



Planning Committee Minutes

Linton Customer Service Centre

**Tuesday 9 August 2016
9.00am-9.35am**

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.

Table of Contents

1.	PRESENT	4
2.	APOLOGIES.....	4
3.	DECLARATIONS & MINUTES.....	5
3.1.	DECLARATIONS OF INTEREST	5
3.2.	CONFIRMATION OF MINUTES.....	5
4.	REPORTS.....	6
4.1.	KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING	6
4.1.1	Planning Application P16-117 Variation to Restrictive Covenant at Lot 24 PS 147470, 45 Warrack Drive Bannockburn.....	6
4.1.2	Planning Application P16-109 The use and development of the land for a dwelling and shed at 96 Linton-Naringhal Road, Linton.....	10
4.1.3	Planning Application P15-278 for a four lot subdivision at 148 Bruce Street, Teesdale.....	17
5.	OTHER BUSINESS.....	29
5.1.	IN CAMERA MEETING.....	29
6.	ATTACHMENTS	30
7.	DATE OF NEXT MEETING.....	30
8.	CLOSE OF MEETING	30
9.	CERTIFICATION	30

3. DECLARATIONS & MINUTES

3.1. DECLARATIONS OF INTEREST

File: 02-03-007

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

Cr Hansford declared an indirect interest by close association for report 4.1.1 Planning Application P16-117 Variation to Restrictive Covenant at Lot 24 PS 147470, 45 Warrack Drive Bannockburn as the objector is an employee.

3.2. CONFIRMATION OF MINUTES

Moved Crs Phelan/Cameron

That the Minutes of the Planning Committee meeting held 12 July 2016, as circulated, be confirmed.

Carried

4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

It is recorded that Cr Hansford declared an indirect interest by close association for this report and left the chamber at 9.03am

4.1.1 Planning Application P16-117 Variation to Restrictive Covenant at Lot 24 PS 147470, 45 Warrack Drive Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Laura Wilks, Planning Team Leader
Author	Luke Gavin, Town Planner
File References	Planning Application P16-117
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Variation to restrictive covenant
Land Address	45 Warrack Drive, Batesford
Applicant	JH Surveying
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Low Density Residential Zone ▪ Design and Development Overlay Schedule 5
Attachments	<ol style="list-style-type: none"> 1. P16-117 Locality Plan 2. P16-117 Title and covenant L814102R 3. P16-117 Objections

Declarations of Interest: Councillors & Officers

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

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

Laura Wilks: 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 to vary a restrictive covenant at 45 Warrack Drive, Bannockburn. The application has been referred to the Planning Committee for determination as there are two objections to the proposal. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes a variation of the restrictive covenant L814102R from:

*(a) That we will not erect or cause or suffer to be erected or placed upon the said lot more than **one** main dwelling being a dwelling house together with the usual outbuildings such main building containing a floor area of not less than 1200 square feet within the outer walls thereof calculated by excluding the area of all carports garages terraces pergolas and verandahs and such main building having external walls made principally of stone brick or brick veneer.*

To be amended to become:

*(b) That we will not erect or cause or suffer to be erected or placed upon the said lot more than **two** main dwelling being a dwelling house together with the usual outbuildings such main building containing a floor area of not less than 1200 square feet within the outer walls thereof calculated by excluding the area of all carports garages terraces pergolas and verandahs and such main building having external walls made principally of stone brick or brick veneer.*

The application has been made to enable the subdivision of the site.

A permit is required to vary a restrictive covenant pursuant to Clause 52.02 of the Planning Scheme.

Site Description

The subject site is located at 45 Warrack Drive Bannockburn, known as lot 24 on Plan of Subdivision 147470. The 1.6 hectare allotment is of an irregular shape. The site is currently developed with a dwelling and outbuilding located to the western boundary of the site. Small holdings for stock and planted vegetation exist throughout the property. The site is predominantly flat throughout and has existing access from Warrack Drive.

The surrounding area consists of lots of a similar size that are developed with dwellings and outbuildings. The subject land is located in a low density Bannockburn neighbourhood on the northern side of the railway tracks which was developed over 20 years ago. The covenant which is the subject of this application was created on the 16th of January 1985.

History

The application was received on 26 April 2016 and preliminary assessment of the application was undertaken. The application was advertised on the 11 May 2016.

Communications

Notice of the application was given in accordance with Section 52 (1) of the *Planning & Environment Act 1987*. Notice was provided by mail to owners and occupiers of land benefited by the covenant. Notice was carried out by placing a sign on the site and by placing an advertisement in The Geelong Advertiser newspaper.

Summary of Objections

Two objections to the application were received by Council (refer to Attachment 3). Both objectors are beneficiaries of the subject covenant. The objections were made on three main grounds.

- Traffic management issues
- Impact on amenity
- Infrastructure provisions

Council contacted the objectors in an effort to organise a consultation meeting. Both objectors declined the invitation however maintained their objection to the application.

Golden Plains Planning Scheme

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

A permit is required to vary or remove a restriction under this clause. The responsible authority must consider the interests of affected people before deciding on an application.

Section 60 (2) of the Act

As the covenant was registered prior to 25 June 1991, Section 60(5) of the Act applies. It states:

The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—

- a) *the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and*
- b) *if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

Response to grounds of objections

Given the concerns raised by objectors, it is considered that the responsible authority cannot be satisfied that the above-listed effects are unlikely to be suffered by any owner benefitting from the restriction. It is therefore considered that Council cannot issue a permit based on the decision guidelines of Section 60 of the Act.

Discussion

Planning Scheme

The proposed development is considered to 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:

In relation to the proposed variation of the covenant, notice of the application was carried out in accordance with the Act and there were two objections to the variation of the restriction from persons benefited by the covenant. As noted above, Council must not vary a restrictive covenant unless they can be satisfied that the owner of any land benefited by the restriction will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction or that the objection is vexatious or not made in good faith. Therefore, in accordance with Section 60(5) of the Act, Council cannot issue a permit for the proposed variation.

Cultural Heritage Implications

It is considered that there are no cultural heritage implications.

Financial & Risk Management Implications

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

Economic, Social & Environmental Implications

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

Conclusion

The application fails to satisfy Section 60 (5) of the Act.

Moved Crs Kirby/Blake

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the variation of a restrictive covenant at 45 Warrack Drive, Bannockburn, on the grounds that the application fails to satisfy Section 60 (5) of the Planning and Environment Act 1987.

Carried

Cr Hansford returned to the chamber at 9.07am

4.1.2 Planning Application P16-109 The use and development of the land for a dwelling and shed at 96 Linton-Naringhal Road, Linton

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Laura Wilks, Planning Team Leader
Author	Leigh Page, Town Planner
File References	Planning Application P16-109
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for a dwelling and shed
Land Address	96 Linton-Naringhil Road, Linton Crown Allotment 34, Parish of Argyle
Applicant	Ivan Kerr
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Farming Zone
Attachments	<ul style="list-style-type: none"> 4. P16-109 Plans 5. P16-109 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.

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

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

Leigh Page: 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 and shed 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 eastern boundary and would be setback 30 metres from the Linton-Naringhil Road. The relocatable dwelling is T shaped and is 17.21 metres long x 10.2 metres wide at the southern end and 3.6 metres wide at the northern end and 2.4 metres high to the eave. Along with the three bedrooms the dwelling will contain a bathroom, laundry, dining/kitchen, and a lounge. The walls and roof will be constructed of colourbond cladding.

The shed is proposed to be 7.3 metres x 7.8 metres. The shed will be setback 30 metres from the eastern boundary fronting Linton-Naringhil Road and 22 metres from the northern boundary. No elevation plans, floor plans, or details of the shed were submitted with the application.

The site plan submitted shows areas for vegetable gardens, sheep yards, and feeding yards, with the application outlining that the land will be used for small scale agricultural operation including animal raising, a community garden and animal husbandry. The application details that 100 sheep will be kept for grazing purposes, alpacas bred for pets, and four pigs contained on the land. No further details have been received that provide specific information related to these areas.

Site Description

The subject site is located at 96 Linton-Naringhil Road, being Crown Allotment 34, Parish of Argyle. The northern boundary of the site is approximately 220m south of the township zone encompassing Linton. The lot is rectangular in shape and has a total area of 4 hectares, with road frontage of approximately 110 metres and depth of approximately 365 metres. The land is mostly cleared of vegetation, with only scattered trees remaining on the site. The site is undulating with a slight 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

A previous planning application was received in 2015 that included this titled allotment. This application was also for the use and development of the land for a dwelling. This application was referred to Planning Committee in June 2015 for determination and was refused.

This current application was received on 14 April 2016. Further information regarding the proposal was requested on 20 April 2016, to which a response was received on 3 May 2016 and further additional information on 16 June 2016.

The application has not been referred to any internal or external authorities.

Communications

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 fails to 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 subject property is relatively small with an area of 4 hectares. 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 and distort the perceived value of the surrounding 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 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.

Cultural Heritage Implications

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

Financial & Risk Management Implications

It is considered that there are not 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 applicant has previously applied to Council for the use and development of a dwelling on this land to be used in association with small scale agricultural operations. No justification has been provided that demonstrates the need for a dwelling on the land to undertake any of the proposed agricultural functions.

Given the proposed operations, the viability of the land, and the surrounding farming operations, the use and development is 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 96 Linton-Naringhil Road, Linton, on the following grounds:

- 1. The proposal is inconsistent with the State Planing 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.***
- 2. 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.***
- 3. 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.***

Moved Crs Blake/Hansford

That Council suspend Standing Orders.

Carried

It is recorded that Council suspended Standing Orders at 9.17am to hear a submission from Ivan Kerr.

Moved Crs Hansford/Blake

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 9.22am.

Moved Crs Phelan/Blake

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, on the following grounds:

- 1. 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.***
- 2. 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.***
- 3. 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

4.1.3 Planning Application P15-278 for a four lot subdivision at 148 Bruce Street, Teesdale

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Laura Wilks, Planning Team Leader
Author	Peter O'Brien, Town Planner
File References	Planning Application P15-278
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Four lot subdivision
Land Address	148 Bruce Street, Teesdale (Lot 1 on Plan of Subdivision 444827S)
Applicant	TGM Group Pty Ltd
Zone & Overlay Summary	Low Density Residential Zone (LDRZ) Design & Development Overlay – Schedule 5 (DDO5)
Attachments	<ol style="list-style-type: none"> 2. P15-278 Copy of application and plans 3. P15-278 Locality map 4. P15-278 Copy of objection 5. P15-278 Copy of applicant's response to objection

Declarations of Interest: Councillors & Officers

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

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

Laura Wilks: In providing this advice as the responsible team leader, I declare that I have an indirect interest due to close association. The objector, Wayne Murphy, is the father of my partner.

Peter O'Brien: 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 a four lot subdivision at 148 Bruce Street, Teesdale. The application has been referred to the Planning Committee for determination as objections to the application were received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes the development of the land for a four lot subdivision (refer to Attachment 6 – copy of application and plans). It is proposed to subdivide the land as follows:

- Lot 1 contains the existing dwelling, shed and driveway to Bruce Street and has an area of 4911m². The lot has frontage to both Bruce Street and Squires Road.
- Lot 2 is a vacant lot with an area of 4188m². The lot has frontage to both Bruce Street and Squires Road.
- Lot 3 is a vacant lot with an area of 4001m². The lot has frontage to Bruce Street.
- Lot 4 is a vacant lot with an area of 5396m². The lot has frontage to Squires Road.

Site Description

The subject land is situated at 148 Bruce Street, Teesdale and is formally described as Lot 1 on Plan of Subdivision 444827S. The site is located in a low density residential area of the Teesdale township (refer to Attachment 7 – locality map). The site contains an existing dwelling and shed and has a total area of 1.85 hectares. A small reserve owned by Barwon Water is located next to the land at the corner of Bruce Street and Squires Road. The land is undulating and falls to a depression that runs through the middle of the lot. The site is mostly cleared except for planted trees and gardens and one large native red gum tree on the Squires Road boundary. Access to the site is available from Bruce Street and Squires Road which are both sealed roads managed by Council.

The land is affected by restrictive covenant number AB501051K that prohibits relocatable dwellings. This covenant does not prohibit subdivision or the construction of a dwelling on each lot.

History

The application was received by Council on 19 November 2015 and a preliminary assessment of the application was undertaken. The application was referred under Section 55 of the *Planning & Environment Act 1987* ('the Act') to Barwon Water and Powercor in accordance with Clause 66.01 of the planning scheme. The application was also internally referred to Council's Works Engineer, Environmental Health Officer and Natural Resources Officer. These parties had no objection to the issue of a permit subject to conditions being placed on a permit.

Communications

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the Act. Notice was provided by mail to 16 adjoining and neighbouring owners and occupiers.

Summary of Objections

As a result of the public notice one objection was received. A copy of the objection is provided as Attachment 8. A second objection was originally received however this objection was later withdrawn after discussions between the objector and applicant. The objector is concerned that the proposed subdivision will affect the rural atmosphere and privacy of his property and has requested that specific measures be put in place to ensure that no buildings are constructed within 10m of his boundary and that the boundary be landscaped with a row of trees to act as a screen.

A consultation meeting with the objector and the applicant was held on 18 April 2016. There was no resolution at the meeting however the applicant agreed to consider the objector's specific requests for a 10m setback restriction and landscaping. The applicant formally advised Council on 25 May that it declined the objector's requests (refer to Attachment 9).

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.02 Urban growth

The objective of the policy for the supply of urban land (Clause 11.02-1) 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 neighbourhood and subdivision design (Clause 15.01-3) is to ensure the design of subdivisions achieve attractive, liveable, walkable, cyclable, 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 16.01-2 Location of residential development

This policy aims to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. The policy seeks to ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

Local Planning Policy Framework (LPPF)

Clause 21.02 Municipal Strategic Statement (MSS)

The MSS includes town structure plans that are designed to meet a variety of objectives including quality of lifestyle and appearance of development. The Teesdale Town Structure Plan seeks to maintain highly attractive residential development. The structure plan does not contain any specific references to the subject land or contain any strategies specific to an application of this type. The policy does not make any specific references to the subject land or contain any policies that relate specifically to the application.

Clause 21.03 Settlement

The local policy for subdivision for dwellings outside townships (Clause 21.03-4) applies to the development of land in low density residential areas. The policy seeks to control the density and overall lot sizes of land according to environmental conditions and established character and to avoid indiscriminate subdivision of land. To satisfy this policy new subdivision must recognise and maintain the surrounding lot configurations and lot size, provide appropriate infrastructure, including drainage and roads, and provide for on-site effluent disposal including on-going maintenance of septic systems.

Clause 22.09 Low Density Residential Subdivision Policy

This policy seeks to ensure the elements of land capability and character are addressed when considering subdivision applications. The objectives of the policy are to ensure that new lots are of sufficient size for on-site effluent disposal and to maintain an open and spacious character in low density residential areas. Character will be maintained by encouraging:

- Design that provides for open space and landscaping.
- Retention of existing vegetation.
- Minimal use of narrow battle-axe access.
- The provision of wide driveways with sufficient areas available for landscaping.
- Lot sizes with sufficient area to accommodate setbacks required by the Design and Development Overlay Schedule 5.

It is policy that support for subdivision in the LDRZ will be considered only where a land capability assessment demonstrates that the proposed lots can contain on site effluent disposal and there will be no impact on the surrounding area, and where subdivision respects and positively contributes to the lot configuration and character elements of the surrounding area.

Zone and overlay provisions

Clause 32.03 Low Density Residential Zone (LDRZ)

The site and surrounding land is in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. A permit is required to subdivide land under the provisions of the LDRZ. The LDRZ sets a minimum lot size of 0.4 hectares.

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The setbacks specified in the DDO5 are 10m from the road boundary, 5m from other boundaries, and 15m from a dwelling not in the same ownership. The DDO5 does not contain any specific requirements relating to subdivision.

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 subdivision is considered to satisfy the relevant provisions of the planning scheme including State and Local planning policies, the Low Density Residential Zone, Design & Development Overlay Schedule 5, and Clause 65 of the Victoria Planning Provisions. The application satisfies the local policy for Low Density Residential Development (Clause 22.09) which seeks to maintain the character and appearance of low density residential areas and ensure that new subdivision has the capacity for on-site effluent disposal and adequate infrastructure. In particular the proposed subdivision design will maintain the character of the area as the proposed lots are of sufficient size to provide setbacks in accordance with the DDO5 and which are consistent with surrounding properties, retains existing vegetation and provides sufficient space for additional landscaping, and provides wide street frontages. Whilst there is existing landscaping on some boundaries it is recommended that a condition be placed on the permit for additional landscaping along street frontages and lot boundaries in order to maintain the attractive environment of the area. Land capability assessments submitted with the application demonstrate that the proposed lots are capable of accommodating on-site effluent disposal.

Objector's concerns

The objector is concerned about the impact of the proposed subdivision on the character of the area and privacy. The objector has requested that the development includes a 10m boundary setback restriction and landscaping to address his concerns however these requests were rejected by the applicant. The local policy for Low Density Residential Development (Clause 22.09) requires that the subdivision provides lots with sufficient area to accommodate setbacks in accordance with the DDO5. The DDO5 specifies a 5m setback to the neighbouring property boundary. The proposed subdivision provides sufficient area to accommodate the setbacks specified in the DDO5 however without a restriction on title it is possible for a future owner to apply for and obtain a permit to reduce the boundary setback. It is therefore considered appropriate that a condition be placed on the permit for a 5m boundary setback restriction to ensure that the character and amenity of the area is maintained. A condition will also be placed on the permit for additional landscaping along street frontages and boundaries, including the

objector's boundary. It is considered that the placement of these conditions on a permit will address the objector's concerns regarding impacts on character and privacy.

Cultural Heritage Implications

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

Financial & Risk Management Implications

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

Economic, Social & Environmental Implications

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

Conclusion

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the local policy for Low Density Residential Development (Clause 22.09), Low Density Residential Zone, Design & Development Overlay Schedule 5, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision design and permit conditions relating to boundary setbacks and landscaping will ensure there is no adverse effect on the character and amenity of the area. For these reasons the issue of a permit is not considered to cause material detriment to any person.

Recommendation

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of a four lot subdivision at 148 Bruce Street, Teesdale (Lot 1 on Plan of Subdivision 444827S), subject to the following conditions:

- 1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan. Each lot must have a minimum area of 0.4 hectares.***
- 2. Before the certification of the plan of subdivision under the Subdivision Act 1988, the following restrictions must be placed on the plan of subdivision:***
 - a) That no buildings are constructed within 5m of the southern property boundary.***
 - b) That the mature red gum on proposed lot 2 be contained in a tree protection envelope which ensures the tree is not removed or lopped and provides a tree protection zone in accordance with Australian Standard AS 4970-2009.***
- 3. Before the certification of the plan of subdivision under the Subdivision Act 1988, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The landscape plan must show:***
 - a) Existing vegetation along boundaries to be retained.***
 - b) Appropriate planting of trees and shrubs along street frontages and proposed lot boundaries where there is no existing vegetation, including a row of trees along the boundary adjacent to 134 Bruce Street. All species selected must be indigenous to the local area.***
- 4. Before the issue of a statement of compliance under the Subdivision Act 1988, the landscaping shown on the endorsed landscape plan must be completed to the satisfaction of the responsible authority.***
- 5. 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 National Broadband Network will not be provided by optical fibre.***

6. ***Before the issue of a statement of compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
 - a) ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.***
 - b) ***a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***
7. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
8. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
9. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
10. ***This permit will expire if:***
 - a) ***The plan of subdivision is not certified within two years of the date of this permit;***
or
 - b) ***The registration of the subdivision is not completed within five years of the date of certification.***

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.

Note: Prior to certification the responsible authority will require a plan showing the location of all existing and proposed vehicle crossings. The plan is required to show setback distances of existing and proposed crossovers from the closest property boundary to the satisfaction of the responsible authority. The plan is required to satisfy Regulation 29 of the Subdivision (Procedures) Regulations 2011, allowing the allocation of street numbers.

Golden Plains Shire Environmental Health department conditions

11. ***Before the certification of the plan of subdivision under the Subdivision Act 1988, a restriction must be placed on the plan of subdivision that provides for the following:***
 - a) ***Any new dwelling on lot 2 & 3 does not exceed 4 habitable bedrooms. Habitable bedrooms include any room that may be closed off with a door, such as a study, library or sunroom that could be used for the purposes of a bedroom.***
 - b) ***A marked area demonstrating a setback of 10 metres from the drainage depression as identified in the submitted Land Capability Assessment. This area is to be restricted so that no effluent disposal or septic tank system is to be constructed within this area. This restriction will encumber proposed lots 2, 3 & 4.***
12. ***Before the issue of a statement of compliance under the Subdivision Act 1988, the existing septic tank system must be altered/decommissioned/replaced and brought into compliance with the latest version of the 'EPA Code of Practice – Onsite Wastewater Management' and the relevant certificate of approval to the satisfaction of the responsible authority.***

Golden Plains Shire Works Unit conditions

13. *Before the issue of a statement of compliance under the Subdivision Act 1988, a vehicle crossing to each lot must be provided or existing crossing upgraded by provision of a crushed rock drive entry, reinforced concrete pipe culvert and driveable end walls conforming to the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of responsible authority.*
14. *Before the commencement of works a Construction Management Plan must be submitted to and approved by the responsible authority. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.*
15. *Before the certification of the plan of subdivision under the Subdivision Act 1988 and before any construction works associated with the development or subdivision start, detailed construction plans, drainage computations and specifications to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans must be to Golden Plains Shire standards and specifications as detailed in the current Infrastructure Design Manual (IDM).*
16. *Before the issue of a statement of compliance under the Subdivision Act 1988, provide open earth drains discharging to legal point of discharge and providing to each lot in the subdivision a discharge point. Works must include improvement to existing drainage path through lots 3 and 4, perimeter drains on low side of lots, improvements to existing road side swale drains and be in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority. Open drains where required must be contained within a minimum 5m wide drainage easement which must be set aside on the Plan of Subdivision for this purpose.*
17. *Before the issue of a statement of compliance under the Subdivision Act 1988, services to the existing retained house must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:*
 - a) *All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.*
 - b) *Electricity, telephone, gas, water and sewerage.*

Note: *A works within road reserve permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.*

Note: *Works Department will not consent to the issue of Statement of Compliance until such time as the applicant contact provides satisfactory evidence of compliance with the above conditions.*

BARWON WATER CONDITIONS**General**

18. *The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.*

Water

19. *The provision and installation of individual water services to all lots in the subdivision. A dimensioned plan showing location of all services relative to the allotment boundaries is to be submitted.*

20. **The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.**
21. **Additional tapplings are to be supplied to service the proposed development. Note that tapplings and services are not to be located under existing or proposed driveways.**

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L012776.

POWERCOR CONDITIONS

22. **The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.**
23. **The applicant shall:-**
- a) **Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.**
 - b) **Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.**
 - c) **The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**
 - d) **Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
 - e) **Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**

Note: It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Moved Crs Blake/Phelan

That Council suspend Standing Orders.

Carried

It is recorded that Council suspended Standing Orders at 9.30am to hear a submission from Michael Henry.

Moved Crs Hansford/Cameron

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 9.33am.

Moved Crs Phelan/Blake

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of a four lot subdivision at 148 Bruce Street, Teesdale (Lot 1 on Plan of Subdivision 444827S), subject to the following conditions:

- 1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan. Each lot must have a minimum area of 0.4 hectares.***
- 2. Before the certification of the plan of subdivision under the Subdivision Act 1988, the following restrictions must be placed on the plan of subdivision:***
 - a) That no buildings are constructed within 5m of the southern property boundary.***
 - b) That the mature red gum on proposed lot 2 be contained in a tree protection envelope which ensures the tree is not removed or lopped and provides a tree protection zone in accordance with Australian Standard AS 4970-2009.***
- 3. Before the certification of the plan of subdivision under the Subdivision Act 1988, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The landscape plan must show:***
 - a) Existing vegetation along boundaries to be retained.***
 - b) Appropriate planting of trees and shrubs along street frontages and proposed lot boundaries where there is no existing vegetation, including a row of trees along the boundary adjacent to 134 Bruce Street. All species selected must be indigenous to the local area.***
- 4. Before the issue of a statement of compliance under the Subdivision Act 1988, the landscaping shown on the endorsed landscape plan must be completed to the satisfaction of the responsible authority.***
- 5. The Owner of the land must enter into an agreement with:***
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 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.***
- 6. Before the issue of a statement of compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.***
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- 7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
- 8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***

9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

10. This permit will expire if:

- a) The plan of subdivision is not certified within two years of the date of this permit; or**
- b) The registration of the subdivision is not completed within five years of the date of certification.**

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.

Note: Prior to certification the responsible authority will require a plan showing the location of all existing and proposed vehicle crossings. The plan is required to show setback distances of existing and proposed crossovers from the closest property boundary to the satisfaction of the responsible authority. The plan is required to satisfy Regulation 29 of the Subdivision (Procedures) Regulations 2011, allowing the allocation of street numbers.

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- b) A marked area demonstrating a setback of 10 metres from the drainage depression as identified in the submitted Land Capability Assessment. This area is to be restricted so that no effluent disposal or septic tank system is to be constructed within this area. This restriction will encumber proposed lots 2, 3 & 4.**

12. Before the issue of a statement of compliance under the Subdivision Act 1988, the existing septic tank system must be altered/decommissioned/replaced and brought into compliance with the latest version of the 'EPA Code of Practice – Onsite Wastewater Management' and the relevant certificate of approval to the satisfaction of the responsible authority.

Golden Plains Shire Works Unit conditions

13. Before the issue of a statement of compliance under the Subdivision Act 1988, a vehicle crossing to each lot must be provided or existing crossing upgraded by provision of a crushed rock drive entry, reinforced concrete pipe culvert and driveable end walls conforming to the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of responsible authority.

14. Before the commencement of works a Construction Management Plan must be submitted to and approved by the responsible authority. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

15. Before the certification of the plan of subdivision under the Subdivision Act 1988 and before any construction works associated with the development or subdivision start, detailed construction plans, drainage computations and specifications to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans must be to Golden Plains Shire standards and specifications as detailed in the current Infrastructure Design Manual (IDM).

16. Before the issue of a statement of compliance under the Subdivision Act 1988, provide open earth drains discharging to legal point of discharge and providing to each lot in the subdivision a discharge point. Works must include improvement to existing drainage path through lots 3 and 4, perimeter drains on low side of lots, improvements to existing road side swale drains and be in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) to

the satisfaction of the responsible authority. Open drains where required must be contained within a minimum 5m wide drainage easement which must be set aside on the Plan of Subdivision for this purpose.

- 17. Before the issue of a statement of compliance under the Subdivision Act 1988, services to the existing retained house must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:***
- a) All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.***
 - b) Electricity, telephone, gas, water and sewerage.***

Note: A works within road reserve permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.

Note: Works Department will not consent to the issue of Statement of Compliance until such time as the applicant contact provides satisfactory evidence of compliance with the above conditions.

BARWON WATER CONDITIONS

General

- 18. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.***

Water

- 19. The provision and installation of individual water services to all lots in the subdivision. A dimensioned plan showing location of all services relative to the allotment boundaries is to be submitted.***
- 20. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.***
- 21. Additional tappings are to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.***

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L012776.

POWERCOR CONDITIONS

- 22. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
- 23. The applicant shall:-***
- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.***
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.***

- c) ***The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***
- d) ***Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.***
- e) ***Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.***

Note: It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Carried

5. OTHER BUSINESS

Mr Tim Waller, Development Manager, advised Council that a briefing on VCAT will be provided at the next Planning Committee meeting.

5.1. IN CAMERA MEETING

As a Section 86 Special Committee of Council, the Planning Committee may, in accordance with Section 89 of the Local Government Act 1989, resolve to close the meeting to members of the public if the meeting is discussing:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

6. ATTACHMENTS

Attachment 1	Item 4.1.1	P16-117 locality plan
Attachment 2	Item 4.1.1	P16-117 title and covenant L814102R
Attachment 3	Item 4.1.1	P16-117 objections
Attachment 4	Item 4.1.2	P16-109 plans
Attachment 5	Item 4.1.2	P16-109 locality plan
Attachment 6	Item 4.1.3	P15-278 copy of application and plans
Attachment 7	Item 4.1.3	P15-278 locality map
Attachment 8	Item 4.1.3	P15-278 copy of objection
Attachment 9	Item 4.1.3	P15-278 copy of applicant's response to objection

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 9.35 am.

9. CERTIFICATION

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Planning Committee meeting have been confirmed as a true and correct record.

Confirmed, Chair, Cr Bill McArthur

Date

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