



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 23 AUGUST 2016

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Councillors:	Malcolm Little (Chair)	(Hughes Creek Ward)
	Colleen Furlanetto	(Seven Creeks Ward)
	Alister Purbrick	(Lake Nagambie Ward)
	Patrick Storer	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Robin Weatherald	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	Emma Kubeil – Executive Manager, Sustainable Development
	Kathryn Pound – Manager, Planning
	Cameron Fraser – Senior Planner
	Roy Hetherington - Director, Asset Services
	David Woodhams – Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the more recent custodians of the land'
3. Apologies
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 9 August 2016
5. Disclosure of Interests

6. Planning Reports
7. Other Business

Steve Crawcour
CHIEF EXECUTIVE OFFICER

18 August 2016

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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PLANNING COMMITTEE REPORT NO. 1 (SENIOR PLANNER, CAMERON FRASER)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2016-048
- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town**

Application Details:

Application is for:	Five (5) lot subdivision
Applicant's/Owner's Name:	Monger & Tomkinson - Graeme Schneider
Date Received:	05 April 2016
Statutory Days:	108
Application Number:	P2016-048
Planner: Name, title & department	Cameron Fraser Senior Planner Sustainable Development Department
Land/Address:	Lot 1 on Title Plan 948667Q Certificate of Title Volume 09033 Folio 300 8 Orchid Street, Violet Town VIC 3669
Zoning:	General Residential Zone
Overlays:	Floodway Overlay
Under what clause(s) is a permit required?	Clause 32.08-2 Clause 44.03-2 Clause 52.29
Restrictive covenants on the title?	Nil
Current use and development:	Residential/accommodation
Is a CHMP required?	Yes – See discussion within report

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

- The proposal is for a five (5) lot subdivision at 8 Orchid Street Violet Town.
- The site has an area of 4.01 hectares and is located in the General Residential Zone.
- The land is affected in part by the Floodway Overlay.
- The subject site is one of two parcels of land rezoned from the Farming Zone to the General Residential Zone as part of Amendment C70 to the Strathbogie Planning Scheme which was gazetted by the Minister for Planning on 25 February 2016.

6.1 Planning Permit Application No. P2016-048
- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

- The application was referred internally to Council's Asset Services Department who offered no objection subject to conditions.
 - The application was referred under Section 55 of the *Planning and Environment Act 1987* to AusNet Services and Goulburn Valley Water who have both consented to the proposal subject to conditions. The application was also referred to VicRoads and Goulburn Broken Catchment Management Authority who have not objected and no conditions were provided.
 - The application was advertised to adjoining land holders, three objections have been received.
 - The objections raise issues in relation to density, dwelling type, traffic, amenity, environmental effects, bushfire and flooding risk, residential demand and agriculture.
 - It is considered that the issues raised can be managed where relevant by conditions on the permit.
 - An assessment against the General Residential Zone, Floodway Overlay, Relevant Particular Provisions as well as State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
 - The application is being presented to Planning Committee as three objections have been received.
 - The application has been assessed outside the 60 day statutory time period. This is due to additional time provided to the applicant to respond to objections
 - It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.
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RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2016-048 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-2, Clause 44.03-2 and Clause 52.29 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Title Plan 948667Q Certificate of Title Volume 09033 Folio 300, 8 Orchid Street, Violet Town VIC 3669, for the Five (5) lot subdivision, in accordance with endorsed plans, subject to the following conditions:

6.1 Planning Permit Application No. P2016-048
- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Section 173 Agreement:

1. Prior to the issue of Statement of Compliance for the development, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall ensure:
 - (a) The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference;
 - (b) The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM). A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network.
 - (c) Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.
 - (d) The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times;
 - (e) The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system;

A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

Endorsed Plans:

2. The subdivision must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Engineering Conditions:

3. **Prior to the issue of statement of compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to standard drawing SD235.**
4. **All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
5. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**
6. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**

Goulburn Valley Water Conditions:

7. **The land be included in an extension of the Violet Town Water and Sewerage District;**
8. **Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
9. **Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;**
10. **Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**

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11. **Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.**
12. **Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;**
13. **Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
14. **The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;**
15. **The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.**
16. **Please note, should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development.**

AusNet Services Conditions:

17. **The applicant must –**
 - **Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.**
 - **Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.**

Telecommunications Conditions:

18. **The owner of the land must enter into an agreement with:**
 - (a) **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on**

the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

19. Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the Owner of the land must provide written confirmation from:

- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public Open Space:

20. Prior to the issue of Statement of Compliance of Stage 1 of the subdivision under the *Subdivision Act 1988*, a monetary contribution for public open space in the amount of 5% of the site value must be paid to the Responsible Authority.

Permit Expiry:

21. This permit will expire if one of the following circumstances applies:

(a) the subdivision is not started (Certification) within two (2) years of the date of this permit;

(b) the subdivision is not completed (Statement of Compliance) within five(5) years of the date of Certification under the *Subdivision Act 1988*.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Planning Notes:

- **This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- **This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- **This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

Proposal

An application has been received for a five lot subdivision of the subject site. The subdivision will be configured as follows:

- Lot 1 – 2800 square metres
- Lot 2 – 8230 square metres
- Lot 3 – 3400 square metres
- Lot 4 – 1600 square metres
- Lot 5 – 1.99 hectares

Lot 3 will contain the existing dwelling and associated shedding and the other lots will remain vacant as part of this proposal. All lots will be accessed via existing and proposed crossovers located along Orchid Street.

Two battle-axe lots are proposed which are shown on the plans submitted with the application as Lots 2 and 3. A more conventional layout, particularly at the northern end of the site is constrained by the location of the Floodway Overlay. Lot 5 remains as a balance lot which is capable of further subdivision subject to a planning permit.

All lots will be connected to available reticulated services.

Cultural Heritage Management Plan

A Cultural Heritage Management Plan (CHMP) has been prepared for the site and was approved by Yorta Yorta Nation Aboriginal Corporation on 24 March 2014. This CHMP was prepared as part of a previous application for a combined planning scheme amendment and 12 lot subdivision.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

While the CHMP prepared is not specific to this application, it was determined by Deputy President Gibson in *Three Pillars Property Group v Brimbank City Council (Red Dot)*[2012] VCAT 368 that:

- *A previously approved cultural heritage management plan may be relied upon where the current proposed activity is for the same general purpose, having regard to the real and substantial purpose test, as the high impact activity that the cultural heritage management plan was initially prepared for.*

The 'High Impact' activity under the *Aboriginal Heritage Regulations (2007)* under which this CHMP was prepared was the subdivision of land into three or more lots. The 'High Impact Activity' which triggers the need for a CHMP remains the same in this instance. Given that this proposal is for a lesser number of lots than what was considered as part of the previously approved CHMP, it is considered that an amended CHMP is not required.

Subject site & locality

The subject site is located on the north western corner of Orchid Street and Cowslip Street and has a total area of 4.01 hectares. The land is developed with a single dwelling and associated shedding towards the northern portion of the site. The land is generally rectangular in shape and adjoins the Honeysuckle Creek to the north.

A small lot containing a single dwelling and shedding is located along the same side of Orchid Street as the subject site. This parcel of land adjoins proposed Lot 1 to the north and Lot 2 to the south and west.

Being located on the western edge of the Violet Town Township, land surrounding the site is used for a range of purposes. To the east of the site land is used for residential purposes with single dwellings located on allotments sized around 1000 square metres. North of the site on the opposite side of Honeysuckle Creek, land is within the Farming Zone and contains a single dwelling. West and south of the site is a number of parcels similarly sized and developed as the subject site however these parcels are located in the Farming Zone. Beyond these immediately adjoining properties, land outside of the township area is generally used for agricultural purposes.

Permit/Site History

A search of Council's electronic records system shows the following planning permit has been issued for the subject site:

- P2014-046 was issued on 3 June 2014 for the development of land for a carport.

The subject site was recently rezoned as part of Amendment C70 to the Strathbogie Planning Scheme. The original request for the rezoning of the land also included an application for a twelve lot subdivision of the land. The subdivision component of this request was subsequently abandoned.. The amendment rezoned the subject site and 6 Orchid Street from the Farming Zone to the General Residential Zone.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by

- Sending letters to adjoining land owners
- Placing (a) sign on site

The notification has been carried out correctly.

Council has received three objections to date. The key issues that were raised in the objections are:

- Expected dwelling type
- Loss of rural amenity
- Increase in traffic
- Environmental impact
- Density of development
- Impact on future landowners as site is in a 'Bushfire Overlay'
- Impact on agriculture
- Flooding impacts
- No demand for additional residential lots in Violet Town
- Advertising notices incorrectly displayed

Officers Response:

A number of issues have been raised by objectors to this proposal. The subject site forms part of the urban area of Violet Town and is zoned for residential development. The density of development on this site is considered low however further development could be accommodated within proposed Lot 5. The style and type of dwelling is not able to be considered at this stage of the development. Traffic is likely to increase along Orchid Street as a result of this development however is considered manageable.

The subdivision is unlikely to have any significant flooding implications and has been consented to by the Goulburn Broken Catchment Management Authority. The site is not affected by the Bushfire Management Overlay however, like most urban fringe areas is within a Bushfire Prone Area under the building regulations. Any dwelling constructed within the proposed lots will need to be constructed in accordance with the relevant building regulations.

Demand for residential land, environmental impacts and agricultural impacts were considered by an independent planning panel as part of the assessment of Amendment C70. It was considered by the panel that the site was capable of accommodating the residential expansion of Violet Town.

Consultation

A copy of the objections was forwarded to the applicant who has provided a response to each objection.

These responses were forwarded to the objectors for review. To date, no objections have been withdrawn.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	AusNet Services – No objection, subject to conditions Goulburn Valley Water – No objection, subject to conditions VicRoads – No objection, no conditions Goulburn Broken Catchment Management Authority – No objection, no conditions
Section 52 Notices	Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to conditions

Assessment

The zoning of the land and any relevant overlay provisions

General Residential Zone

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

A permit is required for the subdivision of land within this zone. When assessing an application for the re subdivision of land in this zone, consideration must be given to the requirements of the State and Local Planning Policy Framework, neighbourhood character, subdivision patterns and the Objectives and Standards of Clause 56.

It is considered that the proposal is consistent with the guidelines and objectives of the relevant policies within the State Planning Policy Framework and the Local Planning Policy Framework. The layout of the subdivision is of a lower density than surrounding development however due to flooding constraints, existing dwellings and subdivision potential, is considered appropriate. An assessment of the proposed five lot subdivision against the relevant objectives of Clause 56 has been undertaken and is detailed further into this report. The proposal is consistent with the purpose and decision guidelines of the General Residential Zone.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Floodway Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required to subdivide land affected by the Floodway Overlay. In assessing an application for the subdivision of land, consideration must be given to the expected impacts on flooding both within the subject site as well as the surrounding area. The proposed development is unlikely to adversely affect the flow of floodwater, flood levels and flow velocities of water which could increase the potential risks to life and property. The application was referred to Goulburn-Broken Catchment Management Authority who has consented to the proposal.

The area of the site affected by the Floodway Overlay is isolated to the north along the creek. All lots can be developed without the need to construct anything within these areas. If however any future owner wished to build within this area, further approval would be required.

The State Planning Policy Framework (SPPF)

Clause 11.02-1, *Supply of urban land,*

Objectives:

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include providing land for affordable housing.*

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Clause 14.01 - Planning for urban settlement

Objectives:

- *To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses.*
- *To facilitate the orderly development of urban areas.*

Clause 15 - Built environment and heritage

Objectives:

- *Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

Clause 15.01-5 - Cultural identity and neighbourhood character

Objectives:

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

The proposal is for a five lot subdivision of land on the western edge of the existing township. The proposed subdivision will increase the supply and type of residential land available within the township. The requirements of Clause 15 have been taken into account and the development will appropriately respond to its landscape, valued built form and cultural context. The proposal adds to the existing residential land supply within Violet Town by providing additional lower density lots to provide for a greater housing choice for current and future residents of the town.

The site is located a short distance from the centre of town, recreation facilities and other amenities using the existing road network.

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies

Clause 21.03-7 – Violet Town,

Objective

- *To ensure Violet Town will be a sustainable, compact community taking advantage of its location amongst a wider district of rural and farming uses and location on the Hume Freeway.*
- *That Violet Town remains a vibrant and friendly town, and develops in a way that has a positive impact upon the environment, whilst retaining its 'country feel' of open spaces, wide streets and historic buildings.*

Clause 21.07-2 – Urban Services,

Objective

- *To deliver sustainable services.*

Clause 21.07-5 – Drainage,

Objective

- *To ensure that appropriate drainage infrastructure is installed and maintained.*

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

The proposed development will consolidate residential development within the existing township boundary and contribute to the growth of Violet Town while maintaining the existing character. The development provides a greater diversity in housing options and supply for the existing and future community. All services, both on site and reticulated will be provided to the satisfaction of the responsible authority and relevant service providers. It is considered that the proposed development is consistent with the Local Planning Policy Framework.

Relevant Particular Provisions

Clause 52.01 – Public Open Space Contribution and Subdivision

- *A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.*

Pursuant to Clause 52.01 of the Strathbogie Planning Scheme, a contribution to public open space can be required at the time of subdivision. An exemption from these requirements exists for existing residential buildings constructed or approved before 30 October 1989, the excision of land for a utility installation and two lot subdivision where further subdivision is considered unlikely.

As the proposal does not meet any of these exemptions, a contribution to public open space can be required by Council. It is considered in this instance that the proposed subdivision will increase demand for local infrastructure and public open spaces. A contribution of 5% of the land value will be required to be provided by the developer prior to the issue of a Statement of Compliance for the subdivision. This will be enforced by way of condition on any planning permit issued.

Clause 52.29 – Land adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road

Purpose

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

The application proposes the subdivision of land adjacent to a Road Zone (Murchison-Violet Town Road). A planning permit is required under Clause 52.29 of the Strathbogie Planning Scheme for the subdivision of land adjacent to land in a Road Zone. No vehicular access is proposed from Murchison-Violet Town Road with all access to be from Orchid Street. The application has been referred to VicRoads who have consented to the development with no conditions. The proposal is consistent with Clause 52.29 of the Strathbogie Planning Scheme.

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- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Clause 56, *Residential subdivision*, of the Strathbogie Planning Scheme is relevant to this proposal. A response to the relevant standards is provided in the table below:

Std No.	Description	Assessment Comments	Complies?
Clause 56.01-1	<i>Subdivision site and context description</i>	A site description is provided in the proposal section of this report.	✓
Clause 56.01-2	<i>Subdivision design response</i>	A site description is provided in the proposal section of this report.	✓
Clause 56.03-5 C6	<i>Neighbourhood character</i>	A site description is provided in the proposal section of this report. The proposed subdivision of the land will contribute to the existing residential character of the area.	✓
Clause 56.04 C7	<i>Lot diversity and distribution</i>	The proposal contributes to lot diversity within the township. Each of the five lots proposed is greater than 1000 square metres in area which allows for lower density living within close proximity of the township and facilities.	✓
C8	<i>Lot area and building envelopes</i>	All lots are larger than 500 square metres and can contain a building envelope of 10m by 15m.	✓
C9	<i>Solar Orientation of Lots</i>	All lots are considered capable of being developed with a dwelling which has appropriate solar orientation.	✓
C10	<i>Street Orientation</i>	All lots will have frontage on to Orchid Street. Lots 1, 4 and 5 can be developed appropriately to ensure development is consistent with the existing character. The two battle axe lots will not detract from the desired character of the area.	✓
C11	<i>Common Area</i>	No common property is proposed	N/A
Clause 56.05-1 C12	<i>Integrated urban landscape</i>	No public landscaping is proposed as part of this subdivision.	N/A
Clause 56.06-2 C15	<i>Walking & cycling network</i>	No walking or cycling infrastructure is proposed as part of this development.	✓
Clause 56.06-4 C17	<i>Neighbourhood street network</i>	No additional public streets are proposed as part of this development.	✓
Clause 56.06-5 C18	<i>Walking & Cycling network detail</i>	No walking or cycling infrastructure is proposed as part of this development.	✓
56.06-7 C20	<i>Neighbourhood street network detail</i>	No additional public streets are proposed as part of this development.	✓
Clause 56.06-8 C21	<i>Lot access</i>	Safe vehicular access is able to be made available to each of the proposed lots. Access to all lots within the subdivision will be required to be constructed in accordance with the requirements of Council's Assets Department.	✓
Clause 56.07 C22	<i>Drinking Water Supply</i>	A potable water supply will be provided in accordance with the requirements of Goulburn Valley Water.	✓
C23	<i>Re-used & Re-cycled Water Objective</i>	No provisions have been made for the recycling of water on the site however this may be undertaken by future land	✓

Std No.	Description	Assessment Comments	Complies?
		owners when the lots are developed.	

6.1 Planning Permit Application No. P2016-048
- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

C24	Wastewater Management	The site will be connected to reticulated sewerage in accordance with the requirements of Goulburn Valley Water.	✓
C25	Urban Run-off Management	Stormwater drainage will be directed towards to a legal point of discharge in accordance with Asset Service's requirements.	✓
Clause 56.08 C26	Site Management	All appropriate controls will be implemented and ensured by placing conditions on the permit.	✓
Clause 56.09 C27	Shared Trenching	Where possible shared trenching will be pursued for reticulated utilities.	✓
C28	Electricity, Telecommunications & Gas	Electricity and telecommunications will be provided to each lot in accordance with the service authorities' requirements.	✓
C29	Fire Hydrants	No additional fire hydrants are proposed as part of this development.	✓
C30	Public lighting	The subdivision will need to comply with Asset Service's conditions.	✓

The decision guidelines of Clause 65

Clause 65.01, *Approval of an application or plan*, states that; *before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The proposal is consistent with these decision guidelines.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

There are no relevant adopted State policies.

6.1 Planning Permit Application No. P2016-048
- Five (5) Lot Subdivision ~ 8 Orchid Street, Violet Town (cont.)

Relevant incorporated, reference or adopted documents

The Violet Town and District Strategic Development Plan identifies the subject site as an area for the residential growth of Violet Town. This document provided significant support for the rezoning of the land which was finalised in February 2016. The proposal is consistent with the recommendations of this document.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Summary of Key Issues

With regard to the General Residential Zone: The proposal is consistent with the existing neighbourhood character of the area and meets the relevant objectives of Clause 56

With regard to the Floodway Overlay: The proposal is unlikely to have any significant flooding implications and has been supported by the Goulburn Broken Catchment Management Authority.

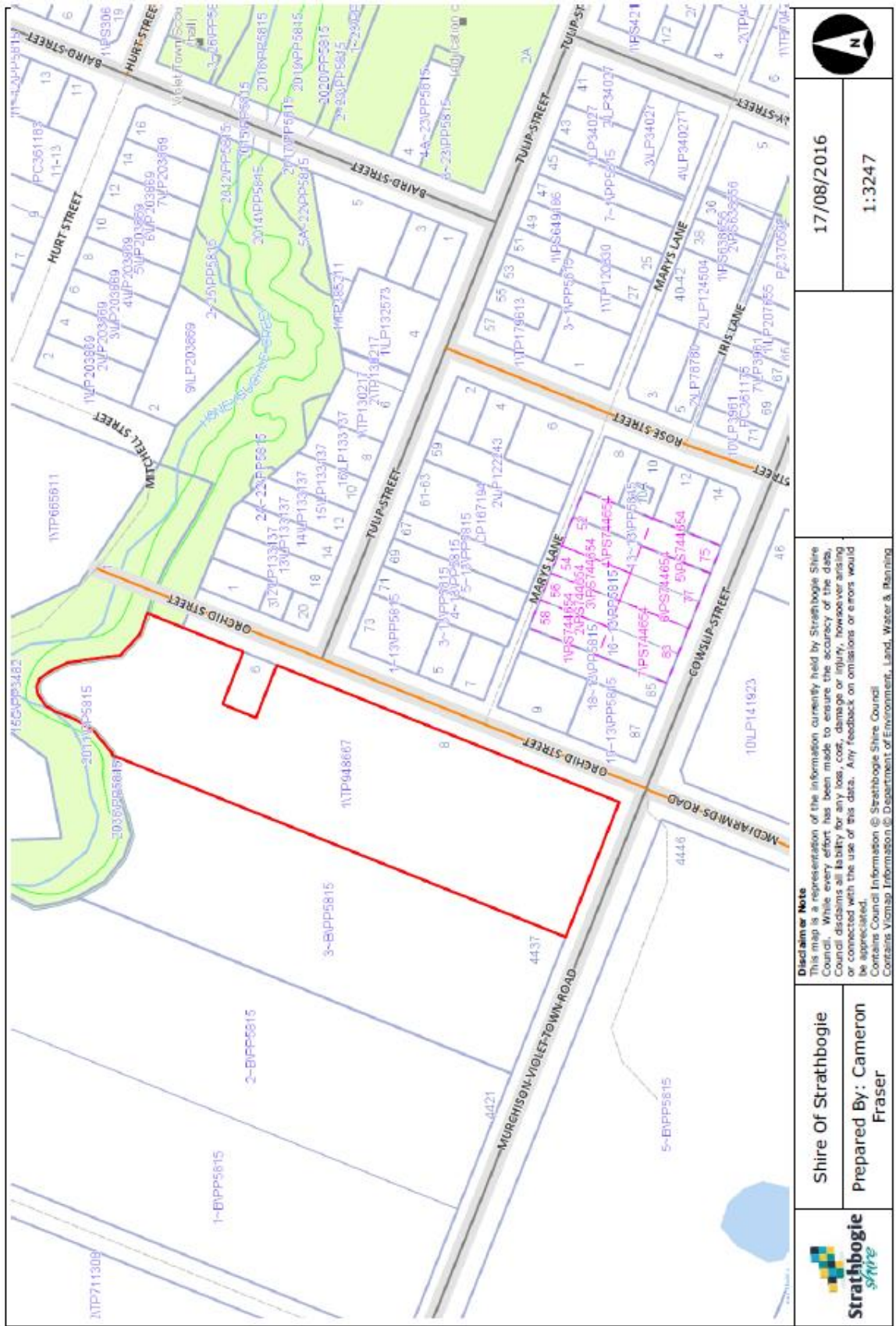
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, General Residential Zone, Floodway Overlay and the relevant Particular Provisions.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Permit, subject to conditions.

Attachments

Locality Map.



	<p>17/08/2016</p> <p>1:3247</p>
<p>Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning</p>	
<p>Shire Of Strathbogie</p> <p>Prepared By: Cameron Fraser</p>	

PLANNING COMMITTEE REPORT NO. 2 (MANAGER, PLANNING – KATHRYN POUND)

7. OTHER BUSINESS

7.1 Strathbogie Planning Scheme Amendment C04 (Part one)

Report Description

This report recommends that Council request the appointment of a Planning Panel to review Amendment C04 (Part one) and consider the unresolved submission. It is recommended that the Planning Panel be requested to make a determination 'on the papers', rather than convening a hearing.

Author & Department

Manager Planning, Sustainable Development Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

Planning Scheme Amendment C04 (Part one) seeks to include 55 individual places into the Heritage Overlay and make associated changes to the Strathbogie Planning Scheme. There is one unresolved submission relating to it, which means that Council cannot submit the amendment to the Minister for Planning for approval.

It is therefore recommended that Council request the appointment of a Planning Panel to review Amendment C04 (Part one) and consider the unresolved submission. It is further recommended that the Planning Panel be requested to make a determination 'on the papers', rather than convene a hearing.

RECOMMENDATION

That Council request the appointment of a Planning Panel to review Amendment C04 (Part one) and consider the unresolved submission. In addition, request the Planning Panel make a recommendation 'on the papers', rather than convene a hearing.

Background

Based on the findings of the Strathbogie Heritage Study September 2013 (the heritage study), Council prepared Amendment C04 to the Strathbogie Planning Scheme. It sought to include 57 individual sites and 9 precincts in the Heritage Overlay, and make related changes to the planning scheme. It was exhibited in November and December 2014 and a total of 63 submissions were received.

7.1 Strathbogie Planning Scheme Amendment C04 (Part one) (cont.)

At a Planning Committee Meeting on 14 July 2015, Council considered the submissions and resolved to split the amendment into two parts: Part one for the individual places and Part two for the precincts. The reason behind this approach was to enable Part one (the heritage controls for 55 individual places about which no submissions were received) to proceed to adoption. Meanwhile, further investigative work could be undertaken in relation to the issues raised by submitters relating to the heritage precincts (Part two).

Amendment C04 (Part one) was subsequently lodged with the Minister for Planning for approval to make the following changes to the Strathbogie Planning Scheme:

- i. Amend Clause 21.08 Reference Documents to include reference to Strathbogie Heritage Study Part Two: Volume 1 -4.
- ii. Amend the Schedule to Clause 43.01 Heritage Overlay to add the following 55 individual sites to the schedule:
 1. *Avenel Primary School - 39 Livingstone Street, Avenel*
 2. *Former Teacher's Residence - 41 Livingstone Street, Avenel*
 3. *Former Balmattum State School - 207 Balmattum Church Road, Balmattum*
 4. *Former Willis House - 217 Balmattum Church Road, Balmattum*
 5. *Springside - Outbuildings & House - 154 Barn Lane, Balmattum*
 6. *Hawthorn House (Former Duck Ponds Hotel) - 1070 Sheans Creek Road, Balmattum*
 7. *Violet Town Reservoir - Harrys Creek Road, Boho*
 8. *Former Boho South School (No. 3150) - 467 Bonnie Doon Road, Boho South*
 9. *Boho South Uniting Church - 560 Boundary Hill Road, Boho South*
 10. *Boho South Public Hall - 562 Boundary Hill Road, Boho South*
 11. *Waldara - 54 Chapman's Road, Boho South*
 12. *Beaton's Dry Stone Wall - 151 Creightons Creek Road, Creightons Creek*
 13. *Lochgardie - 236 Walls Road, Earlston*
 14. *Broad Gauge Rail Bridges (2 No.) at Euroa Between Boundary Road North and Railway Street, and over Charles Street, Euroa*
 15. *North-Eastern Hotel - 2 De Boos Street, Euroa*
 16. *Shearing Shed at Drysdale - 838 Drysdale Road, Euroa*
 17. *Mountain Hut Weir (off) Euroa-Strathbogie Road, Euroa*
 18. *Eliza Forlonge & Janet Templeton Memorial - 527 Forlonge Memorial Road, Euroa*
 19. *Moreton Bay Fig Trees (Ficus macrophylla) x8 at Euroa Showgrounds- 16 Frost Street, Euroa*
 20. *Seven Creeks Hotel - 2 Tarcombe Street, Euroa*
 21. *Fermoy (former Euroa Inn) 43-45 Tarcombe Street, Euroa*
 22. *Clontarf - 62-64 Tarcombe Street, Euroa*
 23. *House - 33 Templeton Street, Euroa*
 24. *Goulburn Weir - Goulburn Weir Road, Goulburn Weir*
 25. *Former Presbyterian Church - 18 Scouler Road, Goulburn Weir*
 26. *Graytown Cemetery - Graytown Cemetery Road, Graytown*
 27. *Graytown POW Forest Camp 6 - Polkinghorne Street, Graytown*

7.1 Strathbogrie Planning Scheme Amendment C04 (Part one) (cont.)

28. *Kelvin View Hall (former School no. 3480) - 40 Kelvin View School Road, Kelvin View*
 29. *Shandon Park Cottage - 2339 Grimwade Road, Longwood*
 30. *Longwood East Soldiers' Memorial - Allan Street, Longwood East*
 31. *St Helena - 133 Faithfull Street, Longwood East*
 32. *Former Longwood Telegraph Station - 147 Faithfull Street, Longwood East*
 33. *Longwood East Cemetery- 10 Symon Street, Longwood East*
 34. *Railway Hotel - 848 Seymour-Avenel Road, Mangalore*
 35. *Former Miepoll School (no. 2480) - 37 Miepoll School Road, Miepoll*
 36. *Mitchellstown Bridge - Mitchellstown Road, Mitchellstown & Tabilk*
 37. *Mitchelton Winery - 468-470 Mitchellstown Road, Mitchellstown*
 38. *Moglonemby Hall - 270 Moglonemby Hall Road, Moglonemby*
 39. *Nagambie Cemetery - 4 Cemetery Lane, Nagambie*
 40. *Narina - 20-24 Goulburn Street, Nagambie*
 41. *Nagambie State School No. 1104 - 31-33 Goulburn Street, Nagambie*
 42. *Former Goulburn Valley Common School (Pine Lodge) - 202 High Street, Nagambie*
 43. *St John's Anglican Church - 262 High Street, Nagambie*
 44. *Tobacco Drying Kiln - 17 Armstrong Avenue, Strathbogrie*
 45. *(Former) Strathbogrie Saleyards - Euroa-Strathbogrie Road, Strathbogrie*
 46. *Strathbogrie WWI Memorial - (Central Island) Main Street Strathbogrie*
 47. *(Former) Strathbogrie Protestant Hall - 14 Main Street, Strathbogrie*
 48. *Baldavan Park Outbuilding - 1678 Merton-Strathbogrie Road, Strathbogrie*
 49. *Polly McQuinn's Weir - Polly McQuinns Road, Strathbogrie*
 50. *Terrara - 13 Terrara Lane, Tabilk*
 51. *The Gorge - 440 Harrys Creek Road, Violet Town*
 52. *Honeysuckle (Station) - 110 Hayes Road, Violet Town*
 53. *Oaklands - 179 High Street, Violet Town*
 54. *Boundary Park - 926 Dargalong Road, Wahring*
 55. *Shewgile & Glencoe 132 Gorys Road, Whroo*
- iii. Amend and introduce various Planning Scheme Maps identifying the site where the overlay is to be applied.
 - iv. Amend the existing Heritage Overlay Map within the Strathbogrie Planning Scheme of HO18 to HO19, to reflect to correct property (Mrs Kissocks Grave, Tames Road, Strathbogrie).

The Department of Environment, Land, Water and Planning (DELWP) subsequently advised Council Officers that Council's request to the Minister for Planning to approved Amendment C04 (Part one) could not be processed. This was primarily because some of the submissions received raised general issues which could be interpreted as relating to the individual places as well as to the precincts. These need to be considered before the amendment can be adopted.

7.1 Strathbogrie Planning Scheme Amendment C04 (Part one) (cont.)

Nine submissions were identified by DELWP and Council Officers as raising general issues which could be interpreted as relating to the precincts. Council Officers contacted these submitters to clarify whether they did have a concern with the individual places. In order to facilitate these discussions, Council resolved at a Planning Committee Meeting on 28 June 2016 to formally abandon part two of the amendment.

Subsequently, eight of the nine submissions have been resolved. Only one submitter has told Council Officers that they do have a concern with the application of the Heritage Overlay to the 55 proposed individual heritage places. However, they have not provided any specific concerns relating to the affected places. Rather, they have a general concern with the application of the Heritage Overlay.

Because there is one unresolved submission, in order to proceed with part one of Amendment C04, Council must request the appointment of a Planning Panel. The Planning Panel will review Amendment C04 (Part one) and consider the unresolved submission. It is recommended that Council request the Planning Panel make a determination 'on the papers', rather than convening a hearing. This is because the one unresolved submission raises only general concerns with the Heritage Overlay, rather than specific concerns to do with any affected place. They are also not a directly affected property owner.

Once the Planning Panel has issued their report with a recommendation, their findings will be reported to a Planning Committee Meeting.

Alternative Options

The following alternative has been identified for the consideration of Council:

- Determine not to proceed with appointing a Planning Panel, and abandon Amendment C04 (Part one).

Risk Management

The author of this report considers that there are no significant risk management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The amendment implements the Strathbogie Shire Council Plan 2013-2017, specifically the objective of Goal 2 which is *“to continue to protect and enhance the natural and built environment for current and future generations”*.

The amendment undertakes Council's statutory obligation under the Planning and Environment Act 1987 to *“conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”*.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

This report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

7.1 Strathbogie Planning Scheme Amendment C04 (Part one) (cont.)

Financial / Budgetary Implications

Council Officers will undertake the work necessary to facilitate and present at the Planning Panel within the existing Strategic Planning budget.

Economic Implications

The amendment will provide greater certainty for Council, community members and developers. It is not expected to have any negative economic effects on affected properties.

Environmental / Amenity Implications

In seeking to protect individually significant heritage sites, the amendment will lead to positive amenity and built environment outcomes across the municipality.

Community Implications

The proposed amendment implements the objectives of the Planning and Environment Act 1987 as it will facilitate the fair, orderly, economic and sustainable residential development.

Victorian Charter of Human Rights and Responsibilities Act 2006

The report content is consistent with Council's responsibilities under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The process to amend the planning scheme is governed by the Planning and Environment Act 1987. Final approval of any planning scheme amendment is given by the Minister for Planning.

Consultation

Full public exhibition and notification of the amendment was undertaken in late 2014 in accordance with the requirements of the Planning and Environment Act 1987.

Attachments

Nil.

PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, SUSTAINABLE DEVELOPMENT – PHIL HOWARD)

7.2 Planning Applications Received
- 3 to 16 August 2016

Following are listings of Planning Applications Received for the period 3 to 16 August 2016.

RECOMMENDATION

That the report be noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT P.M.

Planning Applications Received

Wednesday, 3 August 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
277-279 High Street, Nagambie VIC 3608	P2016-106	Buildings and works associated with the extension of an existing motel (12 motel rooms)	Spiire Australia PTY LTD - Briana Barnes	\$1,500,000.00

Monday, 8 August 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Magilton Drive, Strathbogie VIC 3666	P2016-107	Use and development of land for a dwelling, shed, driveway and water tanks	Natalie Cassidy	\$220,000.00

Wednesday, 10 August 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
24 Hurley Street, Longwood VIC 3665	P2016-108	Use and development of land for a storage shed	Outdoor Steel Solutions	\$14,230.00

Thursday, 11 August 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
176 Steens Road, Boho South VIC 3669	P2016-110	Development of land for a farm shed	Jenny Schwieger	\$15,000.00
317 High Street, Nagambie VIC 3608	P2016-109	Use and Development of existing building for accommodation	Bruce Mactier	\$220,000.00

Tuesday, 16 August 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
7 Railway Street, Euroa VIC 3666	P2016-111	Development of land for an extension to a dwelling	Lynette Thomas	\$63,000.00

*NB – '\$0.00 in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Example Legend	Description
P2014-001	Planning permit application
P2014-001-1	Proposed amendment to a planning permit