



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# AGENDA

MEETING TO BE HELD ON TUESDAY 23 APRIL 2019

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

**Chair:** Malcolm Little (Hughes Creek Ward)

**Councillors:** Amanda McClaren (Lake Nagambie Ward)  
Debra Bower (Lake Nagambie Ward)  
John Mason (Seven Creeks Ward)  
Alistair Thomson (Mount Wombat Ward)  
Graeme (Mick) Williams (Seven Creeks Ward)

**Officers:** Steve Crawcour - Chief Executive Officer  
Phil Howard - Director, Innovation and Performance  
David Roff - Group Manager, Corporate and Community  
Jeff Saker - Group Manager, Community Assets  
Emma Kubeil - Manager, Planning and Investment  
Cameron Fraser - Principal Planner  
Trish Hall - Technical Officer, Planning

#### **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'*

3. Apologies

Councillor Kate Stothers (Honeysuckle Creek Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 26 March 2019

5. Disclosure of Interests

6. Planning Reports
7. Other Business

Steve Crawcour  
**CHIEF EXECUTIVE OFFICER**

12 April 2019

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 (PRINCIPAL PLANNER - CAMERON FRASER)**

**6. PLANNING REPORTS**

**6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie**

**Application Details:**

Application is for:	Two (2) lot subdivision
Applicant's/Owner's Name:	Eric Salter Pty Ltd
Date Received:	18 October 2018
Statutory Days:	173
Application Number:	P2018-146
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department
Land/Address:	Lot 19 on Plan of Subdivision 2174728U, Certificate of Title Volume 09884 Folio 002 28 McGregor Avenue, Nagambie VIC 3608
Zoning:	General Residential Zone
Overlays:	No Overlay
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 32.08 (Subdivision of land in the GRZ)
Restrictive covenants on the title?	No
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 proposal is for a two (2) lot subdivision at 28 McGregor Avenue, Nagambie.
- The site has an area of 5195 square metres and is located in the General Residential Zone and is adjacent to land in a Road Zone Category 1 (High Street).
- The land is not affected by any overlays.

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (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 52 of the *Planning and Environment Act 1987* to VicRoads who have not responded.
- The application was advertised to adjoining land holders, one objection has been received.
- The objection raises issues in relation to the size of the lots, particularly Lot 1 which will set a precedent for smaller lots, particularly proposed lot 2 which will impact on the amenity of the objector's property.
- An assessment against the General Residential Zone, 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 an objection has 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. P2018-146 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 32.08-3 and Clause 52.29 of the Strathbogie Planning Scheme in respect of the land known as Lot 19 on Plan of Subdivision 2174728U, Certificate of Title Volume 09884 Folio 002, 28 McGregor Avenue, Nagambie VIC 3608, for the Two (2) lot subdivision, in accordance with endorsed plans, subject to the following conditions:**

### Endorsed Plans:

1. **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.**

- 6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

**Section 173 Agreement:**

2. 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. The allowable discharge rate to Council drains shall be the lesser of;
  - i. that which is outlined in Table 13 and;
  - ii. 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. [www.designmanual.com.au](http://www.designmanual.com.au). The following requirement is based on IDM Version 5.10 released on 11 January 2018.

- (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. The following requirement is based on IDM Version 5.10 released on 11 January 2018.
- (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;

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

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

**Direct Access to High Street**

- 3. Within three (3) months of the date of this permit, access directly available from High Street to the subject site must be removed and closed to the satisfaction of the Responsible Authority.**

**Removal of Existing Shedding:**

- 4. Prior to the issue of Statement of Compliance, all shedding not located wholly within Lot 1 on the endorsed plan must be removed from the land to the satisfaction of the Responsible Authority.**

**Engineering Conditions:**

- 5. 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. Where there is existing kerb and channel in the street refer to standard drawing SD235.**
- 6. Prior to the issue of Statement of Compliance, two street trees in accordance with the IDM will be required to be planted to the satisfaction of the Responsible Authority. Tree proposals must be submitted to Council for review of species and tree heights etc. and must be approved in writing prior to commencing the planting works. More information can be found in Clause 24 (as amended) of the IDM ([www.designmanual.com.au](http://www.designmanual.com.au))**
- 7. 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.**
- 8. Drainage design must be submitted for approval to the satisfaction of the responsible authority. Subdivision of land requires an extension of the underground drainage in McGregor Avenue toward the new parcel frontage. A drainage extension plan should be submitted for approval, once approved the design plans will be endorsed and become part of the permit.**

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

9. **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.**
10. **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.**

**Telecommunications Conditions:**

11. **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.**
12. **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.**

**General Conditions:**

13. **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.**



6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

14. 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.
15. 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.

**Permit Expiry:**

16. 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.

**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.

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**Proposal**

It is proposed to subdivide the property at 28 McGregor Street, Nagambie into two allotments. The layout of the subdivision is detailed below:

- Lot 1 is proposed to measure 623 square metres in area and will contain the existing dwelling and carport. This lot will have a frontage to McGregor Avenue of 17.07 metres.

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

- Lot 2 is proposed to measure 4572 square metres in area and will be vacant. The lot will have frontage of 13.01. The rear (western) boundary of this lot adjoins High Street. No access is proposed to High Street

Both lots will be connected to all available reticulated services.

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**Subject site & locality**

The subject site is located at 28 McGregor Avenue, Nagambie, and is more formally identified as Lot 19 on Plan of Subdivision 2174728U Certificate of Title Volume 09884 Folio 002. The site measures 5195 square metres in area and is irregular in shape.

The site is within the General Residential Zone with no overlays affecting the site. The site is also adjacent to land in a Road Zone (Category 1).

The site currently contains a single storey dwelling and associated domestic outbuildings on site. Land surrounding the subject site is zoned General Residential Zone and is primarily developed with single dwellings. Lot sizes in the area are mixed with lots adjoining immediately surrounding the site and to the north being similar in size and lot sizes to the south decreasing in size.

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**Permit/Site History**

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

The site has been the subject of a recent planning compliance issue in relation to the storage and operation of equipment on the site which is prohibited under the provisions of the Strathbogie Planning Scheme. Additionally, vehicular access has been made available on to High Street which is a VicRoads managed road which has not been approved. Access on to roads in a Road Zone Category 1 requires a planning permit.

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**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:

- The size of the lots is too small which will affect the character and amenity of the area and lead to further subdivision of Lot 2.

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

Officer Response:

The Whroovale Estate contains a number of lots developed in stages since the 1990's. Lot sizes throughout the estate vary with lots to the north of the early stages of the development towards Racecourse Road being larger. The subject site, despite being one of the larger lots is located near existing smaller lots which have been developed with dwellings more consistent with what is typically considered as a 'unit'.

Consideration of infill development on sites such as the one proposed must have consideration for the zoning of the land as well as the ability to service the lots and relevant strategy.

**Consultation**

Upon receipt of the objection, a copy was forwarded to the applicant who has provided a response. Officers have discussed the objection and the response with the objector who does not wish to withdraw their objection at this time.

**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	Nil
Section 52 Notices	Public Notice VicRoads – No response

<b>Internal Council Referrals</b>	<b>Advice/Response/Conditions</b>
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.*

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

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 seeks to separate the existing dwelling off from the remainder of the site. The balance lot is considered to be of appropriate size and layout to facilitate 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 layout of the proposed subdivision will result in some of the existing shedding on the subject site being located within proposed Lot 2. An outbuilding on a lot with no dwelling is a prohibited land use. It will be a condition on any permit issued that prior to the issue of Statement of Compliance; any shedding not located wholly within Lot 1 must be removed from the site.

The proposal is consistent with the purpose and decision guidelines of the General Residential Zone.

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

*Clause 11.02-1S, 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.*

*Clause 15.01-1S – Urban design* contains the following objectives:

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

*Clause 15.01-3S – Subdivision Design* contains the following objectives:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

*Clause 16.01-2S Location of residential development*  
*Objective:*

- *To locate new housing in designated locations that offer good access to jobs, services and transport.*

The proposed two lot subdivision is consistent with the Planning Policy Framework. The proposed subdivision provides opportunity for additional residential development that is will not detract from the existing residential character of the area. Although one of the lots is considerably smaller than its immediate neighbours, smaller frontages along the bend in McGregor Avenue are present and the appearance of the lots from the street will not be significantly detrimental to character.

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

The subdivision adds to the supply of residential land for Nagambie and is located near services and amenities. The proposed subdivision allows for appropriate development in the future.

The site is approximately 500 metres from the nearest school and the central business area is 700 metres to the south using the existing road network

**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 facilitate 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.

The Nagambie Growth Management Plan, which is a Reference Document within the planning scheme, as well as the Local Area Plan at Clause 21.03 identify the Whroovale Estate as being within the existing residential area of Nagambie which should be developed prior to the rezoning of any additional land in the town. No specific character traits of this area of the town have been identified as part of the strategic documentation. There have been examples of subdivision within the Whroovale Estate in recent years however proposed lot for the existing dwelling is considerably smaller than others that have been approved.

It is considered that the proposed development is consistent with the Local Planning Policy Framework.

**Relevant Particular Provisions**

*Clause 53.01 – 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.*

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

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.

It is considered that the proposal does not meet any of these exemptions. Despite this application proposing only two lots, it is considered that Lot 2 could be further subdivided given its size and access from McGregor Avenue. As such, 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.

It is considered that the proposal does not meet any of these exemptions. As such, a monetary contribution in lieu could be required. The monetary contribution would be 5% of the total value of the land at the time a contribution is made. To require this contribution as a result of this two lot subdivision would not be consistent with the Public Open Space Contributions Policy adopted by Council on 17 July 2017 which relates to subdivision of three or more lots. Additionally, it is considered that an additional lot in McGregor Avenue is likely to lead to significant additional demand on public open space in the wider area.

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:

<b>Std No.</b>	<b>Description</b>	<b>Assessment Comments</b>	<b>Complies ?</b>
Clause 56.03-5 C6	<b><i>Neighbourhood character</i></b>	The proposal will provide for an additional lot within the Nagambie Township. The layout and design of the proposed subdivision will not detract from the overall character of the area.	✓
Clause 56.04-2 C8	<b><i>Lot area and building envelopes</i></b>	Proposed Lot 1 contains an existing dwelling. Proposed Lot 2 is considered more than capable of containing a 10m by 15m building envelope.	✓
Clause 56.04-3C9	<b><i>Solar Orientation of Lots</i></b>	The lots are oriented and sized to allow for appropriate solar access for the existing dwelling within Lot 1 and any future dwelling constructed on Lot 2.	✓
Clause 56.04-5 C11	<b><i>Common Area</i></b>	No Common Property is proposed	✓
Clause 56.06-8 C21	<b><i>Lot access</i></b>	Each lot will be accessed via separate crossovers from McGregor Avenue to the satisfaction of the Responsible Authority.	✓

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

Clause 56.07 C22	<b>Drinking Water Supply</b>	Both lots will be connected to reticulated water supply in accordance with Goulburn Valley Water's requirements.	✓
C23	<b>Re-used &amp; Re-cycled Water Objective</b>	Water reuse and recycling is able to occur on site	✓
C24	<b>Wastewater Management</b>	The lots will be connected to reticulated waste water to the satisfaction of Goulburn Valley Water.	✓
C25	<b>Urban Run-off Management</b>	Storm water drainage will be directed towards to a legal point discharge in accordance with Asset Service's requirements.	✓
Clause 56.08 C26	<b>Site Management</b>	All appropriate controls will be implemented and ensured by placing conditions on the permit.	✓
Clause 56.09-1 C27	<b>Shared Trenching</b>	Where possible shared trenching will be pursued for reticulated utilities.	✓
Clause 56.09-2 C28	<b>Electricity, Telecommunications &amp; Gas</b>	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.

6.1 Planning Permit Application No. P2018-146  
- Two (2) Lot Subdivision ~ 28 McGregor Avenue, Nagambie (cont.)

**Relevant incorporated, reference or adopted documents**

The Nagambie Growth Management Strategy is relevant to this application and has been discussed previously within this report.

**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.

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**Summary of Key Issues**

With regard to the General Residential Zone: The proposed two lot subdivision is consistent with the existing character of the area and meets the relevant objectives of Clause 56.

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

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**Conclusion**

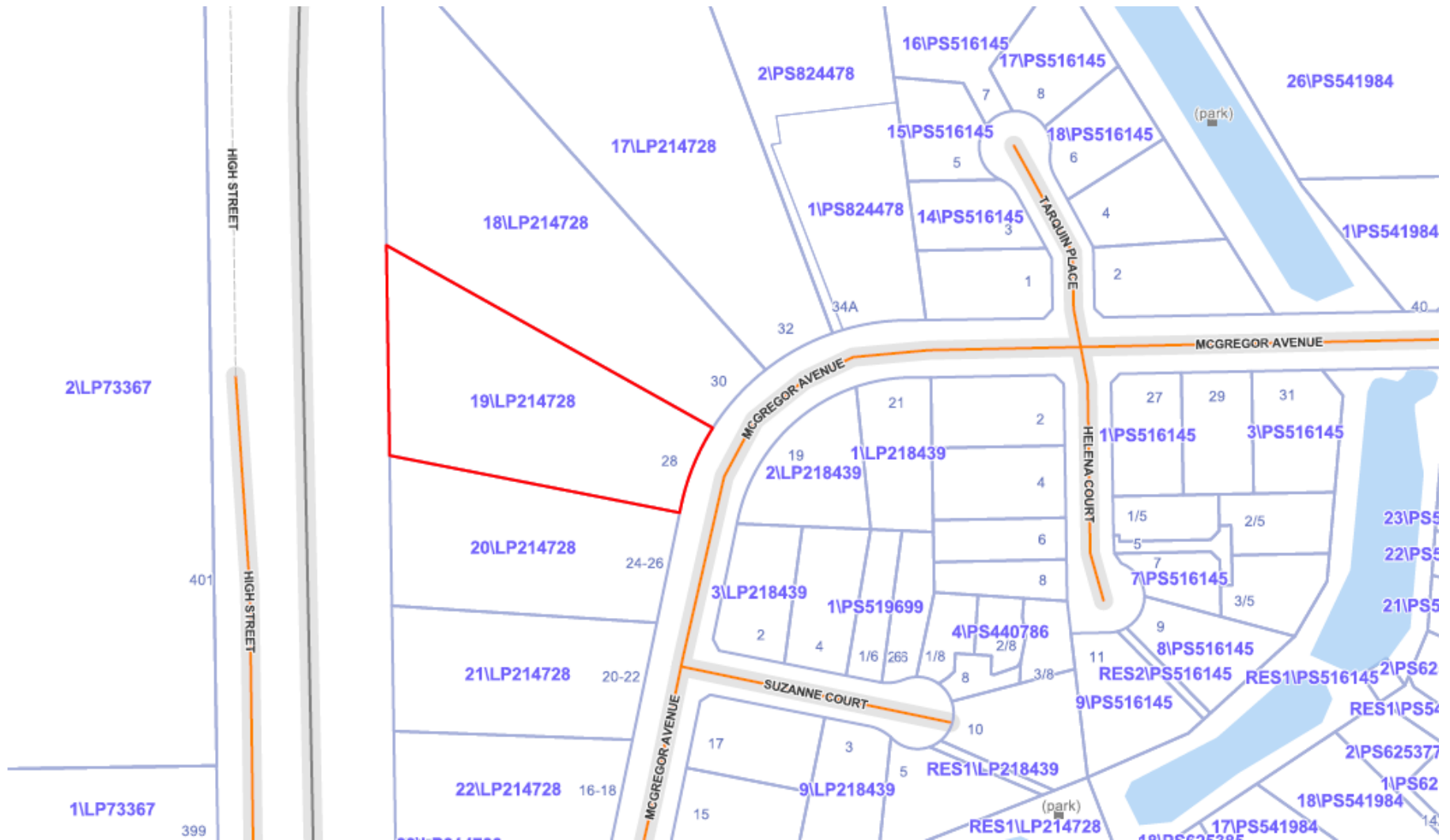
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

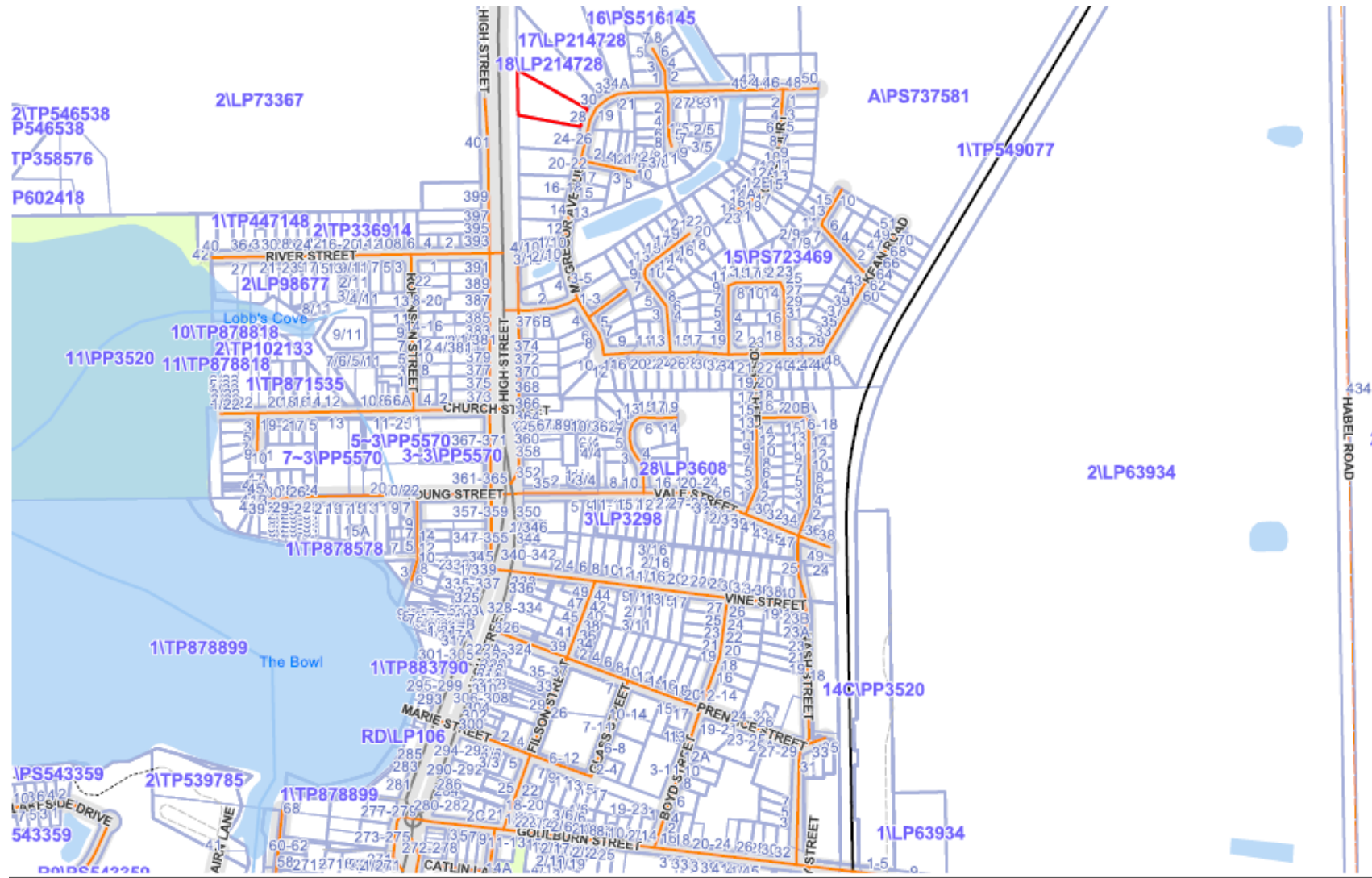
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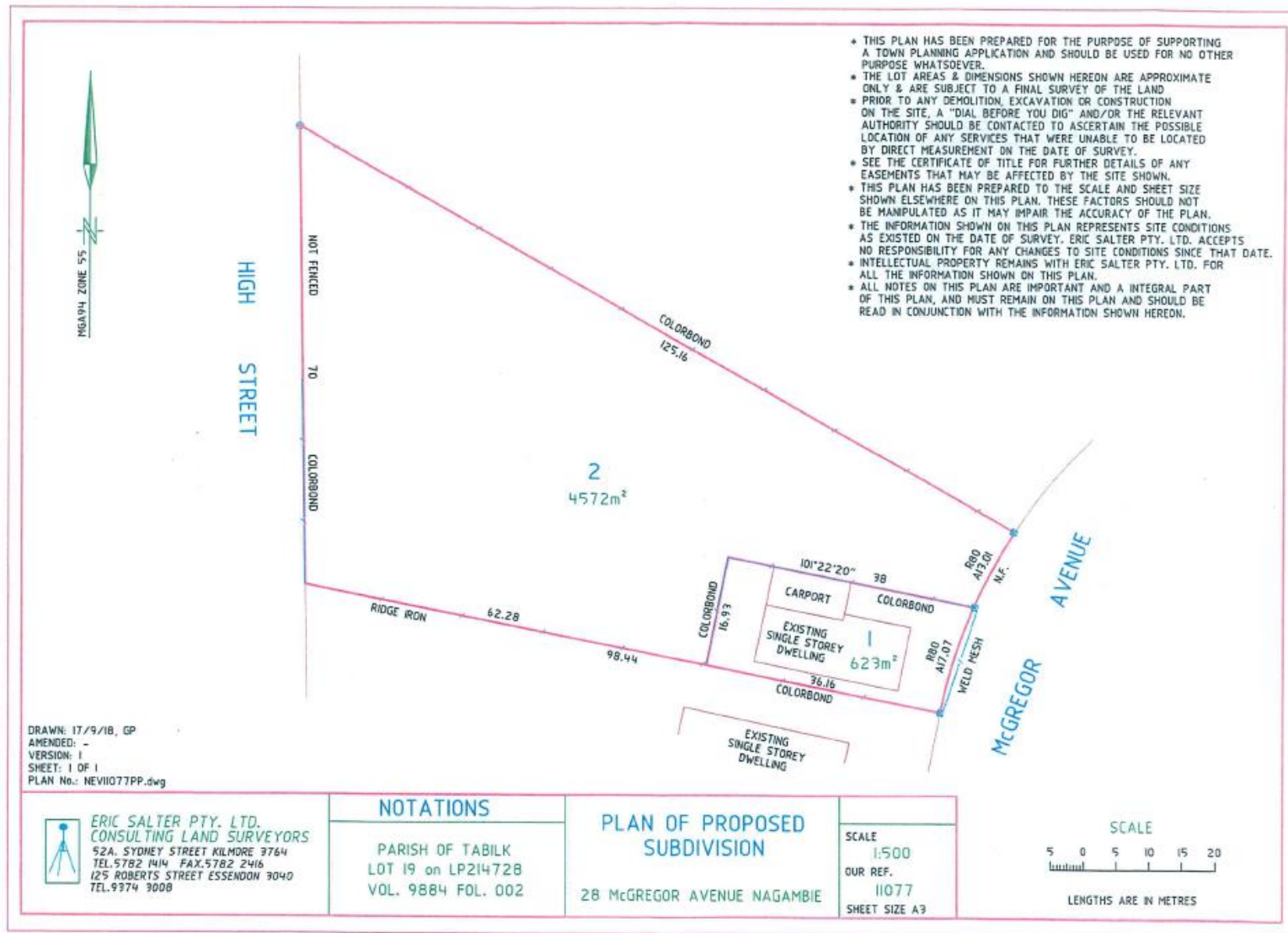
**Attachments**

- Locality Plan/s
- Plans for endorsement









**PLANNING COMMITTEE REPORT NO. 2 (PRINCIPAL PLANNER - CAMERON FRASER)**

**6.2 Planning Permit Application No. P2018-178  
- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel**

**Planning Report – Committee**

**Application Details:**

Application is for:	Four (4) lot subdivision
Applicant's/Owner's Name:	Mr Troy Spencer
Date Received:	20 December 2018
Statutory Days:	110
Application Number:	P2018-178
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department
Land/Address:	Crown Allotment 6 Section 2 Township of Avenel Parish of Avenel, Certificate of Title Volume 11254 Folio 757 55 Anderson Street, Avenel VIC 3664
Zoning:	Township Zone
Overlays:	No Overlay
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 32.05-2 (Subdivision in the Township Zone)
Restrictive covenants on the title?	No
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 proposal is for a four (4) lot subdivision at 55 Anderson Street, Avenel.
- The site has an area of 2040 square metres and is located in the Township Zone.
- The land is not affected by any overlays.

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- 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, Goulburn Valley Water and the CFA who have consented to the proposal subject to conditions.
- The application was advertised to adjoining land holders, two objections were received however one has subsequently been withdrawn.
- The outstanding objection raises issues in relation to density, dwelling type, amenity and property values.
- An assessment against the Township Zone, Relevant Particular Provisions, the Planning Policy Framework 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 one objection remains outstanding.
- The application has been assessed outside the 60 day statutory time period due to objections received.
- 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. P2018-178 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 32.05-2 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 6 Section 2 Township of Avenel Parish of Avenel, Certificate of Title Volume 11254 Folio 757, 55 Anderson Street, Avenel VIC 3664, for the Four (4) lot subdivision, in accordance with endorsed plans, subject to the following conditions:**

### Endorsed Plans:

1. **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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**Section 173 Agreement:**

**2. Prior to the issue of Statement of Compliance, 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 require:**

- (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;
  - i. that which is outlined in Table 13 and;**
  - ii. 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. [www.designmanual.com.au](http://www.designmanual.com.au). The following requirement is based on IDM Version 5.10 released on 11 January 2018.**

- (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. The following requirement is based on IDM Version 5.10 released on 11 January 2018.**
- (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;**

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- (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 the title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.**

**Landscaping:**

- 3. Prior to the commencement of works, a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:**
- a) Landscape to the front of the site**
  - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
  - c) The treatment of all paved areas and lighting.**
- 4. Prior to the issue of Statement of Compliance, landscaping and planting of the subject land must be carried out. All landscaping must be maintained thereafter to the satisfaction of the Responsible Authority in accordance with the endorsed plan. A 90% survival rate is to be achieved after 6 months of completion of the landscaping. Replanting is to be undertaken until that rate is achieved.**

**Engineering Conditions:**

- 5. Prior to commencement of works, detailed design plans for the area set aside for access must be submitted for approval, to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will form part of the planning permit. The plans must include the following all in accordance with councils adopted 'Infrastructure Design Manual' and the relevant Australian Standards:**
- (a) Dimensioned access and parking bays.**
  - (b) Concrete pavement design (or equivalent) for driveway/access**
  - (c) A common area set aside for rubbish and mail collection.**
  - (d) Drainage design with connection to existing underground drainage network.**
- 6. 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.**

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7. **Prior to the issue of Statement of Compliance, two street trees in accordance with the IDM will be required to the satisfaction of the Responsible Authority. Tree proposals must be submitted to Council for review of species and tree heights etc. and must be approved in writing prior to commencing the planting works. More information can be found in Clause 24 (as amended) of the IDM ([www.designmanual.com.au](http://www.designmanual.com.au))**
8. **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.**
9. **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.**
10. **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.**
11. **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.**

**AusNet Services Conditions:**

12. **The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.**
13. **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.**



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**CFA Conditions:**

**14. Hydrants**

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**15. Roads**

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- Curves must have a minimum inner radius of 10 metres.
- Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

**Goulburn Valley Water Conditions:**

16. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;

17. 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, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;

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18. **Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
19. **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. In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;**
20. **Disconnection and relocation of any existing house connection drain, to be connected via an Inspection Opening in each lot to a sewer main of the Goulburn Valley Region Water Corporation;**
21. **Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
22. **A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development; Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;**
23. **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.**

**Public Open Space:**

24. **Prior to the issue of Statement of Compliance 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.**

**Telecommunications Conditions:**

25. **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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- (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.

26. 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.

General Conditions:

27. The amenity of the area must not be detrimentally affected by the development, through the:

- (a) Appearance of any building, works or materials;
- (b) Transport of materials, goods or commodities to or from the land;
- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
- (d) Presence of vermin, and;
- (e) Others as appropriate.

Permit Expiry:

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

- (c) the subdivision is not started (Certification) within two (2) years of the date of this permit;
- (d) 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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- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (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.**

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**Proposal**

The application proposes a four lot subdivision of the land. The lots will be configured as follows:

- Lot 1 – 423 square metres
- Lot 2 – 363 square metres
- Lot 3 – 347 square metres
- Lot 4 – 442 square metres
- Common Property – 447 square metres

All lots will be accessed via the proposed common property driveway and will be serviced by all available reticulated services.

The existing dwelling on the lot will be demolished.

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**Subject site & locality**

The subject site is located on the eastern side of Anderson Street and currently contains a single dwelling. The land is rectangular in shape and has a total area of 2022 square metres.

The land is currently developed with a rundown dwelling and a number of sheds, all of which are proposed to be removed.

Land surrounding the site contains a number of vacant lots as well as other parcels of land which contain single dwellings and associated infrastructure.

The land is in the Township Zone and is not affected by any overlays. Access to the site is available only from Anderson Street.

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**Permit/Site History**

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

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- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (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 2 objections to date. One objection remains outstanding with one having been withdrawn. The key issues that were raised in the objections are:

- Impact on land values.
- Changes culture as a community of family homes.
- Increase in lower value homes and higher density living which are not wanted in Avenel.
- Encourages further subdivision in the town.
- Increase in noise and traffic

Officer Response:

The provisions of the Township Zone allow for subdivision of this nature to occur, subject to an approval process. In this instance, the subdivision proposed differs from the existing development pattern in this area of the town where lots are primarily larger and developed with single dwellings and associated outbuildings. The subdivision proposed, if approved would not require planning permits for a single dwelling to be issued due to the size of the proposed lots being over 300 square metres.

The township of Avenel is experiencing growth on its edge with larger parcels however there are few examples of medium-density development such as the one proposed which provides accommodation options to both lower income householders as well as downsizers. The impact of a development on surrounding land prices is not a valid ground for an objection to a planning permit.

The applicant also provided development plans in late February 2019 which were forwarded to the remaining objector for review. These plans showed a dwelling on each lot which the applicant intends to construct should a permit issue. The application has not been formally amended to include these plans and have not been assessed. None of the dwellings proposed would need a planning permit under the current provisions of the Strathbogie Planning Scheme upon completion of the subdivision proposed.

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**Consultation**

A copy of the objections was forwarded to the applicant who provided a written response. The response was provided to the objectors of which one objection was withdrawn. At this time, one objection remains outstanding.

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- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (cont.)

**Referrals**

External Referrals/Notices required by the Planning Scheme:

<b>Referrals/Notice</b>	<b>Advice/Response/Conditions</b>
Section 55 Referrals	CFA – No objection, subject to conditions GVW – No objection, subject to conditions CFA – No objection, subject to conditions
Section 52 Notices	Public Notice

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

**Assessment**

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

**Township Zone**

**Purpose**

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A permit is required for the proposed four (4) lot subdivision. The proposal will offer a different housing option to what is typically seen in Avenel. Although the development may not be consistent with the nature of development in the area, the layout of the lots on the site is considered to be appropriate with each lot capable of being developed with a single dwelling without requiring a planning permit.

When assessing an application under the provisions of the Township Zone, consideration must be given to the decision guidelines that are outlined in Clause 32.05-12 of the Planning Scheme.

In general terms, the subdivision of land into four parcels is considered to be consistent with the relevant State and Local planning policies, as well as the Municipal Strategic Statement.

The subdivision of the land will create four vacant lots. The subdivision is considered appropriate as all the lots are capable of containing a dwelling, and the required areas of private open space. The area of common property that is proposed will provide suitable vehicular access for all dwellings on site.

Considering the above, the application is considered to be consistent with the purpose of, and meets the decision guidelines of the Township Zone.

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- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (cont.)

**The Planning Policy Framework (PPF)**

Clause 11.02-1S, *Supply of urban land*, of the Strathbogie Planning Scheme

*Objectives:*

- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

The proposed development makes use of an existing zoned parcel of land in close proximity to recreation and education facilities in Avenel.

*Clause 15.01-1S - Urban design,*

*Objective:*

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

The proposed layout of the subdivision is considered to be functional and will be well linked to the existing township.

*Clause 15.02-1S - Energy and resource efficiency,*

*Objective:*

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Each of the lots is of sufficient size and orientation to be appropriately developed for residential purposes.

*Clause 16.01-2S Location of residential development*

*Objective*

- *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

The proposed subdivision is an infill development utilising an existing parcel of land serviced by all utilities currently available in the Avenel Township. The site is located away from the central business

*Clause 16.01-4S – Housing affordability,*

*Objective:*

- *To deliver more affordable housing closer to jobs, transport and services.*

The proposed subdivision provides a range of lot sizes which will provide a greater supply of residential land in terms of the number of lots. This will contribute to the provision of affordable housing in the town. The size of the lots proposed will primarily allow for medium-density residential development which will also increase housing options.

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- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (cont.)

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

*21.02-1 Whole Municipality*

*Objective*

- *To have consistent planning across the Municipality that individually represents and respects the natural and built environment.*

*Relevant Strategies*

- *Ensure residential development can be appropriately serviced and is developed considering good design principles.*

The proposed development will create additional residential land which is well serviced by both reticulated and social services and will respect the existing neighbourhood character of Avenel.

*Clause 21.03 Local Area Plans*

*Clause 21.03-1 Avenel*

*Overview*

- *Avenel's population increased from 552 in 2001 to 732 in 2006 and in 2011 the population is estimated to be 814, indicating that there is strong growth.*
- *Avenel's character can be defined by its size, low density layout, grid street layout, location between the Hume Freeway and rail boundaries. Avenel has a strong visual relationship with the rural landscapes, particularly Hughes Creek and its floodplain.*
- *Hughes Creek, which flows through Avenel is a valuable natural feature and important native vegetation corridor. This corridor has potential to form the spine of an Avenel open space network with links to the town centre, residential areas and places of interest.*

*Objective*

- *To promote and support the sustainable growth of Avenel.*

The creation of 4 new residential allotments will promote the sustainable growth of Avenel. The development will be well linked to these facilities by the existing road network. Since this policy was drafted, new census data has become available from 2016. At this time there was 1048 people in Avenel at a rate of 2.3 people per dwelling. Based on this data, the proposal will provide housing for 9 additional residents.

*21.05-3 Social services and infrastructure*

*Objective*

- *To provide networked communities.*

*Strategies*

- *Encourage equitable access to facilities and services.*
- *Support the expansion of aged care facilities and services, where appropriate.*



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The site is located within close proximity to the existing commercial centre of the town and is accessible to a range of other facilities and services including medical facilities, community facilities and recreation.

*21.07-5 Drainage*

*Objective*

- *To ensure that appropriate drainage infrastructure is installed and maintained. Strategies*
- *Ensure development contributions address drainage infrastructure needs.*
- *Develop strategies to ensure that future drainage infrastructure can accommodate for high rainfall events.*

Drainage to the subdivision will be constructed in accordance with the requirements of Council's Assets department.

*Clause 21.08 Reference Documents*

- *Avenel 2030*

*Avenel 2030* is a strategic document which provides direction for the growth of Avenel and expectations of character for the township. The strategy identifies a number of areas where development should occur and the character of areas which should be retained. The document is relatively silent on the subject site. It is noted however that the site is located away from the Town Centre along Queen and Bank Streets. While located away from the commercial centre of town, it is located within walking distance of both the primary school and recreation reserve. The strategy neither supports nor discourages development of this type in this area of the town.

**Relevant Particular Provisions**

*Clause 53.01 – 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 subdivisions where further subdivision is considered unlikely.

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It is considered that the proposal does not meet any of these exemptions. As such, a monetary contribution in lieu could be required. The monetary contribution would be 5% of the total value of the land at the time a contribution is made. This is consistent with the Public Open Space Policy adopted by Council on 17 July 2017 which relates to subdivision containing three or more lots. Additionally, it is considered that the four proposed lots on Anderson Street will lead to additional demand on public open space in the wider area.

Clause 56, Residential Subdivision

An assessment against the provisions of Clause 56 is required when assessing an application for residential subdivision:

Std No.	Description	Assessment Comments	Complies?
Clause 56.03-5 C6	<b>Neighbourhood character</b>	The design of this proposed subdivision is considered to be appropriate however not common for this area of Avenel. The lots are smaller in size.	✓
Clause 56.04-2 C8	<b>Lot area and building envelopes</b>	All lots are considered capable of containing a single dwelling within a 10x15 metre building envelope.	✓
Clause 56.04-3 C9	<b>Solar Orientation of Lots</b>	All lots are of an appropriate size which will all for good solar access for dwellings.	✓
Clause 56.04-4 C10	<b>Street Orientation</b>	The front lot can be designed to integrate with the street frontage.	✓
Clause 56.04-5 C11	<b>Common Area</b>	The area of common property is considered to be appropriate for the purposes of access to the dwellings.	✓
Clause 56.05-1 C12	<b>Integrated urban landscape</b>	Formal landscaping of the common property will be required by way of a permit condition.	✓
Clause 56.06-2 C15	<b>Walking &amp; cycling network</b>	The proposed subdivision will join into the existing informal walking and cycling network of Avenel.	✓
Clause 56.06-4 C17	<b>Neighbourhood street network</b>	The proposed subdivision will join into the existing street network of Avenel. The application has been referred to Council's Assets Department who have consented to the proposal.	✓
Clause 56.06-5 C18	<b>Walking &amp; Cycling network detail</b>	There are no new footpaths provided in this subdivision, however any future residents will easily be able to connect into the existing informal walking and cycling network of Avenel.	✓

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56.06-7 C20	<b>Neighbourhood street network detail</b>	There are no new public roads being created in this subdivision, however any future residents will easily be able to connect into the existing road network of Avenel.	✓
Clause 56.06-8 C21	<b>Lot access</b>	Each lot is able to be accessed via a proposed crossover which will be constructed as part of the development. All crossovers along the proposed internal road network will be constructed in accordance with the requirements of the Infrastructure Design Manual to the satisfaction of the Responsible Authority.	✓
Clause 56.07-1 C22	<b>Drinking Water Supply</b>	Drinking water will be provided in accordance with the requirements of Goulburn Valley Water.	✓
Clause 56.07-2 C23	<b>Re-used &amp; Re-cycled Water Objective</b>	Recycling of water within the development is not proposed.	✓
Clause 56.07-3 C24	<b>Wastewater Management</b>	Each lot will be connected to reticulated sewer.	✓
Clause 56.07-4 C25	<b>Urban Run-off Management</b>	Detail of stormwater runoff design and management will be required by way of condition on any permit issued. This will be required to be carried out in accordance with the requirements of the Infrastructure Design Manual and must be approved by Council's Assets department.	✓
Clause 56.08-1 C26	<b>Site Management</b>	The site will be managed throughout construction of the development through conditions on any permit issued in accordance with the requirements of Council's Assets department.	✓
Clause 56.09-1 C27	<b>Shared Trenching</b>	Where possible, shared trenching will be utilised.	✓
Clause 56.09-2 C28	<b>Electricity, Telecommunications &amp; Gas</b>	Reticulated electricity will be provided in accordance with the requirements of Ausnet Services.  Telecommunications will be provided in accordance with the requirements of the relevant authority.  Reticulated gas is not available in Avenel.	✓

6.2 Planning Permit Application No. P2018-178  
- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (cont.)

Clause 56.09-3 C29	<b>Fire Hydrants</b>	Fire hydrants will be provided in accordance with the requirements of the CFA.	✓
Clause 56.09-4 C30	<b>Public lighting</b>	No public lighting is proposed as part of this application.	✓

Considering the above, the application is considered to meet the relevant requirements of Clause 56 Residential Subdivision within the Strathbogie Planning Scheme.

**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**

Avenel 2030 is relevant to this proposal and has been discussed previously in this report.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

6.2 Planning Permit Application No. P2018-178  
- Four (4) Lot Subdivision ~ 55 Anderson Street, Avenel (cont.)

**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.

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**Summary of Key Issues**

With regard to the Township Zone: The proposal provides for additional lots within the existing township and meets the requirements of Clause 56 of the Strathbogie Planning Scheme.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Township Zone.

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**Conclusion**

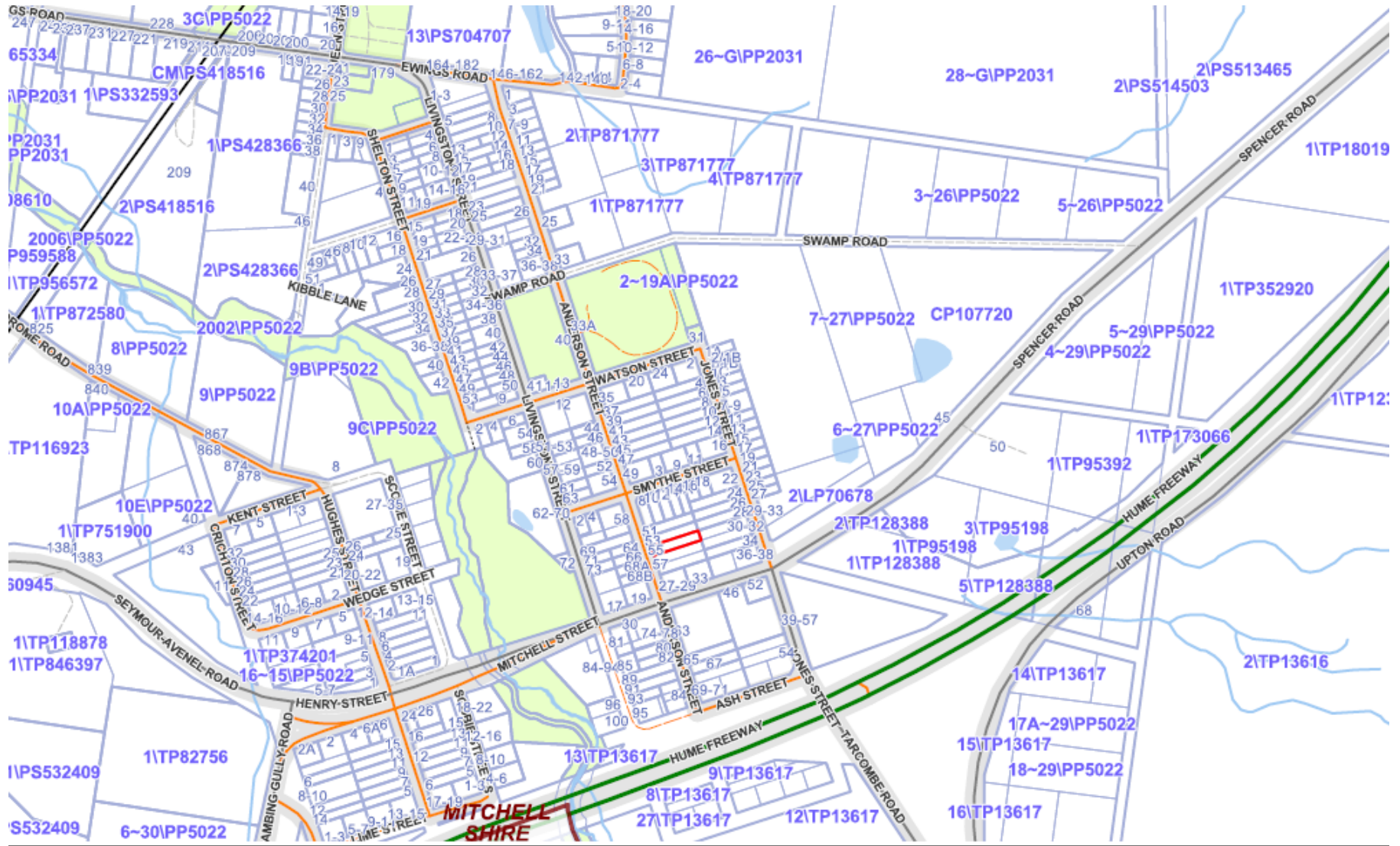
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Permit, subject to conditions.

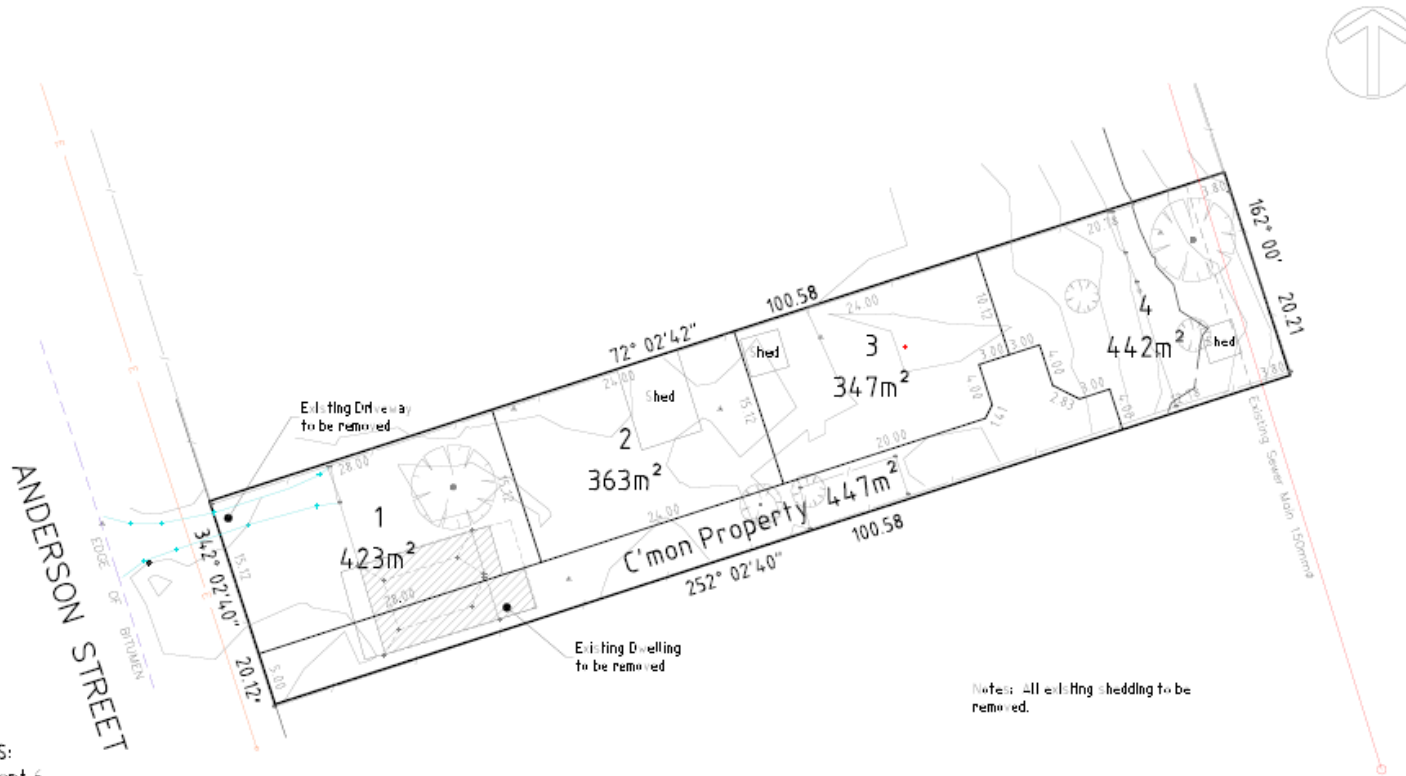
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**Attachments**

- Locality map/s
- Plans for endorsement





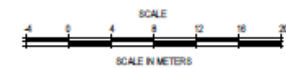


LAND DETAILS:  
Crown Allotment 6  
Section 2  
Township of Avenel

MEASUREMENTS AND AREAS ARE  
APPROXIMATE ONLY AND ARE  
SUBJECT TO SURVEY.

LENGTHS ARE IN METRES.

Notes: All existing shedding to be removed.





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**PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, INNOVATION AND PERFORMANCE - PHIL HOWARD)**

**7. OTHER BUSINESS**

**7.1 Planning Applications Received  
- 13 March to 10 April 2019**

Following are listings of Planning Applications Received for the period 13 March to 10 April 2019.

**RECOMMENDATION**

**That the report be noted.**

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

## Planning Applications Received

Wednesday, 13 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
196 Buntings Hill Road, Ruffy VIC 3666	P2019-026	Development of land for an agricultural shed	David Russell	\$11,620.00

Thursday, 14 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
82 High Street, Violet Town VIC 3669	P2019-028	Use and development of land for a dwelling	Michael Keys	\$210,000.00

Friday, 15 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
105 Vickers Road, Nagambie VIC 3608	P2019-029	Use and development of land for a dwelling and shed	Jim Verge	\$400,000.00

Monday, 18 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
294-298 High Street, Nagambie VIC 3608	P2019-020	Use and development of land for three shops	Gordon Hamilton	\$150,000.00

Wednesday, 20 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1167 Creightons Creek Road, Creightons Creek VIC 3666	P2019-027	Development of land for a garage	Mr Sam Verrocchi	\$14,500.00
545 Wattlevale Road, Mitchellstown VIC 3608	P2019-025	Use and development of land for an entrance sign	Paul Ranson	\$2,000.00
Hobart Street, Ruffy VIC 3666	P2019-031	Use and development of land for a dwelling	Mr Troy Spencer	\$120,000.00
McGregor Avenue, Nagambie VIC 3608	P2019-032	Eighty two (82) lot subdivision, creation of easements and a reserve	Mr Troy Spencer	\$0.00

Thursday, 21 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Bushy Lane, Violet Town VIC 3669	P2019-030	Development of land for buildings and works (clubhouse)	Frank Darke	\$78,000.00

Friday, 22 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
51 Wattlevale Road, Bailieston VIC 3608	P2019-034	Development of land to replace existing retaining wall, redevelopment of jetty and boat ramp	Shane DeAraugo	\$125,000.00
685 Euroa-Mansfield Road, Euroa VIC 3666	P2019-033	Development of land for an extension to a dwelling	Bruce Mactier Building Designers	\$200,000.00

Monday, 25 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
28 Tarcombe Street, Euroa VIC 3666	P2018-177 - 1	Development of land for a dwelling and garage	Session Builders Pty Ltd	\$290,000.00
49 Tracey Court, Miepoll VIC 3666	P2019-035	Use and development of land for a dwelling	Caitlyn McGee	\$113,630.00

Tuesday, 26 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Dookie-Violet Town Road, Violet Town VIC 3669	P2019-037	Use and development of land for a dwelling, garage, motor cycle shed and water tanks	Jill Birt	\$350,000.00

Thursday, 28 March 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
736 Mitchellstown Road, Mitchellstown VIC 3608	P2018-035 - 1	Use and development of land for a second dwelling, associated earthworks, vary a powerline easement and re-subdivision of land	Adam Gordon	\$0.00

Monday, 1 April 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
32 McLeod Street, Kirwans Bridge VIC 3608	P2019-036	Development of land for a shed	Shane DeAraugo	\$25,000.00
6 Anderson Street, Euroa VIC 3666	P2014-077 - 2	Development of land for single dwelling	Neville Tolliday	\$0.00

Wednesday, 3 April 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
31 Primrose Street, Violet Town VIC 3669	P2019-039	Three (3) lot subdivision (two lots into three)	Ray Novosel	\$200,000.00

Wednesday, 10 April 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
24 Cowslip Street, Violet Town VIC 3669	P2019-040	Development of land for a re-subdivision, building and works and alteration to access to RDZ1	Joe Fisher	\$350,000.00

\*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