

FILE NO: 5/2020/82  
1. A GREAT PLACE TO LIVE

ITEM NO:

**SUPPLEMENTARY REPORT TO ITEM 10.4.1- PLANNING PERMIT APPLICATION  
5/2020/82 - 100 BELMORE STREET, YARRAWONGA - DEMOLITION, BUILDINGS  
AND WORKS AND A REDUCTION IN CAR PARKING**

### 1. Executive Summary

A Council Report has been prepared to consider Planning Application 5/2020/82 for 100 Belmore Street, Yarrowonga as detailed within Agenda Item 10.4.1 for the Ordinary Council Meeting dated 25 November 2020.

Following the completion of this report an additional nine (9) objections have been received raising concerns with the proposal. The grounds of objection are varied with some aspects already addressed in the Council Report however there are a number of new grounds that must be considered.

It is noted that objections can be received up until a decision is made which, in this instance, would be a Council resolution for a Refusal to Grant a Permit or a Notice of Decision to Grant a Permit.

As Council must consider all objections to a planning application the purpose of this Supplementary Report is to provide detail on any new grounds raised by the objections together with a response which is to be read in conjunction with the Council Report associated with Planning Application 5/2020/82.

### 2. Background Information

As detailed within Agenda Item 10.4.1 of the 25 November Ordinary Council Meeting, Planning Application 5/2020/82 proposes to demolish the existing Community Hall in Yarrowonga and construct a new community building, externally alter the Town Hall and seeks a reduction in car parking spaces.

The application was advertised with letters to all adjoining owners and occupiers together with a notice in the Yarrowonga Chronicle with thirteen (13) objections received at the date the Council Report was prepared.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit subject to a number of conditions as detailed within the Council Report.

### 3. Financial Implications

The financial implications of determining the planning application has been detailed within Section 3 of the Council report and the consideration of these additional objections would not result in any additional financial implications.

### 4. Impact (Council, Community, Region)

The additional objections do not impact on process of determining the planning application however the new grounds must be considered to determine whether there would be and planning related impacts.

### 5. Council's Role

As required under Section 60(1) of the *Planning and Environment Act 1987* Council must consider all objections which it has received before deciding on an application. As an additional nine objections have been received prior to a decision being made, Council's role is to consider the grounds raised in the objections when determining the application.

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**6. Considerations**

As detailed within Section 5 of Agenda Item 10.4.1 of the Ordinary Council Meeting dated 25 November 2020, Council must consider the additional nine objections received for Planning Application 5/2020/82.

In addition to the grounds detailed within the Council Report, a summary of the new grounds raised in the objections are detailed below in bold with a response.

**The costings of the project are not available to the public however it will have significantly increased when compared to the original plans.**

The current role of Council in relation to this planning application is as the determining Planning Authority and therefore only planning matters can be considered – not the previous Council decisions or resolutions leading to the application.

Similar to any developments proposed by private citizens or companies, the cost of the proposed buildings and works do not determine whether it is appropriate or factor into the assessment process.

Additionally, Council is considering the latest plans submitted with the original and subsequent versions now superseded.

**There will be disruption to the surrounding residents of the demolition and construction goes ahead.**

As with any development there will be a level of disruptions to adjoining owners and occupiers however this is not considered a basis to refuse an application otherwise all development in established areas would cease.

The proposal is supported by planning policy which specifically encourage compact urban areas and community facilities and services in central locations.

**The grassed open area to the north of the Town Hall is the only available green space in Belmore Street and should not be encroached.**

Currently the grassed area extends approximately 32m from the Belmore Street frontage to the outbuilding slated for demolition. It is noted that this setback contains trees and is utilised by patrons of the adjoining premises.

The proposed development retains a similar building setback being 29.6m however it is acknowledged the grassed area will be reduced with a paved outdoor space adjacent to the building and in the centre of the grassed area.

It is considered that whilst the overall grassed area will be reduced, the proposal would result in a more useable space with an active interface into the community/library space and provide a more attractive and aesthetically pleasing space.

**The crown grant referenced in this agenda item was a result of a land swap in 1928/1930 and until this grant it was not the intent that the subject site would contain the Yarrowonga Library. Additionally, the grant provides for the Mechanics Institute which has ceased to exist.**

The objection states that the Council Report contains misleading and inaccurate information as there was a library in Yarrowonga for decades prior to the crown grant in 1928 therefore the intent of having a library on the subject site is untrue and only occurred in 1928.

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The report states that at the time of the crown grant, which occurred in 1928, the site was to contain municipal buildings which included a free library.

The references to the crown grant on pages 17 and 25 of the report outline the future intent of what facilities would be provided on the subject site from the date of the grant – it does not detail any previous locations of a library but rather what was included in the crown grant.

It is acknowledged that the Mechanics Institute has ceased however it does not void the grant or change the intent in which it was granted.

**The premise the Community Hall does not get used is incorrect and the usage generated direct and indirect funds to the community.**

As detailed within the main Council Report, the use of the land is not being considered as a planning permit is not required for use, this extends to the frequency and number of events that occur within the Community Hall together with any economic impacts.

As the Planning Authority, Council's role is to determine whether the demolition, buildings and works and reduction of car parking is appropriate and accords with the provisions of the Moira Planning Scheme.

**The provision of cash-in-lieu for reductions of car parking is not appropriate and detrimental to the community.**

The objection refers to the *Yarrawonga Futures Plan 2006* and outlines Belmore Street has no parking overflow areas and Moira Shire Council should not accept payments in lieu of car parking spaces.

The *Yarrawonga Futures Plan* was prepared in 2006 and refers to the *Yarrawonga Parking Precinct Plan* prepared in 2000 however this has since been superseded by newer versions including in 2007 and again in 2009.

Additionally, the cash-in-lieu payments was introduced into the Moira Planning Scheme in May 2013 through Planning Scheme Amendment C56. This amendment process included public consultations and submissions and an independent planning panel and it was determined that the provision of a Parking Overlay and cash-in-lieu payments in Yarrawonga was appropriate.

It is considered that the premise of cash-in-lieu payments is appropriate given the more recent parking reports and strategies together with the independent scrutiny of the Planning Panel. Furthermore, the Planning Policy Framework provides for cash-in-lieu within Parking Overlay – Schedule 1 as detailed within the Council Report.

The reduction of car parking is detailed within the Council Report.

**Attachments**

Nil