



Ararat Rural City

AGENDA

UNSCHEDULED COUNCIL MEETING

Tuesday 15 February 2022

To be held in the Alexandra Oval Community Centre
1 Waratah Avenue, Ararat
(Livestreamed)

Commencing at 6.00pm

Council:

Cr Jo Armstrong (Mayor)

Cr Gwenda Allgood

Cr Rob Armstrong

Cr Peter Beales

Cr Henry Burridge

Cr Bob Sanders

Cr Bill Waterston



Ararat Rural City

A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting.

The recording is being streamed live via Facebook, to improve transparency between council and the community and give more people the opportunity to view what decisions are being made. You do not require a Facebook account to watch the live broadcast, simply enter www.facebook.com/araratruralcitycouncil into your address bar.

Recordings of Council Meetings (excluding closed sessions) are made available on Council's website.

SECTION 1 – PROCEDURAL MATTERS	2
1.1 LIVE STREAMING.....	2
1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE	2
1.3 APOLOGIES.....	2
1.4 DECLARATION OF CONFLICT OF INTEREST	3
SECTION 2 – REPORTS REQUIRING COUNCIL DECISION	4
2.1 CONSIDERATION OF SUBMISSIONS FOR AMENDMENT C039ARAT PT2	4
2.2 PLANNING APPLICATION NO. PA3085 FOR 5 LOT SUBDIVISION OF 1 BLACKIE AVENUE, ARARAT	9

SECTION 1 – PROCEDURAL MATTERS

1.1 LIVE STREAMING

Council is keen to engage with members of the community and live streams the formal Council Meetings to make them accessible. The stream is available to view on Council’s Facebook page from 6pm and on Council’s website following the Council Meeting.

1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

Traditional acknowledgement

We acknowledge the traditional owners of the land on which we meet today, and pay our respects to their elders, past, present and emerging.

Opening Prayer

Almighty God, we humbly ask you to help us, as elected Councillors of the Ararat Rural City Council. Guide our deliberations. Prosper what is your will for us, to your honour and glory and for the welfare and benefit of the people whom we serve in the Ararat Rural City.

Councillors Pledge

We will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions invested in us under the *Local Government Act 2020* and any other Act to the best of our skill and judgement.

1.3 APOLOGIES

RECOMMENDATION (if required)

That the apology of Cr be accepted.

1.4 DECLARATION OF CONFLICT OF INTEREST

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - name of the other person;
 - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

SECTION 2 – REPORTS REQUIRING COUNCIL DECISION

2.1 CONSIDERATION OF SUBMISSIONS FOR AMENDMENT C039ARAT PT2

RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY AND COMPLIANCE
DEPARTMENT: PLANNING, COMMUNITY AND COMPLIANCE
REFERENCE: AMENDMENT C039arat PT2

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

Council has been working since 2018 to implement the findings of the *Rural Ararat Heritage Study* (2016).

The majority of the 110 sites and precincts were included in the amendment to the Planning Scheme on 10 June 2021; with 5 sites excluded due to errors/inconsistencies in notification of owners and 1 site mapped incompletely.

The Part 2 amendment seeks to address these shortcomings and complete this project, as directed by the Department of Environment, Land, Water and Planning (DELWP).

DISCUSSION

Amendment C039arat Pt2 implements the recommendations of the *Rural Ararat Heritage Study* (2016) by applying the Heritage Overlay to 5 individual places and amending the overlay on one place. This process has been necessary due to errors in the initial advertising of these changes in Part 1 of the amendment in 2018.

Land to which this amendment applies

The amendment applies to 6 discrete areas in private ownership in the localities of Elmhurst, Tatyoon, Westmere, Wickliffe and Willaura. These are listed below along and a summary of the proposed changes.

Address	Proposed planning control
34 High Street, Elmhurst	The Heritage Overlay HO151 Elmhurst Mechanics Institute is included in the Planning Scheme Map 15HO. This applies the Heritage Overlay to cover both lots – Lot 1 TP 320952 and Lot 2 TP 320952 at 34 High Street, Elmhurst.
Tatyoon Road, Tatyoon	Apply Heritage Overlay HO212 to the old Water Tower on Tatyoon Road and include in Planning Scheme Map 26.
916 Glenelg Highway, Westmere	Apply Heritage Overlay HO219 to St Johns Anglican Church located at 916 Glenelg Highway, Westmere. Include HO219 in Planning Scheme Map 33.
1009 Chatsworth-Wickliffe Street, Wickliffe	'Berrambool' Farm Complex, 1009 Chatsworth-Wickliffe Rd, Wickliffe has a heritage overlay HO224. The Amendment amends Clause 43.01 (Heritage Overlay) for HO224 to cover correct and existing structures identified in the statement of significance for HO224 in the heritage study. These are stables, outbuildings, woolshed, shearers' quarters, grave site and overseer's house. The Planning Scheme Map 28 is amended to include these structures.

34 Walker Street, Wickliffe	Apply Heritage Overlay HO229 to the Former Store at 34 Walker Street, Wickliffe. Amend Planning Map 30 to include.
31 & 49 Main Street, Willaura	Apply Heritage Overlay HO240 to the Willaura Railway Station Complex, Wickliffe-Willaura Road, Willaura and include in Planning Map 25

Exhibition Documents

A number of Exhibition documents were provided that relate to the amendment. These documents are as follows:

- C39arat Part 2 Explanatory Report
- C39arat Part 2 Instruction Sheet
- C39arat Part 2 Incorporated Docs
- C39arat Part 2 Schedule Heritage Overlay

Also attached are a six Maps used for exhibition:

- C39arat Part 2 Map 15 Exhibition
- C39arat Part 2 Map 25 Exhibition
- C39arat Part 2 Map 26 Exhibition
- C39arat Part 2 Map 28 Exhibition
- C39arat Part 2 Map 30 Exhibition
- C39arat Part 2 Map 33 Exhibition

The Amendment documents were available for public inspection, free of charge, during office hours at the following places:

- Council's Municipal Offices, Cnr Vincent and High Streets, Ararat
- www.ararat.vic.gov.au

The Amendment was also available to be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting the Department to arrange a time to view the amendment documentation.

Submissions

Any person affected by the amendment was able to make a submission to Council between 25 November 2021 and 4 February 2022.

At the close of the submission period the planning team had one formal submission from GrainCorp in relation to the Willaura site (Proposed HO240).

Staff had also spoken with the owners as well as the intending purchasers of the Berrambool site (HO224) and VicTrack (HO212) prior to the close of objections.

Graincorp lodged an objection on the last day of the advertising period. Its grounds for objection and a response to the concerns is provided below:

Objection	Response
The property is not under threat from development or other pressures which would warrant the imposition of the heritage overlay. The site continues to be used for its original purpose as an important agricultural storage and transportation facility.	The absence of a threat to the site is not a valid reason not to list it. Indeed, the opposite is true, that listing when such a threat is imminent is procedurally unfair as parties do not know what is required. This approach is impractical to implement, and good practice is to assess the value of the place to the historical, aesthetic, scientific and cultural significance, not the risk of change or redevelopment.

	<p>The continued use is integral to the significance and listing does not of itself restrict operations. Usefulness of a site is a known protection value for heritage places.</p>
<p>The continued use of the property as a grain handling facility requires from time to time that facilities, buildings, and structures etc be upgraded to align with evolving technology and best practice. The introduction of the Heritage Overlay to the property would therefore unreasonably compromise the ability of the operator to make improvements to the facilities. Potentially threatening the viability of the site’s continued operation for the recognised purpose.</p>	<p>This assertion is not agreed. Heritage value needs to be assessed together with relevance to operations, community needs at the time, other requirements such as OH&S and environmental protection.</p> <p>It is noted that the role of this site and arrival throughput is overshadowed by other sites in the surrounding area. The capacity for a significant increase in throughput here appears limited given the available space for expansion.</p>
<p>It should also be noted that Council exerts a level of influence of development works at the site under the current planning controls. The site is within the Transport Zone 1 which imposes a planning permit requirement for any buildings and works not undertaken by or on behalf of the relevant transport manager. Given the site’s status as an important piece of rural transport infrastructure, the Transport Zone 1 in our view is the appropriate control for the property.</p>	<p>The purpose of the Transport Zone is to:</p> <ul style="list-style-type: none"> • <i>implement the Municipal Planning Strategy and the Planning Policy Framework.</i> • <i>provide for an integrated and sustainable transport system.</i> • <i>identify transport land use and land required for transport services and facilities.</i> • <i>provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.</i> • <i>ensure the efficient and safe use of transport infrastructure and land comprising the transport system.</i> <p>Whilst a planning permit may be triggered by the works the relevant decision guidelines do not support or reflect the heritage value as they are:</p> <ul style="list-style-type: none"> • <i>The Municipal Planning Strategy and the Planning Policy Framework.</i> • <i>The effect of the proposal on the development, operation, and safety of the transport system.</i> • <i>Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.</i> <p>Consequently, the ability for the Council to assess the heritage significance when works are proposed is restricted to the provisions of Clause 65 of the planning scheme which include:</p> <ul style="list-style-type: none"> • <i>the orderly planning of the area.</i> • <i>The effect on the environment, human health and amenity of the area</i>

	<p>This does not appear to be on adequate mechanism for the proposed outcome to protect and consider the values of the site. Indeed, there is a high probability that this value would not be noted until well into the assessment process, thus wasting time and money for GrainCorp and Council in design works at the late stage.</p>
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It is proposed to negotiate with Graincorp and its consultant on these concerns and see if there is some possible resolution between now and the Directions Hearing. If these concerns can't be resolved, then the Council will need to ask Planning Panels Victoria to review the proposed controls and the objection and make a recommendation to the Council on how to proceed.

As part of the amendment process the Council was required to nominate the expected dates for the following actions prior to commencing advertising:

- Directions Hearing: commence the week of Tuesday 28 February 2022
- Panel Hearing: commence the week of Monday 28 March 2022.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

The review and reframing of the Planning Scheme advances the following objectives and strategies:

1 Growing our Place

We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.

- 1.1** *Develop a new planning scheme for Ararat Rural City that is clear in its intention, supports growth and builds confidence and certainty around land use.*

3 Preserving our environment

We will take pragmatic approaches to ensuring that Ararat Rural City Council takes a regional lead in responsible environmental management and engagement with the circular economy.

5 Enhancing community life

We will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

Budget Implications

The Project costs have predominantly been met by work done to date by Council. The preparations of this amendment was prepared by Council and DELWP in partnership.

If the objection by GrainCorp cannot be resolved the Planning Panel will incur a cost of \$15,345.60 paid to Panels Victoria.

Policy/Relevant Law

The preparation of this amendment has been undertaken in accordance with the *Planning & Environment Act*. The amendment advances Clause 15.03-15 which seeks to *ensure the conservation of places of heritage significance*.

Sustainability Implications

The proposed amendment does not seek to impact on sustainability of each of the sites.

Risk Assessment

Heritage controls seek to protect identified public and private assets for the benefit of future generations. Preservation of places that reflect the history and story of the area are intimately connected to the wellbeing of future generations.

Innovation and Continuous Improvement

Amending the planning scheme is a process of continuous improvement to build and shape controls on individual sites and areas.

Stakeholder Collaboration and Community Engagement

The development of the original Rural Ararat Heritage Study was underpinned by extensive community engagement. This process to amend the Planning Scheme has included direct engagement with the relevant owner of each site.

RECOMMENDATION

That Council:

1. Acknowledge the receipt of the objection from GrainCorp in relation to Amendment C039arat PT2;
2. Authorise the Chief Executive Officer and Manager Planning, Community and Compliance to continue negotiations on the concerns with GrainCorp and report back to the first available Council meeting on the outcome of negotiations; and
3. Advise Planning Panels Victoria of the objection and negotiations by 22 February 2022.

ATTACHMENTS

- 1 Explanatory report for C39 and mapping.
- 2 Heritage Statement of Significance for each site.
- 3 Objection by GrainCorp.

2.2 PLANNING APPLICATION NO. PA3085 FOR 5 LOT SUBDIVISION OF 1 BLACKIE AVENUE, ARARAT

RESPONSIBLE OFFICER: Manager Planning, Community and Compliance
DEPARTMENT: Planning, Community and Compliance
REFERENCE: Planning Application No. PA3085

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

Application for Planning Permit No. PA3085 was lodged by Sudhanshu Goel of e2eGrowth Consultants Pty Ltd for a 5-lot subdivision at 1 Blackie Avenue Ararat.

The land is zoned General Residential Zone (GRZ1) and has no overlays.

Notice of application was carried out by forwarding notices to respective owners and occupiers in the surrounding area. Following the fourteen-day period, 6 objections were received for the application, with the primary concerns being laneway access, servicing and privacy/noise concerns.

The proposal represents a future opportunity to diversify housing stock and increase housing affordability within Ararat. By doing so, the subdivision supports the local economic growth of this General Residential area, as the proposed lots could accommodate smaller dwellings in the future which would appeal to a range of occupants including older residents / single residents seeking to keep maintenance down, or young residents seeking housing affordability.

The subdivision is compliant with the Planning Scheme design and subdivision provisions in Clause 56.

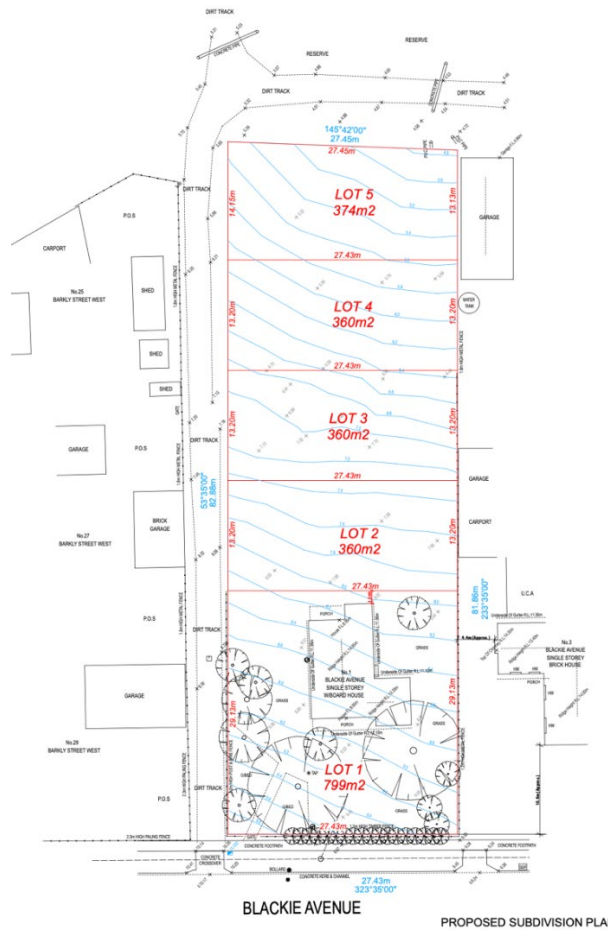
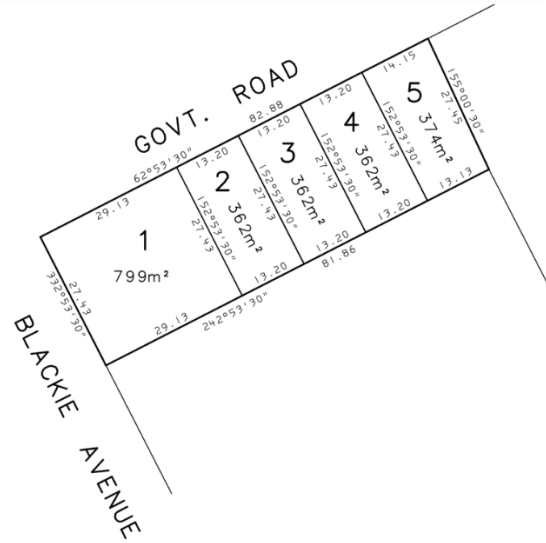
While all necessary documentation has been submitted to Council, and the relevant planning requirements have been met in relation to this subdivision, the difference of the subdivision to the existing area, and the scale of future development on site are the primary issues for consideration. Council should reflect on the preferred scale the subdivision offers and whether such development is preferred for the municipality, and particularly for central Ararat moving forward, as well as the growing need for increased and diverse housing stock, and affordability.

The Proposal

The proposal consists of an application for a 5-lot subdivision at the property 1 Blackie Avenue Ararat – subdividing the existing dwelling with frontage to Blackie Avenue and creating 4 new, smaller lots behind the existing dwelling. The total areas of the proposed lots consist of:

Proposed Lot	Total Area (m²)
Lot 1 (with existing dwelling)	799
Lot 2	360
Lot 3	360
Lot 4	360
Lot 5	374

Site Plan of Proposed Subdivision



The subject site is regular in shape and approximately 2,253m² in area. The property has road frontage to Blackie Avenue, as well as a frontage to an unsealed Government Road (referred to as the Laneway throughout the report) to the side of the site.

Located on the south-west of the site is an existing 4 bedroom dwelling with associated outbuildings and some scattered vegetation. Both the outbuildings and scattered vegetation proposed to be removed as part of the proposal in order to create vacant lots.

The property is surrounded by lots of a similar area, also used for single storey dwellings. To the rear of the site is a significant patch of remnant vegetation on Crown land managed by DELWP.

Aerial View of Subject Site



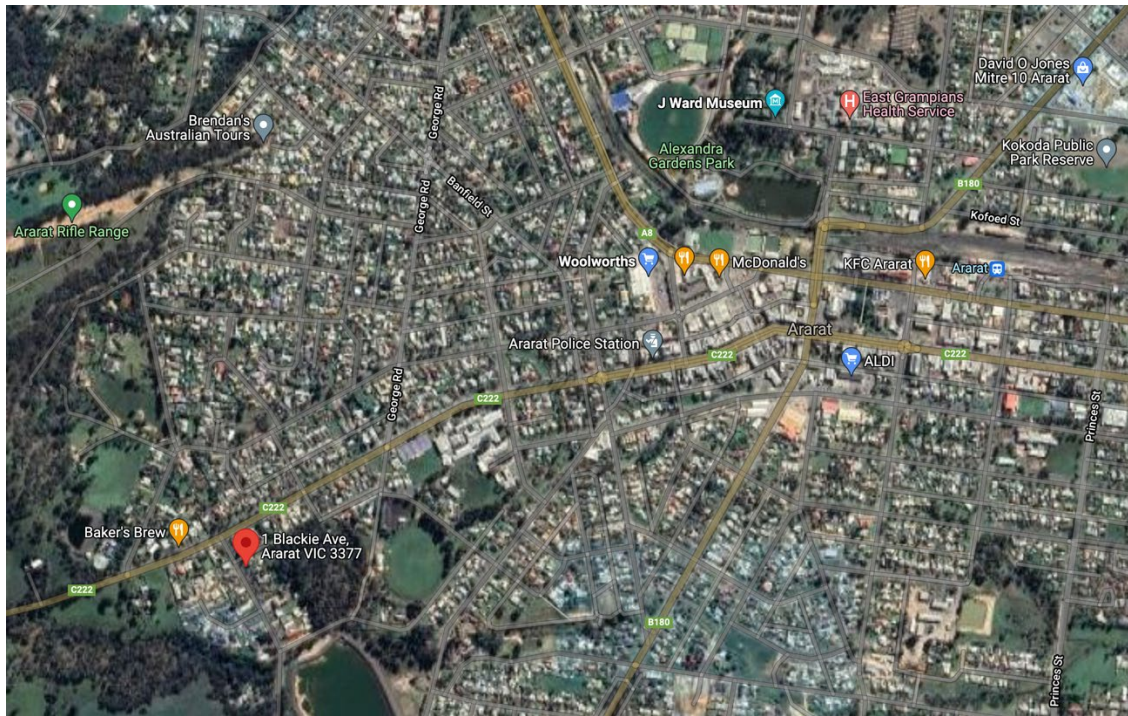
Street View of Subject Site from Blackie Avenue



Surrounding Area

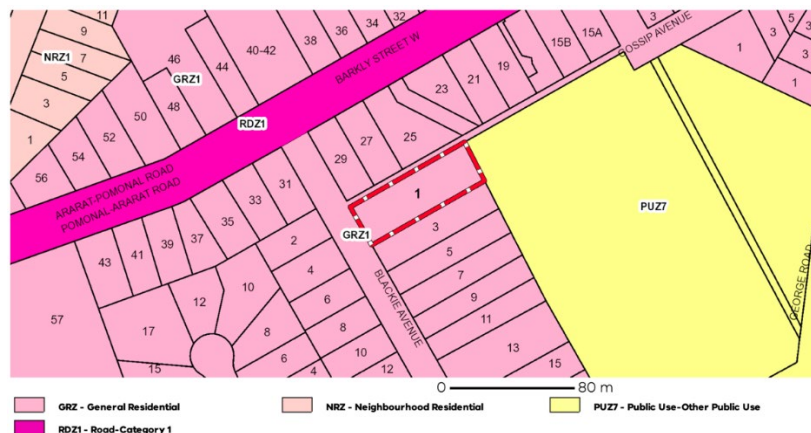
The site is located 1.5km to the west of the Ararat town centre, and close to Ararat College as well as having ready access to the town centre with its public facilities, public transport and shops.

Locality Map



The subject site is located within the General Residential Zone. Surrounding sites are likewise zoned General Residential Zone, with the exception of parcels to the east zoned Public Use-Other Public Use Zone.

Surrounding lots range from approximately 900m² to over 2,000m² (like the subject site). Many of the surrounding blocks measure approximately 1,300m²; notably significantly larger than the proposed lots. The nearest small lots are approximately 134m eastward on Vanstan Street and 193m north-east at Bailey Lane.



Notice of Application

Notice of application was carried out in accordance with Section 52 of the *Planning and Environment Act 1987* by forwarding notices to 11 surrounding owners and occupiers.

Objections have been received from 6 local residents, one of which has been resolved.

In accordance with the Section 60 of the *Planning and Environment Act 1987* the Council must consider 'all objections and other submissions which are received, and which have not been withdrawn'.

All objections are discussed elsewhere in this report.

Referrals

The application was forwarded to a range of external and internal agencies for feedback. A summary of the responses from these agencies were as follows:

Agency / Organisation	Response
External State Agencies	
GMW Water	Approved with conditions
Powercor	Approved with conditions
Downer	No Response
Internal Council Teams	
Assets	Approved with conditions
Rates	Approved with conditions

Mandatory conditions set by State agencies are included in the proposed permit conditions.

Previous Relevant Applications

Records show two previous related application for the subject site.

An older application (PA02694/0) on the site, with the details listed below:

Town Planning		
PA02694/0	Construction of 2 additional dwellings and subdivision into 3 lots. <i>Note: This permit remains current until mid-2022.</i>	12 September 2017

More recently a general enquiry from the applicant regarding the site. The details of the general enquiry are listed below:

General Enquiry		
GE2021542	Construct 3-4 units in rear of current house (retain current house)	1 October 2021

PLANNING POLICIES AND DISCUSSION

Planning Scheme Provisions

The subject site is zoned General Residential Zone, with no overlays applying. The planning application responds to the planning triggers at Clause 32.08-3 Subdivision of land in the General Residential Zone

Planning Policy Framework

The relevant provisions of the Planning Policy Framework and local clauses within Planning Policy Framework of the Ararat Planning Scheme are as follows:

Clause 11.01-1L Settlement – Ararat Rural City

This policy applies to land in Ararat Rural City settlements identified in the plan at Clause 02.04 and in policy maps to this clause including:

- *For the regional centre, the Ararat framework plan (outer city area) and Ararat framework plan (inner city area).*

The proposal is consistent with these Clauses, promoting development which is developed in accordance with the framework plan / strategic policy (*Ararat Sustainable Growth Future Plan*).

The land is served by reticulated water and sewerage. It is well-located close to shops, services and transport infrastructure within a walkable distance, and the town centre and community infrastructure.

Clause 15.01-3S Subdivision design

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse, and sustainable neighbourhoods.

The proposal results in 4 additional lots to the current site on the current site. It has relatively close proximity to the Ararat town centre and associated shops and services. The additional lots range in areas from 799m² for Lot 1 which retains the existing dwelling, to Lots 2, 3 and 4 which measures between 360m² and 374m² each. Thus, the proposal will contribute to the creation of an accessible, diverse and sustainable neighbourhood, enabling a diversity of housing options in the immediate area.

Clause 15.01-5S Neighbourhood character

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

The proposal does not negatively effect current neighbourhood character, largely reflecting the surrounding site context by retaining the frontage and character by keeping the existing dwelling fronting Blackie Avenue. Moreover, the proposal retains valued elements of the subject site and surrounding area, including walkable access to shops and services.

Clause 15.01-4S Healthy neighbourhoods

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

The subject site is located approximately 1.2km / a 15-minute walk from the middle of Barkly Street with access to many shops and services, as well as only 1.5km to the town hall and library. Thus, the site is highly walkable, which fosters healthy and active living. This access is also suited to people using electric mobility devices.

Clause 16.01-1S Housing supply

To facilitate well-located, integrated, and diverse housing that meets community needs.

The proposal is appropriately located, with ready access to most services, restaurants and retailers. While this proposal does not include dwellings, the application will facilitate additional dwellings in the future in a well-located location.

It is considered that the proposed subdivision will be able to contribute to a liveable, healthy, and sustainable neighbourhood meeting the wider objectives of the Planning Policy Framework and Planning Scheme.

Strategic Consideration and Merit

The Council's *Ararat Sustainable Growth Future Report (February 2014)* is an essential strategic planning document in relation to Ararat Rural City subdivisions and development – underpinning Council's sustainable growth plan and vision for the future of Ararat.

The report indicates that *“the substantial majority of dwellings in the municipality are separate houses (93%) with only 4% being flat, unit or apartment type dwellings (ABS 2011).”* At the time of the preparation of this report, the average household size was 2.44 people, indicating a variety of housing is required to provide diversity for the residents of Ararat and provide accommodation options that would better meet the wider community's needs.

Additionally, the report notes that demand projections range between 30-53 new dwellings per annum over the next 20 years, expecting that the majority of these dwellings will be constructed in the Ararat Township. Since this report was prepared prior to the emergence of the COVID global pandemic in 2020, some Victorians have sought to relocate to a rural city whether it be for lifestyle changes or work opportunities, access to family or other reasons. The impact has been a further strain on the housing supply and adding to the dwelling demand within the Ararat area.

More broadly regional Australia experienced a net inflow of 43,000 people from the Capital cities in 2020. During the pandemic people were both moving to the country and others were choosing to stay put in regional areas. This will begin to change as the cities regain freedom and people (in particular, young people) look to move for more education and work opportunities.

Council Plan 2021-2025 lists a number of growth targets for the municipality, including:

- *Available residential land increased by 600 lots by 30 June 2025*
- *Residential housing stock increased by 300 properties by 30 June 2025*
- *Total population of the municipality increased by 750 by 30 June 2025 (6.3%)*

In order to achieve these growth targets, Ararat needs more residential subdivisions and development.

Ararat does not have a large variety of housing typologies, with 90.6% of dwellings being low-density detached dwellings. 74.3% of houses have 3 bedrooms or more while single or lone persons makeup 34.5% of household compositions (10% higher than the state average).

Ararat also has a shortage of medium-high density housing, which is generally more affordable and more easily managed, especially for those living alone. Given the increase in housing demand, in addition to the smaller scaled average household size, subdivisions and development that assist both these housing concerns would be of great benefit to the continued growth of the Ararat community.

The provision for a variety of housing stock that is outside of single dwelling homes is essential to the growth of Ararat's local community and economy. If Council was to continuously delay the commencement of growth of this area it will significantly impact the local economy and the strength of the community in the future, with residents likely to seek other rural opportunities instead of Ararat which offer employment opportunities, housing diversity, and commercial facilities and services that one expects within a well-established township.

Zoning

The subject site is located within the General Residential Zone. The General Residential Zone aims to achieve the following:

- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly 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.*

Under Clause 32.08-3, a permit is required to subdivide land, and must meet the nominated requirements of Clause 56.

The proposal meets the purpose of the zone, providing a diversity of housing types in the future, as well as housing growth in an accessible location close to the Ararat town centre.

The proposal will minimise the impact on neighbouring sites and neighbourhood character by keeping the existing dwelling and street frontage and maintaining the existing feel and character when experienced from the street. It is acknowledged that given the laneway and Crown land adjoining the site, residents of 3 Blackie Avenue will experience the biggest change given their location as the only neighbours sharing a boundary with the proposal.

The proposal meets the decision guidelines of the General Residential Zone. The pattern of subdivision is appropriate for the area, given its relative proximity to the town centre. The spacing of the subdivision is appropriate – facilitating space for dwellings as well as a shared access for new dwellings on the site utilising the lane.

The subdivision is consistent with other recent subdivisions and developments in surrounding areas of Ararat, providing smaller lots with less land to maintain, as well as providing housing diversity and affordability distributed throughout the town, adding to the choice of locations for future residents, or existing residents seeking to downsize or enter the property market.

Overlays

No overlays apply to the subject site.

Particular Provisions

- Clause 56 Residential Subdivision

The proposal has been assessed under Clause 56 and found to comply with all objectives and most standards relating to residential subdivision.

At time of writing, the proposal did not meet standard C11 as the proposal did not specify areas of common land as required. As access will primarily utilise the existing lane, common land will only be necessary if required for service provisions. A detailed assessment of the proposal against the objectives and standards of Clause 56 can be found in Appendix 1.

- Clause 53.01 Public Open Space Contribution and Subdivision

Under Clause 53.01, a public open space contribution of 5% is required. Given the ready access of this land to Crown land at the rear and footpaths fronting Barkly Street to access other recreational spaces, it is recommended that a financial contribution be collected.

Decision Guidelines

Clause 65.01 – Approval of an Application	Comment
The matters set out in section 60 of the Act.	The provisions of the Act have been considered throughout this report.
Any significant effects the environment, including the contamination of land, may have on the use or development.	The property has been used for residential use for many years, and thus contamination of land is unlikely. Moreover, the proposal will not adversely affect surrounding uses.
The Municipal Planning Strategy and the Planning Policy Framework.	It is considered that the proposal aligns with the Planning Policy Framework.
The purpose of the zone, overlay or other provision.	It is considered that the proposal aligns with the purpose and strategic intent of the General Residential Zone, and relevant Particular Provisions (Clause 56) as discussed in detail within this report.
Any matter required to be considered in the zone, overlay or other provision.	As above.
The orderly planning of the area.	<p>The proposal is a potential catalyst for the increased growth of the town and local economy. The economic growth has largely plateaued by the limited number of workers and residents of the area, due to the minimal housing stock or affordable accommodation alternatives being developed in the last ten years.</p> <p>The proposal to increase housing options provides for the orderly planning for growth of the wider area.</p> <p>Notably, this must be balanced however, avoiding the over-development of sites, thus maintaining amenity for residents now and in the future. This must occur via upholding the Planning Scheme through the likes of the objectives and standards of Clause 56, as well as seriously taking into consideration the voices of objectors, working with applicants and the community to achieve good outcomes for all parties.</p>
The effect on the environment, human health and amenity of the area.	<p>No significant impact on environment, human health or amenity of the area is expected to result from this application.</p> <p>Council notes that this application will provide the opportunity for an increase in dwelling density in the future, and therefore a point of departure from the traditional housing stock of Ararat, featuring single story detached dwellings on large lots.</p>
The proximity of the land to any public land.	The subject site abuts an area of public land, consisting of an area of remnant vegetation managed by DELWP.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	There are no works proposed that would have a detrimental effect on the immediate environment.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	While it is unlikely that works proposed would have a detrimental effect on stormwater, conditions to the permit have been attached to mitigate any detrimental effects regarding stormwater.
The extent and character of native vegetation and the likelihood of its destruction.	No native vegetation is to be removed as part of this proposal.
Whether native vegetation is to be or can be protected, planted, or allowed to regenerate.	As above.
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 minimize any such hazard.	The proposal does not propose any works that could create significant detriment to the environment in terms of fire, flood or erosion.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	No loading/unloading is proposed with this application. Management of construction works will occur under the Building Code of Australia and local laws.
The impact the use or development will have on the current and future development and operation of the transport system.	The current transport system will accommodate future growth which may be generated by the proposed subdivision.
Clause 65.02 – Approval to Subdivide Land	Comment
The suitability of the land for subdivision.	Due to the encouragement of higher dwelling densities, the property is suitable for land subdivision, with no minimal lot size set in the Planning Scheme. Additionally, there are no Section 173 agreements or restrictions on title to prohibit the subdivision of the subject site.
The existing use and possible future development of the land and nearby land.	The surrounding uses are largely residential, consistent with the strategic vision and intent for this immediate area.

The availability of subdivided land in the locality, and the need for the creation of further lots	There are no lots within the immediate area that provide this type of lot size. This application injects a small number of new dwellings to Ararat, providing housing affordability and diversity of choice.
The effect of development on the use or development of other land which has a common means of drainage	The development is not expected to have an impact on the drainage of the surrounding properties. Conditions within the proposed planning permit include a requirement for the provision of a drainage discharge plan.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation	The subdivision pattern has taken into consideration the existing boundary interfaces, boundary dimensions, surrounding vegetation and fall of the land. The existing laneway separates the development from Barkly Street west land.
The density of the proposed development	The proposal meets relevant density requirements of Clause 56.
The area and dimensions of each lot in the subdivision	The area and dimensions for each lot meet the requirements of Clause 56.
The layout of roads having regard to their function and relationship to existing roads.	No new roads are proposed. The existing laneway will form the basis of the access to the lots and surrounding yards.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	The shared accessways is dimensioned to allow for safe and efficient movements when entering and exiting the development in accordance with Council's subdivision standards outlined in the Infrastructure Design Manual.
The provision and location of reserves for public open space and other community facilities.	No space is proposed by the development, but residents will have ready access to the adjoining Crown Land and quiet street network of paths to the east.
The staging of the subdivision	Not proposed.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The subject site is not affected by the Bushfire Management Overlay; however any future dwellings must comply to planning requirements relating to fire risk.
The provision of off-street parking.	Each unit has the required number of resident spaces, with road spaces also available for visitors.
The provision and location of common property.	At time of writing, designs did not include location of common property.
The functions of anybody corporate.	Any function of a body corporate will need to be done in accordance with Owners Corporation Act 2006.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	All utilities will need to be provided by the applicant during the development of the property. All servicing authorities have provided support for the application subject to conditions.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all	The development is to be sewered in accordance with GWM Water's conditions. This will ensure no issue with wastewater management.

sewage and sullage within the boundaries of each lot.	
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	No vegetation is required to be removed from the site for this application.
The impact the development will have on the current and future development and operation of the transport system.	As noted previously, the proposal will not overly burden the transport system. That being said, as the town grows, there are facilities in place to increase the frequency of this bus route, if required by increased demand. The proximity to the town centre and high school makes walking or cycling for short trips possible.

COMMENTS MADE IN OBJECTION

Objections have been received from 6 local residents. Each objection letter and any secondary comments have been attached to this report in Attachment 1. Through the mediation process, one objection has been resolved.

The topics of objections and the officer response to each are set out below (summarised).

Objection	Response
Privacy	It must be acknowledged that most of the objectors raising privacy as a concern did so in relation to dwellings, and not to the application for this subdivision. Any future development on the site will need to meet planning and building standards relating to privacy, overlooking and overshadowing (among other things) to protect surrounding amenity.
Noise	This application is for a subdivision and not for the development of dwellings, thus most of the objections were not strictly related to the application. Any future development on the land will need to meet planning and environmental standards relating to the likes of noise, designed to protect surrounding amenity. The standards currently apply to all residents of the town area, restricting what residents can do on their property. Objections highlighted that the proposal would have detrimental ongoing effects to residents, including negatively effecting livelihoods for those working from home and those with home-based businesses. It is unclear how the addition of 4 new dwellings on the proposed lots will impede the ability of others to work and make a living. If in the future development goes ahead and for any reason disturbs the amenity through noise, both the Council and EPA should be contacted in order to establish if any breach is occurring.
Safety / Access	Objections discussing safety / access were not strictly related to the application, instead talking about potential future dwellings or use of the laneway which is not part of this application. The proposal meets the relevant standards regarding vehicle and pedestrian access, as well as visibility of sites and 'eyes on the street' for passive safety have standards for development addressing these concerns. Several objectors noted the laneway as a problem for the application. At the point of subdivision, the critical question is if the laneway provides suitable access to the proposed lots. Construction

	<p>plans for development on the site in the future will be assessed by Council engineering staff to determine if access via the lane is suitable and safe. At this stage in the process, the engineering staff have advised of the widening and construction needs, which can be managed by conditions.</p> <p>Moreover, in terms of concerns regarding future vibration, air pollution or noise concerns in the laneway, these concerns are not relevant to the current application; yet are also unlikely in the future if the site is fully developed. If for any reason in the future dwellings on the sites create such problems, both Council and the EPA should be contacted.</p>
<p>Utility Capacity</p>	<p>The development/construction of the laneway will provide access to both the new parcels and continuing access to the rear of existing lots. Utility capacity has been confirmed with referral authorities, and conditions of these agencies are attached.</p> <p>Referral agencies for utility capacity will advise Council if services are available to the new lots.</p> <p>Any future dwelling design on site will ensure stormwater drainage can be managed to pre-development levels.</p>
<p>Overdevelopment and Neighborhood Character</p>	<p>Serious concerns regarding the changing neighbourhood character and feel of Ararat, as well as the notion of retaining <i>healthy country living</i> were raised by objectors.</p> <p>Council is bound by State planning controls, which are promoting higher density developments, particularly in the General Residential Zone. Council must abide by these state-wide controls.</p> <p>Council is seeking to find a balance between an increase in development / higher densities / better uses of space / diversity of housing / housing affordability. The current approach will see the spread of these opportunities across the town, allowing people a broader choice of housing lots / housing stock to suit their needs.</p> <p>Council must seriously consider the concerns of residents regarding overdevelopment and neighbourhood character, as once site is developed / character is lost, it cannot be reverted. Council must also work to promote sustainable growth and development for the municipality's economy, as well as to provide a much needed diverse and affordable housing stock.</p>

Mediation Meeting

A mediation meeting was held between the applicant and objectors on the 27 January 2022.

Objectors raised concerns including:

- Privacy
- Noise
- Neighbourhood Character
- Scale

In summation, the applicant listened to the objections and suggested a number of solutions, including:

- Fixed garbage pickup points in the lane or on frontage to Blackie Avenue
- Added height fencing to minimise privacy / overlooking concerns
- Keeping existing dwelling and thus, maintaining frontage and neighbourhood character
- Willingness to scale down development (minus one dwelling) and workshop design of dwellings and landscaping with objectors to find a solution to objections

Objectors did not respond to the offer of the reduced scale of development at the meeting and were not ready to withdraw objections regarding any of their concerns or agree to any of the proposed solutions. In light of this, Council staff adjourned the meeting, and committed to follow up on the position of objectors several days later once all parties have thought over the proposal and options moving forward.

At time of writing, one objector has withdrawn their objection subject to conditions that were discussed at the meeting and form usual planning practice. The remaining objectors held further discussions offline with the applicant but did not reach an agreed position. These objectors sought to control the development beyond issue of Titles, and outside of both the provisions of the planning scheme and planning practice. As there is no mechanism to support these requests it has been assessed that these objections still stand.

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2 Growing our Place

We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.

2.1 *Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.*

5 Enhancing community life

We will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

5.3 *Partner with community groups, not-for-profits, and traditional owner organisations to develop Ararat Rural City as a more inclusive and diverse community.*

6 Strong and effective governance

We will work hard to build models of governance that place delivering public value at the centre through effective financial management; well measured risk management; and implementation of effective community engagement practices.

6.1 *Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.*

6.2 *Ensure appropriate risk management is applied to Council and organisational decisions. Council's internal function is applied to areas of perceived risk.*

FINANCIAL

The Council may have a financial obligation to put its case at VCAT in the event that the decision on the application is appealed by either the applicant or objectors.

POLICY/LEGAL/STATUTORY

The policy, legal and statutory considerations defined by the planning scheme and overarching legislation and practice have been outlined in the assessment of the application and throughout this report.

RISK ASSESSMENT

The assessment process follows the provisions of the legislation and the planning scheme clauses and related documents such as the Infrastructure Design Manual to ensure that the outcomes meet broad community standards as well as acceptable and safe design responses.

CONCLUSION

The application seeks planning approval for a 5-lot subdivision at 1 Blackie Avenue. The proposal represents an opportunity to diversify and expand the housing options within Ararat and supporting growth of the population and economy.

During the assessment process, the proposal has been assessed against the Planning Policy Framework, the purpose of the zone, and Particular Provisions. The proposal aligns with Council's strategic intent for the area, representing a step towards growth and realising Council's strategic vision for the area.

The application also reflects a high level of compliance for the following policies within the Ararat Planning Scheme:

- Clause 11.01-1L Settlement – Ararat Rural City
- Clause 15.01-3S Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-1S Housing supply
- Purpose of the Clause 32.08 – General Residential Zone
- Clause 56 – Residential Subdivision

Through the assessment process, it has been proposed that the number of lots created be reduced to 4 in order to mitigate some concerns of objectors, which Council supports in order to balance community concern and risk of overdevelopment of the site against the needs of Ararat regarding housing stock. Whilst objectors raised several issues, these primarily relate to the subsequent development of the land. These concerns are not considered to be relevant to the Council's task at hand or persuasive enough to refuse the application.

Council is satisfied that the proposed subdivision is not expected to provide any change to the amenity of the area from the public realm and is consistent with the purpose of the General Residential Zone, which includes providing for lots and housing at a mix of densities.

It is therefore considered that the proposal is an acceptable outcome having regard to the provisions of the Ararat Planning Scheme. It is recommended that the planning approval for the application for the subdivision be supported with a condition to amend the permit by reducing the subdivision by 1 lot.

RECOMMENDATION

That the Council, having required that Notice of Application be given and having received and considered objections and submissions and the question of detriment, resolves to issue a Notice of Decision to Grant Planning Permit No. PA3085 for 5 Lot Subdivision on 1 Blackie Avenue Ararat 3377 subject to the following conditions:

1.	<p>Amended plans</p> <p>Amended plans are required to be submitted and endorsed by Council before any works or certification occurs. The amended plans are to be generally in accordance with the plans dated 15/11/2021 but modified to show:</p> <ul style="list-style-type: none">a) The reduction of one lot and associated changes to meet the outcomes specified in these conditionsb) Widening of laneway (as outlined in Condition 8)c) Provision of fencing along the boundary with 3 Blackie Avenue to a maximum built height of 1.8m. In addition, a trellis may be added to this to a maximum of 600mm <p>Once the plans are endorsed they must not be changed without the written consent of Council except to comply with statutory requirements and all words are to be consistent with the endorsed plans.</p>
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2.	<p>Drainage Discharge Plan Before the development starts a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Council. The information and plan must include:</p> <ul style="list-style-type: none"> a) Details of how the works on the land are to be drained and / or retained b) Computations and specifications c) Independent drainage for each lot d) Underground pipe drains conveying stormwater to the legal point of discharge e) A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council f) Stormwater to legal point of discharge. <p>Once approved by Council the plans will be endorsed and form part of the approved plan set.</p>
3.	<p>Stormwater and surface works</p> <ul style="list-style-type: none"> a) All underground or surface works that are considered necessary by Council must be constructed in accordance with plans, computations and specifications submitted to and approved prior to Statement of Compliance. b) Such drainage works must be designed and installed to transport stormwater run-off from the subject land and surrounding land or adjoining road(s) to an approved point of discharge. c) Stormwater must not drain or discharge from the land to adjoining properties without the prior approval of Council. d) All works must be completed to the satisfaction of Council prior to issue a statement of compliance
4.	<p>General amenity The development must be managed at all times during construction of the subdivision so that the amenity of the area is not detrimentally affected, through the:</p> <ul style="list-style-type: none"> a) Transport of materials, goods or commodities to or from the land b) Appearance of any building, works or materials c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil d) Presence of vermin
5.	<p>Open space contribution The applicant or owner must pay to the Council a sum equivalent to 5% of the site value of all land in the subdivision as well as the cost incurred with the land valuation to set the Open Space contribution. This payment must be made before a statement of compliance is issued and may be varied under section 19 of the <i>Subdivision Act 1988</i>.</p>
6.	<p>Address The address of the new lots are:</p> <ul style="list-style-type: none"> a) Existing House: 1/1 Blackie Avenue, Ararat b) Proposed Lot 2: 2/1 Blackie Avenue, Ararat c) Proposed Lot 3: 3/1 Blackie Avenue, Ararat d) Proposed Lot 4: 4/1 Blackie Avenue, Ararat
7.	<p>Telecommunications The owner of the land must enter an agreement with:</p> <ul style="list-style-type: none"> 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 telecommunications to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian

	<p>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.</p> <p>Also, before the issue of a Statement of Compliance for any stage of the subdivision under the <i>Subdivision Act 1988</i>, the owner of the land must provide written confirmation from:</p> <ul style="list-style-type: none"> c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunication services in accordance with the provider’s requirements and relevant legislation at the time; and d) 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.
8.	<p>Permit Cancellation Permit PA2694 must be cancelled prior to the commencement of works.</p>
9.	<p>Design & Construction of Civil Works Design and construction of road works, drainage and other civil works, in accordance with plans and specifications approved by the Council and must include:</p> <ul style="list-style-type: none"> a) Road widening Right Of Way (ROW) off Blackie Avenue to accommodate services b) Full construction of Laneway (ROW Blackie) at 5.5m carriageway width with asphalt or two coat bitumen seal c) Construction of concrete spoon drain or alternative d) Construction of underground drainage e) Connection of existing stormwater pipes (connection of down pipe) to drainage system f) Widening of layback at intersection of Blackie Avenue and Laneway to suit road width (5.5m) g) Streetlight on existing pole at intersection Blackie and Laneway h) Underground conduits for water, gas, electricity, telephone i) Landscaping j) provision of waste collection based on proposed road construction and ability to provide safe turnaround
10	<p>Vehicle Access – Subdivision Vehicle access to the proposed development must be constructed in accordance with plans, designs and specifications approved by Council using Standard Drawing IDM SD 240 or alternative acceptable to Council.</p> <p>All works must be completed to the satisfaction of the Council prior to statement of Compliance.</p> <p><i>Vehicle Access Note: Any works in road reserve will require a permit. This Planning Permit does not constitute such approval. Prior to commencing any works on site please contact Ararat Rural City Council Technical Services on (03) 5355 0200.</i></p>
11.	<p>Road Dedication As part of the subdivision, the entire laneway pavement and any additional land forming the road reserve is to be dedicated to Council as a road.</p>
12.	<p>GWM Water (Ref: 04/040/1369)</p> <ul style="list-style-type: none"> a) The owner/applicant must install water mains and associated works to serve each lot of the proposed development, at the owner’s cost, and in accordance with GWMWater’s specifications and requirements. b) The owner/applicant must provide plans and estimates of all proposed water supply works prior to commencement, for GWMWater’s approval.

	<p>c) The owner/applicant must provide written notification of commencement of the works to enable GMMWater to organise inspections and coordinate with its staff.</p> <p>d) The owner/applicant must provide “as constructed” plans and a schedule of final asset costs at the level identified in GMMWater’s asset register for all water works upon completion.</p> <p>e) The plan of subdivision submitted for certification must be referred to GMMWater in accordance with Section 8 of the Subdivision Act.</p> <p>f) The owner/applicant must provide individual property sewer connection branches to each lot in accordance with GMMWater’s requirements.</p> <p>g) The owner/applicant is responsible for verifying the condition of any existing sewer connection point/s to determine their suitability for use.</p> <p>h) The owner/applicant must disconnect the existing sanitary drain for the house located on Lot 1 and reconnect to a new point located within the new lot boundary.</p> <p>i) The owner/applicant must provide GMMWater with an updated drainage plan for the existing dwelling on Lot 1 submitted by a qualified plumber.</p> <p>j) The owner/applicant must ensure any existing water or sewer services and GMMWater assets made redundant by this development are abandoned, at the owner’s cost, in accordance with GMMWater’s standards.</p>
13.	<p>Powercor (Ref 308239680)</p> <p>a) This letter shall be supplied to the applicant in its entirety.</p> <p>b) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.</p> <p>c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor’s requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor’s electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.</p> <p>d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).</p> <p><i>Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.</i></p>
14.	<p>Time frame</p> <p>This permit will expire if:</p> <p>a) The plan of subdivision is not certified within 3 years of the date of this permit; and/or</p> <p>b) The statement of compliance is not achieved within 6 years of the date of this permit.</p> <p>The Council may extend the periods referred to if a request is made in writing before the permit expires, or as specified under Section 69 of the Planning and Environment Act 1987.</p>

ATTACHMENTS

- 1 Application, including plans and supporting reports
- 2 Original objections and secondary comments
- 3 Clause 56 Assessment