



Southern Grampians
SHIRE COUNCIL

Planning Committee

Minutes

5 August 2021

To be held at 1.30pm in the
Martin J Hynes Auditorium
5 Market Place, Hamilton

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1. MEMBERSHIP

Councillors

Cr Helen Henry (Chair)
Cr Greg McAdam

Officers

Mr Andrew Goodsell, Director Planning and Development
Ms Marg Scanlon, Director Infrastructure

Minutes

Ms Sharon Clutterbuck, Executive Assistant – Director, Planning and Development

Roslyn Snaauw, Planning Coordinator, Southern Grampians Shire Council
Darren Ames, Coordinator Recreation services, Southern Grampians Shire Council

2. WELCOME – CHAIR

3. APOLOGIES

4. CONFIRMATION OF MINUTES

Minutes of the Meeting held on 24 May 2021 have been circulated

RECOMMENDATION

That the Minutes of the Planning Committee meeting held on 24 May 2021 be confirmed as a correct record.

Moved: Marg Scanlon
Seconded Cr Greg McAdam

Carried

5. DECLARATION OF INTEREST

Nil

6. MATTERS FOR DECISION

6.1 TP/76/2021 – Demolish and re-construct existing netball courts, including fencing and lighting at CA: 58 Sec: 27 Parish of Hamilton North.

Author: Roslyn Snaauw, Planning Coordinator

Executive Summary

Council has received an application for buildings and works to demolish and re-construct the existing netball courts, including fencing and lighting at the Pedrina Park sporting precinct.

This application is required to go before Council's Planning Committee under Council's Instrument of Delegation for a decision, as the estimated cost of the development is to be between \$1 million and \$5 million dollars.

Proposal

Council has received an application for demolish and re-construct the existing netball courts, including fencing and lighting which is located in the south west corner of Pedrina Park.

Currently there are nine (9) courts and the proposed development will be to re-construct and re-align six (6) new courts to a north south configuration as shown below in Figure 2 below.

The western portion of the courts previously used, will be re-established with grass. It is proposed to construct shelters between the courts.

The courts will have new 3 metre high black chain link fence surrounding the courts and nine (9) new light poles surrounding the courts.



Figure 1 above: Site of the proposed buildings and works



Figure 2 above. Proposed upgraded netball courts, fencing and lighting.

Subject site and locality

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

The land is primarily used as a sporting precinct and consists of 3 multi-purpose ovals, a number of netball courts, a dedicated hockey pitch and a dedicated soccer pitch.

The site also contains a number of club and change room facilities for cricket and AFL clubs that use the facility.

Pedrina Park has an irregular configuration that is relatively flat with a site area of approximately 15.32 hectare with Southern Grampians Shire Council the Committee of Management for the Crown Land, Land Owner – DELWP as a recreation reserve.

To the north, west and east of the site is crown land that contains open park land along with a golf club to the east, water storage to the west and the northwest corner of the overall site contains a four wheel drive club.

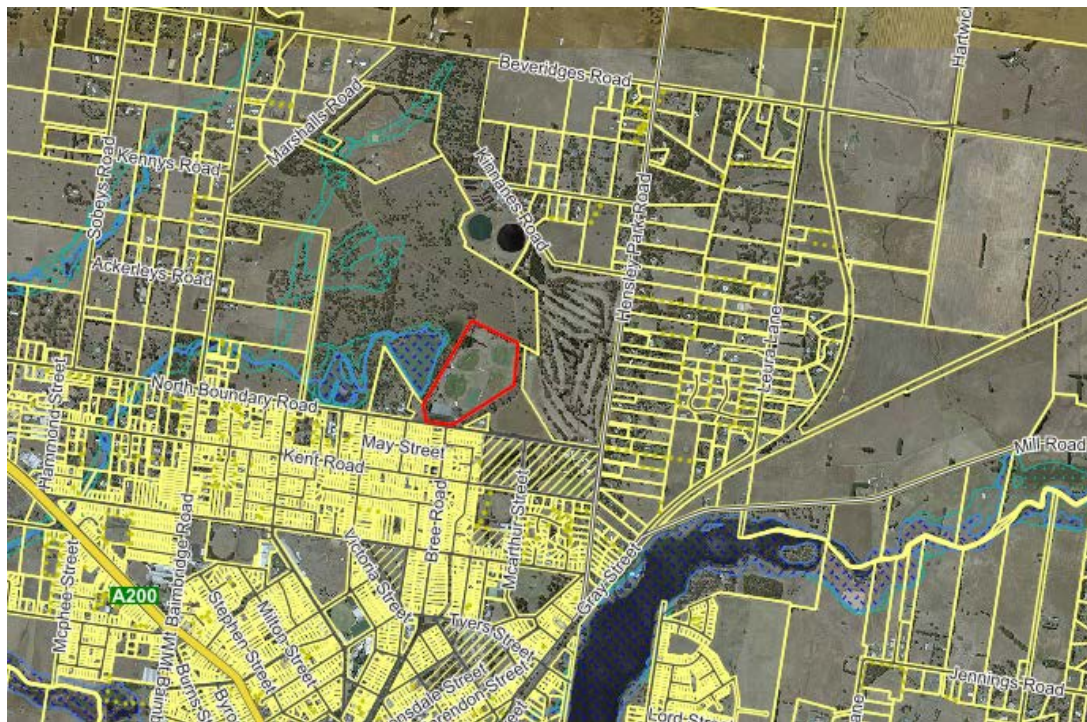


Figure 3 above: Aerial map of subject site



Figure 4 above. Aerial map of existing netball courts

Permit/Site History

A search of Council's electronic records shows that Planning Permit TP/113/2020 was issued on 8 April 2021 for *buildings and works to construct a sports pavilion*.

Planning Committee consideration was not required as the estimated cost of those works were under \$1 million dollars.

Public Notification

The application was not placed on public notification pursuant to Section 52 of the *Planning and Environment Act 1987*, as it was considered that the upgrade of the existing netball courts would not create any increased amenity impacts.

Referrals

The amended application was referred externally, as required by the Planning Scheme.

External Referral	Comments
Section 55 Referrals	
Department of Environment, Land, Water and Planning (DELWP)	No response to planning referral.
Internal Referrals	
SGSC Biodiversity	No objection to proposal.
SGSC Engineering	No objection to the proposal subject to conditions being placed in a permit.

Southern Grampians Planning Scheme – Planning Controls

Clause 00 Purpose and Vision

Clause 01 Purposes of this Planning Scheme

The purposes of the Southern Grampians Planning Scheme is to provide a clear and consistent framework within which decisions about the use and development of land can be made, to express state, regional, local and community expectations for areas and land uses and to provide for the implementation of State, regional and local policies affecting land use and development.

Clause 02 Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03 Strategic Direction
 - Clause 02.03-1 Settlement – Hamilton
 - Clause 02.03-2 Environment and landscape values - Biodiversity
 - Clause 02.03-8 Infrastructure – Infrastructure Design Manual (IDM)
- Clause 02.04 Southern Grampians Shire Council Strategic Framework Plan
Hamilton is a Regional Centre located as a junction to a number of Primary Roads - Glenelg Highway, Henty Highway, Dartmoor-Hamilton Road, Hamilton-Portfairly Road and Hamilton Highway.

Clause 10 Planning Policy Framework (PPF)

Clause 11 Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure recognising the need for health, wellbeing and safety, economic viability, a high standard of urban design and amenity and protection of environmentally sensitive areas and natural resources.

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03-6S Regional and local places
- Clause 11.03-6L Hamilton

Clause 12 Environmental and Landscape Values

- Clause 12.01-1S Protection of biodiversity

Clause 13 Environmental Risks and Amenity

- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility

Clause 15 Built Environment and Heritage

- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood Character

Clause 19 Infrastructure

- Clause 19.02-3S Cultural facilities
- Clause 19.02-4S Social and cultural infrastructure
- Clause 19.02-6S Open Space
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management

Clause 30 Zoning

The subject site is located in the *Public Park and Recreation Zone (PPRZ)* pursuant to Clause 36.02 in the Southern Grampians Planning Scheme.

Pursuant to Clause 36.02-2 a permit is required for buildings and works and must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally to the application being made and to the proposed development.

Clause 40 Overlay

The subject site is located within the *Environmental Significance Overlay (ESO1 – Eastern Barred Bandicoot Area)* pursuant to Clause 42.01 in the Southern Grampians Planning Scheme.

Pursuant to clause 42.01-2 a permit is required to construct or construct or carry out works. Clause 3.0 in Schedule 1 of this overlay requires that applications are to be referred in accordance with Section 55 of the Act to DELWP.

Clause 60 General Decision

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 the decision guidelines of this clause.

Council have taken into consideration Clause 65.01 Approval of an Application or Plan in the Planning Scheme with regards to the proposal which included consideration of the orderly planning of the area, the effect on the amenity of the area amongst others.

This Report and proposed conditions address these requirements.

Clause 67 Applications under Section 96 of the Act

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act. If applicable this would require that this application be made to the Minister for Planning as Council is the owner or in this case manager of land and the Responsible Authority were a permit is required. However clause 67.01 exempts the head land use of "leisure and recreation" (class 1) and the development of the same (class 2) – demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision, from these requirements.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

- Infrastructure Design Manual (Local Government Infrastructure Design Association, 2019)

Relevant incorporated or reference documents

- Hamilton Masterplans (Hansen Partnership, 2011)
- Hamilton Structure Plan (Hansen Partnership, 2011)

Planning Scheme Amendments

Planning Scheme amendment C59sgra was gazetted on 16 July 2020 which replaced the Local Planning Policy Framework of the Southern Grampians Planning Scheme with a new Municipal Planning Strategy, a modified Planning Policy Framework and local schedules to overlays and operation provisions as part of the smart Planning Rules and Policy Program.

Summary of Key Issues

The key issues for consideration are:

- How does the proposed buildings and works respond to the relevant provisions of the Southern Grampians Planning Scheme including the Planning Policy Framework, Particular Provisions and the decision guidelines of the Public Park and Recreation Zone?
- Will the proposed works have any additional amenity impacts to the surrounding properties?
- Will the proposed works have any environmental impacts?

Discussion

An assessment of this proposal against the relevant provisions of the Southern Grampians Planning Scheme has been undertaken.

The subject land is owned by DELWP with SGSC being the Committee of Management. A letter accompanied this application from DELWP who support the development of Pedrina Park in principle.

As required under the planning scheme, this application was referred to DELWP as the subject land is within the ESO1 which relates to the Eastern Barred Bandicoot which is a threatened species. DELWP have not provided any response to Council's referral however Council's Biodiversity Officer has not objected to the proposal as the proposed works will not impact on the Bandicoots, native vegetation or other fauna.

The proposed redevelopment will be located in the south west corner within Pedrina Park which is currently used as netball courts.

The proposal is part of works that have been identified in the Southern Grampians Shire Council's Master Plan for Pedrina Park which was endorsed by both Council, as the asset owner, and DELWP, as the land owner.

It is considered that the proposed development will not increase any amenity impacts to the surrounding land uses with the number of courts being reduced and reinstatement of grass of to the west is being proposed. The proposed development responds well its site context and will enhance Pedrina Park within this area.

Any drainage will need to be undertaken in accordance with the Infrastructure Design Manual (Local Government Infrastructure Design Association, 2019) and to the satisfaction of the responsible authority.

Conclusion

In summary, it is considered that the proposed central development of the site with a sport pavilion, provides an appropriate response to the Policy Framework and is consistent with the purpose and requirements of the Public Parks and Recreation Zone with no objection from adjoining and/or adjacent properties being received.

It is therefore considered to be an appropriate decision to grant a planning permit subject to the following conditions.

Financial and Resource Implications

If an application for review is lodged at the Victorian Civil and Administrative Tribunal, Council will be required to enlist the services of a Lawyer to represent Council.

Legislation, Council Plan and Policy Impacts

The *Planning and Environment Act 1987* provides that certain local government, responsibilities and functions can be delegated to Committees of Council or Council Officers. This recommendation is consistent with those provisions.

Environmental and Sustainability Considerations

The subject site is located within an area of Environmental Significance which relates to the Eastern Barred Bandicoot. The location of the proposed works will not impact on this species.

Community Consultation and Communication

No community consultation was undertaken.

Disclosure of Interests

All Council Officers involved in preparing this Report affirm that no direct or indirect interests are held in relation to this application.

MEETING PROCESS

The meeting was held in accordance with standard meeting procedures.

The Planning Coordinator provided details of the application which was before the Planning Committee due to the cost of works estimated to be between \$1-5 million.

Proposal has arisen from Pedrina Park Masterplan

DELWP (one of the referral agencies) provided advice they have no conditions that need to be placed on any permit that may be issued.

Recommendation that the permit be issued with the conditions as stipulated in the Recommendation

Question Cr McAdam – will there be any required expansion to the north of the proposed location of the two courts in figure 2 (page 5 of the Agenda)?

Answer provided by Coordinator Recreation Services. There will be a slight increase in the footprint to the north, but there will be no impact on the oval.

Immediate neighbours were advised of the permit application and planning application was placed on the Council website.

Existing light stands (8) are not fit for purpose and will be decommissioned and 9 new light stands will be erected.

Question – Cr Macadam – Have user groups been consulted

Answer provided by Coordinator Recreation Services. User groups have been involved in consultation process through discussions in user group meetings and the PCG from the pavilion development. Project has been very well supported.

RECOMMENDATION

That Council, having taken into consideration Planning Application No. TP/76/2021 having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of the Southern Grampians Planning Scheme in respect of the land known and described as 349 North Boundary Road HAMILTON; CA: 58 Sec: 27 Par: HAMILTON NORTH, for the *to demolish and re-construct existing netball courts, including fencing and lighting (Pedrina Park)* in accordance with the endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plans

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Drainage

2. All stormwater from the development is to be discharged to the Legal Point of Discharge to the satisfaction of the Responsible Authority or retained on site without causing nuisance to the neighbouring properties.

Construction Management Plan

3. Before the commencement of any works for each stage of the development (including any preliminary site preparation and establishment works, demolition or material removal) Construction Management Plan must be submitted to and endorsed by the Responsible Authority. The Construction Management Plan must include and address the following:

- a. Measures to control noise, dust and water
- b. Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network
- c. The location of where building materials are to be kept during construction
- d. Site security
- e. Construction program
- f. Maintenance of safe movements of vehicles to and from the site during the construction phase
- g. On-site parking of vehicles associated with construction of the development.
- h. Wash down areas for trucks and vehicles associated with construction activities
- i. Cleaning and maintaining surrounding road surfaces
- j. Construction works operating hours
- k. Details of Public Safety, Amenity Considerations and Site Security
- l. Traffic Management Plan
- m. Asset Condition Report, with photos and assessment of any prior damage to public infrastructure and identified actions to minimise damage to infrastructure during construction. The endorsed Construction Management Plan will form part of this permit.

Site Management

4. The permit holder must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads and properties. In the event that a road, drain or adjoining property is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.

Expiry

5. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Note

Building

- a. This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.

b. Aboriginal Heritage Act 2006

The Aboriginal Heritage Act 2006 requires the discovery of Aboriginal cultural heritage places or objects on public land in Victoria to be reported to Aboriginal Victoria. A Cultural Heritage Management Plan (CHMP) is required for applications proposing high impact activities in areas of cultural heritage sensitivity as defined by the Aboriginal Heritage Regulations 2018. Applicants should determine CHMP requirements using the Aboriginal Planning Heritage Tool (aav.nrms.net.au/aavQuestion1.aspx).

Moved Cr Greg McAdam
Seconded Cr Helen Henry

Carried.

7. CLOSE OF BUSINESS

Meeting closed at 1.40 pm