

**LEVEL 10  
477 COLLINS STREET  
MELBOURNE VIC 3000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

3 November 2023

Norm Kortum  
Planning Department  
Moira Shire Council  
Via email

Dear Norm,

## **APPLICATION FOR A PLANNING PERMIT BREARS ROAD AND JACQUELINE COURT, YARRAWONGA**

Urbis acts on behalf of Pentola Partners in relation to landholdings at 10, 22, & 38 Brears Road and 4 & 5 Jacqueline Court, Yarrowonga. We have been instructed to lodge a planning permit application for the land for a residential village. Specifically, a permit is sought for:

Use and development of the land for the purpose of a residential village, pursuant to Clause 32.03 (Low Density Residential Zone), Clause 35.03 (rural Living Zone), Clause 44.03 (Floodway Overlay); Clause 44.06 (Bushfire Management Overlay); Create or vary an easement, pursuant to Clause 52.02; Display of advertising signage, pursuant to Clause 52.05; Dispensation of visitor parking, pursuant to Clause 52.06; and Removal of native vegetation, pursuant to Clause 52.17.

This permit application is supported by:

- Appendix A – Certificate of Title
- Appendix B – Application Form
- Appendix C – Architectural Plan Set (DC8 Studio)
- Appendix D – Landscape Masterplan Plan (Yonder)
- Appendix E – Servicing Report (Breese Pitt Dixon)
- Appendix F – Stormwater Management Strategy (Alluvium)
- Appendix G – Traffic Impact Assessment (Traffic Works)
- Appendix H – Bushfire Planning Report (Nature Advisory)
- Appendix I – Native Vegetation Assessment (Nature Advisory)
- Appendix J – Arboricultural Assessment (Tree Map)
- Appendix K – Feature and Level Survey

Cover letter 3 November



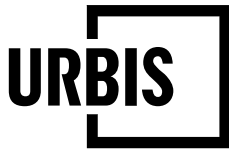
- Appendix L – A Notice of Intent to Prepare a Cultural Heritage Management Plan (CHMP)

Do not hesitate to contact the undersigned on 0447 394 022 to discuss should the need arise,

Yours sincerely,

*Emerald Thompson*

Emerald Thompson  
Senior Consultant  
0447 394 022  
e.thompson@urbis.com.au



**LEVEL 10  
477 COLLINS STREET  
MELBOURNE VIC 3000**

URBIS.COM.AU  
Urbis Ltd  
ABN 50 105 256 228

14 December 2023

Statutory Planning Department  
Moirā Shire Council  
PO Box 578  
COBRAM VIC 3643

Dear Madam/Sir,

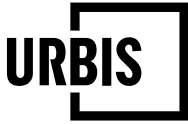
**RESPONSE TO REQUEST FOR FURTHER INFORMATION, BREARS ROAD AND  
JACQUELINE COURT, YARRAWONGA VIC 3730  
PLANNING APPLICATION: 5/2023/269**

Urbis Ltd continues to act on behalf of Pentola Partners Pty Ltd with respect to the land at Brears Road and Jacqueline Court Yarrowonga. On 29 September 2023 we lodged an application associated with the above-mentioned land for the use and development of a residential village.

We refer to Council letter dated 27 November 2023 requesting further information pursuant to Section 54 of the *Planning and Environment Act 1987*.

In response to Council's further information request we enclose the following documentation:

- Receipt of payment of application fee.
- Registered Search Statement for Lot 4 PS541713S.
- Updated list of owners.
- Site plan, with zones and overlays superimposed, prepared by DC8 and Urbis.
- Site plan, with existing and proposed cadastral boundaries superimposed, prepared by BPD.
- Plan set, prepared by DC8 Studio (Rev E, dated 13 December 2023).
- Landscape Masterplan, prepared by Yonder (Rev G, dated 13 December 2023).
- Easement variation plan, prepared by BPD.



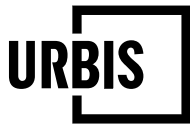
## 1. RESPONSE TO FURTHER INFORMATION REQUEST

With regard to Council's letter requesting further information, please find our response in the table below.

Council Request	Response
Payment of the statutory application fee of \$64,744.80.	This has been paid. A copy of the receipt is enclosed.
An approved Cultural Heritage Management Plan.	The completed CHMP is expected to be finalised in March 2024. We request that Council continue with their assessment of the application, and the CHMP will be submitted when available.
A current copy of title for each lot including any restrictions. It appears the Registered Search Statement is missing for Lot 4 PS541713S.	The Registered Search Statement for Lot 4 PS541713S is enclosed.
An amended list of owners. The application appears to include some land at 52 Brears Road, Lot 2 PS705279V, and these owners have not been included in Appendix B.	An updated list of owners is attached. We note that whilst Peter and Lynette Sprunt are listed as the current owner of 52 Brears Road, a land swap with the applicant will be occurring, which will change ownership details.
An amended planning report which includes an assessment of the dwelling types, using the objectives and standards of Clause 55 as a guide, to demonstrate that future residents would have a minimum standard of residential amenity.	Clause 55 is not applicable to the consideration of this application, as the land is within the Low Density Residential Zone. Notwithstanding, the following is noted in terms of amenity for future residents: <ul style="list-style-type: none"> <li>▪ There are no changes of level between the proposed site level and units, ensuring that the units are accessible and free of steps, as required under Standard B25.</li> <li>▪ Each unit is provided with its own entry, accessible from the street as required by Standard B26. A verandah is proposed, creating a sense of identity for each unit.</li> <li>▪ Each unit has been designed to allow daylight into habitable rooms, as required by Standard B27. The habitable room windows are located to face an outdoor space.</li> <li>▪ The units are provided with adequate private open space that provides for the reasonable</li> </ul>

Council Request	Response
	<p>recreation and service needs of residents as required by Standard B28. There are a range of unit types available that provide for varying areas of private open space that range from 22m<sup>2</sup> to 61m<sup>2</sup>. For a residential village aimed at over-55s, this is considered reasonable. In addition to private open space, communal spaces are also available for use by residents, including swimming pool, lawn bowls, walking paths.</p> <ul style="list-style-type: none"> <li>▪ Standard B29 requires sufficient solar access into the private open space of dwellings. The individual lots have been designed to be predominantly east-west facing. Together with the single storey nature of the development and proposed internal fence heights, sufficient solar access to open space will be provided.</li> <li>▪ Adequate storage facilities are provided for each unit, as required by Standard B30.</li> </ul>
A site plan of the proposal with the location of the zone and overlay boundaries superimposed.	A plan showing the layout with the zone and overlay boundaries overlaid is included as part of this response.
A site plan of the proposal with the existing and proposed cadastral boundaries superimposed.	A site plan showing the existing and proposed site boundaries overlaid are included as part of this response.
<p>Amended plans showing the size of the sign as no more than 3sqm.</p> <p>Clause 52.05-2 sets out that the most restrictive requirement must be met if a sign can be interpreted in more than one way. The proposed signage is considered to be a promotion sign and therefore cannot exceed 3sqm within this category.</p>	The proposed signage is most accurately described as business identification signage, as it is “a sign that provides business identification information about a business on the land where it is displayed”. The sign will include the business logo and name of the business.
<p>Amended plans of the two proposed community facility buildings that are to scale with dimensions.</p> <p>It is noted that the application requests the design of these not be approved as they may be</p>	The plans of the two communal facility buildings are to scale and include dimensions. We are seeking approval of these buildings as shown, and any amendments will form part of a separate approval process.

Council Request	Response
<p>altered in the future. Council is required to assess the proposed use and development of the land and this includes the design of these buildings. Should a permit be granted, plans of these buildings are likely to be endorsed therefore it is recommended the final design be put forward for consideration prior to a decision being made.</p>	
<p>Plans of dwelling type options for the three proposed specific sites.</p>	<p>Plans have been prepared showing Independent Living Unit (ILU) options for the three specific sites, being 103, 106 and 110. These house types are 3 bed, 2 bath products, have 18m<sup>2</sup> of private outdoor space adjacent to the living area and at least 30m<sup>2</sup> of other private outdoor space. These are included within the enclosed plan set, prepared by DC8 (Rev E, dated 13 December 2023).</p>
<p>Further consideration of the proposal in regards to the proposed interface between the site and surrounding land.</p> <p>Clause 15 seeks to ensure that personal safety within the public realm is protected and that interfaces with development enhance its function and amenity. The current proposal (fencing and suggested landscaping) would ensure that the Brears Road and Murray Valley Highway public realms are most likely entirely obscured from views within the development. Consideration should be given to orienting dwellings to front the public realm, together with appropriate fencing and landscaping so as to provide an active frontage rather than the development turning its back on the street. If removing views of the public realm is considered appropriate then an amended landscape plan to include substantial landscaping between the boundary and proposed palisade fence should be contemplated to improve the amenity of the two road frontages.</p>	<p>The treatments to Brears Road and Murray Valley Highway have been reviewed, and a revised fencing and landscaping plan is enclosed as part of this response.</p> <p>We note that Brears Road is a rural road, with large verges and no footpaths or lighting. As such, Brears Road does not lend itself to being a road that requires significant activation.</p> <p>Notwithstanding the above, alterations to the alignment of the fence have been made, to create an articulated fence line, between 0.75m and 1.5m off the boundary, with opportunity for feature tree planting within the proposed fence setbacks. Screen planting will be provided in front of the fence. This is detailed within the enclosed Landscape Masterplan.</p> <p>Murray Valley Highway is a more robust interface, and as such, a different treatment is proposed. This interface will feature angled or I-shape profile barriers with rendered posts. Groundcovers, shrub groupings and trees will also be planted along the fence line to provide</p>



Council Request	Response
	for a soften interface along the Highway frontage.

Further to the above, we wish to clarify the current easements on site, that will need to be amended / removed as part of this application.

Easement	Requires removal / alteration
- E-1 WATER SUPPLY AND DRAINAGE EASEMENT IN FAVOUR OF LOTS IN PS 118722	Alter width of pipeline easement to 2m
- E-2 WATER SUPPLY AND DRAINAGE EASEMENT IN FAVOUR OF LOTS ON LP 118722	Alter alignment of easement
- E-3 DRAINAGE EASEMENT IN FAVOUR OF MOIRA SHIRE COUNCIL	Alter alignment of easement
- E-4 WATER SUPPLY AND DRAINAGE EASEMENT IN FAVOUR OF LOTS ON LP 118722	Alter width of pipeline easement to 2m
- E-4 POWERLINE PURPOSES EASEMENT IN FAVOUR OF POWERCOR AUSTRALIA LTD	Remove electrical easement
- E-5 POWERLINE PURPOSES EASEMENT IN FAVOUR OF POWERCOR AUSTRALIA LTD	Remove electrical easement
- E-6 DRAINAGE EASEMENT IN FAVOUR OF MOIRA SHIRE COUNCIL	Alter alignment of easement
-E-7 CARRIAGEWAY EASEMENT IN FAVOUR OF LOTS IN PS 118722	Remove carriageway easement
-E-8 WATER SUPPLY AND CARRIAGEWAY EASEMENT IN FAVOUR OF LOTS IN PS 118722	Remove carriageway easement
-A-1 CARRIAGEWAY EASEMENT IN FAVOUR OF LOTS IN PS 118722	Retain
-A-2 WATER SUPPLY AND CARRIAGEWAY EASEMENT IN FAVOUR OF LOTS IN PS 118722	Retain

Details of these are shown on the enclosed easement variation plan, prepared by BPD.



## 2. CONCLUSION

We trust that the above and enclosed information suitably satisfies Councils Request for Further Information, and will allow Council to continue with their assessment of the application. In the event that Council considers that the RFI has not been satisfactorily responded to, we formally request additional time in which to provide a response. Should you have any further queries, please do not hesitate to contact myself via the contact details below.

Yours sincerely,

A handwritten signature in black ink, appearing to read "JD", with a long, wavy horizontal line extending to the right.

Julia Dickson  
Associate Director  
+61 3 8663 4910  
jdickson@urbis.com.au