

## STRATHBOGIE SHIRE COUNCIL

# PLANNING COMMITTEE

# **MINUTES**

#### OF THE MEETING HELD ON TUESDAY 27 OCTOBER 2015

#### AT THE EUROA COMMUNITY CONFERENCE CENTRE

#### COMMENCING AT 4.00 P.M.

Councillors:	Malcolm Little (Chair) Colleen Furlanetto Alister Purbrick Patrick Storer Debra Swan Robin Weatherald	(Hughes Creek Ward) (Seven Creeks Ward) (Lake Nagambie Ward) (Honeysuckle Creek Ward) (Lake Nagambie Ward) (Mount Wombat Ward)
Officers:	Steve Crawcour - Chief Exec Emma Kubeil - Executive Ma	utive Officer nager, Sustainable Development

Emma Kubeil - Executive Manager, Sustainable Development Jennifer Boyle - 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

Councillor Graeme (Mick) Williams (Seven Creeks Ward) Phil Howard - Director, Sustainable Development

- 4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 13 October 2015
- 58/15 **CRS FURLANETTO/STORER** : That the Minutes of the Planning Committee meeting held on Tuesday 13 October 2015 be confirmed

#### CARRIED

#### Cr Weatherald voted against the Confirmation of the Minutes

- 5. Disclosure of Interests
- 6. Planning Reports
- 7. Other Business

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

#### 6. PLANNING REPORTS

#### 6.1 <u>Planning Permit Application No. 2015/089</u> - Two (2) Lot Subdivision ~ 33 Penrose Street, Nagambie

#### **Application Details:**

Application is for:	Two (2) lot subdivision
Applicant's/Owner's Name:	DEW, Steven Peter
Date Received:	28 July 2015
Statutory Days:	71
Application Number:	P2015-089
Planner: Name, title & department	Cameron Fraser Senior Planner Sustainable Development Department
Land/Address:	Lot 2 on Plan of Subdivision 625367T, Certificate of Title Volume 11329 Folio 102 33 Penrose Street, Nagambie VIC 3608
Zoning:	General Residential Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 32.08-2
Restrictive covenants on the title?	Covenant AJ488864N Section 173 Agreement AH117698U
Current use and development:	Residential/accommodation

# 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 application proposes a two lot subdivision of the subject site.
- The site is located in the General Residential Zone in a developing residential estate in the south of Nagambie.
- The site is not affected by any overlays.
- The application was referred internally to Council's Asset Services Department who offered no objection subject to conditions.
- An assessment against the General Residential Zone, State and Local Policies and the relevant Particular Provisions indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining land holders, one objection has been received.

- The objection raises issues in relation to the potential for multi storey residential development into the future and the inability to be consulted as part of this process.
- Currently, a single dwelling of more than one storey can be developed without the need for a planning permit or community consultation.
- Both of the proposed lots will be able to be developed with a single dwelling without the need for a planning permit.
- The application is being presented to Planning Committee as an objection has been received.
- The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation with objectors and the applicant.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

#### RECOMMENDATION

#### That Council

• having caused notice of Planning Application No. P2015-089 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 of the Strathbogie Planning Scheme in respect of the land known as Lot 2 on Plan of Subdivision 625367T, Certificate of Title Volume 11329 Folio 102, 33 Penrose Street, Nagambie VIC 3608, for the Two (2) lot subdivision, in accordance with endorsed plans, subject to the following conditions:

#### Section 173 Agreement

- 1. Prior to the commencement of use, 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:
  - (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.

6.1 Planning Permit Application No. 2015/089

- Two (2) Lot Subdivision ~ 33 Penrose Street, Nagambie (cont.)

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.

**Engineering Conditions** 

- 2. 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 Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual.Refer to standard drawing SD235.
- 3. 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 or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
- 4. 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.

- 6.1 <u>Planning Permit Application No. 2015/089</u> - Two (2) Lot Subdivision ~ 33 Penrose Street, Nagambie (cont.)
  - 5. 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.

**General Conditions** 

- 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
  - (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.
- 7. 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.
- 8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 9. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the Relevant Authority for which the easement or site is to be created.
- 10. The Plan of Subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant Authority in accordance with Section 8 of that Act.

- 11. The subdivision must be in accordance with the endorsed plans. The endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements
- 12. This permit will expire if one of the following circumstances applies:
  - (a) The subdivision is not certified within two (2) years of the date of this Permit,
  - (b) A Statement of Compliance is not issued within five (5) years of the date of certification.

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.

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.
- Vehicle access from High Street requires separate planning approval.

59/15 CRS SWAN/PURBRICK : That the Recommendation be adopted.

CARRIED

#### Proposal

It is proposed to subdivide the subject site into two lots. The subdivision will be configured as follows:

- Lot 1 501 square metres
- Lot 2 491 square metres

Each lot will have its own access from Penrose Street with proposed Lot 1 to retain the existing access on the land and a new crossover to be constructed for Lot 2. Both lots will be generally square in shape.

#### Subject site & locality

The subject site is located on the northern side of Penrose Street and has a total area of 992 square metres. The site is generally rectangular in shape however a small reserve containing a utility installation is located in the south western corner of the allotment. Access to the land is available from Penrose Street and the land is currently vacant.

The site forms part of a developing residential development with a large number of the surrounding sites within Penrose Street currently vacant. North of the site, land is developed with single dwellings and associated outbulidings. East of the site is a water retardation reserve and farm land.

A covenant AJ488864N is registered on the title of the subject land. This covenant contains restrictions in relation to the type of dwellings and shedding that can be constructed on the site in terms of size, materials, colours etc. The application does not propose the construction of any dwellings and it is not considered that the proposal will breach these requirements of the covenant.

The covenant also prohibits further subdivision of land in the development with the exception of Lots 2, 6, 9, 11, 20 and 32. As this application proposes the further subdivision of Lot 2 only, the proposal will not breach the requirements of this covenant.

Agreement AH117698U under Section 173 of the *Planning and Environment Act 1987* is also registered on the title and contains restrictions in relation to the development of dwellings on the site in terms of materials and on site water recycling. The agreement does not prohibit subdivision and it is considered that this proposal will not breach the requirements of this agreement.

#### Permit/Site History

A search of Council's electronic records system shows that no planning permits have previously been issued for the subject site.

#### **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 one objection to date. The key issues that were raised in the objections are:

• Potential for two storey townhouse development on each of the proposed lots with no avenue for further submission

#### Officer Summary:

The application proposes a two lot subdivision of the land only. At this point in time, no applications have been made for the further development on the site. The construction of a single dwelling on either of the proposed lots, should this application be approved, will not require a planning permit. As such, notification to adjoining landowners would not be undertaken. Should an application be received into the future for the development of more than one dwelling on a lot, it is likely such an application will be advertised to adjoining land owners.

It is also noted that the subject site could be developed with a double storey dwelling at present without the need for a planning permit. This requirement is the same for all lots in Penrose Street.

#### Consultation

A copy of the objection was forwarded to the permit applicant who has provided a response. The response of the objector acknowledges that further development of single dwellings on each of the proposed lots will not require a planning permit. The objector has also acknowledged that any future residential development on the site will be required to meet the requirements of the relevant building legislation.

A copy of the response was forwarded to the objector who is yet to withdraw their objection. As a result, the application must be considered with this objection outstanding.

Referrals		
External Referrals/Notices required by the Planning Scheme:		
Referrals/Notice	Advice/Response/Conditions	
Section 55 Referrals	Nil	
Section 52 Notices	Public Notice	

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

#### Assessment

#### The zoning of the land and any relevant overlay provisions

#### General Residential Zone

#### <u>Purpose</u>

- 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 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 consistent with surrounding development patterns and is considered appropriate. Each of the proposed lots are considered to be of appropriate size and layout to facilitate further residential development into the future. An assessment of the proposed two 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.

#### The State Planning Policy Framework (SPPF)

Clause 11.02-1, *Supply of urban land*, of the Strathbogie Planning Scheme states its 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.

Clause 14.01 - Planning for urban settlement contains the following 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 contains the following 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* contains the following objectives:

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

The proposal is for a two lot subdivision on the southern edge of the Nagambie township. The proposal is generally consistent with the Clause 15 and Clause 16 of the Strathbogie Planning Scheme which encourages the development of land in a manner which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves the energy efficiency of housing. The proposed subdivision allows for appropriate development in the future.

The site is located approximately 1km from the centre of town using the existing road network however is located closer to education and other community facilities

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

Clause 21.03-4 – Nagambie, contains the following objective:

 To grow Nagambie as an agricultural service centre as well as a visitor, lifestyle and retirement centre.

Clause 21.07-2 – Urban Services contains the following objective:

• To deliver sustainable services.

Clause 21.07-5 – Drainage

• To ensure that appropriate drainage infrastructure is installed and maintained.

The proposed development will consolidate residential development within an existing township and provide for the ongoing economic growth of Nagambie as a lifestyle and retirement centre. 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 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 56.03- 5 C6	Neighbourhood character	The proposal will provide for an additional lot in the Nagambie Township. The layout and design of the proposed subdivision is consistent with the existing neighbourhood character.	✓
Clause 56.04- 2 C8	Lot area and building envelopes	Each of the proposed lot can fit a 10m x 15m building envelope.	✓

Clause 56.04- 3 C9	Solar Orientation of Lots	The lots are orientated to allow for ample solar access, with northern rear and side boundaries.	$\checkmark$
Clause 56.04- 5 C11	Common Area	No common property is proposed	~
Clause 56.06- 8 C21	Lot access	Lot access will comply in accordance with Asset Service's requirements.	~
Clause 56.07 C22	Drinking Water Supply	All lots will be connected to reticulated water supply in accordance with Goulburn Valley Water's requirements.	~
C23	Re-used & Re-cycled Water Objective	Water reuse and recycling is required under the existing agreement registered on title. This will be addressed when the lots are developed. The proposed lots are of sufficient size to facilitate this however will also be connected to reticulated sewerage in accordance with the requirements of Goulburn Valley Water.	~
C24	Wastewater Management	The lots will be connected to reticulated sewer in accordance with Goulburn Valley Water's requirements.	✓
C25	Urban Run-off Management	Stormwater drainage will be directed towards to a legal point 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- 1 C27	Shared Trenching	Where possible shared trenching will be pursued for reticulated utilities.	✓
Clause 56.09- 2 C28	Electricity, Telecommunications & Gas	Electricity and telecommunications will be provided to each lot in accordance with the service authorities' requirements.	~

#### 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.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.) There are no relevant adopted State policies.

#### Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

#### **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 application proposes a two lot subdivision of the land.
- The subdivision is consistent with the purpose and decision guidelines of the zone
- The proposal is consistent with the relevant objectives of Clause 56 of the • Strathbogie Planning Scheme

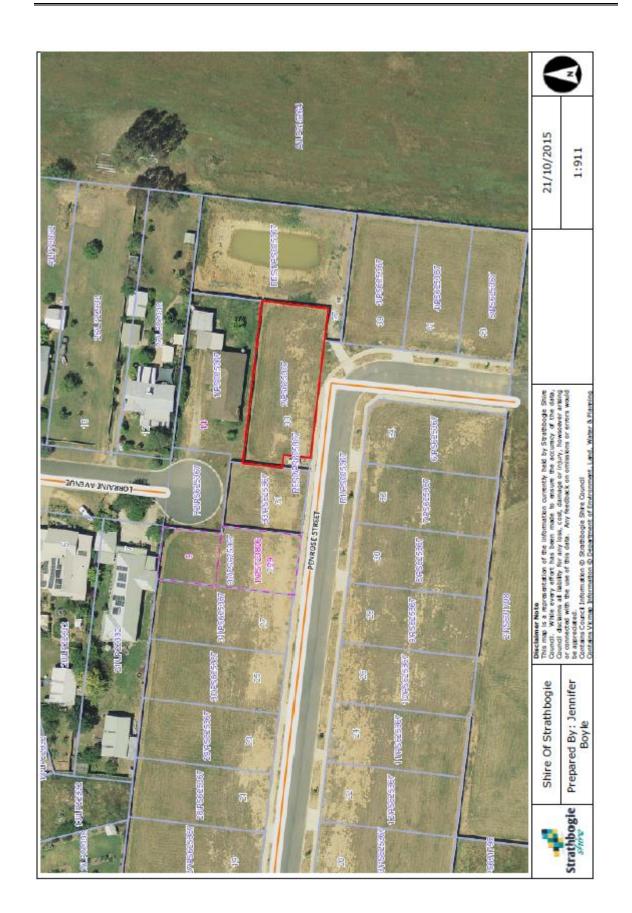
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the General Residential Zone.

#### Conclusion

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

# **Attachments**

Locality Map



# PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

#### 7. OTHER BUSINESS

#### 7.1 <u>Planning Applications Received</u> - 8 to 21 October 2015

Following are listings of Planning Applications Received for the period 8 to 21 October 2015.

#### RECOMMENDATION

That the report be noted.

60/15 CRS FURLANETTO/SWAN : That the Recommendation be adopted.

CARRIED

#### THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.07 P.M.

Confirmed as being a true and accurate record of the Meeting

Chair

Date

## **Planning Applications Received**

### Friday, 9 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
218 Sargoods Road, Gooram VIC 3666	P2015-121	Development of land for the installation of an inground swimming pool	Lance Chapman	\$25,300.00

### Monday, 12 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
133 Faithfull Road, Longwood East VIC 3666	P2015-119	Subdivide three (3) dwellings and land into three lots	Trengoff Pastrol Co Pty Ltd	\$0.00 *

#### Tuesday, 13 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Maggies Lane, Ruffy VIC 3666	P2015-120	Development of land for a dwelling	Lauren Barber	\$221,800.00

### Thursday, 15 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
244 High Street, Nagambie VIC 3608	P2015-122	Re-subdivide land into three (3) lots boundary realignment	Troy Spencer	\$0.00 *

\*NB – 'Not applicable' 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- <b>PC 1</b>	Plans to comply with a condition on the permit
P2014-001- <b>1</b>	Proposed amendment to a planning permit