

# Planning Assessment Report

## Application Details:

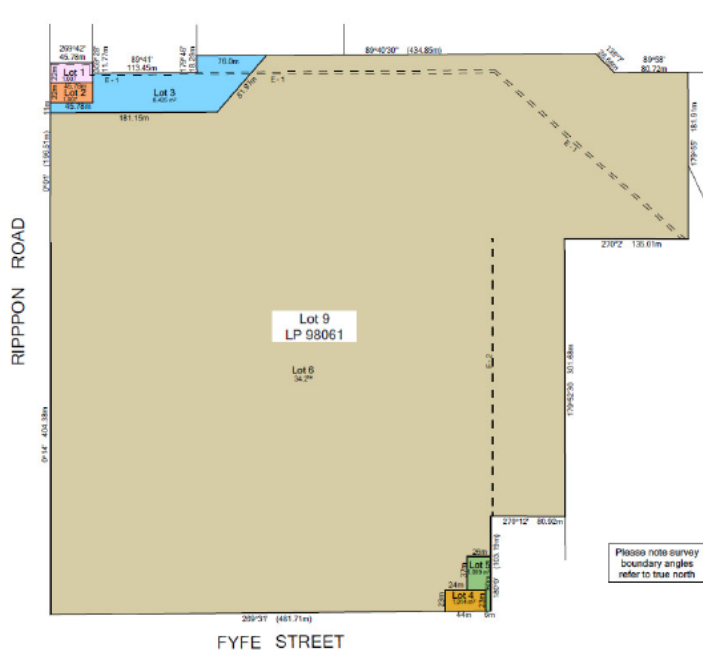
<b>Application is for:</b>	Subdivision Land (subdivision of Lot 9 LP98061 into 6 lots and subdivision of Lot 1 TP131200X into 3 Lots)
<b>Applicant's/Owner's Name:</b>	Pierrepoint Planning
<b>Date Received:</b>	07/03/2018
<b>Statutory Days:</b>	Part of a section 96A application (amendment to planning scheme)
<b>Application Number:</b>	TP/32/2018
<b>Planner:</b>	Roslyn Snaauw
<b>Land/Address:</b>	170 Rippon Road HAMILTON
<b>Zoning:</b>	Special Use Zone (SUZ2) General Residential Zone (GRZ1) (Pursuant to Section 96a application rezoning)
<b>Overlays:</b>	None
<b>Under what clause(s) is a permit required?</b>	Clause 37.01-3 (SUZ) Clause 32.08-3 (GRZ1)
<b>Restrictive covenants on the title?</b>	None
<b>Current use and development:</b>	Hamilton Golf Club
<b>Consultation</b>	Consultation was undertaken

## Proposal

An application has been received for a nine (9) lot subdivision. Subdivision of Lot 9 LP98061 will be into 6 lots and subdivision of Lot 1 TP131200X will be into 3 Lots. (It should be noted that this application for subdivision has been received in conjunction with an application for an amendment to the planning scheme for rezoning of land (land contained within this subdivision) from Special Use Zone to General Residential Zone. This is an application pursuant to section 96A Application for permit when amendment requested of the *Planning and Environment Act 1987*).

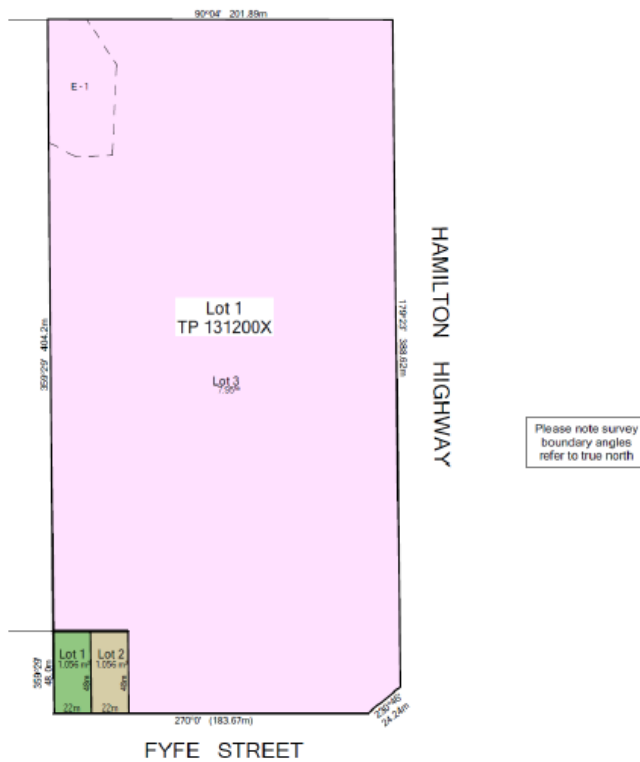
Lot 9 on LP98061 (as below) will be subdivided into six (6) lots. Lots 1, 2, 3 & 6 will have access from Rippon Road and Lots 4 & 5 will have access from Fyfe Street.

- Lots 1 and 2 will have a total lot area of 1,007 square metres
- Lot 3 will have a total lot area of 8,425 square metres
- Lot 4 will have a total lot area of 1.014 square metres
- Lot 5 will have a total lot area of 1,099 square metres
- Lot 6 will have a total lot area of 34.2 hectare.



Lot 1 TP131200X (as below) will be subdivided into three (3) lots and will have access from Fyfe Street.

- Lot 1 will have a total lot area of 1,056 square metres
- Lot 2 will have a total lot area of 1,056 square metres
- Lot 3 will have a total lot area of 7.95 hectare.



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## Subject site & locality

An inspection of the site and the surrounding area has been under taken.

The subject site (Hamilton Golf Club) comprises greens associated with the activity of golfing and includes manicured grass, sand bunkers, three dams, scattered native and exotic vegetation. Both Fyfe Street and Rippon Road are established residential areas with dwellings adjoining and adjacent the subject site.

The site is in close proximity to educational facilities with Lake Hamilton located 450 metres and the Hamilton CBD located 2.4 kilometres to the north. Located along the northern boundary to the north west is the Eventide Lutheran Home.

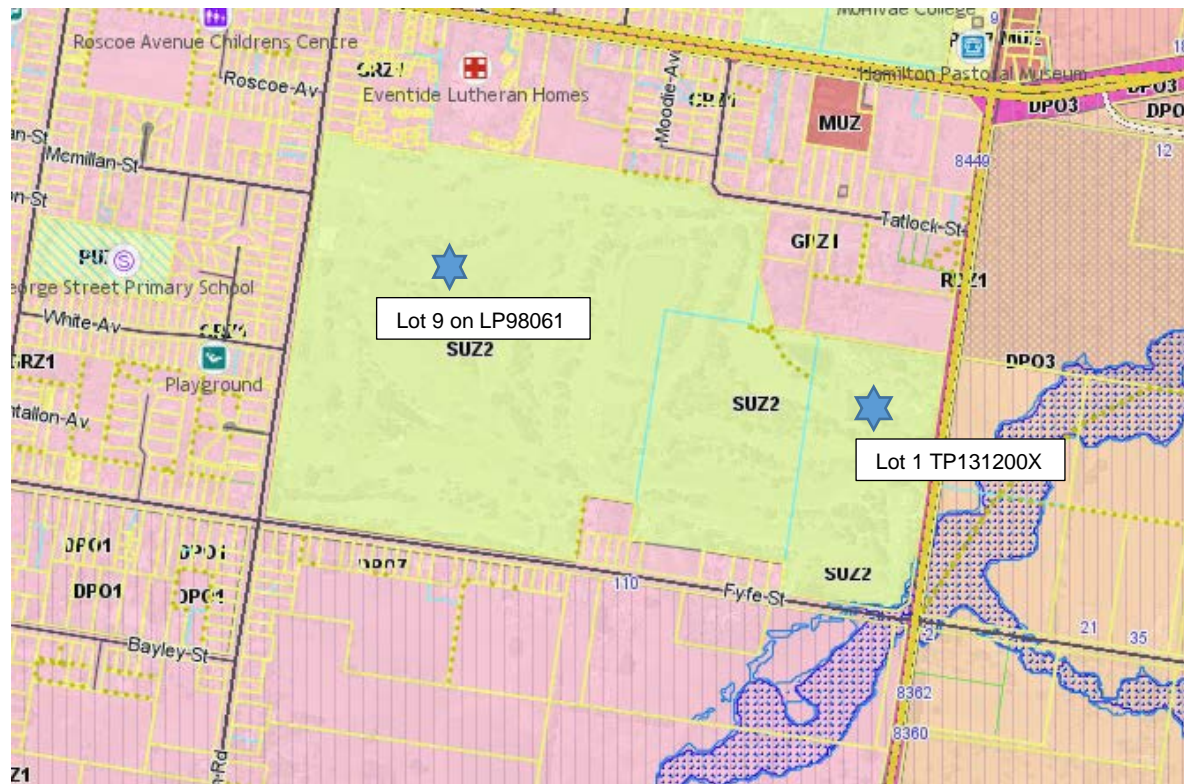
Lot 9 LP98061 has an irregular configuration with a total lot area of 35.59ha. Access to this lot is gained from Rippon Road to the west, via a sealed crossover. This crossover leads to a sealed carparking area, sundry shedding and the Hamilton Golf Club rooms.

Lot 1 TP131200 has a rectangular configuration with a total area of 8.08ha. Access to this lot is from Fyfe Street to the south.

Below is an aerial image of the Hamilton Golf Club highlighted in red.



Map below shows the location and zoning of the subject sites.



**Permit/Site History**

The site has been the subject of previous planning applications for use and development in association with the golf clubs functions.

Approval under TP/82/2017 for a five lot subdivision was issued on 26 March 2018.

**Public Notification**

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

- Sending notices to the owners and occupiers of adjoining land.

The notification has been carried out correctly and Council has received no objections to date.

**Referrals**

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Powercor has not objected to the application subject to conditions being placed in a permit if issued.
	Tenix (Downer) has not objected to the application subject to a condition being placed in a permit if issued.
	Wannon Water has not objected to the application subject to conditions being placed in a permit if issued.
Section 52 notices	Country Fire Authority who has not objected to the proposal.

Internal Council Referrals	Advice/Response/Conditions
Engineering Department	Has not responded to the application referral. Standard conditions relating to subdivision will be placed in a permit if issued

## PLANNING CONTROLS

### The Planning Policy Framework (PPF)

The following policies are relevant to this proposal:

- Clause 11 Settlement
  - Clause 11.01 Victoria
    - Clause 11.01-1S Settlement
    - Clause 11.01-1R Settlement – Great South Coast
  - Clause 11.02 Managing Growth
    - Clause 11.02-2S Supply of urban land
    - Clause 11.02-2S Structure planning
- Clause 13 Environmental Risks and Amenity
  - Clause 13.02 Bushfire
    - Clause 13.02-1S Bushfire planning
- Clause 15 Built Environment and Heritage
  - Clause 15.01 Built Environment
    - Clause 15.01-3S Subdivision design
- Clause 16 Housing
  - Clause 16.01 Residential Development
    - Clause 16.01-1S Integrated housing
    - Clause 16.01-3S Housing Diversity
- Clause 19 Infrastructure
  - Clause 19.02 Community Infrastructure
    - Clause 19.02-6S Open space
  - Clause 19.03 Development Infrastructure
    - Clause 19.03-3S Integrated water management
    - Clause 19.03-4S Telecommunications

### The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and Local Planning Policies

The following policies are relevant to this proposal:

- Clause 21.01 Southern Grampians Shire Key Issues and Strategic Vision
- Clause 21.02 Settlement
- Clause 21.02-2 Urban growth
- Clause 21.06 Housing
- Clause 21.09 Infrastructure
- Clause 21.10 Local Areas
  - Clause 21.10-1 Hamilton (local area policy)

### Zoning

The land is presently zoned Special Use Zone (SUZ2). Pursuant to Clause 37.01-3 Special Use Zone of the Planning Scheme a permit is required to subdivide land. The use of the land for

accommodation/dwelling is prohibited pursuant to Clause 37.01-1 Section 3 of the Planning Scheme and as such it is proposed to rezone the land contained within the smaller lots of the subdivision to General Residential Zone so that future development for residential purposes can be undertaken.

### **Clause 37.01 Special Use Zone**

#### **Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise or provide for the use and development of land for specific purposes as identified in a schedule in this zone.*

Pursuant to Clause 37.01-3 a permit is required to subdivide land.

### **Clause 32.08 General Residential Zone**

#### **Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area. To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A permit is required to subdivide land. An application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4.

The proposed lots will be capable of providing the minimum garden area of 35%.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<b>Class of Subdivision</b>	<b>Objectives and Standards to be met.</b>
3 – 15 lots	All <u>except</u> Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

### **Clause 53.01 Public Open Space Contribution and Subdivision**

A person who propose to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

A condition will be placed in a permit that will require that the open space contribution of five (5) percent of the site value will be required.

## **Clause 56 Residential Subdivision Assessment**

### **Operation**

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed subdivision.
- **Standards.** A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

### **Requirement**

An application to subdivide land:

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

### **The application has been assessed as follows:**

**Clause 56.01-1 Subdivision and Site Context Description and Design Response** - The applicant has submitted a site plan, photographs and a planning report which describes the site. Details provided also include details and description of the surrounding area. The information provided is satisfactory to meet this clause.

The proposed subdivision creates nine (9) residential allotments having frontage to both Rippon Road and Fyfe Street with the larger balances lots being retained within the Special Use Zone and forming part of the Hamilton Golf Course.

**Clause 56.01-2 Subdivision Design Response** - The proposed subdivision is residential infill development; the pattern of development is marginally higher than the existing surrounding land use patterns. The surrounding lots are larger lots of varying sizes. The surrounding land use patterns mainly consist of dwellings on large lots. The slightly higher density will provide for alternative development particularly for smaller dwelling types. The proposed subdivision is in relatively close vicinity to a public transport stop, and to community facilities.

The plan meets the objectives of Clause 56 and is considered to be satisfactory.

**Clause 56.03-5 Neighbourhood Character Response** – The design of the subdivision will respond to the neighbourhood character which contains a variety of lot sizes including irregular and battle-axe configuration.

The design meets with the objective of this clause.

**Clause 56.04-1 Lot Diversity and Distribution (C7)**- The proposed nine (9) lot subdivision provides for the following:

Lot 9 on LP98061 (as below) will be subdivided into six (6) lots. Lots 1, 2, 3 & 6 will have access from Rippon Road and Lots 4 & 5 will have access from Fyfe Street.

- Lots 1 and 2 will have a total lot area of 1,007 square metres
- Lot 3 will have a total lot area of 8,425 square metres

- Lot 4 will have a total lot area of 1.014 square metres
- Lot 5 will have a total lot area of 1,099 square metres
- Lot 6 will have a total lot area of 34.2 hectare (retained golf course)

Lot 1 TP131200X (as below) will be subdivided into three (3) lots and will have access from Fyfe Street.

- Lot 1 will have a total lot area of 1,056 square metres
- Lot 2 will have a total lot area of 1,056 square metres
- Lot 3 will have a total lot area of 7.95 hectare.

The lots are consistent with the size and distribution of residential allotments in the street and vicinity and can provide a range of lot sizes to suit a variety of dwelling and household types.

The subdivision will provide for different housing choice and diversity with an improvement to the overall area as vacant lots are discouraged.

The land is proximate to the Hamilton East Bus Route that services the CBD.

The objective of this clause is being met.

**Clause 56.04-2 Lot Area and Building Envelopes (C8)** – Each lot is in excess of 1,000 square metres and will be able to accommodate a rectangle measuring a minimum of 10 metres by 15 metres.

Lot dimensions will facilitate a single dwelling able to meet the requirements of Clause 54.

No easements are located on the lot currently, and easements will be provided to the satisfaction of Wannon Water and any other responsible authority.

The objective of this clause is being met.

**Clause 56.04-3 Solar Orientation to Lots (C9)** – All lots are able to provide good solar orientation for solar access for future dwellings.

The objective of this clause is being met.

**Clause 56.04-4 Street Orientation (C10)** - All lots will contribute to community social interaction, personal safety and property security. All lots have a frontage to either Rippon Road or Fyfe Street.

The objective of this clause is being met.

**Clause 56.04-5 Common Area (C11) - N/A.** No common area is proposed.

**Clause 56.05-1 Integrated Urban Landscape (C12)**- The natural features of the subject site will be retained. When development is to be provided, integrated water management systems will be implemented.

The size of the subdivision does not required the provision for walking and cycling networks nor pathways, signage, fencing, public lighting and street furniture.

No landscaping is being required.

The objective of this clause is being met.

**Clause 56.06-2 Walking and Cycling Network (C15) – N/A.** This application is for a nine (9) lot subdivision which does not create a new road or new cycling path.

An existing cycling path is located around Lake Hamilton, and along the Grange Burn.

**Clause 56.06-4 Neighbourhood Street Network (C17) Clause 56.06-7 Neighbourhood Street Network Detail (C20)** - Safe and efficient access will be provided to all lots for service and emergency vehicles providing an accessible and safe neighbourhood street system for all users. No new streets are proposed to be created.



The objective of these clauses are being met.

**Clause 56.06-5 Walking and Cycling Network (C18) – N/A.** No new footpaths, shared path and cycle path networks are being proposed.

**Clause 56.06-8 Lot Access (C21)-** All lots will face a secondary street with no lots abutting an arterial road. The design and construction of crossovers will meet the requirement of Council's Engineering Department.

The objective of this clause is being met.

**Clause 56.07-1 Drinking water supply (C22) –** Water supply to the lot boundaries will be provided from the reticulated network in accordance with the water authority requirements.

The objective of this clause is being met.

**Clause 56.07-2 Reused and Recycled Water (C23) –** This is a small subdivision. Reused water to the lots is not cost effective within the scale of this subdivision, however each lot has sufficient area for the provision of on-site water re-use and/or collection through the provision of water tanks.

The objective of this clause is being met.

**Clause 56.07-3 Waste Water Management (C24) –**Reticulated waste water systems will be provided as per Wannon Water requirements. Waste Water from the lots can be treated via the reticulated network available within the local area.

The objective of this clause is being met.

**Clause 56.07-4 Stormwater Management (C25) –** Stormwater will be contained within each lot to the satisfaction of Council. All drainage will be designed and installed to Council requirements.

The objective of this clause is being met.

**Clause 56.08-1 Site Management (C26) –** No construction is proposed at this stage. Litter and construction waste will be contained within the site and will be removed and disposed of in an appropriate manner when development is undertaken.

The objective of this clause is being met.

**Clause 56.09-1 Shared Trenching (C27) –** Shared trenching will be provided for appropriate infrastructure provision as available.

The objective of this clause is being met.

**Clause 56.09-2 Electricity, Telecommunications and Gas (C28) –** Services required will be provided to the lots.

Electricity, telecommunications and gas will be provided to lots in accordance with the requirements of the relevant servicing authorities. Public utilities to each lot will be provided in a timely, efficient and cost effective manner.

The objective of this clause is being met.

**Clause 56.09-3 Fire Hydrants (C29) -** Fire hydrants are accessible to the lots in accordance with this standard.

The objective of this clause is being met.

**Clause 56.09-4 Public Lighting (C30) –** No streets are proposed and no public lighting is required with lighting available along both Rippon Road and Fyfe Street existing.

## Relevant General Provisions

### Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of decision guidelines of this clause.

### Clause 65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate, this clause.

## Relevant Planning Scheme amendments

This application is in conjunction with a planning scheme amendment C51SGRA. The Amendment is a Map Amendment which rezones land surplus to the Hamilton Golf Club from Special Use Zone Schedule 2 to General Residential Zone Schedule 1. To facilitate the conventional residential subdivision of land which is surplus to the Golf Clubs requirements.

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## Conclusion

The subdivision provides for conventional residential infill lots. It is considered that the proposal responds favourably to the planning policy framework including the Municipal Strategic Statement, the purpose and decision guidelines of the respective zones and Clause 65 of the scheme and accordingly it should be supported.

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## Planning Permit

That Council having caused notice of Planning Application No. TP/32/2018 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* (Act) recommends to Grant a Permit under Section 96I of the Act and the provisions of the Southern Grampians Planning Scheme in respect of the land known and described as Lot 9, PS098061 and Lot 1 TP131200X, for the subdivision of land in accordance with the endorsed plans, subject to the following conditions:

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Endorsed Plan

1. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision act 1988 that is generally in accordance with the endorsed plans.

#### Stormwater Management Plan

2. Before the Plan of Subdivision is certified under the *Subdivision Act 1988*, a Stormwater Management Plan must be prepared and submitted to the satisfaction of the responsible authority.

#### Drainage

3. Before the Plan of Subdivision is certified under the *Subdivision Act 1988*, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created and show any required drainage easements on the plan to the satisfaction of the responsible authority.

4. Before the issue of a Statement of Compliance for this subdivision all drainage requirements must be completed to the satisfaction of the Responsible Authority.

#### **Open Space Levy**

5. Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the applicant or owner must pay to the Responsible Authority a public open space contribution of five per cent of the site value in accordance with the requirements of Clause 53.01 of the Southern Grampians Planning Scheme and Section 18 of the *Subdivision Act 1988*.

#### **Access**

6. Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, a Works within Road Reserve Permit must be obtained from the Engineering Department for vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.

#### **Telecommunications Mandatory Conditions (Clause 66.01-1)**

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

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 telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- 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.

#### **Referral Authority Conditions:**

##### **Wannon Water**

8. The provision, at the developers cost, of the required water supply works necessary to serve each of the lots created by the Plan of Subdivision.

The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.

9. The provision, at the developers cost, of the required sewerage works necessary to serve each of the lots created by the Plan of Subdivision.

The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.

10. The developer is to enter into an agreement with Wannon Water for payment of the new customer contributions and subdivision fees applicable to the lots created.
11. Easements and/or other notations are to be shown on the endorsed plan to the satisfaction of Wannon Water for the provision of both existing and proposed water and/or sewerage services.
12. The plans of Subdivision submitted for certification must be referred to Wannon Water in accordance with Section 8 of the *Subdivision Act 1988*.

**Powercor**

13. 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.

14. The applicant shall:-

- 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 (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- 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
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of caveat to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

- 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.

**Downer Tenix (AusNet)**

15. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the *Subdivision Act 1988*.

**Expiry of Permit – Subdivision**

16. This permit will expire if:

- a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
- b) A statement of compliance is not issued within five (5) 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 (6) months afterwards.

**Notes:**

- a) The starting of a subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan under Section 6 of the *Subdivision Act 1988*. Completion is regarded as registration of the subdivision.
- b) 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).
- c) Prospective purchasers of lots in the subdivision should contact Powercor Australia Ltd. to determine the availability of a supply of electricity. Financial contributions may be required.