



Planning Committee Minutes

Linton Customer Service Centre

**Tuesday 9 June 2015
10.30am-10.55am**

Committee Charter

1. To oversee the effective planning of the Shire in accordance with Council's Municipal Strategic Statement, policies and provisions of the Golden Plains Planning Scheme.
2. To work with the Development Unit to identify opportunities for the development of local planning policies and provide direction in the preparation of such policies and any relevant state policies.
3. To implement the provisions of the Golden Plains Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies, State Planning Policies and Victorian Planning Provisions.
4. To consider the views of written submissions from the public; relevant Government and resource bodies and the Planning Officer's report and recommendations in the assessment of planning applications which attract objection(s) or are recommended for refusal.
5. To make recommendations to Council on planning applications and other planning matters, where appropriate.
6. To take all reasonable steps to improve our knowledge of matters relevant to our planning duties.

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4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

4.1.1 Amendment C72 Re-zoning McPhillips Road, Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Peter Cameron, Acting Director Assets and Amenity
Responsible Manager	Simon Howland, Acting Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Gareth Pottinger, Strategic Planner
File References	BluePoint File: 60-02-072
Council Plan Link	Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	Bannockburn Urban Design Framework
Overlays	Environmental Significance Overlay Schedule 2 Land Subject to Inundation Overlay
Relevant Legislation	Golden Plains Planning Scheme Planning & Environment Act 1987
Attachments	1. C72 Explanatory Report 2. C72 Authorisation Application Form 3. C72 Amendment Maps

Declarations of Interest: Councillors & Officers

Peter Cameron: In providing this advice as the senior manager, I have no disclosable interests in this report.

Simon Howland: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Gareth Pottinger: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to consider an amendment to the Golden Plains Planning Scheme requested by the St Quentin Consulting Pty Ltd to rezone land at McPhillips Road, Bannockburn (Lot E PS639022C).

Amendment C72 proposes to rezone 15ha of Farming Zone to General Residential Zone Schedule 1. The subject site is 1.5km North West of the Bannockburn Town Centre and fronts Bruce's Creek to the west and McPhillips Road to the east.

Background

In 2003, consultants RPD Group and Chris Dance Land Design embarked on a process of developing the Bannockburn Urban Design Framework (UDF). This incorporated input from key stakeholders including Golden Plains Shire Council and the Bannockburn community. It was later revised in 2005 to update key aspects of the UDF.

Since its adoption in 2003, the Bannockburn UDF has functioned as the key strategic reference through which to guide land use planning in the Shire's largest and fastest growing population centre. The framework has proven to be a well researched document, incorporating a range of sound planning principles such as growth boundaries, priority development zones, open space corridors and pedestrian linkages.

In 2011, the Bannockburn UDF underwent a comprehensive review as part of Council's strategic work in the area of land use planning. In December 2011 Council adopted the revised Bannockburn UDF.

On 18 April 2012 Council received authorisation to prepare Amendment C59 to implement the revised UDF into the Golden Plains Planning Scheme. Amendment C59 was adopted by Council on 18 December 2012.

Proposal

The amendment proposes to rezone 15ha of Farming Zone to General Residential Zone 1. The subject site is located within the Bannockburn UDF and contained within a "Priority Residential Development Zone", as detailed by the Bannockburn UDF.

Specifically the amendment proposes to:

- Rezone part of the subject site from Farming Zone to General Residential Zone 1.
- Apply the Development Plan Overlay Schedule 1 (DPO1)

Further details of the proposed amendments can be found in Attachment 1.

Discussion

This Amendment will support the role of Bannockburn as a key regional centre while facilitating continued management of residential growth, including land supply consistent with key strategic documents including the Bannockburn UDF along with the Somerset Estate Development Plan, while having specific regard to the characteristics, opportunities and constraints of the subject site.

It is important to note that through the revision of the Bannockburn UDF a mapping error has occurred in which the Growth Boundary does not follow the current title boundary of the proposed amendment. This amendment seeks to rezone the entire subject site. Re-zoning the entire site will provide for the best use of the land and not result in a disjointed piece of farming land.

Community Engagement

The community, relevant agencies and landholders will have the opportunity to provide comment on the amendment through the formal exhibition process. The amendment will be available for public inspection during office hours at the Bannockburn customer Service Centre and online through the Department of Environment, Land, Water and Planning website.

Financial & Risk Management Implications

As the amendment has been made at the request of St. Quentin Consulting Pty Ltd the costs associated with the amendment process will be covered by the applicant. Therefore it is considered that financial implications associated with the planning scheme amendment process are acceptable.

It is considered there are no risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no economic, environmental or social implications.

Communications

It is considered that a communication plan is not required.

Conclusion

Amendment C72 proposes to rezone land at McPhillips Road, Bannockburn (Lot E PS639022C) from Farming Zone to General Residential Zone Schedule 1. The amendment proposes to rezone land to the most appropriate zone at the request of St Quintin Consulting Pty Ltd. The amendment will ensure the land is developed in an orderly manner and will be consistent with the Somerset Estate Development Plan.

Moved Crs Blake/Hansford

That the Planning Committee approve an application being made to the Minister for Planning for the authority to prepare and exhibit an amendment (C72) to the Golden Plains Planning Scheme under Section 9(2) and Section 19 of the Planning and Environment Act 1987.

Carried

4.1.2 Planning Application P15-094 for a business at Unit 1/19 High Street, Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Simon Howland, Acting Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Luke Gavin, Town Planner
File References	Planning Application P15-094
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The development of the land for a roller shutter and business identification signage
Land Address	Unit 1/19 High Street, Bannockburn, 3331
Applicant	Dion Miles
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Commercial 1 Zone ▪ Design and Development Overlay 9 ▪ Heritage Overlay 95
Attachments	4. P15-094 Plans

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Simon Howland: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Luke Gavin: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the development of the land for a roller shutter and business identification signage at unit 1/19 High Street, Bannockburn, 3331. The application has been referred to the Planning Committee for determination as refusal of the proposal is recommended. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes to develop the land for a roller shutter and to erect business identification signage. The roller shutter is to be positioned on the street façade of the building covering the shop windows when the business is closed. Business identification signage is proposed to be placed externally on the roller shutters.

Site Description

The subject site is located at unit 1/19 High Street, formally known as lot 1 on Title Plan 857323. The site is of a rectangular shape. The site is 1 of 5 units at 19 High Street which has a total area of 1015.9 square metres. The shops are a relatively new development designed to complement the existing street scape and heritage elements of the Bannockburn Township. The building features a prominent verandah which extends the length of the street front of building. Unit 1/19 High Street is currently used as a retail premises, trading as the Celebrations Bottle Shop.

A real estate business, laundromat and two take away outlets exist further south along the High Street East service road. A Home Timber and Hardware business operates on the site to the north of the building.

The lots fronting high street are zoned Commercial 1 Zone. General Residential Zone 1 exists to the rear of the site, with Public Use Zone 6 to the west of Milton Street.

History

The application was received on 13 May 2015. On May 18 2015, the application was referred to Council's Heritage Advisor as a recommending referral authority. Council's Heritage Advisor responded on 19 May 2015, advising that they would not support the proposed roller shutter door, as the proposal would be very inappropriate and it would set an inappropriate precedent in a heritage precinct.

In addition to the above Council's Heritage Advisor offered two alternatives to the construction of the proposed window shutters (in order to increase premises security, while maintaining relevant heritage aesthetic).

On the May 20 2015 the applicant was informed that Council's Heritage Advisor did not support the application for external roller shutters. The applicant declined an invitation to meet with Council's staff to discuss possible alternatives.

Community Communication

Notice of the application was not given to neighbours pursuant to Section 52 (1) (a) of the *Planning and Environment Act 1987* ("the Act") in that the Council was satisfied that the proposal would not cause material detriment to any person.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Zone and Overlay Provisions

Clause 34.01 Commercial Zone

The purpose of the zone is to, among other things; create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

34.01-4 Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
 - An awning that projects over a road if it is authorised by the relevant public land manager.

Clause 43.02 Design and Development Overlay 9

Bannockburn Town Centre

The objectives of the overlay are:

- To provide a comprehensive and coordinated framework to facilitate the development and expansion of the Bannockburn Town Centre.
- To encourage development that enhances and is in keeping with the character and appearance of the Bannockburn Town Centre.
- To encourage development that has active frontages, particularly to major roads and pedestrian links.
- To provide for public spaces and suitable access for all.
- To encourage a high standard of architectural and urban design that is respectful of the existing styles, built form, height and scale of existing buildings and streetscape in the centre.
- To facilitate the provision of necessary infrastructure such as road networks, pedestrian links, car parking and drainage.

Precinct C- Commercial/ Services Precincts

Buildings and works requiring a permit within Precinct C must:

Existing commercial precinct (east of High Street)

- Preserve the heritage nature of any significant buildings.
- Provide adequate off-street parking on site for employees.
- Ensure any future development in this precinct is respectful of the existing wide tree lined avenues, low scale streetscape and surrounding buildings.
- Provide a maximum building height of 1 storey.

Clause 43.01 Heritage Overlay (95)

The purpose of the overlay is to, among other things; conserve and enhance heritage places of natural or cultural significance and to conserve and enhance those elements which contribute to the significance of heritage places.

A permit is required to:

- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.

43.01-4 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider, among other things, the following matters:

- 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.

Clause 52.05 Advertising Signs

The purpose of this particular provision is to provide for signs that are compatible with the amenity and visual appearance of an area and to ensure signs do not contribute to excessive visual clutter.

A permit is required to display Business Identification Signage that exceeds 8 square metres for the total advertisement area of all signs on the site.

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
 - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
 - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
 - The consistency with any identifiable outdoor advertising theme in the area.
- The relationship to the streetscape, setting or landscape:
 - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
 - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
 - The ability to screen unsightly built or other elements.
 - The ability to reduce the number of signs by rationalising or simplifying signs.
 - The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
 - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
 - The extent to which the sign displays innovation relative to the host site and host building.
 - The extent to which the sign requires the removal of vegetation or includes new landscaping.

Discussion

Planning Scheme

The proposed development is considered to not satisfy the relevant policies and decision guidelines contained with the Golden Plains Planning Scheme. An assessment against the relevant provisions of the planning scheme is made as follows:

Zoning provisions

The proposal triggers the need for planning assessment against Clause 34.01-4 Buildings and works Commercial 1 Zone.

An assessment against the zone provisions is made as follows:

The proposal would create an inappropriate detriment on the existing character and amenity of the streetscape.

Overlay Provisions

Design and Development Overlay 9

The proposal triggers the need for planning assessment against Clause 2.0 Buildings and Works of the Design and Development Overlay.

An assessment against the overlay provisions is made as follows:

The proposal acting as a contributory building to heritage precinct does not preserve the heritage nature of the building.

Heritage Overlay (95)

An assessment against the decision guidelines of the overlay has been undertaken and is made as follows:

The location, bulk and appearance of the proposed roller shutters will adversely affect the significance and character of the heritage streetscape; this includes the building that the roller shutters would be attached to as well as the adjoining buildings along High Street. During open hours, the roller shutter would still be visible along the top of the business frontage.

The use of roller shutters creates a 'closed down' appearance along High Street when businesses are closed and will create blank frontages in the middle of town. Even when businesses in the main street are closed, shops should still provide an 'active' frontage appearance to the street, allowing shutters would remove this active frontage and create a dead frontage to the street.

The development would create an undesirable precedent along High Street for roller shutters. It would allow other businesses within Bannockburn's central business area to expect approval for similar proposals.

Councils Heritage Advisor has reviewed the application and does not support the installation of the proposed roller shutter door. The Heritage Advisor has outlined that the proposal would be very inappropriate in a heritage precinct, and it would set an unacceptable precedent.

Particular Provisions

Advertising Signage

The proposed sign will be a large black celebrations sign that would be attached to the roller shutter and would cover approximately 80% of the frontage of the building.

The proposed signage would impact on the heritage streetscape along High Street and would set a precedent for large quantities of signage fronting the street. There are large amounts of signage currently within the central business area with business identification signage being the predominant type of signage along the facades of buildings. The proposed signage to be installed on the roller shutter will be dominant in form and would be the third large business identification sign on the façade of the building. The sign would be dominant and not in keeping with other signage within this area.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that the application does present economic and social implications due to the perceived risk of theft and robbery in the area. However alternate solutions have been offered which are considered to be more suitable to preserve the heritage character and amenity within the streetscape.

Conclusion

The application fails to comply with the existing character and amenity of the streetscape and heritage precinct and would create a negative precedent. The development is therefore considered unacceptable.

Moved Crs Vaughan/Blake

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the development of the land for a roller shutter and business identification signage at unit 1/19 High Street, Bannockburn, for the following reasons:

- ***The development would be inappropriate in the heritage precinct and would set an inappropriate precedent.***
- ***The proposal is contrary to the provisions of the heritage overlay and the general provisions of the Golden Plains Planning Scheme.***
- ***The proposed signage is inconsistent to the decision guidelines of the heritage overlay and the particular provision for advertising signage.***

Carried

4.1.3 Planning Application P15-021 Dwelling at 11 Tannery Road, Scarsdale

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Simon Howland, Acting Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Adrian Peggie, Town Planner
File References	Planning Application P15-021
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for a dwelling
Land Address	11 Tannery Road, Scarsdale, 3351
Applicant	Langdon Building Pty Ltd
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Rural Living Zone ▪ <i>part</i> Land Subject to Inundation Overlay ▪ Environmental Significance Overlay 2 ▪ Design and Development Overlay 7
Attachments	<ol style="list-style-type: none"> 5. P15-021 Plans 6. P15-021 Locality Plan 7. P15-021 Victorian Planning Practice Note, '<i>Applying for a Planning Permit under the Flood Provisions – A guide for councils, referral authorities and applicants</i>'

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Simon Howland: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Adrian Peggie: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the use and development of a dwelling at 11 Tannery Road, Scarsdale. The application has been referred to the Planning Committee for determination as refusal of the proposal is recommended. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes to use and develop the land for a dwelling. The dwelling is to be positioned towards the southern corner of the site, approximately 27m from the south eastern boundary and 23m from the south western boundary. The four bedroom dwelling with attached garage is to be 14.8m wide, 23m deep, 2.6m high to the eaves and 5m high to the ridge. The plans show the building to be constructed from brick veneer with colorbond roof. A driveway within a road reserve is to connect the dwelling to Tannery Road.

Site Description

The subject site is located at 11 Tannery Road, formally known as Plan of Consolidation PC367716. The site is an irregular diamond-shape. It has an area of 2.3 hectares and is currently vacant. The Woody Yaloak River runs close by to the north western and north eastern boundaries of the site. The site to the south west is vacant and the site to the south east contains a dwelling.

The site and surrounding area is predominantly zoned Rural Living, although there is a Public Conservation and Recreation Zone to the north and west which covers part of the river. A Land Subject to Inundation Overlay applies to about one third of the site, being the northern part of the site closest to the river. The road reserve that grants access to the site is also partly subject to this overlay, along with part of Tannery Road.

The proposed dwelling is to be located outside of the overlay.

History

The application was received on 28 January 2015. A letter was sent to the applicant on 9 February 2015 requesting further information in respect of the impact of the proposal on the river. A response was received on 25 March 2015.

On 16 March 2015, the application was referred to the Corangamite Catchment Management Authority (CCMA) as a recommending referral authority and referred to the Department of Environment, Land, Water and Planning (DELWP) for comment as it is the land manager for the nearby Public Conservation and Recreation Zone. DELWP responded on 10 April 2015, without objection, but recommending that a condition regarding effluent disposal and run-off be applied to any permit granted. A response was received from the CCMA on 14 April 2015, objecting to the proposal. The CCMA have objected to the proposal on the basis that in a flood event, emergency vehicle access to the property may be compromised, with flood depth affecting the access to the property likely to reach 0.73 metres.

The applicant was notified of the CCMA's objection by way of letter dated 14 April 2015. A written response was received from the owners on 19 May 2015 stating that they did not expect the proposal to have the impacts forecast by the CCMA, and believed the risks highlighted by the CCMA were overstated.

Community Communication

Notice of the application was not given to neighbours pursuant to Section 52 (1) (a) of the *Planning and Environment Act 1987* ("the Act") in that the Council was satisfied that the proposal would not cause material detriment to any person.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 13.02 Floodplains

The objectives of the floodplains policy are:

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.

Zone and Overlay Provisions

Clause 35.03 Rural Living Zone

The purpose of the zone is to, among other things, provide for residential use in a rural environment.

Clause 42.01 Environmental Significance Overlay 2

This overlay seeks to protect watercourses in terms of water quality, habitat, vegetation and erosion.

Clause 43.02 Design and Development Overlay 7

This overlay seeks to ensure that outbuildings respect the character of the area. It is not applicable to this particular development, as no outbuildings are proposed.

Clause 44.04 Land Subject to Inundation Overlay

The purposes of the overlay are:

- 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.

The Council must consider the following, among other things:

- Any comments from the relevant floodplain management authority.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

General provisions

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider, among other things, the following matters:

- 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 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.

Material Considerations

The Victorian Planning Practice (VPP) Note, *Applying for a Planning Permit under the Flood Provisions – A guide for councils, referral authorities and applicants*, is a material consideration. The Council should consider the following when reaching a decision:

- A development should be refused if it is likely to cause an unacceptable increase in flood risk in the following situations:
 - It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site.
 - It relies on low-level access to and from the site.
 - It is likely to increase the burden on emergency services and the risk to emergency personnel.
 - It is likely to increase the amount of flood damage to public or private assets.
 - It is likely to raise flood levels or flow velocities to the detriment of other properties. Potentially adverse effects on upstream and downstream areas must be identified and addressed. Development should not transfer flooding problems from one location to another.
 - It is likely to obstruct flood flows or reduce natural flood storage. The capacity of land subject to inundation to convey and store floodwater must be maintained.
 - It is likely to be detrimental to natural habitats, waterway stability, water quality or sites of significance.
 - If any subdivision, development or redevelopment is likely to increase the number of buildings located in a floodway area.

Discussion

Planning Scheme

The proposed development is considered to not satisfy the relevant policies and decision guidelines contained within the Golden Plains Planning Scheme. An assessment against the relevant provisions of the planning scheme is made as follows:

State Planning Policy Framework

The framework states that the protection of life from flooding is a consideration of the planning scheme. There may be some risk to life in the event of a flood given the low-level access to the site.

Zoning provisions

The proposal generally meets the objectives and requirements of the Rural Living Zone.

Overlay Provisions

Environmental Significance Overlay 2

The proposal generally meets the objectives and requirements of this overlay.

Land Subject to Inundation Overlay

An assessment against the overlay provisions is made as follows:

- *Any comments from the relevant floodplain management authority.*

The CCMA has objected to the proposal on the basis that the accessway to the premises could be inundated during a flood event, thus compromising safety of access and egress.

- *The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:*
 - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
 - *The flood warning time available.*
 - *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*

There is a potential risk to life, health and safety due to the potential of the accessway to the site being flooded and made impassable.

General Provisions

An assessment against Clause 65 is made as follows:

- *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 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.*

An additional accessway could be provided by a different road reserve directly to the Glenelg Highway. This road reserve is not subject to inundation, although road construction would need to take place to make the road reserve passable. This accessway would not need to be of regular road standard given that it would be reserved for emergencies. The applicant has not pursued this opportunity.

Material Considerations

The VPP states that the Council should consider the following, among other things:

- *A development should be refused if it is likely to cause an unacceptable increase in flood risk in the following situations:*
 - *it relies on low-level access to and from the site.*
 - *it is likely to increase the burden on emergency services and the risk to emergency personnel.*

The development relies on low-level access to and from the site. Alternative access is available through another road reserve, albeit road construction would be required to enable such access. The development may also increase the burden on emergency services and the risk to emergency personnel could be raised in the event of a flooding event.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that the application does not present any economic, social or environmental implications.

Conclusion

The application fails to satisfy the overlay and general provisions of the Golden Plains Planning Scheme and the Victorian Planning Practice Note relating to flooding. The use and development is therefore considered unacceptable.

Recommendation

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for a dwelling at 11 Tannery Road, Scarsdale, for the following reasons:

The proposal is inconsistent with the State Planning Policy Framework, in particular Clause 13.02, which seeks to assist in the protection of life.

The proposal is contrary to the provisions of the overlay and the general provisions of the Golden Plains Planning Scheme.

The proposal is contrary to the decision making guidelines of the Victorian Planning Practice Note, 'Applying for a Planning Permit under the Flood Provisions – A guide for councils, referral authorities and applicants'.

Moved Crs Blake/Cameron

That the Planning Committee resolves to adjourn this report to the June 2015 Council meeting.

Carried

4.1.4 Planning Application P15-039 Dwelling at 96 Linton-Naringhil Road, Linton

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Simon Howland, Acting Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Adrian Peggie, Town Planner
File References	Planning Application P15-039
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for a dwelling
Land Address	96 Linton-Naringhil Road, Linton, 3360
Applicant	Carlin Connelly
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Farming Zone
Attachments	<ul style="list-style-type: none"> 8. P15-039 Plans 9. P15-039 Locality Plan

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Simon Howland: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Adrian Peggie: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the use and development of a dwelling at 96 Linton-Naringhil Road, Linton. The application has been referred to the Planning Committee for determination as refusal of the proposal is recommended. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes to use and develop the land for a dwelling. The dwelling is to be positioned towards the northern boundary of the site, slightly to the east of centre (the site plan provided is not to scale and does not contain dimensions). The three bedroom, kit dwelling is to be 9m wide, 12m deep and 4m high to the ridge. A watertank is to be provided to service the dwelling. The application also proposes details of a potential agricultural use and stables to accompany that use. The agricultural use and stables do not require planning permission as the land is located in the farming zone. The roof is to be constructed from colorbond, in a green tone, while the weatherboard cladding will be painted a cream colour.

Site Description

The subject site is located at 96 Linton-Naringhil Road, comprising two lots, being Crown Allotments 24 and 25, of the Parish of Argyle. The northern boundary of the site is approximately 220m south of the township zone encompassing Linton. The lots are rectangular and together form a parcel that is roughly square. They have a combined area of 11.9 hectares, with road frontage of approximately 330m and depth of approximately 365m. The land is mostly cleared of vegetation, with only scattered trees on the site. The site is undulating with a general fall towards the north. A dam exists close to the front of the property, with a gully running parallel to and located towards the western boundary of the site.

This site, and surrounding sites, appear to be currently used for grazing purposes. There are only scattered dwellings throughout this part of the farming zone.

History

The application was received on 25 February 2015. Further information regarding the proposal was requested on 23 March 2015, to which a response was received on 2 April 2015. A letter stating that refusal was likely was sent on 10 April 2015. The application has not been referred to any internal or external authorities.

Community Communication

Notice of the application was not given to neighbours pursuant to Section 52 (1) (a) of the *Planning and Environment Act 1987* ("the Act") in that the Council was satisfied that the proposal would not cause material detriment to any person.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural Productivity

The objective of this policy is to manage land use change and development in rural areas to promote agriculture and rural production. The policy seeks to prevent inappropriately dispersed urban activities in rural areas and limit new housing development in rural areas by directing housing growth into existing settlements, discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses and encouraging consolidation of existing isolated small lots in rural zones.

Clause 11.06 Central Highlands Regional Growth

The *Central Highlands Regional Growth Plan* identifies the site within a designated broad acre cropping and grazing area. The policy for agricultural productivity (Clause 11.06-8) aims to support long-term agricultural productivity by identifying land for primary production and protecting key agricultural assets from incompatible uses.

Clause 14.01-1 Protection of agricultural land

The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context. The policy seeks to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use. In considering a proposal to develop agricultural land, factors to be considered include the impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values. Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.

Clause 16.02-1 Rural residential development

This policy aims to identify land suitable for rural residential development to avoid or significantly reduce adverse economic, social and environmental impacts. This is to be achieved in part by discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses and by encouraging consolidation of existing isolated small lots in rural zones.

Local Planning Policy Framework (SPPF)

Clause 21 Municipal Strategic Statement (MSS)

According to the Municipal Profile (Clause 21.01), the main use of land in the shire is for primary production including grazing and broad acre cropping. Agricultural industries generate approximately \$44 million worth of product and 14% of the workforce is employed in primary industry.

Clause 21.01-7 identifies managing residential growth, economic growth and maintaining and encouraging viable agricultural industries as major issues affecting the Shire's land use planning and development. The policy states that the Shire contains a relatively large number of small townships and that Council seeks to focus residential development within the boundaries of these townships. It is recognised that there is pressure for development outside these townships particularly for subdivision and hobby farm development therefore the urban-rural interface needs to be managed appropriately. The policy also recognises that the Shire relies on the strength of its grazing and cropping industries as its economic base therefore it is vitally important to maintain a viable agricultural sector.

Clause 21.02 contains the vision for the shire which includes a prosperous agricultural industry. This will be achieved in part by focusing urban development into existing townships, sustainable management and protection of natural resources, facilitating productive agricultural activities, and protecting rural areas.

Clause 21.03 contains the settlement policy, which states that the Shire is characterised by a number of small towns located in the midst of productive agricultural areas and, as a result, the maintenance of a clear distinction between urban and rural areas is essential to the continuation of viable agricultural pursuits. The policy contains strategies which seek to restructure the land in the north west of the Shire to maintain viable agricultural holdings, establish an urban edge to all settlements by using zoning to provide a clear urban growth boundary, and protect land in agricultural production from adjoining uses and development inconsistent with normal farming practices.

Clause 21.05-2 relates to agriculture and emphasises the economic importance of agricultural industries to the Shire however this is potentially threatened by the fragmentation of land for non-agricultural purposes, including rural residential development and conflict between sensitive uses and agricultural uses. A critical element in the planning for agricultural uses in the Golden Plains Shire is to maintain farm size. The policy aims to ensure that agricultural land is protected and used as an economically valuable resource and to maintain farm size to allow for viable agriculture. This will be achieved by avoiding sensitive uses near agricultural operations where there may be conflict, ensuring that the use and development of rural land is both compatible and complementary to agricultural activities and avoiding fragmentation of land for non-agricultural purposes, including rural residential development.

Rural Land Use Strategy

The *Golden Plains Rural Land Use Strategy* was adopted by Council in 2008 and is a reference document to the planning scheme. The strategy is designed to guide future land use and development across the Shire's rural areas. The Strategy states that the Farming Zone has been applied to land to protect agricultural land and maintain broad acre lots in core agricultural areas.

Zone Provisions

Clause 35.07 – Farming Zone

The site and surrounding sites are in the Farming Zone. The purpose of the Zone is to, among other things, provide for the use of the land for agriculture, encourage the retention of productive agricultural land and ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The schedule to the Farming Zone specifies that a permit is required for a dwelling where the lot area is less than 100 hectares.

An application for a dwelling must include a written statement responding to the decision guidelines for dwelling in the zone. Before deciding on an application Council must consider, among other things, the decision guidelines for dwellings which are as follows:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- Whether the dwelling will result in the loss of fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and house of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural activities.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

General provisions

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider the following matters, 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.

Discussion

Planning Scheme

The proposed development is considered to not satisfy the relevant policies and decision guidelines contained with the Golden Plains Planning Scheme. An assessment against the relevant provisions of the planning scheme is made as follows:

State and Local Planning Policy Frameworks

The frameworks and the Rural Land Use Strategy all recognise the importance of agriculture to the Shire and seek to protect agricultural uses and land supply for such uses. The policies seek to protect agricultural land from use and development that is inconsistent with existing agricultural activities, discourage the development of small lots for dwellings and encourage the consolidation and restructure of small lots to maintain viable farm sizes. Whilst it is acknowledged that the applicant has proposed an agricultural use for the premises, this use is considered more akin to a rural living use rather than full-scale agricultural use. The proposed use does not appear to form a viable agricultural enterprise.

Zone Provisions

- *Whether the use or development will support and enhance agricultural production;*

The proposed agricultural use of the site is of a low-intensity, and will replace the existing grazing use. The low-intensity nature of the use suggests that the use and development will not support nor enhance agricultural production.

- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production;*

The proposed use and development will permanently remove a portion of land from agricultural production.

- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses;*

Placing a dwelling in an agricultural area risks limiting the operation and expansion of adjoining and nearby agricultural uses. For example, cropping of nearby land and harvesting could occur at all hours, with detriment to the proposed dwelling through associated dust and noise impacts.

- *Whether the dwelling will result in the loss of fragmentation of productive agricultural land;*

Using part of the land for the dwelling will result in the loss of productive agricultural land and will fragment the site. Furthermore, the amount of land is relatively small. If a dwelling is built on the land, it is likely to be more attractive in the future as a rural living parcel than a farming parcel. This could lead to an increase in the value of the lot that would make the land so expensive as to be unviable for agricultural production.

- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation;*

The proposed dwelling could, in the future, be affected by adjoining agricultural pursuits.

- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural activities;*

The dwelling will fragment productive agricultural land and could prevent expansion of adjoining and nearby agricultural uses.

- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The proposal may set an undesirable precedent which could lead to a concentration and / or a proliferation of dwellings in the area. There are a number of lots of similar size in the farming zone nearby Linton which could be similarly developed.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that the application does not present any economic, social or environmental implications.

Conclusion

The application fails to satisfy the provisions of the State and Local Planning Policy Frameworks or the Farming Zone. The use and development is therefore considered unacceptable.

Moved Crs Phelan/Hansford

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for a dwelling at 96 Linton-Naringhil Road, Linton, for the following reasons:

The proposal is inconsistent with the State Planning Policy Framework, in particular Clauses 11.05-3, 11.06, 14.01-1 & 16.02-1 which seeks to protect the State's agricultural base from the unplanned loss of productive agricultural land, as it will potentially remove land from primary production and impact the continuation of primary production on adjacent land.

The proposal is contrary to the Local Planning Policy Framework, in particular Clauses 21.01-2, 21.02, 21.03 & 21.04-3, which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and the development of dwellings on small lots in rural areas.

The proposal does not satisfy the objectives and decision guidelines of the Farming Zone. In particular, it does not provide any justification for the need for a dwelling based on any agricultural activities conducted on the land, and has the potential to lead to the loss of productive agricultural land and a proliferation of dwellings in the surrounding area.

Carried

4.1.5 Amendment C70

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Simon Howland Acting Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Angela Vary, Strategic Planner
File References	BluePoint File: 60-02-070
Council Plan Link	N/A
Relevant Council Strategies	Golden Plains Planning Scheme
Overlays	Design & Development Overlay Schedule 5 Design & Development Overlay Schedule 7 Heritage Overlay Schedule 86
Relevant Legislation	Planning & Environment Act 1987
Attachments	10. Amendment C70 documents 11. Submissions to Amendment C70

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Simon Howland: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Angela Vary: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

A general amendment to the Golden Plains Planning Scheme is proposed to correct a number of mapping and text anomalies. The amendment will correct zoning of land to ensure orderly planning, use and development. The amendment also revises a number of overlay schedules to correct any inconsistencies. All changes have been included in one single amendment to improve efficiency in processing.

Background

A number of properties are incorrectly zoned which prejudices their orderly planning, use and development. These zoning anomalies and errors result in the following issues (among others):

- For privately owned properties which are incorrectly zoned for public purposes, landowners are either constrained in developing the land for a reasonable purpose or from selling the land for its true value.
- Public land zoned for public purposes cannot be sold to the public (where it becomes surplus to requirements) until the land is suitably rezoned.
- Properties which are used for public purposes but which are not in a Public Use Zone require unnecessary expenditure of public resources on the administration of planning permit applications that would otherwise not be required had the land been correctly zoned for public use.

- The application of the Design and Development Overlay will encourage development that meets the setback and outbuilding requirement to avoid the necessity of a planning permit. Outbuildings of up to 120 m² in area are considered to be of a size that is ancillary to a dwelling and can be reasonably expected to be used for domestic purposes. The need for a permit above this prescribed area ensures that the proposed use, design and siting can be considered to maintain local amenity, character and appropriate siting in rural residential areas.

Proposal

EXHIBITION OF AMENDMENT C70

Amendment C70 was exhibited for the period 9 March 2015 – 13 April 2015. Notice was placed in the Geelong Advertiser and Ballarat Courier newspapers on 7 March 2015 and the Government Gazette on the 12 March 2015. Letters were sent to Ministers, referral authorities and land owners (affected by direct changes) on the 9 March 2015.

SUBMISSIONS

A total of 5 submissions were received in relation to Amendment C70. The submissions have been summarised and considered with a recommended response provided. Submissions are provided at Attachment B.

Submission No. 1 – VicRoads

Sam Pirrotta
VicRoads
PO Box 775
GEELONG VIC 3220

Summary of Submission

VicRoads does not object to Amendment C70.

Direction

No further action required.

Submission No. 2 – Central Highlands Water

Casey Boucher
Central Highlands Water
PO Box 152
BALLARAT VIC 3353

Summary of Submission

Central Highlands Water does not object to Amendment C70.

Direction

No further action required.

Submission No. 3 – Department of Environment, Land, Water & Planning

Stewart Dekker
DELWP
402-406 Mair Street
BALLARAT VIC 3353

Summary of Submission

The Department of Environment, Land, Water & Planning does not object to Amendment C70.

Direction

No further action required.

Submission No. 4 – Southern Rural Water

Vince Lopardi
Southern Rural Water
PO Box 153, MAFFRA VIC 3860

Summary of Submission

Southern Rural Water does not object to Amendment C70.

Direction

No further action required.

Submission No. 5 – Barwon Water

Seamus Butcher
Barwon Water
PO Box 659
GEELONG VIC 3220

Summary of Submission

Barwon Water submitted an objection to Amendment C70 on the basis that the table of uses in the proposed Schedule 4 to the Special Use Zone (SUZ4) applying to the Bannockburn Golf Course, does not list 'minor utility'. As a result this would prohibit the installation of utility services on land covered by the SUZ4.

Direction

Council has amended the proposed SUZ4 to include 'minor utility installation' as a Section 1 use and 'utility installation' as a Section 2 use. An administrative oversight resulted in the exclusion of this use in Sections 1 and 2. Barwon Water are satisfied with the amended proposed SUZ4 as at Attachment 10 and do not object to the amendment.

Community Engagement

The amendment was exhibited in accordance with the Planning and Environment Act 1987.

Financial & Risk Management Implications

It is considered there are no financial implications.

Economic, Social & Environmental Implications

It is considered that there are no environmental, social or environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

The changes proposed in this amendment will allow for the functions of Council to be more efficient and effective within the Golden Plains Shire. The majority of changes proposed in the amendment have either recently been inadvertently incorporated into the Golden Plains Planning Scheme or the use and ownership of property has changed.

Overall, the amendment is consistent with the Golden Plains Planning Scheme, including State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement.

Amendment C70 was exhibited in accordance with Section 19 of the Planning and Environment Act 1987.

Moved Crs Hansord/Vaughan

That the Planning Committee resolves to adopt Amendment C70 in the form of Attachment 10 and send to the Minister for Planning for approval in accordance with Section 31 (1) of the Planning and Environment Act 1987.

Carried

5. OTHER BUSINESS

Nil

6. ATTACHMENTS

Attachment 1	Item 4.1.1	C72 Explanatory Report
Attachment 2	Item 4.1.1	C72 Authorisation Application Form
Attachment 3	Item 4.1.1	C72 Amendment Maps
Attachment 4	Item 4.1.2	P15-094 Plans
Attachment 5	Item 4.1.3	P15-021 Plans
Attachment 6	Item 4.1.3	P15-021 Locality Plan
Attachment 7	Item 4.1.3	P15-021 Victorian Planning Practice Note: 'Applying for a Planning Permit under the Flood Provisions – A Guide for Councils, Referral Authorities and Applicants'
Attachment 8	Item 4.1.4	P15-039 Plans
Attachment 9	Item 4.1.4	P15-039 Locality Plan
Attachment 10	Item 4.1.5	Amendment C70 documents
Attachment 11	Item 4.1.5	Submissions to Amendment C70

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 10.55 am.

Minutes (total printed).....	TBC
Councillors.....	7
Minutes file	1
Soft copy (portal, intranet, box)	1