



GOLDEN PLAINS SHIRE

# **ATTACHMENTS**

**Under Separate Cover  
Ordinary Council Meeting**

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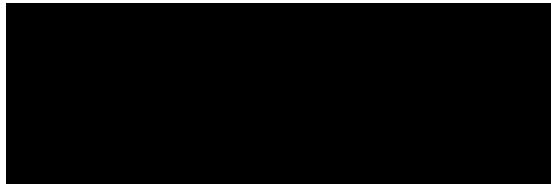
**6.00pm Tuesday 24 March 2020**



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To the Responsible Authority,

I own the vacant block at [REDACTED] and I am writing to you to submit my objection regarding planning permit P18-142 (Lot 2 on plan of subdivision 305523 Parish of Smythesdale 34 Brooke Street, Smythesdale).

My reasons for objection are as follows:

I plan on building my house within the next few months and I feel that my privacy will be greatly affected due to proposed commercial businesses fronting towards my block, as well as increased vehicle and foot traffic. You write in your conclusion on page 13 that, "The new lots will provide a sense of address to Lynch Street and improve the visual amenity of the residential dwellings to the south, whom currently overlook the back end of commercial operations". The main reason that attracted me in purchasing this block is that there is no-one in front of, or, directly behind my block. Privacy is an enormous importance to me and having this planning permit looming over me has been quite stressful and I don't want to feel as though I will need to sell my block of land.

Lynch Street isn't a particularly wide street and is not a sealed road, there are no footpaths or street lighting. The increased traffic flow will mean increased upkeep for the council for the prevention of pot holes. Will the council be sealing the road? Will this mean an increase in our rates as land/homeowners?

I would also like to raise concerns on customer parking.

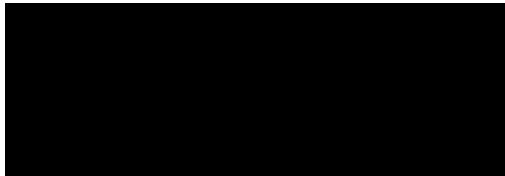
The frontages of the proposed subdivisions are not very wide, so I would like to know where customer parking is going to be situated? Will it be within the subdivision? Off street?

The issue with off-street parking is that Lynch Street is not very wide, and it will not leave much room for passing cars. You will also find drainage ditches and crossovers running along that section grass. I also do not want cars parking on my property ripping up my front lawn and nature strip.

I am also concerned on the types of businesses that plan to be erected on the subdivisions fronting Lynch Street. Will these be professional? Retail? Foodservice? Entertainment?

I strongly oppose of entertainment establishments being erected on lots 2 & 3 as the noise of these types of business as well as the patrons will be too loud in such close proximity to private residences. Regarding retail/foodservice type businesses, I'm concerned about the noise coming from their delivery trucks idling or the delivering of goods in front of my future residence as well as general waste contractors collecting and emptying of rubbish dumpsters. The noise of these vehicles is just far too loud to be operating in this way in a residential street so close to private residences.

I don't see how a potential new business that is out of view from the main street will bring value to the business. A lot of businesses in country towns rely on the accidental/passing through customer and with these buildings being out of site on a residential street, I can't see how they would operate at a significant profit.



A few other points of concern that I have:

**PAGE 5**

**Commercial 1 Zone**

Purpose

**Dot point 2: To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.**

How can this be achieved with shopfronts away from the main street?

**Dot point 3: To provide for residential uses at densities complementary to the role and scale of the commercial centre.**

Exactly what are you referring to? Will the lots be mixed business/residential?

General

**Dot point 2: The interface with adjoining zones, especially the relationship with residential areas.**

How much weight will be given to the relationship with residential areas and residence?

**PAGE 6**

Overlay Provisions

**Dot point 8: Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.**

Shops will not be in keeping with the streetscape.

1.0 Design Objectives

**Dot point 3: To ensure that development assists pedestrian level comfort and access.**

How are they going to assist pedestrian level and comfort? Lynch Street is not a sealed road, there are no footpaths or street lighting.

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Clause 15 Built Environment and Heritage

**Dot point 7: Enhances liveability, diversity, amenity and safety of the public realm.**

No, it won't

**Dot point 9: Minimise detrimental impact on neighbouring properties.**

This will have the opposite effect.

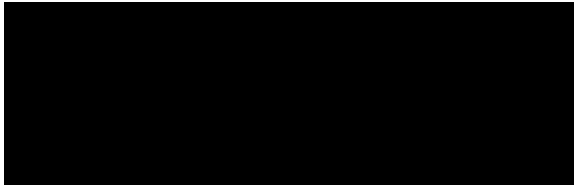
15.01 Urban Environment

**Dot point 1: Promote good urban design to make the environment more liveable and attractive.**

I believe this will make Lynch Street less attractive.

**Dot point 2: Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.**

How will it improve the quality of living?



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**Clause 65.02 Decision Guidelines**

**Dot point 9: The movement of pedestrians and vehicles throughout the subdivision and ease of access to all roads.**

Lynch Street is not a wide, OR, sealed road. There are no footpaths. The frontages of the proposed lots 2 & 3 are not very wide either. Will the council seal the road for the increased traffic flow or install footpaths for pedestrians?

**Dot Point 13: The provision of off street parking.**

As mentioned, Lynch Street is not wide or sealed. I don't see where they will provide off street parking as there are drainage ditches and crossovers on both sides of the road. I do not want cars parking in front of my proposed residence or on my lawns.

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**Second Paragraph**

**It is noted that the residential dwellings across from Lynch Street have a poor visual outlook when looking to the north. At present they view the rear of existing shops and commercial businesses, poor fencing and storage areas. The proposed development will result in a future built form of a high standard that reflects the residential interface to the south.**

As mentioned in my reasons for objection, the main reason that attracted me in purchasing this block is that there is no-one in front of, or, directly behind my block and that privacy is of an enormous importance to me. I would much rather be looking at a fence than having a retail/foodservice/entertainment establishment on my front doorstep looking into my front lounge room and bedroom.

Also, how can you assume that the shopfronts will be of a 'high standard'?

**Fourth Paragraph last sentence**

**The creation of additional lots in the urban centre of Smythesdale supports this policy direction. These proposed businesses will practically be in a backstreet.**

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**Clause 43.02 Design and Development Overlay**

**The relevant Decision Guidelines of the DDO require the consideration of whether subdivision will result in development which is not keeping with the character and appearance of adjacent buildings, the streetscape or the area.**

It will not be in keeping with the streetscape as the street has residential houses fronting it.

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**Conclusion**

The proposed shopfronts will detract from the streetscape and look out of place.

I am not opposed to new businesses being built in Smythesdale and welcome future growth, but in this instance, I don't believe that the applicant has given any real thought to the residents directly impacted by this proposal.

If anything, I believe that access/entrance and parking should be via Brooke Street with fencing put up on the Lynch Street side.

I do not believe that the proposed planning application meets key policy objectives.

Regards



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15<sup>th</sup> August 2018

To the Responsible Authority,

I own the residence located at 17 Lynch Street, Smythesdale. I am writing to you to submit my rejection regarding planning permit P18-142.

My reasons for rejection are;

- Conditions of the Lynch Street.  
Lynch Street is not a sealed road, and having commercial dwellings will have an increased traffic flow which will have a knock on effect on the condition of the road. Lynch Street is also not a very wide road. Will the council be able to accommodate the increased upkeep/maintenance for the prevention of potholes? Will the council construct Lynch Street into a bitumen road? Will this mean there will be an increase in our rates as homeowners for the required level of maintenance?  
At present, our garbage bins are emptied on the side of Lynch Street where the proposed subdivision is. With the small blocks, where will our bins be emptied compared to where the customer parking will be? Is there enough space for customer parking?
- Parking  
The two proposed dwellings that will face Lynch Street are quite small and narrow. Where will customers be parking their vehicles? I do not want customers parking on my front lawn / nature strip. Further to this, there are storm water drainage pipes on the nature strip. Entrance and parking should to be via Brooke Street.
- Footpaths  
There are currently no footpaths or street lighting in Lynch Street. What are the plans for the future to ensure that pedestrian and resident safety are a number 1 priority? How will this assist pedestrian level comfort and access? Will this also impact our rates if works are required?

Kind Regards,







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Agenda

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**PLANNING APPLICATION P18-142 FOR A THREE (3) LOT SUBDIVISION AT 34 BROOKE STREET, SMYTHESDALE**

**File Number:** P18-142

**Author:** Sandra Tomic, Town Planner

**Authoriser:** Phil Josipovic  
Director Infrastructure and Development

**Applicant:** Sean O'keeffe c/o Southern Cross Town Planning

**Owner:** Rechecked Pty Ltd

**Proposal:** Three lot subdivision, construction of a three crossovers and access from a road Zone Category 1

**Location:** 34 Brooke Street, Smythesdale

**Attachments:**

1. Draft Conditions
2. Objections
3. Full Officer Report
4. Planning Application

**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of a three lot subdivision, construction of crossovers and access from a road zone category 1 at 34 Brooke Street, Smythesdale subject to the conditions attached to this report.

**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a three (3) lot subdivision, construction of three crossovers and access from a road zone category 1 at 34 Brooke Street, Smythesdale. This report provides a background to the application and a summary of the relevant planning considerations.

**PURPOSE**

The application has been referred to the Council Meeting for determination because there is an objection to the application.

**CONFLICT OF INTEREST**

In accordance with Section 80B of the *Local Government Act 1989*, the Officers preparing this report declare no conflict of interest in regard to this matter.

**COUNCIL PLAN**

Managing natural and built environments.

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Agenda

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## BACKGROUND INFORMATION

### Site description

The subject land is situated at 34 Brooke Street Smythesdale and is known as Lot 2 on Plan of Subdivision 3055235. The site is located in the Commercial area of Smythesdale. In addition the site is covered by a heritage Overlay (HO104 – Smythesdale Heritage Precinct). The site contains an existing building (which is currently vacant) has a total area of 2328m<sup>2</sup>. The land is flat and mostly cleared except for planted vegetation surrounding the Building within the north section. The site has access from Lynch Street which is not a sealed road, which is managed by Council. The land is not affected by any restrictive covenants.

### Site map



### The proposal

The application proposes the development of the land for a three lot subdivision, construction of three crossovers and access from a Road zone category 1. A copy of the application and plans is attached. The proposed subdivision will have the following features:-

Lot 1 – 1564m<sup>2</sup>, retain the existing Building, and create a new vehicle access from Brooke Street (Road Zone Category 1).

Lot 2 – 360m<sup>2</sup>, vacant with vehicle access from Lynch Street.

Lot 3 – 404m<sup>2</sup>, vacant with vehicle access from Lynch Street.

An indicative plan has been submitted showing the anticipated layout of a future subdivision.

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### **CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. Notice was provided by mail to 5 adjoining owners and occupiers. Notice was also carried out by placing a sign on the site.

As a result of the public notice, 2 objection was received. A copy of the objections are attached. Both objectors are owners of land opposite the site in Lynch Street. The main concerns raised by the objectors relate to, privacy, increased traffic and pedestrian flow, customer car parking, type of business, and the existing condition of Lynch Street and the impact the development will have on the street.

The objectors and applicant were invited to a consultation meeting held on 2 May 2019. The objectors did attend, given this there was no resolution or agreement reached at the meeting.

### **ASSESSMENT**

#### **Processing of the application**

The application was submitted to Council on 1 June 2018 and a preliminary assessment was undertaken. The three lot subdivision was referred to the following statutory referral authorities under Section 55; VicRoads, Powercor and Central Highlands Water. The application was internally referred to Council's Works department. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

#### **Golden Plains Planning Scheme**

##### **Planning Policy Framework (PPF)**

###### Clause 11.02 Managing Growth

The objective of the policy for the supply of urban land (Clause 11.02-1S) is to ensure a sufficient supply of land is available for residential and other uses. Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

###### Clause 15.01 Urban Environment

The objective of the policy for subdivision design (Clause 15.01-3S) is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by, among other things, providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

###### Clause 15.03-1S Heritage Conservation

The objective of the policy is to ensure conservation of places of heritage, by encouraging appropriate development that respects places with identified heritage values.

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**Local Planning Policy Framework (LPPF)**

## Clause 21.02 Settlement

The local policy for settlement patterns (Clause 21.02-1) includes objectives to make efficient use of land and encourage the consolidation of existing township areas. The policy seeks to direct residential development to township areas that have reticulated water, sewerage and stormwater drainage and community services and facilities. Infill development in towns lacking sewerage treatment will be required to provide onsite effluent treatment.

## Clause 21.07 Local areas – Townships

The local policy for Smythesdale (Clause 21.07-2) describe the town as a rural township surrounded state forest, with a rich mining past. Smythesdale’s proximity to Ballarat and its rural living hinterland provide it with opportunities for an independent rural town setting. The community is keen to ensure that growth is managed and sustainable. The township has been identified as the northern growth centre for the Golden Plains Shire, in a prime strategic location to service the wider catchment of rural and residential communities.

## Clause 22.12 Heritage

This policy seeks builds up on the heritage strategies and objectives in the State Planning Policy Framework and Municipal Strategic Statement. Throughout Golden Plains Shire are buildings, streetscapes, sites and precincts that represent a significant asset and resource for the Western District of Victoria. Protecting cultural heritage assets is important in maintaining the Shire’s character and sense of place. Recognition and protection of heritage places and areas is a crucial component of planning in Golden Plains Shire. The development of good conservation practices will ensure the retention and viable -use of Golden Plains Shire’s significant and contributory heritage places and areas.

**Zone and overlay provisions**

## Clause 34.01 Commercial 1 Zone (C1Z)

The site and are along Brooke Street (Glenelg Highway) is in the commercial zone (C1Z). The purpose of the C1Z is:-

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses a t densities complementary to the role and scale of the commercial centre.*

A permit is required to subdivide land. The decision guidelines of the C1Z require Council to consider, as appropriate:

## Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

## Clause 43.01 Heritage Overlay (HO104)

The purpose of the policy is to conserve and enhance heritage places and ensure that developments do not adversely impact the significant heritage places. Before deciding on an application the decision guidelines at Clause 43.01-8 states the following items that are required to be considered as part any subdivision application:-

- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*

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- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*

### Clause 43.02 Design & Development Overlay Schedule 1 (DDO1)

The land is affected by the Design & Development Overlay Schedule 1 (DDO1) which relates design, siting and landscaping. The DDO1 does not contain any specific requirements related to subdivision.

### General provisions

In addition, before deciding on an application to subdivide land, the decision guidelines contained in Clause 65.02 must be considered, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not seweraged and no provision has been made for the land to be seweraged, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## DISCUSSION

### Planning scheme

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including State and Local planning policies, the Commercial Zone, and Clause 65 of the Victoria Planning Provisions. The application satisfies the local policy for Local areas – Townships (Clause 21.07) which states an objective for Smythesdale is to develop Smythesdale as the service hub for the northern area of shire. The proposal will allow for additional lots within the commercial zone.

The proposed subdivision design contributes to the character of the area by creating lots of sufficient size with all lots provided with a street frontage. The creation of smaller lot will allow for a number of different uses to occur. Given the Heritage Overlay, it is acknowledged that any future building will trigger a planning permit. This application is strictly for subdivision and creation of access to all lots.

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Item

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### **Objector's concerns**

The main concern of the objectors relate to traffic generated by the future use. Concerns were raised regarding parking and traffic particularly along Lynch Street, as the objectors are property owners on the opposite side of Lynch Street

The proposed three lot subdivision will not generate any increase in traffic or parking demand. The proposal is for two vacant lots, which will have a frontage to Lynch Street. This application does not propose any built form or uses.

The site is located within a commercial 1 zone and is also covered by a heritage overlay and design and development overlay – schedule 1. A planning permit is triggered for any future building(s).

The purpose of the commercial zone is to

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

There are some uses within Table that will not require any approval (planning permit). However regardless of any future uses that may or may not require a planning permit, car parking will be taken into account

Clause 52.06 (Car parking) of the Golden Plains Planning scheme applies to a new use. Regardless of whether a permit is triggered for a use, an assessment will be required regarding car park provisions as required by Clause 52.06.

Given that the current proposal is for subdivision, any future impact on traffic or car parking would be considered at development stage. At this stage given no use and/or built form is proposed, council cannot speculate on this matter any further as no such application has been lodged.

### **CULTURAL HERITAGE IMPLICATIONS**

This proposal does not require the preparation of a Cultural Heritage Management Plan under the Aboriginal Heritage Regulations 2007.

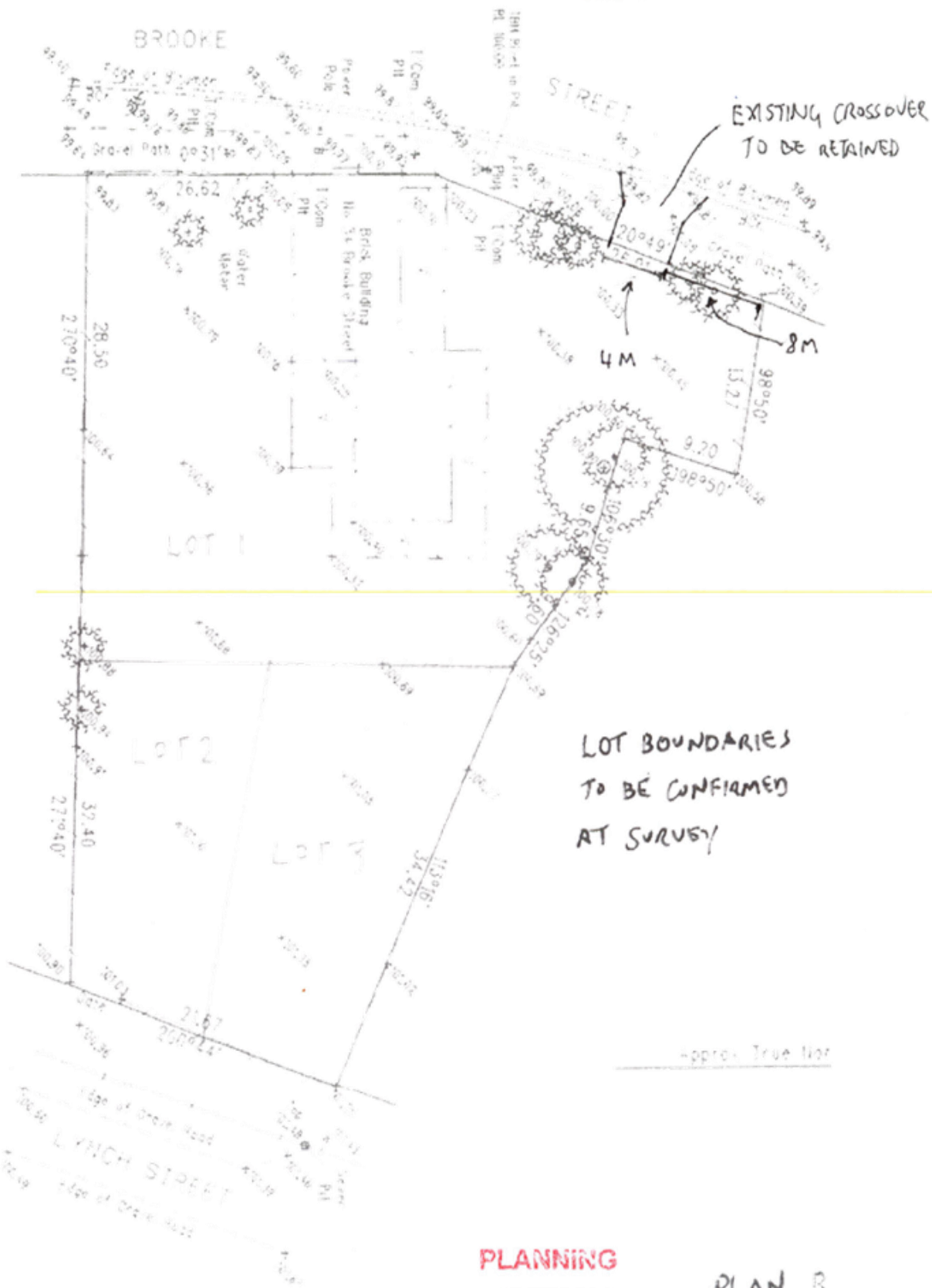
### **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, the provisions of the Commercial Zone, and the decision guidelines of the Planning Scheme (Clause 65). A planning permit will be triggered for any future building and works, given the Overlay controls.





\* PLEASE NOTE  
KERB EXISTING  
APPLICATION IS  
TO FORMALISE  
EXISTING ACCESS



PLANNING

12 OCT 2019

PLAN B

SEPT 2019

Re-ref'd to WIRRAMBS 911019 KB Albas



**PLAN B**  
**PLANNING**  
**JUNE 2018**  
**18 JUN 2018**