



STRATHBOGIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 9 DECEMBER 2014

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

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

Officers: Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Jennifer Dowling - Assistant Manager, Sustainable Development
Roy Hetherington - Director, Asset Services
David Woodhams - Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.

3. Apologies

Councillor Graeme (Mick) Williams (Seven Creeks Ward)
Emma Kubeil - Manager, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 28 October 2014

01/15 **CRS SWAN/STORER** : *That the Minutes of the Planning Committee meeting held on Tuesday 28 October 2014 be confirmed.*

CARRIED

5. Disclosure of Interests

Nil

6. Planning Reports

7. Other Business

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PLANNING COMMITTEE REPORT NO. 1 (ASSISTANT MANAGER, SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2014/014
- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town**

Application Details:

Application is for:	Staged seven (7) lot subdivision
Applicant's/Owner's Name:	Jane Macey - Spiire
Date Received:	13 February 2014, amended 20 August 2014
Statutory Days:	89
Application Number:	P2014-014
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Crown Allotment 13 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 678, Crown Allotment 14 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title, Volume 09949 Folio 679, Crown Allotment 15 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 680, Crown Allotment 16 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 68, Crown Allotment 17 Section 13, Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 682, 75-83 Cowslip Street, Violet Town VIC 3669 V9949 F678
Zoning:	Township Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 32.05-4 Clause 44.04-2
Restrictive covenants on the title?	Yes
Current use and development:	Vacant

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*.

6.1 Planning Permit Application No. P2014/014
- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

Summary

- The proposal is for the subdivision of the land into seven lots by the realignment of five lot boundaries and the addition of two lots.
- The site has an area of 1.012 hectares and is located in the Township Zone.
- The application was referred internally to Council's Asset Services Department who offered no objection subject to conditions.
- The application was referred externally to the CFA, Goulburn Broken Catchment Management Authority, Goulburn Valley Water, Ausnet Services and Vic Roads. None of the authorities objected subject to conditions.
- An assessment against the Township Zone, Land Subject to Inundation Overlay and Floodway Overlay Decision Guidelines, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining land holders, six objections have been received to date.
- The key issues that were raised in the objections are:
 - The type of housing likely to be constructed on site
 - Flooding/Drainage issues
 - Proposed upgrade to Mary's Lane and potential for cost to adjoining owners
- The application is being presented to Planning Committee as the proposal has received six objections.
- The application has been assessed outside the 60 day statutory time period due to consultation with the applicant and objectors.
- It is recommended that Council resolve to issue a Notice of Decision to issue a Planning Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2014-014 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, Clause 44.04-2 of the Strathbogie Planning Scheme in respect of the land known as Crown Allotment 13 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 678, Crown Allotment 14 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title, Volume 09949 Folio 679, Crown Allotment 15 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 680, Crown Allotment 16 Section 13 Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 68, Crown Allotment 17 Section 13, Township of Violet Town, Parish of Shadforth, Certificate of Title Volume 09949 Folio 682, 75-83 Cowslip Street, Violet Town VIC 3669 V9949 F678 for the seven (7) lot subdivision, in accordance with endorsed plans, subject to the following conditions:

6.1 Planning Permit Application No. P2014/014
- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

1. **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. Reference shall be made to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual.**
2. **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.**
3. **Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner/subdivider must enter into an agreement with the Responsible Authority, under Section 173 of the Planning and Environment Act 1987. This agreement must be registered pursuant to Section 181 of the Planning and Environment Act 1987 on the titles to all lots resulting from approval of the subdivision. The agreement must provide for the following:**
 - 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 design must incorporate on site storage for 100 year two hour storm event. The system must include rainwater tanks for each allotment. New dwellings within the development must be plumbed to supply reuse water for laundry and toilet flushing.**
 - 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;**

6.1 Planning Permit Application No. P2014/014
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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;**
- f) ***The amenity of the area must not be detrimentally affected by the use, 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.***

The Section 173 agreement is to be prepared by the Responsible Authority. The Responsible Authority will undertake to have the agreement prepared upon receiving a written request from the owner. All costs associated with the preparation, execution and registration of the agreement must be borne by the applicant/owner and paid prior to the execution and registration of the agreement.

- 4. **Prior to the issue of Statement of Compliance provision for Public Open Space must be made in accordance with Section 18 of the *Subdivision Act 1989*, prior to the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, by:**
 - a) **paying or agreeing to pay to the Responsible Authority an amount equivalent to 5% of the site value of the land.**
- 5. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**
- 6. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb& channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**
- 7. **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.**
- 8. **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.
9. Before the issue of a Statement of Compliance for any stage of 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.

10. Vic Roads Conditions:

- a) The three proposed direct accesses for Lot 5, 6 and 7 from the subject site to Cowslip Street shall be upgraded and constructed to the satisfaction of the Responsible Authority (Strathbogie Shire Council) prior to the commencement of the use hereby approved.
- b) All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.

11. Goulburn Valley Water Conditions:

- a) Payment of a new customer contribution for water supply to the development such amount being determined by the Corporation at the time of Payment.
- b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation.
- c) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) 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 Regional Water Corporation;

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- e) Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
- f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within Private property;
- g) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- h) 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.

12. Ausnet Services Conditions:

The applicant must

- a) 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.
- b) 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.

13. Goulburn Broken Catchment Management Authority condition:

- a) That the subdivision is in general accordance with Spiire's drawing No. 138295G02.

14. Country Fire Authority Conditions:

Hydrants

- a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- c) Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)

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~~15. The amenity of the area must not be detrimentally affected by the use, 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.~~

~~46.~~

15. 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.

Ausnet Services notes:

- It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

- **Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.**

Country Fire Authority note:

- **CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.**

02/15 **CRS WEATHERALD/FURLANETTO** : *That the Recommendation be adopted, subject to amendment to Condition 3 to now incorporate Condition 15, and Condition 16 being renumbered Condition 15, as shown by italics and strikethroughs.*

Proposal

The application proposes a staged subdivision of the land into seven lots. The subject site comprises of five titles. The application proposes to realign the existing title boundaries and create two new lots to allow for seven lots. Four lots are proposed to front and be accessed from Mary's Lane to the north and three lots are proposed to front and be accessed from Cowslip Street to the south. The proposed lots vary in area from 993 metres squared to 2107 metres squared. A building envelope and crossover is proposed for each lot. Crossovers are proposed for each lot, Proposed Lot 3 & 4 have a combined crossover. The remainder of the proposed lots have an independent crossover.

Subject site & locality

The subject site has an area of 1.012 hectares. The site is rectangular in shape and has frontage to both Cowslip Street to the south and Mary's Lane to the north. The site comprises five titles. Each title has an area of approximately 2024 metres squared, is rectangular in shape and fronts both Cowslip Street and Mary's Lane. A dwelling is located on the eastern lot fronting Cowslip Street.

The site is located in the Township Zone and Land subject to Inundation Overlay. There is a depression running through the site from the north east corner to the south west corner. The Land Subject to Inundation Overlay covers the area of the depression and surrounding area. Each lot has an area that lies outside the LSIO.

The adjoining and surrounding lots to the north, east and west vary in size from 1026 metres squared to 2068 metres squared. The lots are generally developed by a dwelling. To the south is the Violet Town Bush Nursing Hospital.

The site is located within the boundary of Violet Town and is in proximity to the town centre.

Permit/Site History

A search of Council's electronic records results in one relevant application:

P2012/118 Development of the land for a dwelling.

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

Public Notification

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

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

The notification has been carried out correctly.

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

- The type of housing likely to be constructed on site
- Flooding/Drainage issues
- Proposed upgrade to Mary's Lane and potential for cost to adjoining owners

It is noted that the proposed dwelling type is not a consideration of this application. The application proposes subdivision only. Any dwelling proposed to be located on the site will be required to comply with Rescode under a building permit. The remainder of the issues will be dealt with in the assessment of the proposal.

Consultation

The objections were forwarded to the applicant for review and comment. An individual response was provided to each objection. These responses were sent to the objectors, no objections have been withdrawn to date.

The following points were included in the applicant's response:

- The applicant intends to construct 3 bedroom brick veneer dwelling on the proposed lots.
- Drainage will be designed and constructed in accordance with Council's requirements.
- There are currently five lots fronting Mary's Lane. In its current form each lot could access Mary's Lane. The proposal will reduce the number of lots directly fronting Mary's Lane to four. The result is potentially less impact on Mary's Lane than the current situation.

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Country Fire Authority – no objection subject to conditions Goulburn Broken Catchment Management Authority - no objection subject to conditions Goulburn Valley Water - no objection subject to conditions APA - no objection Ausnet Services - no objection subject to conditions VicRoads - no objection subject to conditions
Section 52 Notices	Public Notice, letters and a sign

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

Assessment

The zoning of the land and any relevant overlay provisions

Township 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 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 implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *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 to subdivide land.

In accordance with Clause 32.05-4 the proposal is assessed against the relevant sections of Clause 56 below.

The purpose of the Township Zone includes providing for residential development. The proposed subdivision realigns existing boundaries and creates two additional lots suitable for residential development.

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

The decision guidelines of the Zone consider *'the protection and enhancement of the character of the town and surrounding area'*. The proposed subdivision is considered to be in keeping with the character of the surrounding area. The proposed lots have an area greater than several adjoining lots. The lot layout creates lots that are suitable for residential development.

Land Subject to Inundation Overlay

Purpose:

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

A permit is required for subdivision.

The decision guidelines of the overlay consider comments from the relevant floodplain management authority, the potential flood risk and the effect of development redirecting or obstructing floodwater.

- The application was referred to Goulburn Broken Catchment Management Authority (GBCMA) as the relevant floodplain management authority. They did not object subject to a condition.
- The proposed subdivision layout has considered the extend of the Land Subject to Inundation Overlay. Each lot is designed to allow a building envelope outside the floodpath as advised by the GBCMA. This reduces the potential flood risk to the proposed lots and the likelihood of redirecting or obstructing floodwater.

The State Planning Policy Framework (SPPF)

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

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

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

Clause 16, *Housing*,

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *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 15.01-2, *Urban design principles*,

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

The application proposes two additional lots in the Township Zone by the realignment of the boundary of five lots. The proposal is considered to be consistent with State policy by allowing for future housing development that can connect to services and is in keeping with the character of the area.

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

Clause 21.04-6 Flooding

Objective

- *To protect and manage floodplains.*

Strategies

- *Discourage development and subdivision of land subject to significant flooding.*
- *Ensure all new development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.*
- *Ensure the Local Floodplain Development Plans are current and development proposals are consistent with these plans.*

Clause 21.03-7 Violet Town

Overview

Violet Town has a population of approximately 700 people located near the Strathbogie Ranges. It is a diverse rural community which features many groups, community organisations, sporting clubs and facilities such as a monthly market, arts and music activities, sporting clubs, churches, a community health service, a community house, the Bush Nursing Centre, a primary school, support programs, community organisations, social groups, accommodation and restaurants.

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

Objective

To ensure Violet Town will be a sustainable, compact community taking advantage of its location amongst a wider district of rural and farming uses and location on the Hume Freeway.

That Violet Town remains a vibrant and friendly town, and develops in a way that has a positive impact upon the environment, whilst retaining its 'country feel' of open spaces, wide streets and historic buildings.

Strategies

- *Ensure new residential areas are in close proximity to the town centre.*

As detailed above consideration has been given flooding and measures to reduce the risk, including the provision of building envelopes located outside the main flood path.

The proposal is considered to be in accordance with the Objective and Strategies of the Violet Town Local Area Plan. The subject site is identified on the Violet Town Structure Plan as a residential area. The proposed subdivision is in keeping with the description of the structure plan.

The Strategies of Clause 21.03-7 require the areas are in proximity to the town centre. The subject site is located within the town boundary and is in proximity to the town centre.

Relevant Particular Provisions

Std No.	Description	Assessment Comments	Complies?
Clause 56.03-5 C6	<i>Neighbourhood character</i>	The application proposes to realign the existing boundary of five lots in the Township Zone to create two additional lots, seven lots in total. The proposed layout and additional two lots is considered to be consistent with the surrounding character in terms of lot size and layout	✓
Clause 56.04 C7	<i>Lot diversity and distribution</i>	The proposed lots are distributed evenly through the site. This is in keeping with the character of the area.	✓
Clause 56.04-2 C8	<i>Lot area and building envelopes</i>	The proposed lots are greater than 500 metres squared and do not require building envelopes. However the applicant has provided building envelopes. The envelopes have been beneficial when assessing the proposal against the decision guidelines of the LSIO.	✓

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

Clause 56.04-3C9	Solar Orientation of Lots	The lots are orientated in a north south direction to allow for ample solar access. The proposed lots are large residential lots capable of allowing for adequate solar access.	✓
C10	Street Orientation	All lots have a frontage to either Mary's Lane to the north or Cowslip Street to the south.	✓
Clause 56.04-5 C11	Common Area	No common areas are proposed. Each lot will be accessed from adjoining roads.	✓
Clause 56.05-1 C12	Integrated urban landscape	The proposed subdivision does not create any additional streets. Each proposed lot is accessed from an existing street.	✓
Clause 56.06-2 C15	Walking & cycling network	The proposed lots will connect into existing street networks.	✓
Clause 56.06-4 C17	Neighbourhood street network	The proposed lots will connect into the existing street network.	✓
Clause 56.06-5 C18	Walking & Cycling network detail	Footpaths are currently not provided in this area of Violet Town. A footpath to the front of the property would not be able to connect with an existing or proposed network.	✓
56.06-7 C20	Neighbourhood street network detail	No new roads are proposed by the subdivision.	✓
Clause 56.06-8 C21	Lot access	<p>Lot access will be in accordance with Asset Service's requirements to Mary's Lane and Vic Roads requirements to Cowslip Street.</p> <p>Mary's Lane will not be required to be upgraded. The proposal decreases the number of lots the front Mary's Lane. In its current form five lots front the laneway. The application proposes only four lots fronting Mary's Lane. Because of this reduction the upgrade of Mary's Lane is not required under the Infrastructure Design Manual.</p>	✓

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- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

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	It is not proposed to provide a reuse or recycled water system. The lots will be connected to reticulated 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 site management 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.	✓
C29	Fire Hydrants	Fire hydrants will be provided in accordance with this standard and CFA conditions.	✓
C30	Public lighting	The subdivision will need to comply with Asset Service's conditions.	✓
C29	Fire Hydrants	The application was referred to the CFA, conditions are included on the permit relating to the provision of fire hydrants.	✓
C30	Public lighting	No new roads are proposed, existing public street lighting will satisfy this requirement.	✓

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.*

6.1 Planning Permit Application No. P2014/014
- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

- *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.*

65.02 Approval of an application to subdivide land

- *Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:*
- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*

6.1 Planning Permit Application No. P2014/014
- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not seweraged and no provision has been made for the land to be seweraged, the*
- *capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

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

The application proposes to realign the boundary of five lots and create two additional lots. In total seven lots are proposed.

With regard to the Township Zone:

- The proposed subdivision is in keeping with the surrounding character of the area, the proposed lots sizes are similar to the adjoining lots.
- The proposal was assessed against the objective and standards of Clause 56. The proposal is considered appropriate.
- The application was referred to the relevant service authorities. No objections were received subject to conditions.
- The application was placed on public notice, six objections were received. The objections raised the following concerns:
 - The type of housing likely to be constructed on site
 - Flooding issues
 - Drainage issues
 - Proposed upgrade to Mary's Lane and potential for cost to adjoining owners
- The applicant responded to the objections. No objections were withdrawn.

6.1 Planning Permit Application No. P2014/014
- Staged Seven (7) Lot Subdivision ~ 75-83 Cowslip Street, Violet Town (cont.)

With regard to the Land Subject to Inundation Overlay:

- The application was referred to Goulburn Broken Catchment Management Authority. They did not object subject to conditions.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Township Zone and Land Subject to Inundation Overlay.

Conclusion

After due assessment of all the relevant factors, it is recommended that Council issue a notice of decision to grant a planning permit, in accordance with the officers recommendation.

Attachments

Site Plan



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

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 23 October to 3 December 2014**

Following are listings of Planning Applications Received for the period 23 October to 3 December 2014.

RECOMMENDATION

That the report be noted.

03/15 CRS FURLANETTO/WEATHERALD : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.50 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received – October 2014

23 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
10-12 Wedge Street, Avenel VIC 3664	P2014-123	Two lot subdivision	TRAYNOR, Desmond	\$0.00 *

31 October 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
380 Euroa-Mansfield Road, Euroa VIC 3666	P2011/116 - 4	Use and development of the land for a dwelling and garage	CUNNEW, Pauline and Christopher	\$0.00 *
Byers Road, Tamleugh Victoria 3669	P2012/096 - 3	Use and Development of land for a dwelling - Amended Plans	KENNEDY, Christopher Robert	\$0.00 *

Total - 3

*NB – ‘Not applicable’ in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Planning Applications Received – November 2014

10 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
466 Galls Gap Road, Strathbogie VIC 3666	P2014-126	Development of land for a Three (3) lot subdivision - Realignment of boundry	T & C Development Services	\$0.00 *

11 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
397 Bonnie Doon Road, Boho South VIC 3669	P2014-125	Development of land for the construction of a dwelling and a shed.	Steven Daws	\$150,000.00

12 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
164-182 Ewings Road, Avenel VIC 3664	P2014-127	Twelve (12) lot subdivision	James Peart	\$0.00 *

13 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
4 Smythe Street, Avenel VIC 3664	P2014-128	Two (2) lot re-subdivision and the use of the land for a store	Eric Salter Pty Ltd	\$0.00 *
60 Whroo Vale Court, Whroo VIC 3612	P2014-134	Construction of a storage shed.	Paul Lambie	\$20,000.00

18 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
588 Weibye Track, Ruffy VIC 3666	P2014-132	Use & Development of land for the construction of a dwelling and shed	Troy Spencer	\$240,000.00

19 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
40 Kirkland Avenue, Euroa VIC 3666	P2014-136	Development of land for an extension on an existing building	SALTER, Justin Alan	\$9,999.00

20 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1/31 Clifton Street, Euroa VIC 3666	P2014-133	Subdivision of land into five (5) lots	David Neville	\$0.00 *
41 Primrose Street, Violet Town VIC 3669	P2014-130	Use & Development of land for the relocation of a dwelling	Howard Myers	\$150.00

21 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
194 Buntings Hill Road, Ruffly VIC 3666	P2014-131	Development of land for the construction of an above ground swimming pool	CREEK, Andrea Louise	\$7,880.00

26 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
34 Magiltan Drive, Strathbogie VIC 3666	P2014-135	Use and development of land for a store	HOOPER, John Charles	\$8,100.00

28 November 2014

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
72 Cowells Lane, Euroa VIC 3666	P2014-137	Use & development of land for the construction of a dwelling and shed	Matthias Durant	\$275,000.00

Total - 12

*NB – 'Not applicable' in Cost of Works means either no development, endorsement of plans or amendment to the original permit