



Planning Committee Minutes

Bannockburn Shire Hall

**Wednesday 27 January 2016
2.00pm-2.18pm**

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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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*.

Nil

3.2. CONFIRMATION OF MINUTES

Moved Crs Phelan/Kirby

That the Minutes of the Planning Committee meeting held 8 December 2015, as circulated, be confirmed.

Carried

4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

4.1.1 Planning Application P15-097 for a shed at 6 Donaldson Road, Lethbridge

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Adrian Peggie, Town Planner
File References	Planning Application P15-097
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The development of the land for a shed
Land Address	6 Donaldson Road, Lethbridge
Applicant	Helen Feldman
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Low Density Residential Zone ▪ Design and Development Overlay 5
Attachments	<ol style="list-style-type: none"> 1. P15-097 Plans 2. P15-097 Locality Plan 3. P15-097 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.

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 development of a shed at the subject site. 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 land at 6 Donaldson Road, Lethbridge, with a domestic shed. The shed is to be 18m deep and 18m wide for an area of 324 square metres. The roof is to be ridged with apex height of 6.75m and eaves height of 5m. The shed is to be located 10m from the Donaldson Road boundary and 1m from the southern boundary. It is to be located to the rear of an existing shed on the site. The shed is to be constructed with a steel portal frame and clad with steel. The proposed cladding is Colorbond "Shale Grey".

The shed is to be used for the storage of domestic items. The proposed use is permitted as-of-right in the low density residential zone. Outbuildings of greater than 120 square metres require a permit in the Low Density Residential Zone. Buildings within five metres or a non-road boundary require a permit when subject to the Design and Development Overlay Schedule 5.

Site Description

The subject site is located at 6 Donaldson Road, Lethbridge. It is formally known as Crown Allotment 24A, of the Parish of Wabdallah. The lot is rectangular and has an area of approximately 3,420 square metres. There is a modest single-storey dwelling towards the front of the site. There is an outbuilding to the rear of the dwelling. There is some vegetation at the front of the site, but nothing of note at the rear. The land is generally flat. There are a number of motor vehicles, most of which appear un-roadworthy, stored at the rear of the site.

The land on the east side of this section of the Midland Highway is zoned Low Density Residential. There is a relatively large lot to the south which is in the process of being subdivided. The area is characterised by very low density residential development, with housing density gradually being increased by way of further subdivision.

The area is generally flat and characterised by low-scale dwellings. There are some large sheds in the vicinity of the site. The site is smaller than most of the other lots in the area.

History

The application was received on 7 May 2015. Following advertising, a letter was sent to the applicant on 23 July 2015 stating that the application would be recommended for refusal unless the proposal was amended. No response was received. A further letter was sent on 23 December 2015, stating that the application would be determined by the Council's Planning Committee.

Community Communication

Notice of the application was given to five neighbours pursuant to Section 52 (1)(a) of the *Planning and Environment Act 1987* ("the Act"). An advertisement was also displayed at the front of the site.

Four objections to the application were received. The main grounds of objection were that the proposal was too close to the southern boundary, that the shed was too big and would affect visual amenity, that the shed would be used for industrial purposes and affect residential amenity, and that there could be potential stormwater issues.

A consultation meeting was held on 13 July 2015 to discuss the proposal. The applicant stated categorically that the shed would not be used for industrial purposes. The applicant stated that he wished to garage a truck in the shed and that the roller door therefore had to be a minimum height of 4.3m. The objectors put forward that they would re-consider their position should the shed be made smaller, put further from the boundary and not be used for any sort of industrial purpose.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 15 Built Environment and Heritage

"Planning should ensure all new land use and development appropriately responds to its landscape..."

Zone & Overlay Provisions

Clause 35.07 – Low Density Residential Zone

The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The responsible authority must consider the following, as appropriate:

General Issues

- *The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

Clause 43.02 – Design and Development Overlay

The purpose of the Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The responsible authority must consider the following, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*

The matters specified in the schedule to the overlay are:

- *Whether the siting of the proposed building will be in keeping with the character and appearance of the area.*
- *Whether the siting of the proposed building will be detrimental to the amenity of the area.*

GENERAL PROVISIONS

65 Decision Guidelines

The relevant matters to consider are:

- *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 effect on the amenity of the area.*

Discussion

Planning Scheme

The proposed development is considered to fail to meet the objectives of the State Planning Policy Framework and the purpose of the Zone and Overlay and does not meet the decision guidelines of the Planning Scheme.

State Planning Policy Framework

The proposed development does not respond appropriately to its landscape. Large domestic outbuildings are generally acceptable in and typical of low density residential areas. Typically, however, such lots are larger and less narrow. This particular site is somewhat constrained by its narrowness and dual frontages. The proximity of the building to its boundaries, and its visibility from Donaldson Road and the Midland Highway, make it an over-development of the site which will be incongruous with the low-scale nature of development on the site.

Low Density Residential Zone

It was confirmed by the applicant during the consultation meeting that the proposed location of the shed was in the same position as currently occupied by the wastewater dispersal system. In the absence of a Land Capability Assessment, it is not possible to confirm that the site is capable of dispersing of wastewater should the current septic system be relocated.

Design and Development Overlay 5

The bulk, location and appearance of the proposed shed will not be in keeping with the streetscape. The dwelling at the front of the site is modestly-sized. The shed will be significantly higher than the dwelling and will effectively dwarf the dwelling.

The proposed shed is also located extremely close to the southern boundary of the site. It is considered 1m is not a sufficient setback for a building of this scale. The schedule to the Overlay applies setbacks for outbuildings. The setbacks are 20m from a Road Zone, Category 1 (including the Midland Highway), 10m from any road boundary and 5m from any other boundary.

This area does contain some examples of large outbuildings, although these are typically setback more appropriately. The unusual aspect of this site is that it is only 28m wide, meaning that any substantial building will be significantly more visible than it would be on many other sites in the area. The site is also easily visible to southbound traffic travelling along the Midland Highway.

Furthermore, it is noted that the building does not comply with the building regulations in that it is not setback sufficiently from the southern boundary.

Response to grounds of objections

The shed is too close to the southern boundary

It is agreed that the shed is too close to the southern boundary. This could have an effect on the amenity of the area. The site to the south is in the process of being subdivided to provide smaller lots for low density residential development.

The shed is too big and would affect visual amenity

It is agreed that the shed is too big and would affect visual amenity. The applicant was warned that the application would be recommended for refusal unless alterations were made to the proposed design. No such changes have been forthcoming.

The shed will be used for industrial purposes and affect residential amenity

The applicant has stated that the shed will not be used for industrial purposes. Such a use would be in contravention of the provisions of the Low Density Residential Zone. Were a permit to issue, a standard condition would be applied to cover potential amenity issues.

The shed could cause stormwater issues

It is expected that, if a permit was granted, the shed could adequately dispose of stormwater. A standard condition would be applied, were a permit, to ensure that stormwater dispersal did not have an adverse effect on neighbours.

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 the application does not present any economic, social or environmental implications.

Conclusion

The application fails to satisfy all the provisions of the State Planning Policy Framework and the decision guidelines of the zone and the Planning Scheme. The 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 development of the land for a shed at 6 Donaldson Road, Lethbridge, on the following grounds:

- ***the development fails to accord with the Clause 15 of the State Planning Policy Framework, in that the building does not respond appropriately to its landscape;***
- ***the development fails to respond appropriately to the decision guidelines of the zone (Clause 35.07-6) and of the Planning Scheme (Clause 65), in that the siting, bulk and height of the building will have an unacceptable impact upon visual amenity and detract from the character and appearance of the area; and,***
- ***the proposal has failed to demonstrate that the land can satisfactorily dispose of wastewater, contrary to the purpose of the Low Density Residential Zone and in conflict with the decision guidelines of the Planning Scheme.***

Moved Crs Blake/Vaughan***That Council suspend Standing Orders to hear a submission.******Carried***

It is recorded that Council suspended Standing Orders at 2.06pm.

It is recorded that Mr Chris Pepper addressed Council between 2.06pm and 2.13am

Moved Crs Blake/Vaughan***That Council resume Standing Orders.******Carried***

It is recorded that Council resumed Standing Orders at 2.13pm.

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 shed at 6 Donaldson Road, Lethbridge, on the following grounds:***

- ***the development fails to accord with the Clause 15 of the State Planning Policy Framework, in that the building does not respond appropriately to its landscape;***
- ***the development fails to respond appropriately to the decision guidelines of the zone (Clause 35.07-6) and of the Planning Scheme (Clause 65), in that the siting, bulk and height of the building will have an unacceptable impact upon visual amenity and detract from the character and appearance of the area; and,***
- ***the proposal has failed to demonstrate that the land can satisfactorily dispose of wastewater, contrary to the purpose of the Low Density Residential Zone and in conflict with the decision guidelines of the Planning Scheme.***

Carried

5. OTHER BUSINESS

It was agreed that site visits, in future, will commence on-site at the first location. Councillors wishing to accompany staff can arrange this with a planning staff member.

Mr Tim Waller, Development Manager, advised Council that this is the last meeting for Mr Adrian Peggie. Mr Peggie has made a valuable contribution in his role as Town Planner.

6. ATTACHMENTS

Attachment 1	Item 4.1.1	P15-097 Plans
Attachment 2	Item 4.1.1	P15-097 locality plan
Attachment 3	item 4.1.1	P15-097 objections

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 2.18pm.

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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