



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 23 JULY 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)
Kate Stothers (Honeysuckle Creek Ward)
Alistair Thomson (Mount Wombat Ward)
Graeme (Mick) Williams (Seven Creeks Ward)

Officers: Phil Howard - Acting Chief Executive Officer
David Roff - Group Manager, Corporate and Community
Jeff Saker - Group Manager, Community Assets
Emma Kubeil - Acting Group Manager, Innovation and Performance
Trish Hall - Town Planner
Melissa Crane - Acting Manager, Planning and Investment

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
4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 25 June 2019
5. Disclosure of Interests

6. Planning Reports
7. Other Business

Phil Howard
ACTING CHIEF EXECUTIVE OFFICER

12 July 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 (ACTING MANAGER, PLANNING AND INVESTMENT - MELISSA CRANE)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native Vegetation ~ 51 & 53 Anderson Street, Avenel**

Application Details:

Application is for:	Six (6) lot subdivision with common property access and removal of native vegetation (one tree)
Applicant's/Owner's Name:	Mr Troy Spencer
Date Received:	05 February 2019
Statutory Days:	47
Application Number:	P2019-009
Planner: Name, title & department	Melissa Crane Acting Manager, Planning and Investment Planning & Investment
Land/Address:	CA 4 & 5 SEC 2 Parish of Avenel 51 & 53 Anderson Street, Avenel VIC 3664
Zoning:	Township Zone
Overlays:	No Overlays
Is a CHMP required?	No, not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required?	Clause 32.05 TZ – Subdivision Clause 52.17 – Native Vegetation
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 application proposes the subdivision of land at 51 & 53 Anderson Street, Avenel from 2 lots into 6, the creation of common property for access at Anderson Street and the removal of native vegetation (1 tree).

6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native
Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

- The application proposes a six lot subdivision at 51 & 53 Anderson Street. The application would see the subdivision of 2 lots into 6 lots, along with the creation of common property for access and the removal of one tree.
- The tree proposed for removal is located in the middle of the site. The lots will measure between 528sqm and 748sqm and the common property driveway will be located in the centre of the site and provide access to all lots.
- The application is appropriate within the Township Zone and local neighbourhood character as the area contains a mix of lot sizes within the Post War /Contemporary Mix Character Precinct. The new lots will be smaller than most lots in the area however will still be large enough to maintain important character values including open yards/ garden areas and large front and side setbacks. The design of the subdivision will generally maintain the existing street frontages, with only two lots fronting Anderson Street. This will present as a standard development from a streetscape perspective, while providing for increased density in the serviced township. The use of a common access driveway for each lot will consolidate entry points in the area.
- Native vegetation is an important feature of the character of the area and although the large tree onsite is deemed lost via the subdivision; there remains opportunity to maintain the vegetation where it is safe and practical to do so. In this case, protection of the tree from a landscape perspective is an option that will allow the tree to remain in situ while it is safe to do so.
- The application was advertised and 3 objections were received. The objections raise a number of issues including the loss of the tree and its impact on character and wildlife habitat, the impact of increased density on character and amenity, namely noise and traffic, the accumulative impact of this application and the approved subdivision at 34 Jones Street on the area.
- The application has been assessed within the 60 day statutory timeframe.
- The application is being heard before Planning Committee due to the 3 unresolved objections.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provisions, the Township Zone and Avenel 2030 Strategy.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

- 6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2016-168 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 Township Zone of the Strathbogie Planning Scheme in respect of the land known as CA 4 & 5 SEC 2 Parish of Avenel, 51 & 53 Anderson Street, Avenel VIC 3664, for the Six (6) lot subdivision with common property access and removal of native vegetation (one tree), in accordance with endorsed plans, subject to the following conditions:

Conditions

Endorsed Plans

1. Prior to the commencement of use and development, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. Such plans must be generally in accordance with the plan submitted but modified to show:
 - (a) Tree protection zone for the yellow box tree (*Eucalyptus melliodora*) on proposed lot 3.
2. The use and development 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.

Engineering Conditions:

3. Prior to the issue of statement of compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements.
4. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.
5. 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 no existing kerb and channel in the street refer to standard drawing SD255.

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6. **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.**
7. **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.**
8. **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.**
9. **For the common access, the drainage system must be constructed before commencement of the use and development as per the approved plans.**

Goulburn Valley Water

10. **Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
11. **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;**
12. **Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
13. **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;**
14. **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.**
15. **Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**

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Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

16. 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;
17. 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*.

AusNet

18. 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*. 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.

Country Fire Authority

19. 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:
 - (a) 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.
 - (b) 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).

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Subdivision Conditions

20. 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.**

Public Open Space

21. Prior to the issue of Statement of Compliance of the subdivision under the *Subdivision Act 1988*, a monetary contribution for public open space in the amount of 5% of the site value must be paid to the responsible authority.

Native Vegetation

22. Prior to the Issue of Statement of Compliance, in order to offset the loss of 0.070 hectares of native vegetation, including 1 large tree, approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements. The offset must:

- (a) Contribute gain of 0.014 general habitat units and one large tree.**
- (b) Be located within the Strathbogie Shire Council or Goulburn Broken Catchment Management Authority boundary.**
- (c) Have a strategic biodiversity score of at least 0.200.**

23. Evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence can be either:

- (a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.**
- (b) A credit register extract from the Native Vegetation Credit Register.**

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24. Every year, for ten years, after the responsible authority has approved the offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

- **Please Note: This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.**

General

25. The amenity of the area must not be detrimentally affected by the use, through the:

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

26. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:

- **Protection of the Yellow Box tree (*Eucalyptus melliodora*) on proposed lot 3 for landscape values.**
- **Removal, destruction or lopping of the Yellow Box on proposed lot 3 may only be undertaken with written approval from the Responsible Authority.**
- **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;**
- **The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).**

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- 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
- 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 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;
- The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the *Planning and Environment Act 1987*.

Permit Expiry

27. This permit will expire if one of the following circumstances applies:
- (a) the subdivision is not started (Certification) within two (2) years of the date of this permit;
 - (b) the subdivision is not completed (Statement of Compliance) within five(5) years of the date of Certification under the *Subdivision Act 1988*.

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

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

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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.**

Proposal

The application proposes a six lot subdivision at 51 & 53 Anderson Street. The application would see the subdivision of 2 lots into 6 lots, along with the creation of common property for access and the removal of one tree. The tree proposed for removal is located in the rear of the site. The common property driveway will provide access to all lots. There are no easements on the subject site.

The subdivision will see the creation of 6 lots as follows:

- Lot 1: Will have an area of 528sqm and front Anderson Street.
- Lot 2: Will have an area of 528sqm and front Anderson Street.
- Lot 3: Will have an area of 575sqm and will front the internal driveway.
- Lot 4: Will have an area of 553sqm and will front the internal driveway.
- Lot 5: Will have an area of 748sqm and will not have a formal frontage.
- Lot 6: Will have an area of 748sqm and will not have a formal frontage.
- Common Property: The common property driveway will be located down the centre of the site and will have a width of approximately 5m.

Subject site & locality

The subject site consists of two parcels in common ownership. The site is located at 51 & 53 Anderson Street, Avenel and is formally known as Crown Allotment 4 & 5, Section 2 Parish of Avenel. The site includes two lots which have identical dimensions and has a total area of 4,046sqm, with a frontage to Anderson Street of 40.24m and a length of 100.58m.

The site is currently vacant except for planted trees at the front of the property and a large native tree at the back of the property. Access to the site is gained via a gravel crossover and driveway to Anderson Street at the southern end of the site.

The subject site is surrounded by lots of similar size, which are developed with single, detached dwellings or vacant. Anderson Street provides access to the north and south. There are no footpaths in the area however street frontages are generally open with low fences and gardens or native vegetation.

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The site is located in close proximity to Avenel Primary School, Avenel Recreation Reserve and various retail and community facilities on Livingstone Street. The site is located within 1.5 kilometres of the Avenel Railway Station and 0.5 kilometres to the Hume Freeway.

Permit/Site History

A search of Council's electronic records shows no recent planning permit history at the site.

Public Notification

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

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

The notification has been carried out correctly. Council has received 3 objections to date. The key issues that were raised in the objections are:

- The loss of the tree and its impact on character and wildlife habitat.
- The impact of increased density on character and amenity, namely noise and traffic.
- The accumulative impact of this application and the approved subdivision at 34 Jones Street on the area.

Consultation

The applicant provided a response to the objectors. The objectors were offered the opportunity to attend a mediation session with the applicant and members of Council's Planning Department to resolve the issues or withdraw the objection.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GVW – No objection, subject to conditions AusNet – No objection, subject to conditions
Section 52 Notices	CFA – No objection, subject to conditions DELWP – No objection.
Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objections, subject to conditions.

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Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

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 to subdivide land. Each lot must be provided with reticulated sewerage, if available. The application will provide residential development opportunities within an established and well serviced settlement.

Subdivision applications must meet the following objectives and standards of Clause 56:

- Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.

Consideration against the relevant decisions guidelines of the TZ is provided below:

Decision Guideline	Response
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The application is consistent with all relevant policies of the Strathbogie Planning Scheme.
<i>The objectives set out in a schedule to this zone.</i>	The application provides for additional opportunities for residential development in Avenel which respects the neighbourhood character of the area.
<i>The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.</i>	The application proposed the removal of one tree at the property. The subject land is just larger than the area permitted for removal by the exemptions. As the tree contributes to the landscape, an agreement will be required to be entered into to retain the tree. Due to the subdivision, the tree will be required to be appropriately offset as the proposed lot sizes would mean that the tree is "deemed lost".
<i>The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.</i>	Each lot created as part of the subdivision will be provided with sewer, water, and electricity and telecommunications connections to the satisfaction of the responsible authority.

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<i>In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.</i>	Reticulated sewerage is available.
<i>The design, height, setback and appearance of the proposed buildings and works including provision for solar access.</i>	No buildings or works which will affect solar access as part of this application.
<i>The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.</i>	There are no buildings proposed as part of this application.
<i>Provision of car and bicycle parking and loading bay facilities and landscaping.</i>	Parking spaces are not included or required as part of this application.
<i>The effect that existing uses on adjoining or nearby land may have on the proposed use.</i>	There is no use proposed as part of this application.
<i>The scale and intensity of the use and development.</i>	While the application could increase the density of development at the site, it is unlikely to result into an intensity or scale of use and development which is inappropriate for the area.
<i>The safety, efficiency and amenity effects of traffic to be generated by the proposal.</i>	The subdivision would increase traffic movements however the street network is capable of supporting such an increase.
<i>The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</i>	The application will not impact upon overshadowing.
<i>Any other decision guidelines specified in a schedule to this zone.</i>	There is no schedule to the zone.
<i>The pattern of subdivision and its effect on the spacing of buildings.</i>	The subdivision has been appropriately designed in consideration of existing features such as orientation and presentation to the street. The lots are large enough to maintain a spacing and site coverage which is in keeping with the scale of the surrounding area.
<i>For subdivision of land for residential development, the objectives and standards of Clause 56.</i>	The application is consistent with the relevant requirements of Clause 56.

For the reasons outlined above, the application is considered an appropriate outcome within the Township Zone.

There are no overlays which affect this site.

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The Planning Policy Framework (PPF)

Clause 11.02-3S Sequencing of development

Objective

- *To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.*

The application will increase density in an established residential area in close proximity to services and facilities. The subdivision will add diversity to the lots available in Avenel to support an increasing demand for smaller and more affordable housing. Each lot can be connected to existing utility services.

Clause 12.01-1S Protection of biodiversity

Objective

- *To assist the protection and conservation of Victoria's biodiversity.*

Clause 12.01-2S Native vegetation management

Objective

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

The proposed removal of a single scattered tree is deemed lost due to the future development of the site for residential purposes. Offsets will be provided to ensure no net loss to biodiversity in accordance with Clause 52.17. Additionally, proposed conditions of the permit will require to be retained on site.

Clause 15.01-3S Subdivision design

Objective

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

Clause 15.01-5S Neighbourhood character

Objective

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

The application will see the subdivision of 2 lots into 6 or the equivalent of 1 lot into 3. Existing lots in Anderson Street are of varying sizes. A subdivision of a similar density has been approved nearby in Jones Street along with numerous two lot subdivisions in the vicinity. Lot sizes as part of this subdivision will be smaller than most lots in the area however will still be large enough to maintain important character values including open yards/ garden areas and setbacks consistent with adjoining lots. The design of the subdivision will generally maintain the existing street frontages, with only two lots fronting Anderson Street. The use of a common access driveway for each lot will consolidate entry points in the area, to improve pedestrian and vehicle safety and amenity. Native vegetation is an important feature of the character of the area and although the large tree onsite is deemed lost via the subdivision; there remains opportunity to maintain the vegetation where it is safe and practical to do so.

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

Clause 21.03-1 Avenel

Objective

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

Strategies

- *Encourage a more distinct town centre that allows for future expansion and encourages a strong sense of place.*
- *Encourage greater housing choice and diversity including medium density housing choices close to the town centre.*
- *Support the arterial road network route alteration to alleviate pressure on the town centre including railway crossing.*
- *Encourage sustainable rural living growth on the urban fringe in identified areas.*
- *Protect the heritage precinct along the Avenel-Nagambie Road (Bank Street) entrance, including the bridge over Hughes Creek and Red Kelly (Ned Kelly's father) grave.*
- *Encourage the retention of older housing stock that contributes to the valued character of the area.*
- *Protect the views of adjacent hills and ranges from inappropriate development; particularly at the Henry Street entrance.*
- *Protect the native vegetation along roadsides and in the Hughes Creek corridor.*
- *Encourage an open space network within the Hughes Creek Corridor to provide for recreational use and connectivity through the township that does not negatively impact on the natural environment.*

The application will see the creation of smaller lots in Avenel which will facilitate more diverse options for residential development in Avenel. The application will not have a detrimental impact on the existing character of the area.

Clause 21.04-4 Native vegetation and biodiversity

Objective

- *To protect and enhance the natural environment.*

Strategies

- *Encourage the protection, restoration and management of biodiversity values.*
- *Encourage environmental connectivity between vegetation corridors such as roadsides and waterways.*
- *Encourage the protection of medium to very high quality roadside vegetation.*

While one tree will be lost as part of this subdivision, the tree is not within the public realm or part of a significant vegetation corridor or habitat and appropriate offsets will be provided.

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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 53.01 of the Strathbogrie Planning Scheme, a contribution to public open space can be required at the time of subdivision. It is considered in this instance that the proposed subdivision will increase demand for local infrastructure and public open spaces. A contribution of 5% of the land value will be required to be provided by the developer prior to the issue of a Statement of Compliance for the subdivision. This will be enforced by way of condition on any planning permit issued.

Clause 52.17 Native Vegetation

Purpose

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*
 2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
 4. *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. The application includes the removal of a single tree at the site. There are no exemptions which apply to this application as the site consists of contiguous parcels of land in a single ownership, with an area of more than 0.4 hectares. The native vegetation will be removed however is also deemed lost due to the creation of a lot which contains the tree and is less than 0.4 hectares.

Objectors were concerned about the impact of the removal of the large native tree on the character and habitat of the area. While the tree is deemed lost if the subdivision is approved, there may be an opportunity to maintain the tree onsite as the lots are of a size and configuration which could allow the tree to be maintained and the lot to be developed. This is proposed to be done so with a Section 173 Agreement that will protect the landscape value of the tree. Any future removal of the tree, should it become dangerous, would need to be with the written permission of the Responsible Authority.

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- Six (6) Lot Subdivision with Common Property Access and Removal of Native
Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

A Biodiversity Assessment has been undertaken by the applicant as required by Clause 52.17. Under the Permitted clearing of native vegetation – Biodiversity assessment guidelines, the loss of one large native tree within Location 1 Area (which the subject site is located) identifies the proposal as intermediate risk.

The assessment incorrectly identified the adjoining property at 55 Anderson Street within this report as 53 Anderson Street. However there is no native vegetation on this land and so the assessment still only concerns the single tree to be removed at 51 Anderson Street.

The development or the subdivision of 51 and 53 Anderson Street would not result in any loss of habitat for rare or threatened wildlife species. The two adjoining properties have no natural ecological communities or ecological vegetation class remaining on them.

The required offset for the proposed removal of native vegetation (1 large tree) must:

- Contribute gain of 0.014 general habitat units and one large tree.
- Be located in the Shire of Strathbogie or Goulburn-Broken Catchment Management Authority boundary
- Have a strategic biodiversity score of at least 0.200.

The offset requirement will be met through the Native Vegetation Conditions of the planning permit. These conditions have been provided by the Department of Environment, Land, Water and Planning, who the application was referred to under Section 55 of the *Planning and Environment Act 1987*. The conditions provided by DELWP will be included on any permit issued. The conditions recommended for this native vegetation removal are in accordance with the Biodiversity Assessment Report provided with the application.

In relation to addressing the concerns raised by the submitters, it is noted that should these lots be sold separately, the contiguous land ownership exemption in Clause 52.17 would no longer apply and the tree would be able to be removed without the need for a planning permit. This resolution will provide for both an offset to be obtained from a biodiversity perspective for the tree as it is deemed lost, and provide for protection from a landscape perspective while the tree is still considered safe enough to remain on site. On balance, this is considered a reasonable outcome for the remnant vegetation on the site.

Clause 56 Residential Subdivision

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*

6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native
Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*

These provisions apply to an application to subdivide land in the Township Zone that provides for residential development.

An application to subdivide land:

- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.

An assessment of the application against the relevant standards and objectives of Clause 56 as identified for the creation of 6 lots in the Township Zone. (Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.)

Std No.	Description	Assessment Comments	Complies
Cl. 56.03-5 C6	<i>Neighbourhood character</i>	The proposed subdivision creates lots which are slightly smaller than the typical lot size of the immediate area, however the lots and subdivision pattern will respect the existing character as lots are large enough to provide similar boundary setback and private open space. The design of the subdivision and crossover will ensure the openness of the land can be maintained and will not significantly alter the lot density or frontage from the street.	✓
Cl. 56.04-2 C8	<i>Lot area and building envelopes</i>	All lots are greater than 500sqm in area. A rectangle measuring 10m by 15m can be contained within each of the proposed lots, in multiple orientations.	✓
Cl. 56.04-3 C9	<i>Solar Orientation of Lots</i>	All lots will be appropriately oriented to gain adequate solar access. All lots are large enough to site future dwellings in varying orientations to maximise solar efficiency.	✓

6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native
Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

Cl. 56.04-4 C10	Street Orientation	All proposed lots will front onto Anderson Street or the common property driveway.	✓
Cl. 56.04-5 C11	Common Area	Common property is proposed in the centre of the site to provide access to all lots.	✓
Cl. 56.05-1 C12	Integrated urban landscape	The proposed subdivision does not create streets or any other public open space.	N/A
Cl. 56.06-2 C15	Walking & cycling network	The subject site for the proposed subdivision is within walking and cycling distance to local services and facilities, particularly parks and recreation facilities, which are less than 400m away.	✓
Cl. 56.06-4 C17	Neighbourhood street network	The proposed lots will utilise the existing street network. The additional four lots at the land may have an impact on the neighbourhood street network, yet this would be minor. Anderson Street is capable of accommodating additional traffic and there is adequate land on each lot to contain car parking.	✓
Cl. 56.06-5 C18	Walking & Cycling network detail	No footpaths are included as part of this subdivision.	N/A
Cl. 56.06-7 C20	Neighbourhood street network detail	The subdivision will utilise the existing road network for vehicular traffic however additional footpath for pedestrian traffic will be constructed to the satisfaction of the responsible authority.	✓
Cl. 56.06-8 C21	Lot access	Access to each lot will be from Anderson Street via the common property driveway. New crossovers will be designed and constructed to the satisfaction of the Responsible Authority.	✓
Cl. 56.07-1 C22	Drinking Water Supply	Reticulated water supply will be available to all proposed lots and will be provided to the satisfaction of GVW.	✓
Cl. 56.07-2 C23	Re-used & Re-cycled Water Objective	A reused and recycled water supply system is not available to the proposed lots.	N/A
Cl. 56.07-3 C24	Wastewater Management	All lots can be connected to reticulated sewer to the satisfaction of GVW	✓
Cl. 56.07-4 C25	Urban Run-off Management	Each of the lots are large enough to contain stormwater runoff. The infiltration of stormwater at each lot is achievable. The site is not prone to flooding.	✓

6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

Cl. 56.08-1 C26	Site Management	The subdivision does not require kerb and channel, footpaths or the like. The site will be appropriately managed throughout the construction of the lots for connection to services and crossover. This will be managed by way of conditions on any permit issued.	✓
Cl. 56.09-1 C27	Shared Trenching	Where possible, shared trenching will be utilised.	✓
Cl. 56.09-2 C28	Electricity, Telecommunications & Gas	Electricity and telecommunications can be provided to the satisfaction of the responsible authority.	✓
Cl. 56.09-3 C29	Fire Hydrants	Fire hydrants will be provided to the satisfaction of the responsible authority.	✓
Cl. 56.09-4 C30	Public lighting	Public lighting will be provided to the satisfaction of the responsible authority.	✓

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. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native
Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

Relevant incorporated, reference or adopted documents

Avenel 2030 Strategy and Avenel Neighbourhood Character Study

The Avenel 2030 Strategy provides a long term strategic framework and directions for future land use and development of the town. It contains a structure plan which provides a town structure for planned growth of the township. The subject land is identified within the existing township edge. The Strategy identifies that lots which are vacant or only partially developed and are greater than 1000sqm in area have the potential for further subdivision to accommodate growth within Avenel through infill development.

The Avenel Neighbourhood Character Study describes the existing characteristics, values, threats and preferred character of each of the Precincts in Avenel. The subject site is located in the Post War Contemporary Precinct. This area is characterised by the more contemporary mix of development with scattered post war dwellings. Development is of a low scale with lots having large front and side setbacks and established plantings and gardens. Vegetation in the public and private domain is highly valued in this area and should be maintained where possible.

The lot is vacant and provides greater than 1000sqm of land. The site is an appropriate location for residential growth as it is within the existing residential area which is well serviced and will allow for development which respects the existing built form and character of the area. The subdivision will allow infill development and the size of the lots and their arrangement will ensure boundary to boundary development can be avoided and the low scale can be maintained.

While the tree onsite will be deemed lost in accordance with the Planning Scheme, there is opportunity for the tree to be maintained until development commences or the tree becomes unsafe/ needs to be removed to enable development.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Township Zone: The application is appropriate within the Township Zone as it is consistent with the purpose of the Township Zone and local neighbourhood character.

6.1 Planning Permit Application No. P2019-009
- Six (6) Lot Subdivision with Common Property Access and Removal of Native
Vegetation ~ 51 & 53 Anderson Street, Avenel (cont.)

With regard to ResCode: The application satisfies all the relevant requirements of Clause 56 for the subdivision of land into 6 lots. All lots can be appropriately serviced and accessed and the subdivision design ensures future dwellings can be built with regards to good solar access, amenity, and private open space and siting outcomes.

With regard to Neighbourhood Character: The subdivision will create lots which can be developed with a siting and scale similar to existing dwellings in the area, which respects the existing streetscape and frontages along Anderson Street.

With regard to the removal of native vegetation: one large scattered tree is deemed lost as the subdivision will create lots less than 0.4 hectares. The tree has been appropriately identified with scores and offsets calculated. Offsets will be provided for as appropriate.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, relevant particular provisions, Township Zone and No Overlays.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to Issue a Notice of Decision to Grant a Permit in accordance with the officers recommendation.

Attachments

- Locality Map/s





PLANNING COMMITTEE REPORT NO. 2 (ACTING MANAGER, PLANNING AND INVESTMENT - MELISSA CRANE)

**6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie**

Application Details:

Application is for:	Use and development of land for a second dwelling (retrospective application)
Applicant's/Owner's Name:	Michelle Lyons
Date Received:	19 November 2018
Statutory Days:	133
Application Number:	P2018-167
Planner: Name, title & department	Melissa Crane Acting Manager, Planning and Investment Planning & Investment
Land/Address:	L7 LP62149 V8484 F237 Parish of Tabilk 30 River Street, 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 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 application proposes the change of use of a workshop/office to a dwelling at 30 River Street, Nagambie.
- The site currently contains a dwelling, carport and workshop/office building. The proposal is to change the use of the rear building to a second dwelling.
- The application was advertised and no objections were received.

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

- The application has not been assessed within the 60 day statutory timeframe due to staff changes and officer workload.
- The application is being heard before Planning Committee due to the recommendation to refuse the permit.
- The proposal does not meet the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision and thus is not supported.
- It is recommended that Council refuse this application in accordance with the officer's recommendation.

RECOMMENDATION

That Council

- having caused notice of Planning Application No. P2018-167 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 Refusal under the provisions of Clause 32.08 General Residential Zone of the Strathbogrie Planning Scheme in respect of the land known as L7 LP62149 V8484 F237 Parish of Tabilk, 30 River Street, Nagambie VIC 3608, for the change of use of a shed to a second dwelling (retrospective application) on the following grounds:

- The proposal is not in accordance with Clause 15.01-1S *Urban Design* as it does not respond to the identified character of the area.
- The proposal is not in accordance with Clause 16.01-3S *Housing Diversity* as it does not respect neighbourhood character.
- The proposal is not in accordance with Clause 21.02 *Suburban Settlements* as the development has not considered good design principles.
- The proposal is not in accordance with Clause 21.03-4 *Local Area Plans (Nagambie)* as the application has not adequately demonstrated that it is appropriately designed for the subject site or that it is consistent with neighbourhood character.
- The proposal is not in accordance with Clause 32.08 *General Residential Zone* as the development does not respect neighbourhood character.
- The proposal does not have sufficient regard to Clause 55, and does not meet the following objectives:
 - Standard B1 *Neighbourhood Character Objectives* in that it does not respect the existing neighbourhood character.
 - Standard B2 *Residential Policy Objective* as the application has not demonstrated how the proposal is consistent with the Local Planning Policy Framework.

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

- **Standard B5 *Integration with the Street Objective*** as the development the second dwelling is not oriented to the street and will require high fencing in front of it to provide private open space.
- **Standard B10 *Energy Efficiency Objectives*** as the building is not designed to ensure energy efficiency of the existing and proposed dwelling and the second dwelling does not provide for solar access to north facing windows.
- **Standard B14 *Access Objective*** as the access way is more than 33% of the street frontage.
- **Standard B18 *Walls on Boundaries Objective*** as the proposed second dwelling has more than 25% of walls constructed on or near a boundary.
- **Standard B20 *North Facing Windows Objective*** as the proposed second dwelling does not provide adequate solar access.
- **Standard B26 *Dwelling Entry Objective*** as the entry to the second dwelling will not be visible or easily identifiable from the street, nor will it provide for a sense of personal address.
- **The application is not consistent with Neighbourhood Character as defined by the *Nagambie Style Guideline*, Planisphere, December 2008 as it increases the density of dwellings in a Garden Suburban Post-war Mix precinct.**

Proposal

The application seeks retrospective approval for the development of a second dwelling at 30 River Street, Nagambie. The second dwelling is located at the rear of the site and has been converted from an existing garage/workshop. The dwelling is accessed via the existing gravel driveway at the site.

The dwelling contains a garage with mezzanine, kitchen, bathroom and living area/bedroom and has a total floor area of approximately 121sqm. The dwelling is a U-shape with a small courtyard in the centre and is constructed of grey brick with corrugated metal roofing. The dwelling is sited 11 metres from the existing dwelling at the site and setback approximately 2m from the western boundary and 0m from the northern and western boundaries.

The application also involves the construction of a fence between the first and second dwelling on the property to create private open space for the second dwelling and the relocation of the existing carport to the front of the existing dwelling to allow the access to the rear dwelling.

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

Subject site & locality

30 River Street, Nagambie is formally known as Lot 7 LP62149. The subject site is rectangular with a frontage to River Street of approximately 16m and a total area of approximately 927m. The site contains an existing dwelling which is setback approximately 11m from the front boundary and gains access via a driveway along the eastern side of the dwelling. The property has an open front yard minimal plantings as part of the small front and back gardens, with mature vegetation onsite.

The surrounding land is developed for residential purposes at a similar scale and density to the subject site. Land to the north is currently vacant farmland which is planned for future residential subdivision. The subject site is located approximately 130 metres from Lake Nagambie and River Street Reserve, 340 metres from High Street and 600 metres from the Nagambie Town Centre.

Permit/Site History

A search of Council's electronic records results shows no recent planning permit history.

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 no objections to date.

Consultation

Consultation has occurred with the Applicant in regard to requirements for building and planning due to the structure already existing and previous building compliance matters.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None
Section 52 Notices	None
Internal Council Referrals	Advice/Response/Conditions
Asset Services	None
Building	Appropriate building permits were not sought for the use of the building as a dwelling.

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

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 non-residential uses to serve local community needs in appropriate locations.*

A permit is required to change the use of the workshop/office to a second dwelling.

The application has submitted all relevant application documentation.

With regard to the relevant decision guidelines of GRZ, the application is considered as follows:

- The application will contribute to the diversity of housing types in an appropriate location; however the application has not demonstrated that it is appropriately designed at the subject site or is consistent with neighbourhood character.
- The application does not adequately satisfy all the requirements of Clause 55.
- The application is not consistent with the Neighbourhood Character as defined by the Nagambie Style Guideline.
- The dwelling is not sited in a manner which is consistent with the pattern of development in the surrounding area and it would increase the density and coverage of the site, which is not desired in this location.
- Solar access and impacts have not been appropriately provided for in the design of the dwelling.
- The application cannot satisfy all the requirements of Clause 55 and efforts to address the shortfalls would require significant changes to the character and appearance of the site and likely disrupt the amenity of the existing dwelling.
- The application is not consistent with all of the relevant clauses contained at the Municipal Planning Strategy and the Planning Policy Framework.

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

For these reasons, which are elaborated on in later sections of this report, the application is not considered appropriate with regard to the site context and GRZ.

The Planning Policy Framework (PPF)

Clause 15.01-2S Building design

Objective

- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S Neighbourhood character

Objective

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

Clause 15.02-1S Energy and resource efficiency

Objective

- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

The second dwelling is barely visible from the street so will not directly impact upon the public realm or presentation of the site from the street. While the building utilises bricks and parapets, the design of the building is not typically characteristic of the existing building at the site or those in the surrounding area, namely due to the materials and the roof line/height. The dwelling is also not appropriately sited or designed with regard to site orientation as there are no windows or private open space to the north and the dwelling is located very close to the boundaries at the rear of the site when it is typically characteristic of this area for the rear of the site to be open and developed along only a portion of the boundary, if at all. The application would also remove the private open space from the existing dwelling or require the fencing of the front of the property, which is also out of character with the broader area.

Clause 16.01-2 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.*

Clause 16.01-3S Housing diversity

Objective

- *To provide for a range of housing types to meet diverse needs.*

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

The application provides for additional and diverse housing opportunities in an established residential area in close proximity to services, facilities and retail needs. A single bedroom dwelling provides diversity to the housing market and help support the demands of Nagambie's demographics. However, in consideration of existing development, siting and the availability of undeveloped land, this application is not the most desirable option for infill housing or increasing density in Nagambie. Approval of the application may set a precedent for the use of inappropriate buildings for accommodation purposes and lead to a proliferation of ad-hoc, low quality dwellings in the municipality.

Clause 19.03-3S Integrated water management

Objective

- *To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

The second dwelling is appropriately serviced with sewer, power and water and drainage is to the existing legal point of discharge.

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

Clause 21.03-4 Nagambie

Objective

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

Strategies

- *Recognise Nagambie as a lakeside location.*
- *Improve connections between the town and the lake, and provide more opportunities for public access to the lake edge including moorings.*
- *Protect and enhance the environmental values of the lake and other natural features.*
- *Encourage the clustering of higher density dwellings around the town centre.*
- *Retain High Street as the retail and community focus of Nagambie.*
- *Consider the potential for a secondary retail area to be established in the area of the intersection of High Street and Vickers Lane subject to demand and floorspace analysis.*
- *Provide land for industrial expansion in an accessible and environmentally suitable location, with access to suitable infrastructure.*
- *Provide land for rural residential development that has minimal impact on agricultural activities and are environmentally appropriate.*
- *Encourage more walking and cycling routes.*
- *Provide a variety of recreation opportunities as the town expands.*
- *Encourage an attractive, naturalistic landscape edge to the lake.*
- *Encourage and support the development an extension of the boardwalk around the bowl of Lake Nagambie.*

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

The subject site is in an established residential area in close proximity to both Lake Nagambie, associated recreational land and to a lesser extent, the Nagambie Town Centre. However, the application is not consistent with the desired outcomes for the site as specified in the Nagambie Style Guideline, as part of the Nagambie Growth Management Plan.

Relevant Particular Provisions

Clause 55 Two or more dwellings on a lot

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Provisions in this clause apply to an application to construct a dwelling if there is at least one dwelling existing on the lot. An application to construct or extend a dwelling is required to address all of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).

Std No.	Description	Assessment Comments	Complies?
B1	Neighbourhood character <i>The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i>	The site and design response has been provided. The additional dwelling does not affect the appearance of the lot from the street and is of a scale which is appropriate in a built up area. However, the objective seeks to ‘ensure that the design respects existing neighbourhood character’. The existing character is defined by single dwellings on larger residential lots typically having an open garden setting. The application proposal fails to address the <i>Nagambie Style Guideline</i> for the area, and it is considered that the development does not reflect or respect the neighbourhood character of the area.	x
B2	Residential policy <i>Written statement of State policy and local planning policy framework</i>	A response has been provided. The proposal does not comply with all of the design requirements of the State and Local Planning Policies as identified previously.	x
B3	Dwelling diversity <i>Range of dwelling sizes and types for developments of 10 or more dwellings</i>	The application provides for only one additional dwelling on the lot.	N/A

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

B4	Infrastructure <i>Able to be connected to reticulated services. Capacity of the existing infrastructure.</i>	All appropriate services already exist at the site.	✓
B5	Integration with the street <i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development oriented to the street frontage. High fencing in front of dwelling should be avoided.</i>	The proposed development will be located to the rear of the existing dwelling. The existing car port on site will be required to be relocated to the front of the existing dwelling to allow passage to the rear lot. Along with private open space requirements, there are concerns that this would negatively change the streetscape at the site.	✗
B6	Street setback Minimum Setback from front street (m).	The front setback of the lot is not proposed to be altered as the new dwelling is located entirely at the rear of the lot.	✓
B7	Building Height <i>9 metres maximum</i>	The development has a maximum height below 9m.	✓
B8	Site Coverage <i>60% maximum coverage</i>	The proposal has a maximum site coverage of less than 60%. The overall site coverage is approximately 34.5% inclusive of the new dwelling.	✓
B9	Permeability <i>Pervious surfaces 20% min</i>	Pervious surfaces cover more than 20% of the lot area (approximately 24%).	✓
B10	Energy Efficiency <i>Orientation Living areas located on the north side of development. Maximise north facing windows</i>	There is no north facing windows in the second dwelling. The proposed dwelling has a courtyard in the centre of the building which has appropriate dimensions for solar access to windows. Habitable rooms and outdoor living space are provided by to the south of the dwelling but is not overshadowed by development on the land. The proposal would remove the private open space from the existing dwelling.	✗
B11	Open Space <i>If any public or communal open space is provided on site it should: be fronted by dwellings, provide outlook for dwellings, be designed to protect any natural features, be accessible and useable.</i>	No communal open space is proposed, other than for access.	✓

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

B12	<p>Safety</p> <p><i>Entrances to dwellings should not be obscured or isolated from the street and internal access ways.</i></p> <p><i>Planning which creates unsafe spaces along streets and access ways should be avoided.</i></p> <p><i>Developments should be designed to provide good lighting, visibility and surveillance of car parking and internal access ways.</i></p> <p><i>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i></p>	<p>The access way for the new dwelling is shared with the existing dwelling and both entrances are visible from the internal driveway. No public thoroughfare areas will be created.</p>	✓
B13	<p>Landscaping</p> <p><i>Protect any predominate landscape character of the neighbourhood.</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p>	<p>The development will maintain all the existing landscaping features at the site, but would require views from the street to be blocked.</p>	✓
B14	<p>Access</p> <p><i>Allow convenient, safe and efficient vehicle movements and connections within the development and the street network</i></p> <p><i>Forward direction exit</i></p> <p><i>Be at least 3 metres wide</i></p> <p><i>Have an internal radius of at least 4 metres at changes of direction</i></p> <p><i>Accessways width not exceed 33% or frontage >20metre 40%</i></p>	<p>The driveway is at least 3m wide (3.4m) but cars will not be able to turn around on site or exit in a forward direction without the loss of existing landscaping or significant impacts to street presentation. The existing access way width for the property exceeds 40% of the site frontage.</p>	✗
B15	<p>Parking location</p> <p><i>Reasonably close and convenient to dwellings and residential buildings</i></p> <p><i>Be secure</i></p> <p><i>Allow safe and efficient movements within the development</i></p>	<p>The dwelling is provided with a separate lock-up garage located in proximity to the front entrance of the dwelling.</p> <p>The existing carport at the site will be relocated to ensure it does not block access for the rear dwelling.</p>	✓
B17	<p>Side and rear yard setbacks</p> <p><i>Side or rear setbacks - 1 m plus 0.3m for every metre of height over 3.6 m up to 6.9m, plus 1m for every metre over 6.9m</i></p>	<p>The proposed dwelling is single storey and has a side setback of approximately 2m to the west and 0 metres to the east. The dwelling is setback approximately 11 metres from the existing dwelling.</p>	✓

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

B18	<p>Walls on boundary</p> <p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or carport constructed on or within 1m of a side or rear boundary should not abut a boundary for a length of no more than – 10m plus 25% of the remaining length of the boundary of an adjoining lot</i></p>	<p>The east wall of the dwelling abuts the property boundary for a length of approximately 10 metres and abuts the rear boundary for a length of 15 metres, which is far greater than 25% of the remaining length. (2m of rear boundary not abutting dwelling).</p>	✘
B19	<p>Daylight to existing windows</p> <p><i>Impact on existing dwellings</i></p>	<p>There are no immediately adjoining dwellings to the west, north or east. All dwellings on adjoining lots are sited in the southern portion of the lot. The new dwelling does not impact on daylight to existing dwellings.</p>	✓
B20	<p>North facing windows</p> <p><i>North facing habitable rooms</i></p>	<p>There is no north facing habitable rooms or windows. The adjoining lot to the north is currently vacant.</p>	✘
B21	<p>Overshadowing Open Space</p> <p><i>The impact of the proposal on the amenity of existing dwellings and their private open space areas</i></p>	<p>The application states there is no overshadowing to the existing dwelling to the south. The dwelling will only overshadow its own private open space and very small portions of neighbouring private open space to the west.</p>	✓
B22	<p>Overlooking</p> <p><i>Habitable room windows balcony, terrace, deck or patio should be located and designed to avoid direct views into a secluded private open space of an existing dwelling. Views should be measured from a height of 1.7metres above floor level with a horizontal distance of 9m and a 45-degree angle for the setback.</i></p>	<p>The proposed dwelling is single storey and surrounded by an existing fence to the east and north. The majority of windows look inwards of the site. Vegetation on the western side of the lot blocks some views but additional screening would be required to ensure no overlooking can occur onto 32 River Street.</p>	✓
B23	<p>Internal views</p> <p><i>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below of within the same development.</i></p>	<p>As the dwelling is single storey, there will be no internal views between the dwellings.</p>	N/A
B24	<p>Noise impacts</p> <p><i>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</i></p> <p><i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take into account noise sources on immediately adjacent properties</i></p>	<p>The proposal does not include any noise sources adjacent to proposed or existing bedrooms.</p> <p>Private open spaces or noise sensitive rooms will not be located close to noise sources of adjoining properties.</p>	✓

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

B25	<p>Accessibility</p> <p><i>The dwelling entries of the ground floor of dwellings and residential buildings should be made accessible to people with limited mobility.</i></p>	<p>The dwelling has low floor levels with a small single step up but which could easily be adapted with ramps.</p>	✓
B25	<p>Dwelling entry</p> <p><i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> - <i>Be visible and easily identifiable from streets and other public areas.</i> - <i>Provide shelter, a sense of personal address and transitional space around the entry.</i> 	<p>The dwellings entrance is not immediately apparent or obvious from the driveway. A parapet is provided but it does not offer any elemental cover and has limited transitional space.</p>	✗
B27	<p>Daylight to new windows</p> <p><i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> - <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot</i> 	<p>Habitable room windows receive daylight to the west, south and east and all windows look out to land at least 3sqm in area.</p>	✓
B28	<p>Private open space</p> <p><i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.</i></p>	<p>It is proposed to erect a fence between the dwellings at the property. The application proposes greater than 40m² (approx. 150m²) open space with the whole area via the courtyard able to be accessed directly from the living area. However, by fencing this land off for the second dwelling, the first dwelling at the site would lose the current share of private open space and be left with less than 40m² of private, useable open space.</p>	✓
B29	<p>Solar access to open space</p> <p><i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i></p> <p><i>The southern boundary of secluded open space should be setback from any wall on the north side of the space at least (2+0.9h metres, where 'h' is the height of the wall.</i></p>	<p>The private open space is located to the south of the second lot. Private open space to the existing lot will be located to the north. Additional land required for private open space would require the use of land to the south of the dwelling. The southern boundary of the secluded open space is setback an appropriate distance from the second dwelling.</p>	✓
B30	<p>Storage</p> <p><i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i></p>	<p>There is sufficient space along the western side of the dwelling to provide 6 cubic metres for storage.</p>	✓

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

B31	Design Detail <i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	The design of the dwelling does not generally complement the Neighbourhood Character as outlined by the Nagambie Style Guideline.	✓
B32	Maximum front fence height <i>Should not exceed 1.5 metres in height when adjoining a road that is not located in a road zone.</i>	River Street is not within a Road Zone.	N/A
B33	Common property <i>Clearly delineate public, communal and private areas.</i> <i>Common property should be functional and capable of efficient management.</i>	There will be no common property. Both dwellings will share the existing driveway which can be easily and appropriately managed.	✓
B34	Site services <i>Ensure site services can be installed, maintained and look attractive.</i>	The application states that there is sufficient space for storage of bins. An additional mailbox can be accommodated for.	✓

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.

6.2 Planning Permit Application No. P2018-167
- Use and Development of Land for a Second Dwelling (Retrospective Application) ~ 30 River Street, Nagambie (cont.)

Relevant incorporated, reference or adopted documents

Nagambie Growth Management Strategy and Nagambie Style Guideline.

The Nagambie Growth Management Strategy provides the overall framework within which future actions can be undertaken to address and resolve growth-driven issues and challenges. The subject site is identified within an area where lot sizes and densities are typically a larger scale. The majority of residential growth in Nagambie is to be accommodated beyond established residential areas or on vacant land within these areas.

According to the Nagambie Style Guideline, the site is located within Character Area 2: Garden Suburban Post-war mix. Lower densities are highly valued in this area and boundary to boundary development and a high proportion of site coverage is not desired. The design of the dwelling is not consistent with the preferred character of the area as it is not of the same quality as other dwellings and uses materials which would allow large, flat unarticulated wall surfaces using only one material. The application will also see the relocation of the carport to the front of the dwelling which would block the façade of the dwelling. This change, in combination with the need to enclose the front garden space would detract from the visible yard/garden and open character of the site.

While the site is appropriately located for residential development and is in close proximity to services and facilities, the application is not consistent with the existing or desired character of the area.

Summary of Key Issues

With regard to the General Residential Zone: The application is only consistent with some of the requirements and considerations of the GRZ. While the site is appropriate for residential development and could capitalise on the proximity to the Lake and the Town Centre, the dwelling is not appropriately sited or designed with regard to the character of the area and may result in amenity impacts for the existing dwelling.

With regard to the Nagambie Style Guideline: The application is generally not reflective of the character desired by the guidelines. The siting, materials, access and orientation of the dwelling would not result in an outcome which would be consistent with the desired character for the area.

In summary, the proposal does not meet the objectives of the Planning Policy Framework, Local Planning Policy Framework and General Residential Zone.

Conclusion

After due assessment of all the relevant factors, it is not considered appropriate to grant a planning permit for this application and it is advised that council refuse to grant a planning permit.

Attachments

- Locality Map/s





PLANNING COMMITTEE REPORT NO. 3 (ACTING MANAGER, PLANNING AND INVESTMENT - MELISSA CRANE)

**6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street, Violet Town**

Application Details:

Application is for:	Three (3) lot subdivision (two lots into three)
Applicant's/Owner's Name:	Ray Novosel
Date Received:	03 April 2019
Statutory Days:	54
Application Number:	P2019-039
Planner: Name, title & department	Melissa Crane Acting Manager, Planning and Investment Planning & Investment
Land/Address:	Crown Allotment 14 Section 17 Parish of Shadforth Lot 1 LP127231 31 & 29 Primrose Street, Violet Town VIC 3669
Zoning:	Township Zone
Overlays:	Land Subject to Inundation Overlay
Is a CHMP required?	Exempt
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required?	Clause 32.05 TZ Clause 44.04 LSIO
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 application proposes the subdivision of land from two lots into three lots at 31 & 29 Primrose Street, Violet Town for the creation of a new lot for an existing outbuilding.

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

- The application proposes to subdivide two lots into three lots at 29 & 31 Primrose Street, Violet Town. The subdivision would see the maintenance of a lot for each of the existing dwellings at 29 & 31 Primrose Street and create a new lot containing the large shed at 31 Primrose Street at the rear of the site. The new lot will encompass the rear portion of both the existing lots to front and be accessed via Lilac Street. Proposed lot sizes range between 1,100sqm and 2,400sqm.
- The application was advertised and 1 objection was received. The objection raised issues related to traffic, namely a concern that the condition of Lilac Road is not adequate to support an additional vehicle access point and traffic along Lilac Road.
- The conditions attached to the recommendation include a requirement to upgrade the road formation of Lilac Street to the point of access for the new allotment.
- The application has been assessed within the 60 day statutory timeframe.
- The application is being heard before Planning Committee due to 1 unresolved objection.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework as well as the Township Zone, the Land Subject to Inundation Overlay and Clause 56.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2016-168 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 Township Zone, Clause 44.04 LSIO of the Strathbogie Planning Scheme in respect of the land known as CA 14 SEC 17 Parish of Shadforth and Lot 1 LP127231, 29 & 31 Primrose Street, Violet Town VIC 3669, for a three (3) lot subdivision (two lots into three), in accordance with endorsed plans, subject to the following conditions:

Plans

1. **The subdivision must be generally in accordance with the endorsed plan. This endorsed plan 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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- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

Engineering Conditions:

2. Prior to the issue of a Statement of Compliance the developer is to continue the seal section of Lilac Street, including kerb and channel to and along the vehicular entrance to the subject land for the proposed lot facing Lilac Street, designed in accordance with the requirements of Clause 12 of the IDM and constructed to the satisfaction of the Responsible Authority.
3. Prior to the issue of a Statement of Compliance new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
4. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.
5. 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. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit.
6. Prior to the certification of the plan of subdivision, the developer must prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment along both Lilac and Primrose Streets. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surround road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established. The Stormwater Strategy Plan shall identify any staging of stormwater construction. The Responsible Authority shall be responsible for the construction of the drainage design along both Lilac and Primrose Streets.
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.

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

8. **The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM “On-site Detention Systems”. The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).**
9. **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**
10. **Drainage system must be constructed to the legal point of discharge before commencement of the use and development as per the approved plans.**
11. **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.**
12. **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 Conditions

13. **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. 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.**

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- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

GVW Conditions

14. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
15. Provision of a reticulated water supply 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;
16. 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;
17. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
18. 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. (Sewer Point cut-in to new lot)
19. 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;
20. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
21. 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;
22. 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.

Subdivision Conditions

23. 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 the lot which does not contain an existing dwelling in accordance with the provider's requirements and relevant legislation at the time; and

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- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

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

24. Prior to 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 Telecommunications 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.**

Permit Expiry

25. 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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- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

Planning Notes:

- **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.**

Proposal

The application proposes to subdivide two lots into three lots at 29 & 31 Primrose Street, Violet Town. The subdivision would comprise of a lot for each of the existing dwellings at 29 & 31 Primrose Street and create a new lot containing the existing outbuilding at 31 Primrose Street at the rear of the site. The new lot will encompass the rear portion of both the existing lots to front and be accessed via Lilac Street. The proposed new lots will be as follows:

- 29 Primrose Street – This lot will contain the existing dwelling and outbuilding at the lot and will measure 20.1m wide x 58.0m long, with an area of 1,165.8sqm. Access will be gained via the existing access point at Primrose Street.
- 31 Primrose Street – This lot will contain the existing dwelling and small shed at the lot and will measure 40.2m wide x 58.0m long, with an area of 2,331.6sqm. Access will be gained via the existing access point at Primrose Street.
- Lilac Street – This lot will contain the existing outbuilding at 31 Primrose Street and will measure 42.5m wide x 50.3m long, with an area of 2,137.8sqm. This lot will be oriented to Lilac Street and access will be gained via a new point at Lilac Street.

No native vegetation is required to be removed as part of this application.

Subject site & locality

The subject site consists of two lots which contain existing dwellings and associated outbuildings. Primrose Street and Lilac Street both have a large road reserve with significant roadside vegetation. The subject site is located within the Violet Town Township, approximately 510m southeast of Cowslip Street, the main thoroughfare of Violet Town. Surrounding land is mostly developed for residential purposes with lot sizes ranging between 1,200m to 7,000 with some vacant lots in the area.

29 Primrose Street, Violet Town is formally known as Lot 1 LP127231. The lot is rectangular in shape with an area of approximately 2,041sqm. The lot has a frontage of approximately 20.1m and gains access via Primrose Street. The subject site contains an existing dwelling and associated outbuilding. Development is sited in the front of the lot with the rear portion of the site vacant, with the exception of a few large trees. The dwelling is single storey and is setback approximately 7m from the front boundary.

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- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

31 Primrose Street, Violet Town is formally known as Crown Allotment 14 Section 17, Parish of Shadforth. The lot is rectangular in shape with an area of approximately 4,096sqm. The lot is located on the corner of Primrose and Lilac Street, with a frontage of approximately 40.2m at Primrose Street. Access to the site is gained via Primrose Street. The subject site contains an existing dwelling and associated outbuildings. The dwelling and small shed are located at the front portion of the site and an outbuilding is located in the rear of the site. An established garden and a few scattered planted trees are also located on the site. The dwelling is single storey and setback approximately 10m from the front boundary.

Permit/Site History

A search of Council's electronic records results in the following application:

- P2007/051 - Three (3) Lot Subdivision (application complete)

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 1 objection to date. The key issues raised in the objection are:

- Generation of additional traffic and associated amenity and safety impacts
- Condition of Lilac Street

Consultation

Written correspondence between objector and applicant has been undertaken.

The objection related to the standard of construction for Lilac Street. The recommended conditions require the upgrade of the formation of Lilac Street to be in accordance with the Infrastructure Design Manual to the point of access to the allotment fronting Lilac Street. There was consideration in relation to requiring the whole of the road to be upgraded, but it was considered a reasonable response to only have the road upgraded to the point of access to the new allotment. This is consistent with the requirements placed on the subdivision further along Lilac Street.

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Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA - No objection, no conditions GVW - No objection, subject to conditions Ausnet - No objection, subject to conditions
Section 52 Notices	None
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 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 to subdivide land.

Each lot must be provided with reticulated sewerage, if available. An application to subdivide land, must meet the requirements of Clause 56 including all of the objectives and standards of the following clauses:

- Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

This application has considered the clauses for a two lot subdivision as the proposal will create for only one lot which does not contain an existing dwelling.

All lots will have access to reticulated sewerage and other services. The subdivision will facilitate an additional residential development opportunity in an appropriate location which is in keeping with the existing neighbourhood character.

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

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 to subdivide land. The proposal is considered to be an appropriate outcome in the LSIO as:

- It is consistent with the local floodplain development plan.
- The application has been referred to GBCMA who did not object to the application and requested conditions be placed on any permit to ensure the appropriate management of flood risk and the flood plain.
- No development is proposed on land within the LSIO as part of this application.
- The proposed subdivision will not impact upon the flood risk to existing dwellings and will create a new lot which will not be affected by the LSIO.
- The application will not impact on the health of rivers or waterways as it is a significant distance from any significant water ways.

The Planning Policy Framework (SPPF)

Clause 13.03-1S Floodplain management

Objective

To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

Clause 14.02-1S *Catchment planning and management*

Objective

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

The application will not impact upon the health, safety or function of flooding at the site as no development is proposed and the subdivision design will not affect flooding or the potential for flooding at the site. The subdivision will not have a detrimental impact upon any significant waterways or the wider catchment.

Clause 15.01-3S *Subdivision design*

Objective

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

Clause 15.01-5S *Neighbourhood character*

Objective

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

The design of the proposed subdivision is considered to be appropriate with regard to the local context and neighbourhood character. The new lots will be generally consistent with the size of other lots in the area and are still large enough to maintain the open, rural character and development pattern of the area. Lots are oriented toward and gain access via the appropriate streets. The subdivision will not detrimentally affect the character of the streetscape as all existing vegetation will be maintained.

Clause 19.03-3S *Integrated water management*

Objective

- *To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

Clause 19.03-4S *Telecommunications*

Objective

- *To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

The application has demonstrated that all lots created by the subdivision can be connected to reticulated water, sewerage, electricity and telecommunications. Stormwater can be appropriately managed at the site for each lot.

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

Clause 21.03-7 *Violet Town*

Objective

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

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

- *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.*
- *Encourage the retention of the mix of retail and community uses within the town centre.*
- *Encourage the expansion of the town centre along Cowslip Street and High Street.*
- *Provide rural residential living that does not compromise agricultural, natural, environmental, landscape or infrastructure resources.*
- *Provide additional industrial zoned land to allow for expansion of industrial activities.*
- *Provide and maintain high quality sporting facilities for people of all ages and abilities.*
- *Improve pedestrian access between key areas such as the town centre, Bush Nursing Service, primary school, train station and sports facilities.*
- *Ensure that footpaths are included as part of any new developments throughout the township at the developer's cost, this includes residential, commercial and industrial development.*
- *Ensure new buildings in Violet Town complement the existing character in both residential and commercial areas.*
- *Ensure construction of new buildings in the town centre along Cowslip Street abut the front and side boundaries of the lot to create a continuous frontage along the footpath.*
- *Encourage medium density housing in appropriate locations and designed to contribute to the character of the township.*
- *Encourage the retention and enhancement of the existing verandas in the town centre along Cowslip Street.*

The application would see the creation of an additional lot and therefore an additional residential opportunity within an existing Township. The subject site is located in close proximity to major roads and transport routes in Violet Town. The subdivision is generally consistent with the character of the surrounding area with regard to orientation, size and access. While the subdivision will create smaller lot sizes, the site will still have a country feel as the current street character and intensity of development will be maintained. No native vegetation will be affected as part of this proposal.

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

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.*

The application will not affect flooding at the site or increase flooding risk to the site or surrounding area. The application creates a new lot which is not affected by flood overlays and does not impact flooding risk for the existing lots. There is land within all lots where potential future development could be sited on flood-free land.

Relevant Particular Provisions

Clause 56 *Residential Subdivision*

An application to subdivide land in the Township Zone, must meet the relevant requirements of Clause 56. This application has considered the clauses for a two lot subdivision as the proposal provides for only one lot which does not contain an existing dwelling.

Standard	Complies?
<p>56.03-5 Neighbourhood character</p> <ul style="list-style-type: none"> • <i>To design subdivisions that respond to neighbourhood character.</i> <p>Standard C6</p> <p><i>Subdivision should:</i></p> <ul style="list-style-type: none"> • <i>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</i> • <i>Respond to and integrate with the surrounding urban environment.</i> • <i>Protect significant vegetation and site features.</i> 	<p>-Complies</p> <p>The application is consistent with the desired character for Violet Town as identified at Clause 21.03-7 and Violet Town and District Strategic Development Plan 2010</p>

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

<p>56.04-2 Lot area and building envelopes</p> <ul style="list-style-type: none"> <i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i> <p>Standard C8</p> <p><i>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</i></p> <p><i>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</i></p> <ul style="list-style-type: none"> <i>The objectives of the relevant standards are met, and</i> <i>The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</i> <p><i>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</i></p> <ul style="list-style-type: none"> <i>The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</i> <i>The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</i> <p><i>Lot dimensions and building envelopes should protect:</i></p> <ul style="list-style-type: none"> <i>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</i> <i>Existing or proposed easements on lots.</i> <i>Significant vegetation and site features.</i> 	<p>-Complies</p> <p>The proposed lot can easily fit a rectangle measuring 10m x15m. There is sufficient land within the lot to site and design a future dwelling with appropriate solar access, while avoiding easements, significant site features or vegetation and maintaining consistent building setbacks.</p>
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6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

<p>Clause 56.04-3 Solar orientation of lots</p> <ul style="list-style-type: none"> <i>To provide good solar orientation of lots and solar access for future dwellings.</i> <p>Standard C9</p> <p><i>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</i></p> <p><i>Lots have appropriate solar orientation when:</i></p> <ul style="list-style-type: none"> <i>The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</i> <i>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</i> 	<p>-Complies</p> <p>The new lot meets the relevant solar orientation requirements as there is sufficient developable land to orient a dwelling in any direction.</p> <p>The subdivision will not affect the solar orientation of existing lots or solar access to existing dwellings.</p>
<p>Clause 56.04-5 Common area</p> <ul style="list-style-type: none"> <i>To identify common areas and the purpose for which the area is commonly held.</i> <i>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</i> <i>To maintain direct public access throughout the neighbourhood street network.</i> <p>Standard C11</p> <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> <i>The common area to be owned by the body corporate, including any streets and open space.</i> <i>The reasons why the area should be commonly held.</i> <i>Lots participating in the body corporate.</i> <i>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</i> 	<p>-N/A</p> <p>No common areas are proposed as part of this application.</p>

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

<p>Clause 56.06-8 Lot access</p> <ul style="list-style-type: none"> To provide for safe vehicle access between roads and lots. <p>Standard C21</p> <ul style="list-style-type: none"> Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. 	<p>- Complies</p> <p>The existing seal and kerb and channel in Lilac Street will need to be upgraded to the driveway for the vacant allotment.</p>
<p>Clause 56.07-1 Drinking water supply</p> <ul style="list-style-type: none"> To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. <p>Standard C22</p> <p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>-Complies</p> <p>Water supply to the new lot will be implemented in accordance with GVW. The application has been referred to GVW who provided no objection.</p>
<p>Clause 56.07-2 Reused and recycled water</p> <ul style="list-style-type: none"> To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. <p>Standard C23</p> <p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p>-N/A</p> <p>A recycled water system will not be used as part of this application.</p>

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

<p>Clause 56.07-3 Waste water management</p> <ul style="list-style-type: none"> <i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i> <p>Standard C24</p> <p><i>Waste water systems must be:</i></p> <ul style="list-style-type: none"> <i>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</i> <i>Consistent with any relevant approved domestic waste water management plan.</i> <i>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i> 	<p>-Complies</p> <p>The new lot can be connected to existing reticulated sewerage infrastructure at the site and will be managed in accordance with GVW requirements.</p>
<p>Clause 56.07-4 Stormwater management</p> <ul style="list-style-type: none"> <i>To minimise damage to properties and inconvenience to residents from stormwater.</i> <i>To ensure that the street operates adequately during major storm events and provides for public safety.</i> <i>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</i> <i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i> <i>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</i> <p>Standard C25</p> <p><i>The stormwater management system must be:</i></p> <ul style="list-style-type: none"> <i>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</i> <i>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.</i> <i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</i> <i>Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</i> 	<p>-Complies</p> <p>Drainage design and development will be required to the satisfaction of council. The land can be drained appropriately.</p>

- *Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- *Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.*
- *Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.*
- *For storm events greater than 20% AEP and up to and including 1% AEP standard:*
- *Provision must be made for the safe and effective passage of stormwater flows.*
- *All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.*
- *Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $daVave < 0.35 \text{ m}^2/\text{s}$ (where, da = average depth in metres and $Vave$ = average velocity in metres per second).*

The design of the local drainage network should:

- *Ensure stormwater is retarded to a standard required by the responsible drainage authority.*
- *Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.*
- *Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.*
- *Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.*

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

<p>Clause 56.08-1 Site management</p> <ul style="list-style-type: none"> <i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i> <i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i> <i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i> <p>Standard C26</p> <p><i>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</i></p> <ul style="list-style-type: none"> <i>Erosion and sediment.</i> <i>Dust.</i> <i>Run-off.</i> <i>Litter, concrete and other construction wastes.</i> <i>Chemical contamination.</i> <i>Vegetation and natural features planned for retention.</i> <i>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</i> 	<p>- Complies</p> <p>The site will require the creation of a new access way. No native vegetation removal is involved for this application. Appropriate site management can be ensured via permit conditions on any permit.</p>
<p>Clause 56.09-1 Shared trenching</p> <ul style="list-style-type: none"> <i>To maximise the opportunities for shared trenching.</i> <i>To minimise constraints on landscaping within street reserves.</i> <p>Standard C27</p> <ul style="list-style-type: none"> <i>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</i> 	<p>-Complies</p> <p>Trenching will be shared where possible.</p>
<p>Clause 56.09-2 Electricity, telecommunications and gas</p> <ul style="list-style-type: none"> <i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i> <i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i> <p>Standard C28</p> <p><i>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</i></p>	<p>- Complies</p> <p>The proposed new lot can be connected to reticulated water, sewerage, electricity and NBN.</p>

Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.

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.

6.3 Planning Permit Application No.P2019-039
- Three (3) Lot Subdivision (Two Lots into Three) ~ 29 & 31 Primrose Street,
Violet Town (cont.)

Relevant incorporated, reference or adopted documents

Violet Town and District Strategic Development Plan 2010

This Plan guides land use and development planning for Violet Town. The Plan identifies the subject land as within the Violet Town Township and as a standard residential area, capable of varying densities and in an area of mixed Neighbourhood Character. Primrose Street and Lilac Street are identified as Green Streetscapes, which are a key component of the country feel that is valued by the community and visitors alike.

The application would allow the continued development of the area for residential purposes and in an appropriate location whilst maintaining the country feel. There will be no impacts upon the Green Streetscapes or highly valued vegetation in the area.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary of Key Issues

With regard to the Township Zone: The application will contribute to residential growth and create lots appropriate in the Township Zone, the neighbourhood character and Violet Town.

With regard to the Land Subject to Inundation Overlay: The subdivision will not impact land or development within the LSIO.

In summary, the proposal meets the objectives of the 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 considered appropriate to issue a notice of decision to grant a planning permit, subject to conditions.

Attachments

- Locality Map/s





PLANNING COMMITTEE REPORT NO. 4 (MANAGER, PLANNING AND INVESTMENT - EMMA KUBEIL)

7. OTHER BUSINESS

7.1 Strathbogie Planning Scheme Review Report

Author & Department

Manager, Planning and Investment / Innovation and Performance Department

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

Following this report's deferment at the 25 June 2019 Planning Committee meeting, this report is being re-presented for consideration and determination

The Strathbogie Planning Scheme sets out the policies and provisions for the use and development of land within the Strathbogie Shire.

Under the *Planning and Environment Act 1987*, a planning scheme must be reviewed regularly to ensure it's up to date. This includes strategic direction, addressing key issues currently facing the municipality, and anticipating any potential challenges into the future.

The purpose of a planning scheme review is to enhance the effectiveness and efficiency of the planning scheme by meeting:

- The objectives of planning in Victoria
- The objectives and strategies of the Strathbogie Planning Scheme, Including the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF)
- A thorough review of the schemes provisions, such as the local planning policies, zones, overlays and schedules, and whether they facilitate the objectives and strategies of the planning scheme.

To complete this work, we have:

- Identified the major planning issues facing the municipality;
- Demonstrate how the Municipal Strategic Statement implements State Planning Policy;
- Assess the strategic performance of the scheme;
- Document the strategic work that has been completed or carried out since the approval of the previous planning scheme review and any additional work required to strengthen the future strategic direction of the planning scheme;
- Articulate the monitoring and review which has been carried out;
- Outline the consultation process and its outcomes; and,

7.1 Strathbogie Planning Scheme Review Report (cont.)

- Make recommendations arising from the review including:
 - Changes to the objectives and strategies of the LPPF.
 - Changes to the use of Victoria Planning Provisions tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
 - New strategic work necessary to support future policy development or changes to the provisions of the scheme;
 - Changes to improve operational and process practices;
 - Identifying any data on planning permit applications, or other data, that may need to be collected to inform the next review;
 - Audit the application and performance of the zones in the scheme;
 - Audit the application and performance of the overlays in the scheme; and,
 - Investigate whether or not the schedules in the scheme have been appropriately applied.

These matters have been addressed throughout Strathbogie Planning Scheme Review report (2019), as tabled and circulated.

RECOMMENDATION

That Council formally adopts the Strathbogie Planning Scheme Review (2019), as tabled and circulated.

Background

SD Planning was appointed by the Strathbogie Shire Council to prepare the Strathbogie Planning Scheme Review.

The objective of the Strathbogie Planning Scheme Review is:

- To meet the Requirements of the *Planning and Environment Act 1987* (Section 12B), which stipulates that a planning scheme must be reviewed within one year of the completion of a new Council Plan; and,
- To review how well the Strathbogie Planning Scheme is aligned with the intent of the Council Plan, Liveability Plan and Annual Budget 2017/18.

The Strathbogie Planning Scheme Review does not make changes to the Strathbogie Planning Scheme. It does not introduce new policy or provisions. It is an audit of the scheme, which provides recommendations about what actions need to be taken.

However, the review outlines the background work necessary to clearly establish the needs of future projects, by providing strategic justification for future work programs, budget allocations and planning scheme amendments.

7.1 Strathbogie Planning Scheme Review Report (cont.)

This report provides:

- Recommendations for future strategic work required, as well as a program for action;
- Recommendations for how the local content can be rewritten to improve clarity, performance, include new local directions and respond to State Government changes; and,
- An overview of how well the local content of the Scheme is aligned with the new Planning Policy Framework (PPF), strategic outcomes of the Council Plan and opportunities to provide further support.

Council's Further Work Program:

High Priorities:

- Policy neutral PPF Planning Scheme rewrite and restructure, followed by a Planning Scheme Amendment to implement the rewrite local policy content to align with the new planning policy framework implemented by new Ministerial Direction relating to form and content as well as new provisions introduced through VC148 (August 2018).
- Municipal Planning Statement is that Council; draft a strong (clear) land use vision to inform the MPS Section. This land use vision should include engagement with Councillors and reflect the principals of the Council plan (and other documents as appropriate).
- Implement process improvements that undertake the following:
 - Ensure that 70% of proposals have site inspections that should be undertaken before exempting applications from notification;
 - Formulate a standard template form that assists with observations undertaken onsite during site inspections;
 - Ensure that delegate reports provide the opportunity for digital imagery to be included within the body of the reports, to demonstrate knowledge of site and site visitation;
 - Investigate the better integration of technology and reports including better use of photography within reports.
 - That a pre-application form is utilised to record understanding of any prior pre-application meetings.
- Rural Land Use and Rural Living Review; This project will further revisit work undertaken as part of the Strathbogie Shire Rural Residential Strategy in 2004. It will update recommendations in relation to recent changes to definitions by the Intensive Agriculture Advisory Committee, as well as review whether or not rural areas are being adequately protected from fragmentation. *(Additional comments received by Council noted as; The goal is to increase population and property investment while preventing fragmentation and maintaining sustainability of the agricultural sector. Work will identify the volume, location and type of rural residential living opportunities, revisit lot size provisions and potentially zoning changes in the current farm zone and incorporate recommendations from the Intensive Agriculture Advisory Committee.*

7.1 Strathbogie Planning Scheme Review Report (cont.)

Medium Priorities:

- Undertake a program of reviewing and refining Structure Plans/Framework Plan for main townships; many of the Structure Plans and other strategic planning documents, which established settlement boundaries for towns across the municipality, are now more than 5 years old and require updating.

The roll-out of this work has been prioritised as follows:

1. Avenel
2. Violet Town
3. Euroa
4. Nagambie

Note: Work has previously commenced on Euroa and Violet Town prior to the review report.

- Once the state led translation to new PPF has been undertaken, commence a policy based rewrite of the PPF to include specific aspects of the planning that are important to Strathbogie Shire. Mostly this work will be 'filling policy gaps' and working to ensure that the scheme is tailored to Strathbogie Shire's planning requirements.

Lower Priorities:

- Triggers and exemption work should be undertaken to provide additional triggers within the follow Clause 44.01 - Erosion Management Overlay
- The Design and Development Overlay should be introduced to deal with two issues, control of development along Goulburn Valley Hwy (from existing PAO) and also Mangalore Airport (from existing ESO) Mangalore Airport if it is controlling design beyond the provisions set out in Airport Environs Overlay.
- Undertake a Landscape Study to ensure areas of significance are protected through the appropriate planning controls.
- Review the Environmental Significance Overlay Schedule 1 with respect to both wording of the overlay as well as mapping of the areas that should be affected by the ESO buffer. This work will include research into when the mapped area ceased to existing within the Planning Scheme.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

7.1 Strathbogie Planning Scheme Review Report (cont.)

Risk Management

The author of this report considers that there is Risk associated with not proceeding with the adoption and progression of the review report in the form of non-compliance with Section 12B of the *Planning Environment Act 1987*.

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.

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

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

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations. However, annual budget bids are made via the Strategic Planning allocations for specific strategic planning projects.

Economic Implications

The author of this report considers that the work undertaken as part of this review process enables Council to consider long term strategic priorities which assist with facilitating considered development and contributing to economic development throughout the Shire.

Environmental / Amenity Implications

The author of this report considers that the review report considers the broader environment in assessing how the planning scheme assists with guiding development to consider our environment.

Community Implications

The author of this report considers that the recommendation assists in providing direction with recommendations for guiding development through land use planning for the community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The report does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The author of this report considers that the review report has been complicated in accordance with our legal and statutory obligations.

Consultation

The purpose of the consultation was to identify issues relating to the performance of the Strathbogie Planning Scheme. As well as to understand stakeholder's expectations, how they understand the planning scheme and its processes, and how they think it can be improved.

7.1 Strathbogie Planning Scheme Review Report (cont.)

In developing the Review, general and targeted consultation has taken place with the following stakeholders:

- Councillors;

Council Officers including:

- Community Development Officers
- Environment
- Environmental Health/Social Planners
- IT
- Strategic Planners & Statutory Planners
- Infrastructure
- Executive Management Team

Agencies:

- DELWP
- Goulburn Broken CMA
- Goulburn Murray Water
- EPA
- CFA

Other stakeholders including frequent applicants to Strathbogie Shire Council.

The consultation process included:

- Two workshops with Strathbogie Shire Council. The first was held on 15 May 2018 with Councillors and another on 18 June 2018 with council officers.
- Three one-on-one meetings with Agencies including DELWP, CFA and Goulburn Broken CMA.
- Internet survey was sent to a range of stakeholders and agencies for completion.

From the internal and external consultation five key themes were identified, they are as follows:

- Rural Land Use
- Environment, including environmental management, sustainability and climate change
- Built Environment and Residential Development
- Economic
- Managing Growth and Infrastructure

Attachments

As tabled and circulated

PLANNING COMMITTEE REPORT NO. 5 (ACTING CHIEF EXECUTIVE OFFICER - PHIL HOWARD)

7.2 Planning Applications Received
- 12 June to 10 July 2019

Following are listings of Planning Applications Received for the period 12 June to 10 July 2019.

RECOMMENDATION

That the report be noted.

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

PLANNING APPLICATIONS RECEIVED

Wednesday, 12 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
415 Seven Creeks Estate Road, Euroa VIC 3666	P2019-051 - 1	Development of land for a shed	Ross Carrington	\$0.00*

Thursday, 13 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1153 Geodetic Road, Molka VIC 3666	P2019-063	Two (2) lot re-subdivision and creation of a water supply easement	Troy Spencer	\$0.00*
64 McMiekens Road, Nalinga VIC 3646	P2019-065	Development of land for an addition to a dwelling	Christine McKenzie	\$130,000.00

Monday, 17 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
302 Cusack Road, Euroa VIC 3666	P2019-066	Use and development of land for a dwelling	Brian Allen	\$360,000.00
795 Harrys Creek Road, Boho VIC 3669	P2019-067	Development of land for a carport	Zac Economou	\$6,500.00

Tuesday, 18 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Ankers Road, Strathbogie VIC 3666	P2019-068	Development of land for a demountable building	Howard Myers	\$8,000.00

Thursday, 20 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
397 Galls Gap Road, Strathbogie VIC 3666	P2019-070	Development of land for a shed and water tank	Scott Lamprecht	\$50,000.00
50 Templeton Street, Euroa VIC 3666	P2019-069	Development of land for a dependent persons unit	Mr Troy Spencer	\$60,000.00

Tuesday, 25 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
14-16 Handbury Street, Euroa VIC 3666	P2019-071	Change of use & development of land for a shed	HYNES, Peter Thomas	\$45,300.00
325 Aerodrome Road, Mangalore VIC 3663	P2019-072	Development of land for an aircraft storage hanger	Warren Blyth	\$76,477.27
403 Forlonge Memorial Road, Euroa VIC 3666	P2019-054	Two (2) lot subdivision	Taungurung Land & Waters Council	\$0.00*

Wednesday, 26 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
165 Berrys Lane, Longwood VIC 3665	P2017-090 - 1	Development of Land for an Extension to a Dwelling	WATMOUGH, Vivienne Jean	\$0.00*

Friday, 28 June 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2042 Creightons Creek Road, Creightons Creek VIC 3666	P2019-041 - 1	Development of land for an extension to a dwelling	Virginia Jackson	\$0.00*

Monday, 8 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
20 Wilkinsons Lane, Euroa VIC 3666	P2019-074	Native vegetation removal request	COOK, Julie	\$0.00*

Wednesday, 10 July 2019

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Sugarloaf Road, Sheans Creek VIC 3666	P2019-073	Use and development of land for a dwelling and shed	Troy Spencer	\$410,000.00

*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