highly visible sites that have previously been subdivided. Mortlake was settled in the 1850's, whereby farming continues to support the town to this day, however, changes in farm practices has seen a slow population decline in recent years.
- Clause 21.03 **Factors Influencing Future Planning and Development**: Agricultural areas between settlements or township edges are under pressure from other forms of development, further fragmenting

the land, which can be attributed to the demand for rural living lifestyles. Policy seeks to retain the dominance of the landscape from key viewing locations throughout the Region.

- Clause 21.04 **Municipal Vision:** Moyne Shire's adopted goals include to have well maintained, healthy and thriving towns, and balance between development and protection of the natural environment.
- Clause 21.05 **Settlement and Housing:** The key objectives of note, seek to:
  - o Encourage population growth within all areas of the Shire.
  - o Ensure that development on smalls lots avoid impacts on sensitive environmental features such as remnant vegetation, wetlands, coastal reserves and waterways.
  - o Ensure that trees, which form part of a continuous canopy are retained and that new planting is encouraged that contributes to vegetation canopies being enhanced or maintained.
  - o Encourage fencing of property boundaries using post and wire structures and vegetation for screening development.
- Clause 21.06 **Environment:** A series of craters were formed in the region following volcanic eruptions, beginning approximately 20,000 years ago, including Mount Shadwell. Policy seeks to retain the open and rural character of views and outlooks, particularly from main road corridors.
- Clause 21.09-4 **Mortlake:** Mortlake is noted as a service centre surrounding farming country, with excellent road access to other regional centres, including Warrnambool, and has experienced a small population increase due to its quieter rural lifestyle. Policy seeks to maintain the rural character of land surrounding Mortlake, including key views to Mount Shadwell and surrounding rural areas, whereby small lot subdivision should not encroach upon existing agricultural land and areas of environmental and landscape significance.

#### **Clause 22 Local Planning Policies**

- Clause 22.03-8 **Fire Protection Local Policy:** Covering all land within the Rural Living Zone, policy seeks to ensure that land use and development does not increase the level of fire risk, whereby any proposed subdivision should provide information regarding the sort of fire prevention measures proposed.

An assessment of the proposal against the policies of the LPPF is contained within **Section 5.2.1** of this report.

### **4.3. Rural Living Zone**

The Site is located within the Rural Living Zone (Clause 35.03). The purpose of the Rural Living Zone is:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Pursuant to Clause 35.03-3 **Subdivision**, a permit is required to subdivide land. Each lot must be at least 1 hectare, in accordance with the Schedule to the zone.

An assessment of the proposal against the Rural Living Zone is provided within **Section 5.2.2** of this report.

Refer to the OneMap Site Report (**Appendix B**) for the extent of the Rural Living Zone.

### **4.4. Design and Development Overlay**

The Site is subject to the Design and Development Overlay (Schedule 26), pertaining to the *Mount Shadwell View Protection Area*. Design objectives include:

- To protect and conserve the valued views of Mount Shadwell from intrusive development.
- To maintain and strengthen the low-density residential environment of the locality.
- To ensure that development recognises the existing infrastructure capacity and does not generate demand for extensive upgrades of infrastructure.

Pursuant to Clause 43.02-3 **Subdivision**, a permit is required to subdivide land, whereby the requirement under Section 3.0 of Schedule 26 states that each lot should be at least 1 hectare where the land is bound by Prentices Lane, Cairnlea Lane, Mortlake-Ararat Road and Waggs Lane.

An assessment under the Design and Development Overlay is provided within **Section 5.2.3** of this report.

Refer to the OneMap Site Report (**Appendix B**) for the extent of the Design and Development Overlay.

## 4.5. Particular Provisions

There are no particular provisions of relevance to this proposal.

## 4.6. Other planning considerations

### 4.6.1. Waggs Lane Road Network

The intersection of Waggs Lane and Mount Road has recently undergone refurbishment to incorporate kerb and channel with a wider pavement. East of this intersection, and up to Mortlake-Ararat Road, the roadway remains unsealed, which includes the southern (front) boundary to the Site.

In accordance with Moyne Shire's Infrastructure Design Manual (IDM), the proposed subdivision incorporates an all-weather common property roadway accessed via a new crossover to Waggs Lane, allowing for the following, as considered necessary:

- 10-metre-wide common property access, expanding to 16 metres within the Site to enable turning movements.
- All-weather pavement to 6.2 metres.
- Stormwater drainage.
- Works for all required utilities.
- Crossover access to Waggs Lane from common property.

### 4.6.2. Planning Scheme Amendment C70moyn

Planning scheme amendment C70moyn seeks to guide the use and development of agricultural land and rural residential development within the Shire, implementing settlement, housing and land use recommendations as noted within the Moyne Warrnambool Rural Housing and Settlement Strategy (2010) and Addendum Report (2015). The amendment is currently pending a decision of adoption.

The amendment proposes three new schedules to the Rural Living Zone, whereby the Site is to be subject to Schedule 1 to the zone. Schedule 1 seeks to set a minimum subdivision area of 1 hectare, which is consistent with Design and Development Overlay (Schedule 26) that affects the Site, and therefore, will pose no impact upon this application.

### 4.6.3. Aboriginal Cultural Heritage Sensitivity

The Site's northeast corner is identified as being an 'area of cultural heritage sensitivity' pursuant to the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located.

As the area subject to cultural heritage sensitivity is remaining untouched, no Cultural Heritage Management Plan (CHMP) is required.

## 5. Planning Assessment

### 5.1. Overview

The following outlines the key planning considerations of the proposal in response to relevant policy and the provisions of the Moyne Planning Scheme. The key considerations are relevant to the assessment of the proposal are:

- Planning Policy Framework and Local Planning Policy Framework
- Subdivision within the Rural Living Zone
- Assessment Under the Design and Development Overlay

### 5.2. Key considerations

#### 5.2.1. Planning Policy Framework and Local Planning Policy Framework

The proposal requires assessment under the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) of the Moyne Planning Scheme.

The proposal appropriately supports development and investment by directing population growth within the Rural Living Zone of Mortlake, whilst protecting the agricultural productivity, and rural landscape and settlement features (Clause 11.01-1S **Settlement**, Clause 11.01-1R **Settlement – Great South Coast** and Clause 16.01-3S **Rural residential development**).

In considering the distinctive characteristics of the Site and surrounds the proposal seeks a minimum lot size of 1.7 hectares to maintain an open character (Clause 11.03-6S **Regional and local places**). Recognising the unique features of Mount Shadwell to the north of the Site, the subdivision layout appropriately protects the key views to Mount Shadwell and the rural surrounds (Clause 11.03-5S **Distinctive areas and landscapes** and Clause 21.09-4 **Mortlake**).

Considered a compatible use of the land for a dwelling upon each lot, the six (6) lot subdivision appropriately facilitates development within the Rural Living Zone that provides a buffer between the General Residential Zone to the south, and agricultural productive land to the north, located within the Farming Zone (Clause 13.07-1S **Land use compatibility** and Clause 14.01-1S **Protection of agricultural land**).

Respecting the natural landscape character and significant planted vegetation, the proposal ensures a subdivision design of larger allotments that are less visible to major thoroughfares (Clause 21.02 **Municipal Overview** and Clause 15.01-5S **Neighbourhood character**). Seeking to retain the existing vegetation within the Site, and along the front boundary, as much as possible, the proposed layout sees placement of the common property along the western side of the existing central post and wire fence line and associated vegetation, minimising the need for removal (Clause 21.05 **Settlement and Housing**).

Located within close proximity of Mortlake's town centre, whereby rural residential development is supported (Clause 16.01-3R **Rural residential development – Great South Coast**), the proposal seeks to contribute to a healthy, thriving township, balancing future development and protection of the natural environment (Clause 21.04 **Municipal Vision**). Contributing to a reduction of car dependency, the proposed subdivision provides for varied lot sizes to suit dwelling and household types of between 1.7 hectares and 2.2 hectares (Clause 15.01-3S **Subdivision design**).

Retaining dominance of the landscape to and from Mount Shadwell, the proposed subdivision provides for larger rural lots of between 1.7 and 2.2 hectares, whilst simultaneously retaining the open and rural character of views and outlooks from the main thoroughfare of Hamilton Highway (Clause 21.03 **Factors Influencing Future Planning and Development** and Clause 21.06 **Environment**).

Minimising risk to life, health, property and the natural environment, the Site is located within a low-risk bushfire area. Surrounded by managed grassland within the Rural Living Zone that enables a minimum lot size of 1 hectare, the proposed subdivision also provides for appropriate emergency vehicle access via the common property, servicing all six lots (Clause 13.02-1S **Bushfire Planning** and Clause 22.03-8 **Fire Protection Local Policy**).

As such, the proposal is generally considered to be consistent with the PPF and LPPF of the Moyne Planning Scheme.

### 5.2.2. *Subdivision within the Rural Living Zone*

The proposal requires consideration under the Rural Living Zone, pertaining to subdivision of the land into six (6) lots. Pursuant to Clause 35.03-5, the following table provides a response to the relevant decision guidelines.

Decision Guidelines	Response
<b>General issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework	<p>The Municipal Planning Strategy (MPS) (currently in the format of the Municipal Strategic Statement and the Local Planning Policies) and the Planning Policy Framework (PPF) have been considered in this report.</p> <p>Please refer to <b>Section 5.2.1</b> for details.</p>
Any Regional Catchment Strategy and associated plan applying to the land.	<p>The Glenelg Hopkins Regional Catchment Strategy 2021-2027 (RCS) applies to the application site.</p> <p>There is an expectation in the RCS that landowners will be supported to undertake an active role in caring for and managing the environmental qualities of their land and ensuring that any use and development within their land will not have any adverse impact upon the environment.</p> <p>The proposal is consistent with this expectation.</p>
The capability of the land to accommodate the proposed use or development.	<p>Whilst the proposal specifically seeks subdivision, future use and development of each lot for the purpose of a dwelling has been considered.</p> <p>Located within the Rural Living Zone, the proposed lot sizes will each appropriately accommodate a dwelling, and associated services.</p>
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	<p>The site is suitable for the proposed six (6) lot subdivision, surrounded by Rural Living Zone to the north, east and west. The adjoining land to the south is located within the General Residential Zone, containing smaller residential allotments.</p>
<b>Environmental issues</b>	
The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.	<p>The proposal is not considered to have any adverse environmental impact upon the local landscape. The proposed subdivision layout ensures minimal impact upon existing planted vegetation, aligning the common property to the west of the central windbreak. In addition, no native vegetation exists on the land that will require removal to accommodate the proposed subdivision.</p>
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	<p>Given the large size of each lot, between 1.7 hectares and 2.2 hectares, the proposed lots sizes are considered large enough to accommodate required effluent fields.</p>

Decision Guidelines	Response
<b>Design and siting issues</b>	
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	The proposed subdivision layout is in keeping with the future character of the Rural Living Zone, ensuring lot sizes larger than that of the minimum 1-hectare requirement.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	The design incorporates central common property to service each allotment in a safe and accessible manner, with required water and drainage services to be accessible via the easement along the eastern boundary. Electricity and telecommunications will be available via the common property to each allotment.
In light of the above, the proposal is considered to be compatible with the requirements of the Rural Living Zone.	

### 5.2.3. Assessment under the Design and Development Overlay

The proposal requires assessment under the Design and Development Overlay (Schedule 26), pertaining to subdivision within the Mount Shadwell View Protection Area. Pursuant to Clause 43.02-6, and Schedule 26 to the Design and Development Overlay, the following table provides a response to the relevant decision guidelines.

Decision Guidelines	Response
Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	<p>The proposed design incorporates retention of existing planted vegetation along the southern (front) boundary, and the central windbreak within the Site. The only planted vegetation requiring removal is that which is located where the common property meets Waggs Lane, and that which is impacted by the cul-de-sac at the northern end of the common property.</p> <p>As such, the proposed subdivision layout and design is considered to appropriately retain the existing vegetated character of the Site and surrounds.</p>
The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.	<p>The proposal incorporates a 10 metres wide common property within the subdivision, expanding to 16 metres at the northern end, providing access and egress between Waggs Lane and each allotment. The common property splays to a total of 30 metres where it meets Waggs Lane.</p> <p>As the location of the proposed common property seeks minimal impact upon the existing planted vegetation along the front boundary, and within the Site, the proposed layout is considered to be appropriate to the existing landscape character.</p>
Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	The subdivision layout considers six (6) larger lots of between 1.7 hectares and 2.2 hectares, in keeping with the rural living character of adjacent allotments on the northern side of Waggs Lane.

Decision Guidelines	Response
The effect of any proposed subdivision or development on the environment and landscape values of the area including the impact on the views of Mount Shadwell.	There will be no adverse impact from the proposed subdivision on the environment and landscape values of the area including the impact on the views of Mount Shadwell.
The effect of any proposed subdivision or development on the existing infrastructure capacity of the area.	The proposed subdivision provides for required water and drainage infrastructure via an easement along the eastern (side) boundary, and electricity and telecommunication infrastructure via the proposed common property. As such, the proposal will not cause detriment upon the existing local infrastructure capacity.

In light of the above, the proposal is considered to appropriately meet the decision guidelines of the Design and Development Overlay (Schedule 26).

## 6. Conclusion

This Town Planning Report details the proposed six (6) lot subdivision, and common property, at Waggs Lane, Mortlake.

The proposal has been considered against the Rural Living Zone, Design and Development Overlay and relevant policies within the PPF and LPPF of the Moyne Planning Scheme. As demonstrated within the report, the proposal is generally considered to be in accordance with the purpose and objectives of the relevant planning controls and policy framework.

The proposed six (6) lot subdivision has been designed to incorporate generous sized allotments of between 1.7 hectares and 2.2 hectares, with central 10-metre-wide common property to service each lot and designed to accommodate emergency vehicles. Minimising impact upon existing planted vegetation, the proposed common property is located west of the central windbreak within the Site, impacting only that which is within the access from Waggs Lane, and the cul-de-sac to the north.

As outlined within the Town Planning Report and supporting documentation, it is recommended that a planning permit be granted for the proposed subdivision.

We look forward to working with Council during the assessment of the application.

Myers Planning & Associates

**April 2023**

# Appendices

Appendix A	Certificate of Title
Appendix B	OneMap Site Report
Appendix C	Site Photos
Appendix D	Town Planning Drawings