

Attachment - Item 11.2(a)

Maddingley Park
Committee of Management
MINUTES

Meeting date: Tuesday 23rd January 2016
Meeting venue: Lerderberg Library
Chairperson: Russell Hendry

Present: Russ Hendry, Michael Love, Peter Wakefield, Heather Chambers, Peter Sutherland.

Apologies: Chris Kearney, Gary Coles, Margaret Scarff

1. Minutes from previous meeting

The minutes of the previous meeting - 12th January 2016 were approved on a motion by Peter Wakefield seconded by Michael Love.

2. Finance

2.1. Finance report to 17th February 2016 was circulated with the agenda. Outstanding accounts related to power accounts payable by Moorabool Shire Council.

Moved Peter Wakefield seconded Michael Love that the accounts as presented be approved.

3. Correspondence/Hire Requests

3.1. Inwards

3.1.1. 014. MSC . community Group data base registration

3.2. Outwards:

3.2.1. 012. to Steve Lalor thanking him for service and accepting his resignation

3.2.2. 013 . Response to Troy Scoble email dated 27th January re Grant application for clubrooms

3.2.3. 014 . Response to Troy Scoble dated 27th January re Grant

Actions on Correspondence

1. Moved Michael Love seconded Peter Sutherland that the inwards be received and outwards approved.

4. Projects Update

4.1 -WFD proceeding with new program.

4.2 -Grants for Pavilion and changerooms submitted for February approval.

4.3 -Trees planted (20) with another 40 planned next 6 months

4.4 . Passive area irrigation- report sent to CoM and MSC. Awaiting response from MSC.

5. Other Business

- 5.1. Junior sport facility/complex for Siberia discussed and sub-committee to be established to develop concepts. All User groups must be involved and possibly external interested parties. David suggested we should meet with Tim Peggy (Metro Planning Authority) to discuss this. Action: Russ to meet with these parties to see what / if interest exists.
- 5.2. Issues regarding Art in the park to be followed up with Kylie Burton. A meeting was held with the art group and they are to get back with proposals and costs.
- 5.3. Tennis club requested a project for WFD involving fencing and rails. Michael to meet Russ on site to detail project.

6. Funding for next 6 months

- 6.1. Use of funds for next 6 months were discussed and the following items to be targeted:
 - 6.1.1. Car parking along Taverner St near Tennis Club and playground .
Action: Project underway with bollards purchased and BM Grammar to paint these next week.
 - 6.1.2. Purchase and install electric barbecues
Action: Budget figure agreed to \$20,000 . Marg to determine where to install.
- 5.3.3 Fencing repair and upgrade including new entry to rear of pavilion, bin location and gates at end of oval for entry for football in lieu on ANA gate entry.
Action: Peter Sutherland from BMFNC. Russ to get quotes once BMFNC response received.
- 5.3.4 Main Gates repair and repainting.
Action Russ to get quotes to sandblast and paint and repair. Budget figure agreed \$15,000
- 5.3.5 Rotunda near playground - concrete required.
Action: Russ to get quotes.
- 5.3.6 Old concrete/wood slat seats to be re-located to better suit needs.
Action: Heather, Michael and Marg to determine siting. Russ to get them moved.
- 5.3.7 Water to electric barbecues and drainage.
Action: BBQ sites to be decided by Marg, Russ to get done.
- 5.3.8 Kiosk upgraded for storage.
Action: Pump has been removed. Peter S to arrange for Netball Club to clean out equipment ready for shelving.
- 5.3.9 CCTV in park for security.
Action: Russ to get quotes.

Next meeting: Tuesday 29th March 2016 . James Young Room at the library.

Meeting closed: 8.10 pm.

MADDINGLEY PARK COMMITTEE OF MANAGEMENT
INCOME & EXPENDITURE 2015/16 - AS AT 17th FEBRUARY 2016

Prior Year			Description	2015-16		
Actual	Budget	Variance		Actual	Budget	Variance
5,946.60			Opening Balance	21,081.89		21,081.89
			<u>Income</u>			
6,181.82			Park Hire	1,363.63	-	1,363.63
			Work for Dole	84,000.01		84,000.01
			Bond	1,354.55		1,354.55
11,042.79			Electricity	12,156.10		12,156.10
			Office Expenses	135.00		135.00
			User Fees			-
7,100.00	7,100.00		Funding	11,250.04	-	11,250.04
2,782.04			GST	10,102.46		10,102.46
27,106.65	7,100.00			120,361.79	-	120,361.79
			<u>Expenditure</u>			
13.33			Bank Fees	78.65		78.65
500.00			Work for Dole	77,821.80		77,821.80
159.49			Garden Maintenance	75.13		75.13
1,702.14			R & M	300.00		300.00
88.17			FOMP	-		-
909.10			Bond Return	454.55		454.55
1,006.16			Office Expenses	1,607.10		1,607.10
1,181.81			Hire Fee Refund	-		-
5,441.65			Electricity	11,436.64		11,436.64
			Oval Maintenance			-
			Garden Maintenance			-
			Water Usage			-
			Cleaning			-
969.50			GST	5,079.57		5,079.57
11,971.35	7,100.00			96,853.44	-	96,853.44
21,081.90			Cash Book Balance	44,590.24	-	44,590.24

Attachment - Item 11.2(b)

1 Navigators Community Meeting 10th Feb 2016

Terms

- NCC – Navigators Community Centre
- MSC - Moorabool Shire Council

1.1 Office Holders

1. Marita Austin – President
2. Debbie Barnett – Vice President
3. Ken Turner – Treasurer
4. Ole Kelderman – Secretary

1.2 Committee Members

5. Michael Clarke
6. Tarsha Gore
7. David Tatman
8. David Reyne
9. Wayne Austin
10. Paul Mullane

1.3 Present

1. Marita Austin
2. Ole Kelderman
3. Michael Clarke
4. David Reyne
5. David Tatman
6. Ken Turner

1.4 Apologies

1. Wayne Austin
2. Tarsha Gore

David Reyne moved apologies accepted, Marita seconded. Carried

1.5 Next Meeting: NCC hall , 7:30pm Wed 20th April 2016

2 Navigators Community Centre Minutes

Meeting Started 7:46 pm

Meeting Concluded 9:31 pm

2.1 Minutes for NCC Meeting 30th Nov 2015

Minutes circulated.

Minutes agreed as accurate : Ken Turner Moved , David Reyne Seconded. Carried

2.2 Business Arising From Minutes

2.2.1 Cabinet for holding defibrillator

1. Cabinet received and presented and location discussed

2.2.2 Issue of locating Certificate of Incorporation.

1. Marita located certificate of Incorporation
2. Passed to Ken Turner to use for bank account opening at Bendigo Community Bank

2.2.3 Insurance Levy proposed by MSC

1. For hirers to help cover public liability.
2. Marita advised levy hasn't been confirmed by council.

2.2.4 Volunteer Discussion

1. Annual form for volunteers to be signed.
2. Awareness of risk in doing works.

2.2.5 Committee concern on roadside gutter with steep fall off

1. Much discussion on safety and health concerns of mowing the gutter and front of NCC property .
2. Moorabool Council need to address.

2.2.6 Ground improvements

1. Not yet started on ground improvements – winter projects likely
2. Wayne via Marita reported on quote on stump removal estimate \$1500. Probably stumps to be covered by gardens.
3. Special Mulch for Children playground included in Tennis Club submission to council.

2.3 Correspondence

2.3.1 In>

1. Moorabool Shire –requesting data on school hire and use.
2. Moorabool Shire - Community Group database Usage request
3. Moorabool Shire Operation Support Grants

2.3.2 Out>

1. Marita Emailed usage of hall report to Shire .
2. Moorabool Shire - Community Group database Usage report

2.4 Treasurer's Report

1. Discussion on report format.

2.4.1 Report

- Power Bill paid was \$125.00
- Current Balance 28th Jan \$14,138
- Extra is \$150 donation from Russel I Adams on the family gathering after the funeral of his father .

Ken Turner Proposed acceptance , David Reyne seconded . Carried

2.5 General Reports

2.5.1 Tennis club

1. Tennis restarted for season.
2. Application placed to Moorabool Shire for grant . \$17,000 worth of grant including new fencing, chairs , new honour boards, soft fall Mulch for playground . Confirmation from Moorabool Shire that has been received.

2.5.2 History Club

1. Les Burton presented painting of Navigators Railway Bridge to the History Group . Committee would like to hang the picture in the hall.

2.5.3 Xmas Function

1. Excellent turnout .
2. Positive response by participants
3. Thanks to Wayne's performance as Santa
4. Thanks to Mark Ryan for inspiring the singalong
5. Thanks to Ken Turner for tree

2.6 General Business

2.6.1 Hall Maintenance

1. Roof fan failure
2. 20 L gas bottle in rotunda lasting well. BBQ keeping clean.
3. Toilet been left in dirty state.
4. More chairs and tables to replace damaged and heavy.
5. Hire of tables and chairs has been occurring so keeping a goodly number and quality is beneficial.

Attachment - Item 11.2(c)

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

WEDNESDAY 11 NOVEMBER, 2015

Ballan, Council Chambers
15 Stead Street, Ballan
3:30pm

MEETING OPENING

Cr. Paul Tatchell welcomed all and opened the meeting at 4:00pm.

ATTENDANCE

Cr. Allan Comrie (Mayor)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. John Spain (Proxy)	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Robert Fillisch	Acting Manager Statutory Planning
Mr. Mark Lovell	Senior Statutory Planning Officer
Ms. Victoria Mack	Statutory Planner Officer
Ms. Sharon Duff	Minute Taker
Ms. Judy Lotz	Administration Officer - Statutory Planning

APOLOGIES

Cr. David Edwards	Councillor – East Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth and Development

ITEM 2 - ELECTION OF MEETING CHAIR

Resolution:

Moved: Cr. Tatchell
Seconded: Cr. Comrie

That,

1. The Election of the S86 Development Assessment Committee Chair be deferred until the following meeting, being Wednesday 9 December, 2015.
2. Cr. John Spain be elected as the interim Chair of the S86 Development Assessment Committee for this meeting held on Wednesday 11 November, 2015.

CARRIED.

ITEM 3- CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 21 October, 2015 be confirmed as a true and correct record.

CARRIED.

ITEM 4 – CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

ITEM 5 - GROWTH & DEVELOPMENT REPORTS

ITEM 5.1 – Planning Application PA2015 146;

Development and use of a dwelling in association with an orchard and horticulture crops at Yendon No. 1 Road, Buninyong.

Application Summary:	
Permit No:	PA2015 146
Lodgement Date:	8 July, 2015
Planning Officer:	Victoria Mack
Address of the land:	Yendon No. 1 Road, Buninyong CA2, Section 24, Parish of Buninyong
Proposal	Development and use of a dwelling in association with an orchard and horticulture crops
Lot size:	4.4ha
Why is a permit required?	Farming zone use and development of a dwelling on less than 40ha Bushfire management Overlay – buildings and works Environmental Significance Overlay – schedule 1 – buildings and works

Public Consultation:	
Was the application advertised?	Yes, eight (8) notices sent to neighbouring owners and occupiers.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	Not required
Number of Objections:	One (1)
Consultation meeting:	Not held
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the <i>Local Government Act 1989</i> (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes
Any issues raised in referral responses?	None
Preliminary Concerns?	Justification of the use of a dwelling on a small land parcel in Farming Zone
Any discussions with applicant regarding concerns	No
Any changes made to the application since being lodged?	No
VCAT history?	None

Previous applications for the site?	PA2012288 - Development and Use of a Dwelling and Associated Orchard – Section 55 refusal by Central Highlands Water
General Summary	<p>The subject site has a total area of 4.4ha and is currently undeveloped and mostly cleared of vegetation. The landowner intends to run an intensive mixed horticulture operation producing nuts, fruit, vegetables, truffles and cut flowers largely to be sold at farmers' markets. The plan is for a permaculture farm using sustainable land management principles supported by the proposed dwelling which requires a planning permit.</p> <p>The proposed dwelling would be sited close to the Yendon No.1 Road on the south side boundary. This is considered to be generally acceptable with regard to maintaining the majority of the site for productive horticulture.</p> <p>Adjoining land to the east has a current Planning Permit PA2012088 being for the Development and Use of a Dwelling and Outbuilding (Shed) in Association with a Horse Stud.</p> <p>It appears that the proposed dwelling would not detrimentally impact on surrounding farming activities nor threaten the ongoing productivity of surrounding agricultural uses. The land is in a closer settled area of Buninyong where some broad scale farming allotments are evident but where the majority of land holdings are small in scale with limited opportunities for productive agriculture.</p> <p>While the site is a very small lot in the Farming Zone, it is considered that the Farm Management Plan if implemented as indicated would provide for the horticultural use of the land to its capacity and that a majority of the site would be available for productive use.</p> <p>The Farm Plan is the key justification for the use of a dwelling on the land and is conditional on the intensive horticulture plan being implemented. It is considered that a Section 173 agreement should be registered on title that the land must be run in accordance with the Farm Management Plan and that the use of the land for a dwelling is in association with the use of the land for intensive horticulture production.</p> <p>However, it is recommended that a condition of approval require the FMP to be further developed to articulate a clearer direction for how the site would be developed for the horticultural use including fencing, future outbuildings, waterway protection, and the timeframe for establishing the enterprise. Specifically a plan for the establishment of the proposed enterprise over the initial five years, including associated income and expenditure is recommended. Nonetheless, it is considered that the FMP provides reasonable justification for the need for a dwelling on the site.</p>
General Summary cont.	<p>A Land Capability Assessment submitted with the application demonstrates that sewerage and wastewater can be treated onsite without detriment to water quality.</p> <p>While this is a very small lot in the Farming Zone, in this instance it is considered that the proposal would see the land well utilised and in this instance the use of a dwelling would appear to be justified.</p>
Summary Recommendation:	

That, having considered all matters as prescribed by s.60 of the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant a Planning Permit for the Development and use of a dwelling is association with an orchard and horticulture crops at Yendon No. 1 Road, Buninyong or otherwise known as CA2, Section 24, Parish of Buninyong.

Background

A similar application was lodged by the same applicant in December 2012. The application was referred to Central Highlands Water who objected to the application based on the application not being in accordance with Ministerial Guidelines for Planning Permit applications in open potable water supply catchment areas; and that at the time the Moorabool Shire Council had not prepared, adopted and implemented a Domestic Waste Water Management Plan.

Public Notice

The application was notified to adjoining and surrounding landowners and a sign was placed on the site for at least 14 days. One objection was received.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
The application would remove an estimated 50% of the land from agricultural production for non-agricultural uses, or speculative agricultural uses	Applicant response: The permanent orchard, tree crops and plants need to be maintained in the establishment phase of an intensive horticulture operation. Security of the plants is a concern and living away from the daily management of the plants would increase security risk.
Officer's response - This would appear to be an incorrect estimate of the area to be used for to non-agricultural uses. The majority of the land would be used for intensive horticulture production.	
Poor justification for the use of a dwelling	Applicant response: The management of the intensive horticulture enterprise requires daily supervision. Living remotely from the site would increase security risks to the plants and produce.
Officer's response – It is considered that the proposal adequately justifies the need to be on the site to supervise the intensive horticulture operations proposed.	
The 2ML dam would require a permit and should be part of the application. Effluent contamination is a risk to the waterway.	Applicant response: The dams need work to improve their performance. The objector also has a permit to construct a dwelling on the neighbouring allotment and the risk, if any, would be similar for their proposed dwelling.
Officer's response – works on waterways and earthworks would require an amendment to the application, or an amendment to any permit issued. No works on waterways or earthworks have been applied for in this application.	

<p>Table 1 in the LCA indicates that the volcanic nature of the soil when wet has a much lower permeability than when dry. Once saturated by a major rainfall event effluent can be expected to flow overland contaminating the stream and/or my adjoining property.</p>	<p>The Land Capability Assessment does not indicate any significant risk is posed by this application.</p>
<p>Officer's response – The Land Capability Assessment site assessment results state that: <i>“Based on the most constraining site feature (climate) the overall land capability of the site to sustainably manage all effluent disposal onsite is good. The proposed effluent management area is located above the 1:100 flood level and is considered to be suitable for primary treatment of effluent and trench disposal, or alternatively by using secondary treatment and pressure compensating sub-surface irrigation. For both options, there will be adequate protection of surface waters and groundwater”.</i></p>	
<p>Oak trees including nuts, tannin and leaves are poisonous to horses and would pose a risk to the stud ponies proposed to run on my property.</p>	<p>Applicant response - the truffle plantation will be largely set up using hazelnuts rather than oaks. Hazelnuts would provide an additional nut product for sale. Oaks would be used in the garden setting and also beside the driveway but would not be located near the neighbour's property boundary.</p>
<p>Officer's response – The planting of oak trees do not require a planning permit.</p>	
<p>The likelihood of chemical use on a wet block and particularly fungicides. The prevailing winds from the south-west would likely contaminate my property.</p>	<p>Applicant response: permaculture is the aim on this property and chemicals will be avoided once weeds have been controlled using Roundup and similar.</p>
<p>Officer's response – the land is in the Farming Zone and some chemical use is not considered to be an abnormal farming practice. Off-target spray drift is controlled by chemical use regulations. A permit is not required for the agricultural use of the land.</p>	

Proposal

- It is proposed to construct a two-story three bedroom dwelling on the land in association with the use of the land for mixed farming including fruit, nuts, vegetables and truffles. A Farm Management Plan covering the proposed horticultural operations was provided with the application.
- The external cladding of the dwelling would be constructed with brick veneer and roof tiles. The windows would be aluminium. There would be a verandah to the upper and lower floors.
- The dwelling would comprise on the upper floor: three bedroom, the master with ensuite and a parents retreat.
- The ground floor would comprise a formal entry, a kitchen family room, separate lounge and dining rooms, a rumpus room, a WC, laundry, a study and an attached two car space garage.
- The dwelling would be setback approximately 53m north of the Yendon No. 1 Road.
- A circular driveway would provide access to the dwelling from two existing crossovers, one in the south-west corner and one in the south-east corner.
- The existing shed on the site would remain, located in the south west corner of the site near the south west crossover.
- No trees would be removed to construct the dwelling.
- An internal roadway would be constructed on the east side of the dwelling to the rear of the property to provide access to the mixed horticultural enterprises proposed.
- The small dam on the property would be cleaned out.

- A Bushfire Management Statement, Land Capability Assessment and Farm / Land Management Plan were provided with the application.

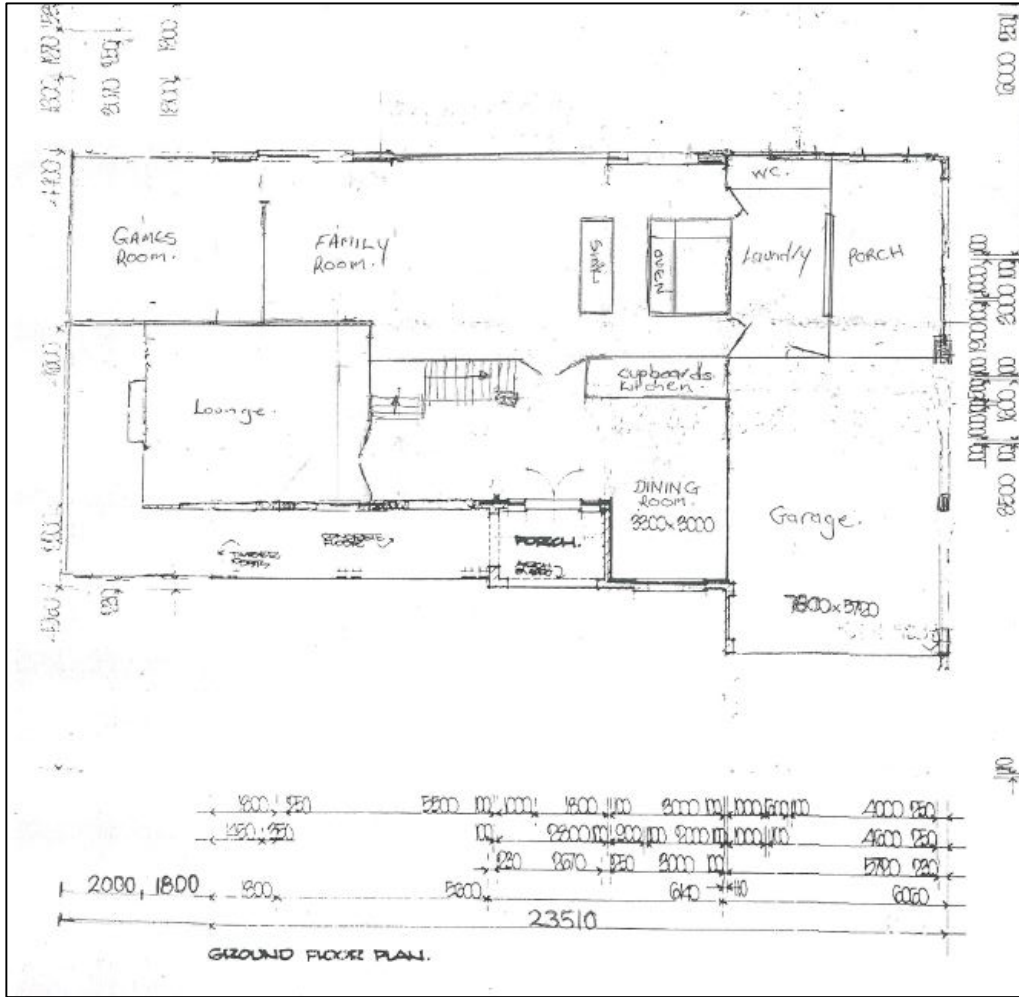
Farm Management Plan:

- Crops to be grown: oak trees and hazel nuts with truffle inoculation for truffle production; orchard species including apples, pears, quince and almonds; vegetables and cut flowers, including bulbs and garlic.
- Blackwood species and pittosporum will be used for windbreaks and native plantings in selected locations for environmental benefits.
- The proposal is to create an integrated mixed farming operation for sale of produce at farmer’s markets.
- The plan does not provide timelines for the establishment of the farm.

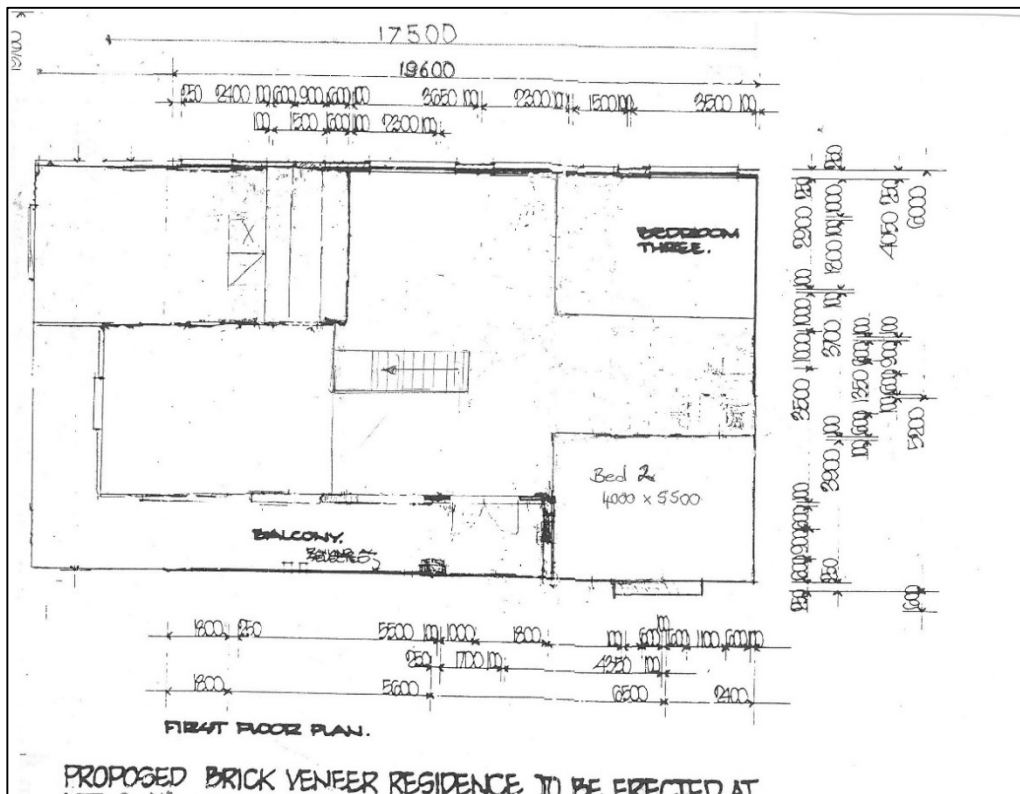
Proposed Site Plan, Floor Plan and Elevations



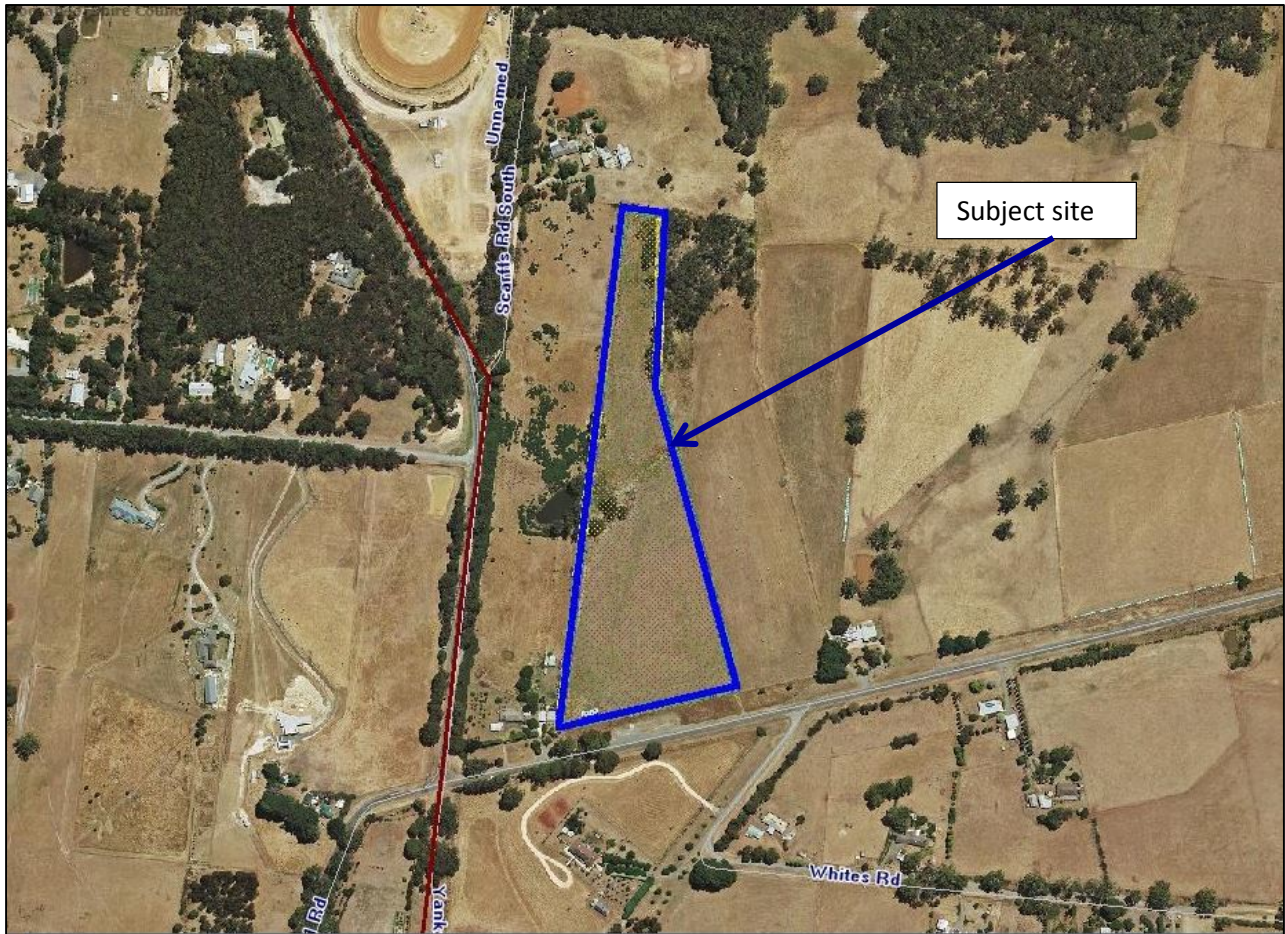
Ground Floor Sketch Plan



Upper Floor Sketch Plan



Site Description

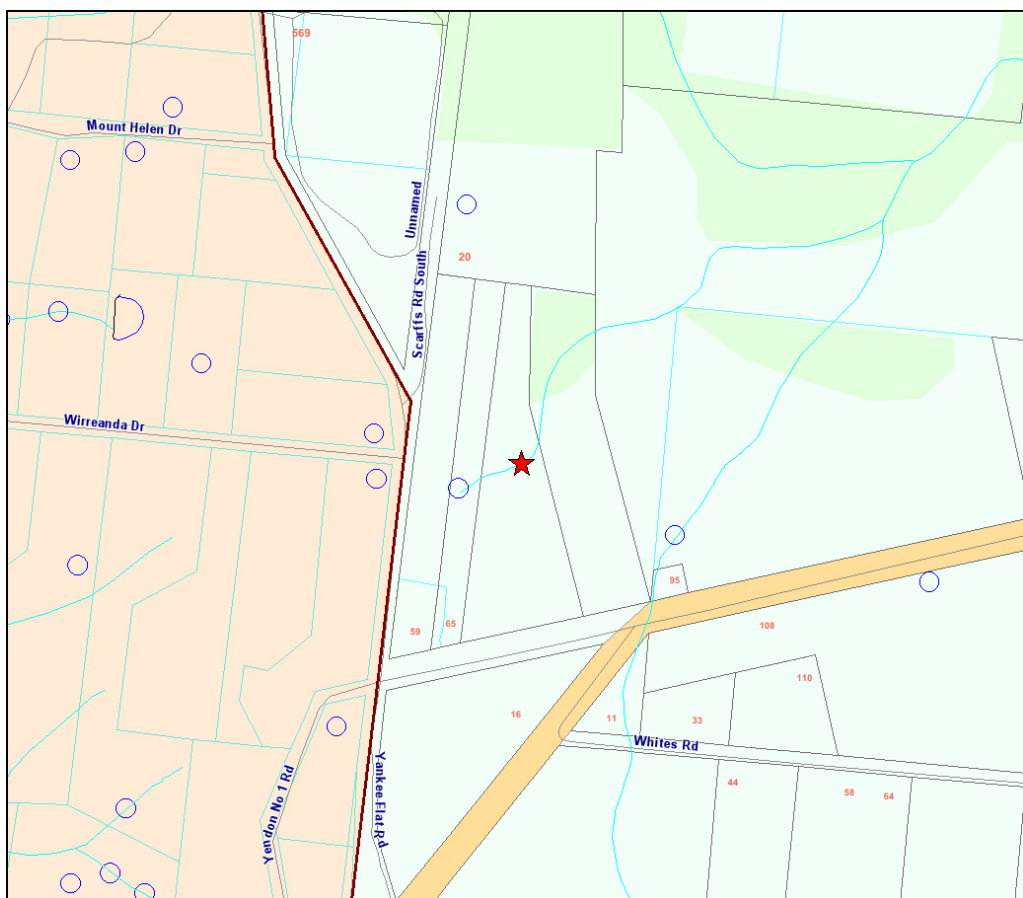


- The site is located on the north side of the Yendon No. 1 Road.
- The lot is 4.4ha. It is irregular in shape and tapers to the rear of the allotment. The width of the site abutting Yendon No. 1 Road is approximately 180m.
- The site slopes slightly downwards to the north and has a few scattered native trees at the rear but the majority of the site is cleared and pastured.
- A waterway dissects the allotment approximately in the middle of the lot, and there is one small dam on the site at the western end of this waterway.
- There is an existing older style shed on the property in the south west corner of the site which is approximately 8m X 12m with a total area of 96sqm.
- There are established large old eucalypts in the Yendon No. 1 Road reserve.
- The nearest neighbouring dwelling to the proposed dwelling site is approximately 150m to the west.
- A dwelling in association with a pony stud has been approved for construction on the property on the eastern boundary of the site but only an approved shed has been constructed at this stage.
- The site is approximately 130m east of the intersection of Yendon No. 1 Road with Yankee Flat Road on the western Shire boundary. Neighbouring land to the west in the City of Ballarat is in the Rural Living Zone.
- The wider locality to the east is generally land in the Farming Zone.
- The pattern of subdivision and land ownership varies with a few examples of contiguous land parcels held in single ownership.

- Surrounding land is mostly cleared of vegetation and predominately used for grazing. Dwellings are not uncommon in the area, and given the pattern of land ownership described above there are few undeveloped small lots. Land further to the west over Yankee Flat Road in The City of Ballarat is in the Rural Living Zone where lots are uniformly smaller, many of which are developed with single dwellings.
- To the east of the subject site is grazing land supported of a similar size which has a permit to use and develop the land in association with horses.
- To the south is a lot of similar size with a dwelling.
- To the west is a lot of 2ha with a dwelling.
- To the north is a lot of 8ha also with a dwelling.

Locality Map

The map below shows the zoning applicable to the surrounding area. The Land is in the Farming Zone. To the west is land in the City of Ballarat in the Rural Living Zone.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-3 Rural productivity
- 11.06-8 Agricultural productivity
- 14.01-1 Protection of agricultural land
- 14.01-2 Sustainable agricultural land use
- 14.02-1 Catchment planning and management
- 16.02-1 Rural residential development

- 21.02-3 Water and Catchment Management
- 21.03-4 Landscape and neighborhood character
- 21.03-5 Rural lifestyle opportunities
- 22.02 Special Water Supply Catchments

The proposal complies with the relevant sections of the SPPF and LPPF.

Farming Zone

Pursuant to Clause 35.07-1, Section 2 of the Farming Zone a permit is required for the use of land for a dwelling and pursuant to Clause 35.07-5 a permit is required for buildings and works for a use in Section 2 of Clause 35.07-1.

The purpose of the zone is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Provide for the use of land for agriculture.
- Encourage the retention of productive agricultural land.
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- Encourage the retention of employment and population to support rural communities.
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

It is considered that while the land size is small that an intensive mixed horticulture operation managed in a sustainable manor is an effective use of the land. The applicants have horticulture experience and are dedicated to building a productive intensive mix of products for sale at farmers' markets.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 (ESO1), Design and Development Overlay, Schedule 2 (DDO2) and the Bushfire Management Overlay.

Environmental Significance Overlay _ Schedule 1

Under Clause 42.01 (ESO) of the Moorabool Planning Scheme, a permit is required to construct buildings and works. There are no applicable exemptions under Schedule 1.

A Land Capability Assessment was provided with the application which indicated that compliance with the requirements of the ESO1 could be achieved.

Design and development Overlay – Schedule 2

Under Clause 43.02 of the Moorabool Planning Scheme a permit is required for buildings and works however Schedule 2 (DDO2) to the Overlay states that a permit is not required to construct a building and works if external walls and roof areas are clad with non-reflective materials.

Bushfire Management Overlay

Under Clause 44.06 of the Moorabool Planning scheme a permit is required for buildings and works associated with accommodation.

The application included a Bushfire Management Statement and bushfire assessment which stated that the dwelling has been sited to achieve a BAL of 12.5.

Relevant Policies

Council's Rural Housing Policy, adopted on 19 September 2012, gives direction for assessing planning permit applications which propose new residential development of land in the Farming Zone. The Policy encourages residential development in farming areas which satisfies the purpose of the Farming Zone and supports agricultural opportunities. The proposal is broadly in accordance with this policy.

Particular Provisions

None applicable

Discussion

The subject site has a total area of 4.4ha and is currently undeveloped and mostly cleared of vegetation. The landowner intends to run an intensive mixed horticulture operation and carry out the usual practices associated with sustainable land management, supported by the proposed dwelling which requires a planning permit.

The proposed dwelling would be sited approximately 60m from the Yendon No.1 Road frontage on the south side boundary. This is considered to be generally acceptable with regard to maintaining the majority of the site for productive horticulture.

Adjoining land to the east has a current Planning Permit PA2012088 being for the Development and Use of a Dwelling and Outbuilding (Shed) in Association with a Horse Stud. A shed approved under this permit has been constructed but not the dwelling. The owner of this land is the objector to this application.

It appears that the proposed dwelling would not detrimentally impact on surrounding farming activities nor threaten the ongoing productivity of surrounding agricultural uses. It is not expected that the proposal would lead to a proliferation of dwellings in the area in addition to those already existing in what is a closer settled area in the Farming Zone in Buninyong.

The size of many of surrounding lots limits their agricultural viability as many are held in separate ownership, with limited potential for rural consolidation.

While the site is a very small lot in the Farming Zone, it is considered that the Farm Plan if implemented as indicated would provide for the horticultural use of the land to its capacity and that the majority of the site would appear to be available for productive use.

However, it is recommended that a condition of approval require the FMP to be further developed to articulate a clearer direction for how the site would be developed for the horticultural use including fencing, future outbuildings, waterway protection, and the timeframe for establishing the enterprise. Specifically a plan for the establishment of the proposed enterprise over the initial five years, including associated income and expenditure is recommended. Nonetheless, it is considered that the FMP provides reasonable justification for the need for a dwelling on the site.

The information required should include

- A planting plan for all trees and horticulture crops over a period of at least five years. The planting plan should include all crop rotations proposed, numbers and location of the permanent trees to be planted and expected first harvest of tree crops.
- Details of crop and tree husbandry practices to be followed for each crop type.
- Weed control measures and weed control management plan for weed control over five years.
- An estimated budget of proposed expenditure and anticipated returns for a minimum period of five years.
- Land Management practices including protection of the waterway.

- The location and size of all water tanks to be erected on the site and a water management plan for the farming operations.

The Farm Plan is the key justification for the use of a dwelling on the land and is conditional on the intensive horticulture proposal being implemented. It is considered that a Section 173 agreement should be registered on title that the land must be run in accordance with the Farm Management Plan and that the use of the land for a dwelling is in association with the use of the land for intensive horticulture production

A Land Capability Assessment submitted with the application demonstrates that sewerage and wastewater can be treated onsite without detriment to water quality. Council’s Environmental Health officer and Central Highlands Water have no objection to the proposal, subject to conditions. The site does not contain any notable vegetation or wildlife habitat that would be adversely affected by the proposal.

The proposed double storey brick dwelling is sited appropriately and considered to be reasonably responsive to the rural surroundings. No reflective materials are proposed.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the *Planning and Environment Act 1987* and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Central Highlands Water	Consent subject to conditions
Country Fire Authority	Consent subject to conditions
Infrastructure	Consent subject to conditions
Environmental Health	Consent subject to conditions

Financial Implications

It is not considered that there are any known financial risks to Council

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

If a refusal was recommended the possibility is that the applicant would appeal Council’s decision at VCAT. The likely outcome of a VCAT determination is unknown.

Conclusion

While this is a very small lot in the Farming Zone, in this instance it is considered that the applicants Farm Management Plan will be implemented as they have a passion for their proposal.

The land is in a closer settled area of Buninyong where some broad scale farming allotments are evident but where the majority of land holdings are small in scale with limited opportunities for productive agriculture.

The current proposal would see the land well utilised and in this instance the use of a dwelling would appear to be justified.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Dudzik

That, having considered all matters as prescribed by s.60 of the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant Planning Permit PA2015 146; Development and Use of a dwelling in association with an orchard and horticulture crops at Yendon No. 1 Road, Buninyong, otherwise known as CA2, Section 24, Parish of Buninyong subject to the following conditions:

Additional plans:

- 1. Before the use and development commences an amended Farm Plan needs to be provided. When approved, the plan will be endorsed and will then form part of the permit. The amended plan must be generally in accordance with the plan submitted but modified to include the following requirements:**
 - a) A planting plan for all trees and horticulture crops over a period of at least five years. The planting plan should include all crop rotations proposed, numbers and location of the permanent trees to be planted and expected first harvest of tree crops.**
 - b) Details of crop and tree husbandry practices to be followed for each crop type.**
 - c) Weed control measures and weed control management plan for weed control over five years.**
 - d) An estimated budget of proposed expenditure and anticipated returns for a minimum period of five years.**
 - e) Land Management practices including protection of the waterway.**
 - f) The location and size of all water tanks to be erected on the site and a water management plan for the farming operations.**

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Endorsed plans:

- 2. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority. All buildings shall be located clear of any easements or water and sewer mains/septic tank and effluent lines.**

Section 173 Agreement:

3. **Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for Barwon Water's Condition No. 13 herein, together with the following and to the satisfaction of the Responsible Authority that:**
 - a) **The owner of the land must acknowledge that while the land remains zoned as Farming Zone or its equivalent successor the primary use of the land is for agricultural activities and the use of the dwelling must be in conjunction with an approved agricultural activity.**
 - b) **Agricultural activities identified in the endorsed Farm Management Plan must be undertaken on the land and must be in accordance with the Farm Management Plan endorsed under Condition No. 1 of the Planning Permit and cannot be varied without the written consent of the Responsible Authority.**
 - c) **Before a Certificate of Occupancy is issued for the dwelling, application must be made to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act and the owner must provide evidence of that registration of the Agreement to the Responsible Authority.**
 - d) **The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.**

Material and Colour:

4. **All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.**

Infrastructure:

5. **A standard rural vehicle crossing with culvert must be provided on Yendon No.1 Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
6. **The property access and the internal driveways must be constructed in accordance with the requirements specified in the CFA publication "Building in a Wildfire Management Overlay".**
7. **Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.**
8. **Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
9. **Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
10. **Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the responsible authority.**

Central Highlands Water:

11. **The dwelling and effluent disposal system shall be located strictly in accordance with the Land Capability Assessment by Bruce Hollioake and Partners reference 12151 dated 25 May, 2015.**

12. The owner shall install a wastewater management system that provides a primary level of treatment of wastewater, in accordance with the recommendations in section 4 of the Land Capability Assessment by Bruce Hollioake and Partners reference 12151 dated 25 May 2015, or any updated version approved by the Responsible Authority.
13. Prior to a Building Permit being issued for a dwelling the owner shall enter into an agreement with Central Highlands Region Water Corporation (CHW) and the responsible authority under Sections 173 and 174 of the *Planning and Environment Act 1987*, requiring that:
 - a) The owner shall have any wastewater treatment facility and effluent disposal system for the dwelling inspected annually by a qualified environmental health officer (“the EHO”) and shall provide annually to both the Shire and to CHW a written report from the EHO on the condition of the wastewater treatment and effluent disposal system.
 - b) The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by the EHO and evidence of this desludging shall be provided in the EHO report referred to in Clause (a) herein.
 - c) The Owner shall carry out any works considered necessary by the EHO to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.
 - d) The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.
 - e) The Owner and the Shire agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the *Planning and Environment Act 1987*.
 - f) The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c) and (d) herein and all costs of the Shire in relation to stamping and registration of this Agreement.
 - g) The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (e) herein.
14. The landowners shall meet all costs of preparing and recording this agreement.
15. An onsite waste water management system must be installed.
16. The land application area and all conditions must be in accordance with the Land Capability Assessment prepared by Bruce Hollioake and Partners reference number 12151 dated 25 May 2015, and are to be strictly adhered to, or any updated version approved by the Responsible Authority.
17. All setback distances must be adhered to, 60m from a dam and 100m from a potable water supply catchment.
18. A surface water diversion drain, or surface water diversion mound, should be provided on the high side of the disposal area to divert any surface water flows around the effluent fields.

Country Fire Authority:

19. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
20. The Bushfire Management Plan (Figure 10 in report by Regional Planning & Design Pty Ltd, Ref No.12.241, version B, and dated 26/6/2015) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Permit expiry:

21. This permit will expire if one of the following circumstances applies:

- a) The development and the use are not started within two years of the date of this permit; or
- b) The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the *Planning and Environment Act 1987*.

Permit Notes:

Environmental Health:

A permit to install an onsite waste water management system must be submitted to Environmental Health.

Planning Department:

No outbuildings have been approved by this permit. If outbuildings are proposed in the future the permit must be amended to add such outbuildings. No works on the waterway has been approved by this permit. If the dam is to be enlarged on any earthworks are to be undertaken on the waterway then the permit must be amended for such works.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday 4 November, 2015

CARRIED.

ITEM 6 - UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Robert Fillisch, Acting Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

ITEM 7 - DATE OF NEXT MEETING

Wednesday 9 December, 2015
4.00pm, James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh

ITEM 8 - MEETING CLOSURE

The Interim Chair thanked all Committee members and attendees and closed the meeting at 4.52pm.

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

WEDNESDAY 9 DECEMBER, 2015

James Young Room, Lerderderg Library
215 Main Street, Bacchus Marsh
4.00pm

MEETING OPENING

Satwinder Sandhu welcomed all and opened the meeting at 4:05pm.

ATTENDANCE

Cr. Allan Comrie (Mayor)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards (Chair)	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Robert Fillisch	Acting Manager Statutory Planning
Ms. Sam Romaszko	Manager Engineering Services
Mr. Mark Lovell	Senior Statutory Planning Officer
Mr. Thomas Tonkin	Statutory Planner Officer
Mr. Roger Cooper	Statutory Planning Officer
Ms. Sharon Duff	Minute Taker

APOLOGIES

Ms. Victoria Mack	Statutory Planner Officer
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ELECTION OF MEETING CHAIR

Resolution:

Moved: Cr. Comrie
Seconded: Cr. Tatchell

That Councillor David Edwards be elected as the Chair of the Section 86 Development Assessment Committee.

CARRIED.

CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Comrie

Seconded: Cr. Tatchell

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 11 November, 2015 be confirmed as a true and correct record.

CARRIED.

CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

GROWTH & DEVELOPMENT REPORTS

ITEM 5.1 – PLANNING PERMIT APPLICATION 2014 299; 210 MAIN STREET, BACCHUS MARSH

PA2014 299 - Development of the land for a fast food restaurant and associated signage at 210 Main Street Bacchus Marsh

Application Summary:	
Permit No:	PA2014 299.
Lodgement Date:	23 December, 2014.
Planning Officer:	Rob Fillisch/Mark Lovell.
Address of the land:	Lot 1 Title Plan 823249H - 210 Main Street, Bacchus Marsh.
Proposal:	Development of the land for a fast food restaurant and associated signage
Lot size:	2643m ²
Why is a permit required?	Clause 34.01-4 - Building and works to a retail premise. Clause 52.05-7 – Internally illuminated signage exceeding 1.5 sq.m in area.
Public Consultation:	
Was the application advertised?	Yes
Notices on site?	Yes
Notice in Moorabool Newspaper?	No.
Number of Objections?	Four (4)
Consultation meeting?	Held 23 February, 2015. The applicant submitted a landscape plan and the four objectors responded with a further objection submission.

Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Mark Lovell</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes
Any issues raised in referral responses?	No
Preliminary Concerns?	Alternative access arrangement to improve vehicle and pedestrian safety.
Any discussions with applicant regarding concerns	The applicant advised they were unwilling to change the layout or vehicle access points.
Any changes made to the application since being lodged?	Yes, separate landscape plan submitted.
VCAT history?	No
Previous applications for the site?	No
General summary?	Promoting retail activity within a designated activity centre. Interface with nearby residential properties. Management of amenity impacts onto adjacent and nearby properties. Vehicle access and egress.

Summary Recommendation:

That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for development of a fast food restaurant and associated signage at Lot 1 Title Plan 823249H known as 210 Main Street, Bacchus Marsh.

Background

The subject site is vacant land within a Commercial 1 Zone under the Moorabool Planning Scheme.

Public Notice

The application was notified to adjoining and surrounding landowners

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements?
Noise	
Officer's response – Can be controlled by conditions such as the construction of acoustic boundary fencing, amenity conditions, specifying the location of external plant and equipment, and moving the drive thru lane to the western side by flipping the internal building layout.	
Light	
Officer's response – Can be controlled by conditions regarding the positioning of floodlights with suitable baffles to prevent light spill or glare.	
Health/Vermin	Environmental Health approval
Officer's response – As part of Food Registration approval, the operators will need to control vermin from the site with adequate waste disposal and maintaining clean food preparation areas.	
Litter/Waste products	
Officer's response – Can be controlled by waste management conditions.	
Security cameras	
Officer's response – There are no planning controls regarding the location of security cameras. Security cameras can act as a deterrent for anti-social behaviour.	
Use of rear reserve/ Security of adjoining properties.	
Officer's response – This area should have either an internal semi-transparent fencing or bollards to prevent vehicle and pedestrian access with some landscaping along its southern border.	

Traffic movements	
Officer's response – The applicant's traffic engineer have submitted a report demonstrating that proposal complies with Australian Standard. An improved arrangement be flipping building design to have main entry point to the eastern side has not been accepted by the applicant.	
Inconsistent with objectives of the Design and Development Overlay	Proposed Design & Development Overlay Schedule 11 (Planning Scheme Amendment C51) while not implemented into the planning scheme can provide a useful reference point.
Officer's response – The proposal could comply with the objectives of this proposed overlay.	

Proposal

- It proposed to construct a convenience restaurant as a Hungry Jacks outlet with a total floor area of 210m².
- The restaurant will contain 38 seats for inside dining and 28 seats for outdoor dining. A total seating capacity of 66 seats.
- Hours of operation are Monday-Friday 6am to midnight, Saturday 6am-1am and Sunday 6am-midnight.
- The building will be setback 6.34 metres from the street frontage, setback 4.0 metres from the eastern side boundary, setback 9.35 metres from the western side boundary and well setback from the rear northern property boundary. The outdoor dining area will be setback 1 metre from the street frontage.
- The building will have an overall height of 6.74 metres.
- The building will be comprised of a mixture of external materials such as custom orb Colorbond cladding, Alcobond panelling, compressed fibre cement cladding, and glass panelling. Colour scheme includes the corporate colours of Hungry Jacks.
- Provision of 24 car spaces including one dedicated disabled persons space.
- There are two existing crossovers. One existing crossover is 6.48 metres in width, about 4.78 metres from the western property boundary providing access for two way vehicle traffic. The second crossover is 3.0 metres in width located 2.0 metres from the western property boundary and provides access to exiting traffic from the drive thru lane.
- There will be eight signs including direction signage, height clearance warning sign, drive thru menu board signs, logo sigs attached to the building and free standing pylon signs. The pylon sign number 1 is 1.35 metres in width, 5 metres in height and contains the words 'Hungry Jacks' 'Drive Thru' and a directional arrow. The other pylon sign number 2 is lower in height at 1.8 metres. Both pylon signs are internal illuminated, predominately red colour with some yellow and white sections. The pylon sign are located adjacent to the street frontage.
- Landscaping is predominately shrubs and groundcovers with four Kanooka tress located in the landscaping beds between the internal driveway and the car parking area.



Site/Floor Plan



Elevation Plans

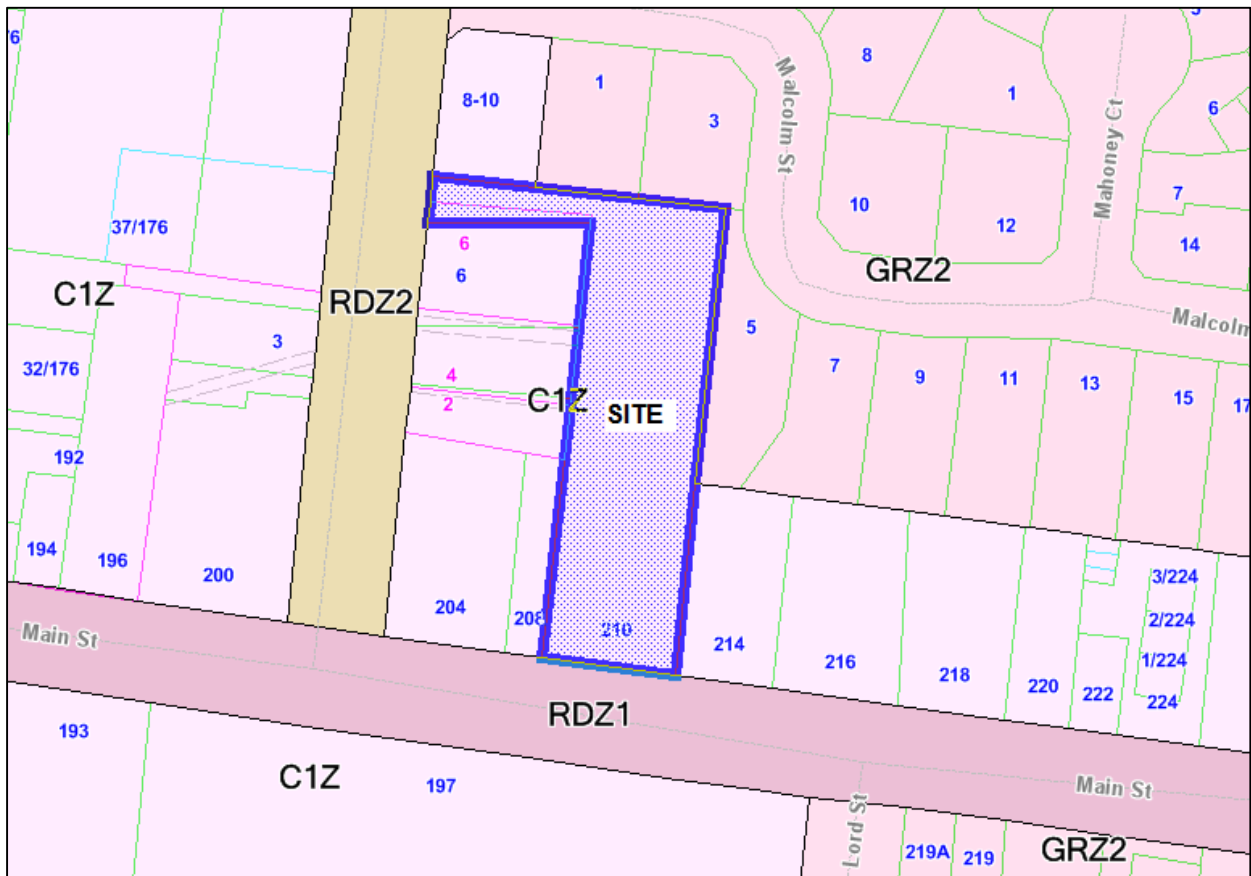
Site Description

- The subject site is vacant land without front fencing or significant vegetation. The topography is relatively flat. The site is used as an informal parking area. The site has a frontage to Main Street and secondary frontage to Young Street.
- The site is located within a Commercial 1 Zone under the Moorabool Planning Scheme. Building to the west and east comprise of a mixture of retail and light industrial uses such as café, service station, motor vehicle repairs and retail sales.
- Opposite side of Main Street comprises of a contemporary designed public library with a customer service area of Moorabool Shire Council.
- To north and north-east are detached residential dwellings on moderate sized lots with secluded private open space areas abutting the subject land. These dwellings are located within a General Residential Zone Schedule 2 under the Moorabool Planning Scheme.



Locality Map

The site below indicates the location of the subject site and the zoning applicable to the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.01-2 Activity centre planning
- Clause 11.05-2 Melbourne's hinterland areas
- Clause 11.06-2 A diversified economy
- Clause 13.04-1 Noise abatement
- Clause 17.01-1 Business
- Clause 18.02-5 Car Parking
- Clause 21.04-3 Commerce
- Clause 21.07 Bacchus Marsh

Zone

The site is located in a Commercial 1 Zone under the Moorabool Planning Scheme. The purpose of the Commercial 1 Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Overlays

There are no overlays at present.

Planning Scheme Amendment C51 proposes to introduce a number of changes to the planning scheme in order to implement the findings and recommendations of the Bacchus Marsh Activity Centre Structure Plan, November 2011.

Proposed Design and Development Overlay Schedule 11 (Main Street) has a number of proposed objectives.

- To enhance the established 'country town centre' character of Main Street and surrounds including creating a level of visual consistency in the precinct with the standard street wall height the equivalent of 7.5 metres, with limited opportunities for higher elements to be considered.
- To ensure that new development responds to the landscape character of Bacchus Marsh.
- To provide an attractive, safe and accessible environment within the town centre.
- To encourage development within the Town Centre to provide an appropriate interface to protect the amenity of surrounding residential areas.
- To encourage development within the Town Centre to provide an appropriate integration with heritage places.
- To create and expanded town centre that reflects the unique township character of Bacchus Marsh.
- To encourage the creation of active frontages adjacent to roads, laneways and the greenway.
- To ensure that new development addresses and integrates with the Greenway.
- To encourage the redevelopment of land within the Town Centre to demonstrate high quality, contemporary and innovative design.
- To provide for safe, convenient and pedestrian friendly vehicle movement in and around the town centre.
- To minimise the visual intrusion of car parking facilities.
- To encourage pedestrian access by:
 - o Improving crossing facilities at the Grant Street/Main Street intersection;
 - o Improving pedestrian permeability between Main Street and Bennett Street; and
 - o Providing adequate access and parking for bicycles

Particular Provisions

Clause 52.05 Advertising Signs

Signage controls in Commercial 1 Zone are covered by Clause 52.05-7 which has the purpose

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

A permit is required as all signage is internal illuminated and exceeds a total advertising area of 1.5 square metres.

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The character of the area including:*
 - *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
 - *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
 - *The cumulative impact of signs on the character of an area or*
 - *The consistency with any identifiable outdoor advertising theme in the area.*

- *Impacts on views and vistas:*
 - *The potential to obscure or compromise important views from the public realm.*
 - *The potential to dominate the skyline.*
 - *The potential to impact on the quality of significant public views*
 - *The potential to impede views to existing signs.*

- *The relationship to the streetscape, setting or landscape:*
 - *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
 - *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
 - *The ability to screen unsightly built or other elements.*
 - *The ability to reduce the number of signs by rationalising or simplifying signs.*
 - *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

- *The relationship to the site and building:*
 - *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
 - *The extent to which the sign displays innovation relative to the host site and host building.*
 - *The extent to which the sign requires the removal of vegetation or includes new landscaping.*
 - *The impact of structures associated with the sign:*
 - *The extent to which associated structures integrate with the sign. The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

- *The impact of any illumination:*
 - *The impact of glare and illumination on the safety of pedestrians and vehicles.*
 - *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
 - *The potential to control illumination temporally or in terms of intensity.*

- *The impact of any logo box associated with the sign:*
 - *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.*
 - *The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.*
 - *The need for identification and the opportunities for adequate identification on the site or locality.*

- *The impact on road safety. A sign is a safety hazard if the sign:*
 - *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property*
 - *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.*
 - *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*

- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway. Could mislead drivers or be mistaken as an instruction to drivers.*

Clause 52.06 Car Parking

Under Clause 52.06-5 of the Moorabool Planning Scheme a convenience restaurant requires 0.3 car spaces per patrons. The applicant's indicated in their written submission 80 patrons but floor plans indicates 66 seats. The statutory requirement for 80 patrons is 24 car spaces. The applicant has provided 24 car spaces which meets the minimum space dimensions and minimum accessway widths in accordance with Clause 52.06-8. No permit is required for car parking.

Clause 52.07 Loading and Unloading of Vehicles

The purpose of this provisions

To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

The loading bay appears to comply with the minimum requirements of 7.6 metres in length and 3.6 metres in width. Plans will need to be annotated accordingly.

Clause 52.20 Convenience restaurant

There are particular provisions for convenience restaurants and take-away food premises but only apply to residential zones.

Clause 52.29 Land Adjacent to a Road Zone

Applies to create or alter access to a Road Zone. There is no changes to the existing access points to Main Street, a Road Zone Category 1.

Clause 52.34 Bicycle Facilities

The purpose of this clause is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Under Clause 52.34-3, a convenience restaurant requires 1 employee bicycle space to each 25 square metres of floor available to the public which is approximately 80 metres and 2 visitor bicycle spaces which equates to a total bicycle requirement of 5 spaces.

The applicant's has not applied for a reduction or waivering of the standard bicycle parking arrangement under Clause 52.34-2. The bicycle spaces will need to be provided on site.

Discussion

Strategic justification

The proposed building works allow for the establishment of a retail premise within an activity centre which is consistent with broad objectives of the State Planning Policy Framework and the Local Planning Policy Framework to promote business activity within commercial zoned land.

Built Form

The external design adopts contemporary feature such as flat roofing, mixed external materials and finishes including vibrant red colour roof fascia and prominent feature wall. These building features will distinguish the development from the existing retail premises and can add vitality to the commercial streetscape. The street has varying front setbacks including a number of retail premises built adjacent to the front lot boundaries. The forward projecting outdoor dining area provides for a building structure close to the street maintaining the existing streetscape pattern.

Car and Bicycle parking

The proposal provides adequate on site car parking and subject to permit conditions can provide the required five bicycle car spaces.

Pedestrian linkages are not clear with only pedestrian paths shown between the landscape beds on the western side of the car parking bay and from the disabled persons space to the northern edge of the building. Convenience restaurants do attract constant pedestrian traffic and there needs to be clear distinction between the pedestrian walkway and the adjacent internal vehicle accessway to prevent conflicts with pedestrians. This can be achieved by line marking and the removal of the landscape strip adjacent to the western side of the disabled persons car space.

Traffic flow

The traffic movement through the site has not been designed to minimise internal conflicts with the curved main entry accessway arranged due to the location of a large street tree and has not been designed to minimise traffic disruptions with the main entry point located near the intersection with Young Street. The applicant's traffic engineers stated that the proposed development would have no significant adverse impact on the safety and operation of the surrounding road network. An improved arrangement would be to have the main entry point to the eastern side further away from the Young Street intersection and the drive thru exit lane near the western side. The applicant had been advised of this alternative arrangement and did not want to alter the existing design. Traffic flow through a busy activity centre needs to function efficiently to minimise disruptions for through traffic and this can be achieved by altering the building layout and associated accessways.

Signage

Beside the signage provided to the drive thru area, the signage reflect the branding and colour scheme of company 'Hungry Jacks'. The site does not have a wide frontage and three separate logo signs facing the street frontage is excessive and can create visual clutter. Main Street is characterised by minimal business identification signs and few internal illuminated signs giving the area a country town centre appeal. Given the existing signage character of Main Street, sign identified as number 3 should be removed, thereby leaving one free standing sign and one sign attached to the building. This is sufficient for business identification. The north facing logo sign attached to the building faces the rear car park and is not required as all pedestrian and vehicle access is via the Main Street frontage. Removing the rear sign will also reduce potential light glare to nearby residential properties.

Landscaping

The applicant has submitted a landscape plan which is limited to the small front setback area and beds adjacent to the car parking bays. There should be landscaping placed along the northern border of the car parking area which is adjacent to the open reserve. This will improve the visual amenity and landscaping setting of the proposed building. Effective landscape can soften the development and break up the large areas set aside for hard surface car parking and internal accessways.

Amenity impacts

Convenience restaurant needs to be effectively managed to prevent excessive noise disturbances to adjacent properties, minimise littering by maintaining car park and landscaped areas containing food packaging and/or waste, having external lights that do not spill onto adjacent properties and maintaining food preparation areas to limit smells and other odors. The site has an interface with residential properties to the north and amenity permit conditions will be in place to ensure nearby residents are not adversely affected by this commercial use. In addition, there will be a requirement for acoustic fencing along the properties boundaries to further limit noise impacts.

Alternative building layout

Flipping the current restaurant layout could resolve traffic flow concerns and amenity concerns as previously expressed. Flipping the design would have a number of benefits

- Prevents exiting vehicles turning right from the drive thru having to wait for queuing cars intending to enter the main entrance to the east.
- Increases the setback for right turning from the east, away from the Young Street intersection.
- Reduces the impact of road works around the existing street tree and provides for grassed area around the tree which is more permeable.
- Reduce potential impacts upon the street tree from service/loading vehicle entering from the west.
- Reduces head light glare to rear residences.
- Relocates the drive thru order point away from the adjoining residence.
- Reduce pedestrian conflicts crossing the road with queuing turning vehicles.

It will be recommended to alter the layout by flipping the current design and altering the internal accessways.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
VicRoads	No objection subject to one condition regarding luminance level of advertising signs.
Infrastructure	Approval subject to conditions
Environmental Health	Applicant needs to apply for the pre-registration approval process to ensure the plans comply with the Australian Food Standards Code.

Financial Implications

There are no financial implications.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds of adversely affecting the amenity of nearby residential properties, access points affecting traffic flow, excessive signage, and not in keeping with the streetscape character.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

The proposed development of the land for a fast food restaurant and associated signage generally complies with Moorabool Planning Scheme. Permit conditions will be required to protect the amenity of adjacent and nearby residents and revised plans will be required to improve traffic flow, reduce the extent of signage facing the street frontage and improve landscaping treatments.

Consideration of Deputations – Planning Permit Application 2014 299; 2015 074; Development of the land for a fast food restaurant and associated signage at Lot 1 on Title Plan 823249H known as 210 Main Street, Bacchus Marsh.

Mr. John Banks addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

Ms. Margaret Carpenter addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

Ms. Pamela Pinney addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to grant a Planning Permit PA2014 299; Development of the land for a fast food restaurant and associated signage at Lot 1 on Title Plan 823249H known as 210 Main Street, Bacchus Marsh.

Amended plans:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - a) The layout of the building flipped and internal accessways altered to allow the main entry for inbound and outbound traffic to be located adjacent to the eastern property boundary and outbound traffic for the drive thru lane to be located near the western property boundary, clear of the retained street tree. New vehicle accesses must obtain approval from VicRoads.
 - b) Plans annotated showing a noise attention fence adjacent to the property boundaries. The fence must have minimum height of 2.1 metres adjacent to the eastern property boundary. The fences must be maintained to the satisfaction of the Responsible Authority.
 - c) Show the location of all external lighting. Such lighting must be designed with suitable baffles to prevent light spill or glare onto adjacent properties.
 - d) Submit a roof plan showing the location of all external plant and equipment and location of any exhaust stacks.
 - e) Site plan to show the location of line marked pedestrian path at least 1 metre in width from the street frontage to the main entry and connected to the car park area. The landscape strip to the side disabled person space must be replacement with this pathway.
 - f) Bollards or other traffic preventative measures to be shown at the end of the internal accessways to the car park area to prevent alternative access to the drive thru lane and to be shown adjacent to the northern boundary of the car park area to prevent access to the reserve area.
 - g) Nominate the length and width of the loading bay in accordance with the minimum requirements of Clause 52.07 of the Moorabool Planning Scheme.
 - h) Show the location of the five bicycle space in accordance with the requirements of Clause 52.34 of the Moorabool Planning Scheme.
 - i) Remove Sign 'S03' located near the street frontage.
 - j) Remove Sign 'S05' from the north elevation plan.
 - k) Landscape plan revised to show landscaping treatments provided adjacent to the southern boundary of the reserve area.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Amenity:

- 2. A detailed site management plan outlining the management practices to minimise the amenity impact of trading on nearby residential properties is to be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. It may be updated with the written consent of the Responsible Authority. The management plan should address such matters as site surveillance, site management, operational details, complaints management and litter patrols and removal.**
- 3. The amenity of the area must not be detrimentally affected by the use or development, through the:**
 - a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials; and**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash and dust.**
- 4. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'**
- 5. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.**
- 6. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**
- 7. Any security alarm or similar device installed must be of a silent type.**
- 8. Waste materials must be securely stored in the designated bin area.**

General:

- 9. No more than 80 patrons may occupy the site at any one time unless the written consent is obtained from the Responsible Authority.**

Infrastructure:

- 10. Standard urban industrial vehicle crossings must be provided to both access points on Main Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing. Any redundant vehicle crossings must be removed, and the kerb and channel reinstated to the satisfaction of the responsible authority.**
- 11. The design and construction of the vehicle crossing adjacent to the mature street tree in Main Street, must be undertaken to minimise any impact on the tree, to the satisfaction of the responsible authority.**
- 12. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:**
 - I. The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.**
 - II. Underground piped drainage for the whole development shall cater for 10% AEP storm.**
 - III. Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.**

13. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.
14. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines, including Construction Techniques for Sediment Control (EPA 1991).
15. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property
16. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
17. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - I. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - II. Designated loading areas shall be shown on layout plans.
 - III. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - IV. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - V. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
18. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Landscaping:

19. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
21. The reserve area must be regular maintained and kept in good condition as an open space.

Tree Protection:

22. Before the development starts, a tree protection fence must be erected around the existing street tree near the western boundary of the site facing Main Street at a radius of 1.5 metres from the base of the trunk(s) to define a 'Tree Protection Zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.

23. Except with the written consent of the responsible authority, within the Tree Protection Zone:

- No vehicular or pedestrian access, trenching or soil excavation is to occur.
- No storage or dumping of tools, equipment or waste is to occur.

24. Any pruning that is required to be done to the canopy of any tree to be retained/ the (specify particular tree[s]) is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained/the (specify particular tree[s]) is to be done by hand by a qualified arborist.

Signage:

25. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.

26. The advertising signs must be not contain any moving parts or flashing lights.

VicRoads:

27. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/m², throughout the driver's approach to the advertising.

Permit expiry:

28. 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the *Planning and Environment Act 1987*.

Permit Note:

The applicant will be required to undertake pre-registration process with Council's Environmental Health that involves submitting floor plans of the food premises to ensure the plans comply with the Australian Food Standards Code.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Comrie

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to grant a Planning Permit PA2014 299; Development of the land for a fast food restaurant and associated signage at Lot 1 on Title Plan 823249H known as 210 Main Street, Bacchus Marsh.

Amended plans:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:

- a) The layout of the building flipped and internal accessways altered to allow the main entry for inbound and outbound traffic to be located adjacent to the eastern property boundary and outbound traffic for the drive thru lane to be located near the western property boundary, clear of the retained street tree. New vehicle accesses must obtain approval from VicRoads.
- b) Plans annotated showing a noise attenuation fence adjacent to the property boundaries. The fence must have minimum height of 2.4 metres adjacent to the eastern property boundary. The side of the fence facing the site must be constructed in a manor so that it is non-climbable. The fences must be maintained to the satisfaction of the Responsible Authority.
- c) Show the location of all external lighting. Such lighting must be designed with suitable baffles to prevent light spill or glare onto adjacent properties.
- d) Submit a roof plan showing the location of all external plant and equipment and location of any exhaust stacks.
- e) Site plan to show the location of line marked pedestrian path at least 1 metre in width from the street frontage to the main entry and connected to the car park area. The landscape strip to the side disabled person space must be replacement with this pathway.
- f) Bollards or other traffic preventative measures to be shown at the end of the internal accessways to the car park area to prevent alternative access to the drive thru lane and to be shown adjacent to the northern boundary of the car park area to prevent access to the reserve area.
- g) Nominate the length and width of the loading bay in accordance with the minimum requirements of Clause 52.07 of the Moorabool Planning Scheme.
- h) Show the location of the five bicycle space in accordance with the requirements of Clause 52.34 of the Moorabool Planning Scheme.
- i) Remove Sign 'S03' located near the street frontage.
- j) Remove Sign 'S05' from the north elevation plan.
- k) Landscape plan revised to show landscaping treatments provided adjacent to the southern boundary of the reserve area. Any new fencing required must have the side of the fence facing the site constructed in a manor so that it is non-climbable. Established trees to minimise vehicle light glare are to be planted along the northern boundary of the site.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Amenity:

2. A detailed site management plan outlining the management practices to minimise the amenity impact of trading on nearby residential properties is to be submitted to and approved by the Responsible Authority. When approved the plans will then form part of the permit. It may be updated with the written consent of the Responsible Authority. The management plan should address such matters as site surveillance, site management, operational details, complaints management and litter patrols and removal.
3. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials; and
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash and dust.
4. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'

5. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
6. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
7. Any security alarm or similar device installed must be of a silent type.
8. Waste materials must be securely stored in the designated bin area.

General:

9. No more than 80 patrons may occupy the site at any one time unless the written consent is obtained from the Responsible Authority.

Infrastructure:

10. Standard urban industrial vehicle crossings must be provided to both access points on Main Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing. Any redundant vehicle crossings must be removed, and the kerb and channel reinstated to the satisfaction of the responsible authority.
11. The design and construction of the vehicle crossing adjacent to the mature street tree in Main Street, must be undertaken to minimise any impact on the tree, to the satisfaction of the responsible authority.
12. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - I. The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - II. Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - III. Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
13. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.
14. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines, including Construction Techniques for Sediment Control (EPA 1991).
15. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property
16. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

17. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:

- I. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
- II. Designated loading areas shall be shown on layout plans.
- III. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
- IV. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
- V. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.

18. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Landscaping:

19. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

21. The reserve area must be regular maintained and kept in good condition as an open space.

Tree Protection:

22. Before the development starts, a tree protection fence must be erected around the existing street tree near the western boundary of the site facing Main Street at a radius of 1.5 metres from the base of the trunk(s) to define a 'Tree Protection Zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.

23. Except with the written consent of the responsible authority, within the Tree Protection Zone:

- No vehicular or pedestrian access, trenching or soil excavation is to occur.
- No storage or dumping of tools, equipment or waste is to occur.

24. Any pruning that is required to be done to the canopy of any tree to be retained/ the (specify particular tree[s]) is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained/the (specify particular tree[s]) is to be done by hand by a qualified arborist.

Signage:

25. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.

26. The advertising signs must be not contain any moving parts or flashing lights.

VicRoads:

27. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/m², throughout the driver's approach to the advertising.

Permit expiry:

28. 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the *Planning and Environment Act 1987*.

Permit Note:

The applicant will be required to undertake pre-registration process with Council's Environmental Health that involves submitting floor plans of the food premises to ensure the plans comply with the Australian Food Standards Code.

CARRIED.

Report Authorisation

Authorised by:


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 27 November, 2015

ITEM 5.2 – PLANNING PERMIT APPLICATION 2015 103; 58 GREY STREET, DARLEY

PA 2015-103; Partial Demolition of Existing Buildings and Works and Development of a Residential Aged Care Facility and 44 Lot Subdivision at Land in Plan of Consolidation PC 364983L, 58 Grey Street, Darley

Application Summary:	
Permit No:	PA2015 103
Lodgement Date:	19 May, 2015
Planning Officer:	Tom Tonkin
Address of the land:	Land in Plan of Consolidation PC 364983L, 58 Grey Street, Darley VIC 3340
Proposal:	Partial Demolition of Existing Buildings and Works and Development of a Residential Aged Care Facility and 44 Lot Subdivision
Lot size:	5.79ha
Why is a permit required	Clause 32.08 – General Residential Zone – subdivide land and construct a residential aged care facility. Clause 43.01 – Heritage Overlay – subdivide land, demolition and buildings and works.
Restrictions registered on title	No.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal’s potential to cause material detriment.
Number of notices to properties:	56
Notices on site:	One (1)
Notice in Moorabool Newspaper:	Yes
Number of Objections:	Four (4)
Consultation meeting:	All objectors were invited to a consultation meeting held on 11 November 2015. Two members of Bacchus Marsh & District Historical Society attended and heritage related matters were discussed.
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Acting Manager – Robert Fillisch

In providing this advice to Council as the Manager, I have no interests to disclose in this report.

Author – Tom Tonkin

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Executive Summary:

Application referred?	The application was referred to external referral authorities and to internal Council departments.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	No concerns were formally raised with the applicant.
Any discussions with applicant regarding concerns?	Following receipt of the application, Council sought a peer review of the structural engineering advice provided by the applicant regarding the chimneys on the site. This was done with a view to ascertaining the viability of maintaining the central chimney which is proposed to be demolished. Further to the peer review being done, Council requested the applicant provide cost estimates of work needed to retain the central chimney.
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	PA036/00 for Staged 25 Lot Subdivision was approved on 26 October 2000. PA2015158 for Works within a Heritage Overlay was approved on 13 August 2015.
General summary?	The application is for the partial demolition of existing buildings and works and development of a residential aged care facility and 44 lot residential subdivision. The aged care facility would comprise 144 beds in a single storey building set on 1.83ha. A 43 lot residential subdivision would occupy the balance of the land to the west and north, with lots ranging from 606-1265sq m arranged around a road network accessed from Grey Street.
General summary cont.	Existing buildings and works of identified heritage significance would be demolished or removed from the site apart from the

	<p>southernmost of three chimneys on the site, which would be retained in an area of public open space. Scattered mostly native or indigenous trees would be removed to facilitate development, with limited opportunities to retain trees.</p> <p>Objections to the development include removal or demolition of heritage significant buildings and works, safety and amenity for future residents, and amenity impacts on adjoining residents.</p> <p>Overall the proposal satisfies the relevant objectives of State and local planning policy, the General Residential Zone, Heritage Overlay and relevant Particular and General Provisions of the Moorabool Planning Scheme.</p>
<p>Summary Recommendation:</p>	
<p>It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.</p>	

Background

Before the application was lodged, the landowner sought information from Council about the site and Council’s requirements regarding heritage significance and potential contamination. Council advised the landowner that potential contamination was to be addressed by the landowner in any application for a sensitive land use such as residential. The applicant was also advised that any demolition or removal of buildings and works would only be considered by Council in the context of an application to develop the land, to allow a full and proper assessment of how any proposed development would respond to the heritage place’s characteristics. The current application satisfies these requirements.

Public Notice

The application was advertised to adjoining and nearby landowners by mail on 6 August 2015, a notice placed in one edition of the Moorabool News local newspaper, and a sign placed on site from 10 to 26 August 2015. Four (4) objections were received.

Summary of Objections

The objections received are detailed below with officer’s comments accompanying them:

Objection	Any relevant requirements
<p>All items identified in the conservation management plan as being of high or moderate heritage significance should be retained and kept as part of the development in a museum, or as heritage points around the site.</p>	<p>Clauses 15.03-1, 21.06 & 43.01</p>
<p>Officer’s response -</p> <p>It is proposed to retain one item of high significance. All other high and moderate significance items would be removed or demolished. This is discussed in more detail below.</p>	

The edge-runner Chilean mill should be retained within the proposed public open space, with a plaque recognising the Darley Firebrick (later known as Darley Refractories).	Clauses 15.03-1, 21.06 & 43.01
Officer's response - The applicant considers retention of the edge-runner mill in the public open space to be unsafe, claiming it would need to be fenced to prevent being climbed on. This is discussed in more detail below.	
Lack of information about future fencing and works associated with future developments	N/A
Officer's response - There is no proposal for new fencing as part of the application. It is expected that fencing adjoining neighbouring properties would be maintained or is otherwise a civil matter between landowners.	
Overlooking from future development of the proposed subdivision.	N/A
Officer's response - Overlooking from future buildings in the subdivision would be dealt with by either separate planning or building approval processes.	
The proposed loading bay location would be unsafe for and affect the amenity of future adjoining residents to the rear and should be located to enjoy direct access from Grey Street.	N/A
Officer's response - The application was referred to Council's Infrastructure department who consent to the proposal. The location of the loading facilities is not considered unreasonable with regard to safety and amenity.	
The existing public open space to the west should be made directly accessible from the proposed subdivision.	56.05-2
Officer's response - Access to existing public open space to the west of the proposed subdivision is constrained by the topography of the subject site and is not considered to be a practical option.	
Who would be responsible for maintenance of the public open space and chimney to be retained?	N/A
Officer's response - It is Council's view, following discussions with the landowner, that the proposed public open space containing the chimney should be contained on the title of the land occupied by the proposed aged care facility, and maintained by the landowner.	

Public open space provided in the centre of the subdivision may be more useable than the proposed location.	56.05-2
Officer's response - The location of proposed open space is considered reasonable given the site context and the opportunities and constraints presented by topography and heritage. The proposal is considered to meet the relevant planning scheme requirement.	
The central chimney is the more complete chimney in terms of acknowledging the site's history.	Clauses 15.03-1, 21.06 & 43.01
Officer's response - The objector has not substantiated their claim. The heritage report prepared by a heritage expert identifies the southern chimney as being highly significant and the central chimney as moderately significant, and is discussed in more detail below.	
The grinding mill could be preserved in situ.	Clauses 15.03-1, 21.06 & 43.01
Officer's response - The grinding mill is located where the residential subdivision is proposed. Retaining the mill on site but within the proposed public open space has been discussed however the applicant has indicated that this would not be practical given the mill's size and risk to safety if climbed on which would necessitate it being fenced off. The local heritage society has indicated they may be able to relocate the mill for retention. This is discussed in more detail below.	

Proposal

It is proposed to partially demolish existing buildings & works, remove native vegetation, and develop a residential aged care facility and 43 lot residential subdivision.

Most existing buildings and structures on the site would be demolished or removed, however the southernmost chimney would be retained, with repairs undertaken to ensure the its structural integrity.

The residential aged care facility would be located on the eastern portion of the site, occupying approximately 1.83ha, and would be subdivided from the balance of the site to the west and north. The aged care facility would be a single storey building with a footprint of 8,100sq m and provide 144 beds with communal dining, lounge and library areas, service areas (kitchens, laundry, office/meeting rooms, therapy rooms and chapel). 6286sq m of communal private open space, comprising seven courtyards internal to the building with direct access from communal areas, together with open space around the exterior of the building.

The building would be constructed of brick with a tiled roof, and be designed as a modern interpretation of traditional built form. The building would be set back 25.0m from Grey Street and 9.0m from the east boundary. Retaining walls are proposed to be built in response to the sloping topography of the site. Two retaining walls are proposed on the east boundary, constructed with a stepped offset to minimise their visual bulk. Retaining wall 1, on the eastern boundary, would have a maximum height of 1.8m. Retaining wall 2 would be offset 1.0m to the west and have a maximum height of 1.4m. A similar arrangement is proposed on the proposed western boundary of the facility.

Two vehicle crossovers to Grey Street are proposed as separate entry and exit points, centrally positioned to the frontage, and would provide access to 42 car spaces in the building's front setback. Five additional car spaces would be provided at the rear of the building, accessed via the proposed residential subdivision road network.

The proposed residential subdivision would be contained on the balance of the land, approximately 3.95ha, and comprise 43 lots ranging in size from 606sq m to 1265sq m. A 996sq m area of open space would be provided on Grey Street, facilitating the retention of the existing southernmost chimney stack.

Vehicle access to the subdivision would be obtained via a proposed road off Grey Street, approximately 55m west of the aged care access/egress points. The internal road layout forms a circuit through the main body of the subdivision with an extension running to the rear of the aged care facility and terminating in a court bowl.

Vegetation removal would comprise removal of native and indigenous trees, the majority of which have been planted.

The proposed plans are included at Attachment 1.

Site Description

The subject site is at 58 Grey Street, Darley, on the north side of the street opposite the intersection of Davies Street. Halletts Way is approximately 515m to the west and Gisborne Road 750m to the east.

The site is a rectangular shape with the following dimensions:

- A south frontage of 247.98m
- An east boundary of 231.37m
- A north boundary of 253.87m
- A west boundary of 230.56m
- Overall site area of 5.794ha.

The site is occupied by buildings and structures forming part of the former Darley Refractories operations, being the extant large industrial sheds together with several smaller structures and three chimney stacks.

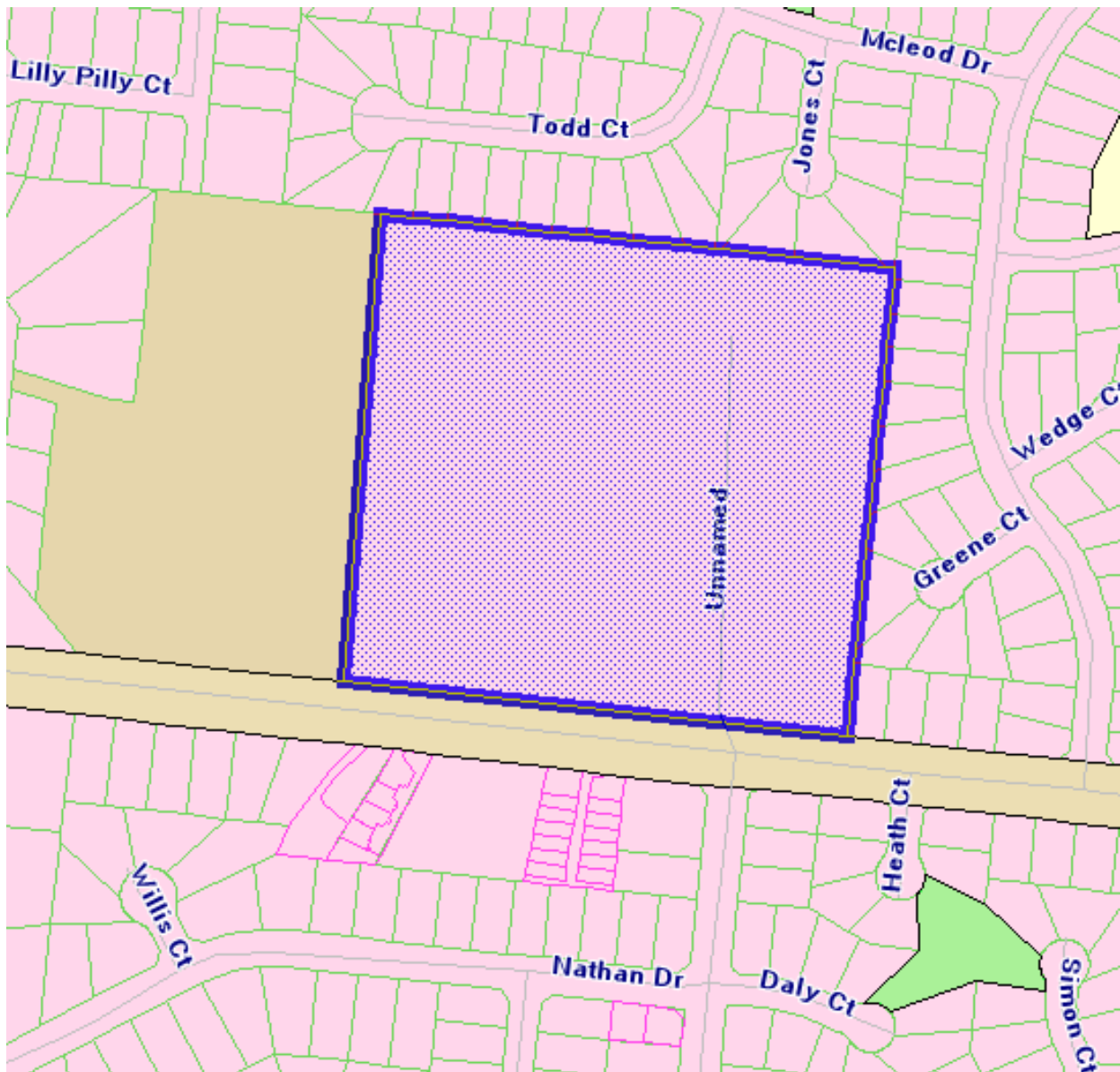
The topography of the site was significantly altered during the 20th century by the excavation of clays and other aggregates. There is a relatively level area adjacent to the eastern boundary whilst the western area incorporates steeply sloping ground rising towards the northwest corner of the site. The variation across the site is approximately 18.5m. Vegetation comprises trees generally along the eastern boundary and along the site frontage, with most trees having been planted and comprising native species.

Access to the site is currently gained by a crossover from Grey Street, positioned approximately 64.0m from the eastern boundary.

The surrounding area has an undulating topography, wherein the land to the north/northwest reflects the increased height of the north/north western section of the site, whilst the land to the south/southeast is at a lower level than the frontage of the site. The surrounding neighbourhood is predominantly residential and comprises mostly single storey brick dwellings constructed since the 1960s. Occasional examples of medium density housing development are evident in the area, and there is a child care centre located opposite, on Grey Street.

Locality Map

The map below shows the location of the subject site and surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-2 – Melbourne’s hinterland areas
- 11.06-1 – Planning for growth
- 12.01-2 – Native vegetation management
- 15.01-3 – Neighbourhood and subdivision design
- 15.01-5 – Cultural identity and neighbourhood character
- 15.03-1 – Heritage conservation
- 16.01-2 – Location of residential development
- 16.02-4 – Design and location of residential aged care facilities
- 19.02-1 – Health facilities
- 21.03-2 – Urban Growth Management
- 21.03-3 – Residential Development

- 21.03-4 – Landscape and Neighbourhood Character
- 21.06 – Heritage
- 21.07 – Bacchus Marsh

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

General Residential Zone

The subject site is in the General Residential Zone, Schedule 3 (GRZ3), and the provisions of Clause 32.08 apply.

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To 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 nonresidential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-2 a permit is required to subdivide land, pursuant to which a development must meet the requirements of Clause 56 (Residential Subdivision).

Under Clause 32.08-4 a permit is required to construct or extend a residential building, pursuant to which a development must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings).

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*
- *The objectives and standards of Clause 56.*
- *The pattern of subdivision and its effect on the spacing of buildings.*
- *The desired built form outcomes in this area.*

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ, as discussed below.

Overlays

The subject site is affected by Heritage Overlay, Schedule 140. A permit is required to:

- Subdivide land
- Demolish or remove a building
- Construct a building or construct or carry out works.

Overall, the proposal is considered to be consistent with the purpose and decision guidelines of the Heritage Overlay, as discussed below.

Relevant Policies

Council adopted the Urban Growth Policy Statement at the OMC of the 19th September 2012. Council can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act 1987*.

The policy states that:

The Moorabool Growth Strategy 2041 aims to provide a vision for the type of community Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by our current residents.

The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

A person who proposes 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.

Clause 52.06 Car Parking

A residential aged care facility requires 0.3 car spaces to each lodging room. The proposed 144 bed facility would require 43 car spaces. 47 car spaces are proposed which exceeds the standard requirement.

Clause 52.17 Native Vegetation

A permit is required to remove, destroy or lop native vegetation, including dead vegetation, although there are certain exemptions. An arborist report submitted with the application identifies numerous native trees scattered across the site, and makes recommendations for their retention or removal. Numerous trees are identified as of low retention value, mostly due to poor structure. A number of other trees recommended for retention are located within the aged care facility's building footprint and on balance are considered acceptable to be removed, subject to being replaced by a suitable species.

The following trees are considered suitable for retention based on the arborist's recommendation and their negligible impact on the proposed development:

- Tree 38 – Eucalyptus tricarpa (Red Ironbark)
- Tree 60 – Eucalyptus occidentalis (Flat Topped Yate)
- Tree 66 – Eucalyptus tricarpa (Red Ironbark)

Based on the location of trees it is thought that they have been planted for aesthetic or amenity purposes and therefore would not require a planning permit for removal.

Clause 55 Two or more Dwellings on a Lot and Residential Buildings

Clause 55 provides objectives and standards for the development of two or more dwellings on a lot and residential buildings. Residential development must meet all of the objectives and should meet all of the standards of this clause.

The proposal complies with the objectives and standards of ResCode (Clause 55).

Clause 56 Residential Subdivision

Clause 56 provides objectives and standards for residential subdivision which the proposal complies with.

Discussion

Overall, the proposed residential development comprising a 144 bed aged care facility and 43 lot residential land subdivision is deemed to comply with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposed residential aged care facility would facilitate housing diversity and choice, particularly as there are no comparable facilities in the Shire. The residential subdivision would increase the supply of land for housing in an established area with good access to existing services and infrastructure.

The subject site and surrounding land is in the General Residential Zone (GRZ). Surrounding land is mostly developed with single dwellings although occasional examples of medium density housing development are evident nearby, and a child care centre is located opposite on Grey Street. The purpose of the GRZ includes the following:

- 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 provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

The proposed aged care facility complies with the requirements of Clause 55. The proposed brick veneer building adopts a single storey form with a low pitched hipped Colorbond roof and eaves which generally responds to the prevailing residential character of the area and the wider township. The building would be set back more than 25.0m from Grey Street with car parking incorporated with landscaped areas in the front setback. The building façade and detailing is sufficiently articulated and designed to mitigate building bulk through the use of varied setbacks on all sides. The building would achieve acceptable internal amenity for the occupants, with each lodging room provided with a view to communal private open space with access to daylight to meet the standard. The layout of communal private open space allow for convenient access for all occupants and is designed to receive acceptable solar access. The site would be fully landscaped including numerous canopy trees and is acceptable. There would be no detrimental amenity impacts on adjoining properties, with overshadowing and overlooking limited to an acceptable degree, and no unreasonable noise sources proximate to existing dwellings. It is noted that given the topography of the site and construction requirements for the aged care facility that it is proposed to construct a 1.8 metre high wall on boundary for the length of the eastern boundary, and set back 1.0 metre from this a 1.4 metre high wall. Boundary wall construction is uncommon in the surrounding area, and particularly of the length proposed, however the proposed height and length is considered acceptable given the height is equivalent to a standard side or rear boundary fence, which would otherwise have been required. Overshadowing would not be unreasonable. Furthermore, suitable screen planting is proposed along the eastern boundary to limit overlooking of adjoining properties.

The proposed 43 lot residential subdivision meets the relevant requirements of Clause 56. Lot dimensions are adequate to allow the development of future dwellings and oriented to achieve acceptable solar access. The street layout and lot sizes, dimensions and configurations are generally responsive to the pattern of surrounding residential development. Access to the existing road network is acceptable and Council's Infrastructure department consents to the proposal, subject to conditions.

The key aspects of the proposal for discussion are considered to be:

- The impact of demolition and removal of buildings and other items on the site's heritage values.
- Potential site contamination.

Heritage

The subject site is affected by Heritage Overlay 140, specific to the site's former use for the Darley Refractories. The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to subdivide land, demolish or remove a building, or to construct buildings and works.

An assessment of the site's heritage significance has been done by an independent heritage expert, and identified that the site is of local historic, social and aesthetic significance to Moorabool Shire. The site is of local historical significance as an example of the many works manufacturing bricks of various kinds operated in Victoria in the late 19th and early 20th centuries, and the only remaining firebrick works with any early structure remaining in Victoria. The site has aesthetic significance in that the three chimneys are a well-known local landmark. It has local significance as an important industry and major employer in the Bacchus Marsh area, especially during the 20th century. It has some significance for its association with prominent builder, contractor and businessman David Mitchell.

The heritage significance of existing buildings, structures and items on the site has been assessed, and each of these rated according to the relative degree to which they reflect the significance of the place, being high, moderate or low significance. The following are rated as being high significance elements:

- Southern chimney
- Edge-runner (Chilean) mill
- Kiln framework.

The following are rated as being moderate significance elements:

- Site offices
- Central chimney
- Processing building
- Northern chimney
- No. 6 kiln.

The heritage expert's following recommendations are based only on the heritage significance of the site, and acknowledges that they may not be able to be followed due to other considerations for the site, such as opportunities for redevelopment.

Recommendation 1: The elements identified as being of high significance should be retained within the site.

Recommendation 2: Many of the elements identified as of moderate significance should also be retained in order to provide greater historical context for the elements of high significance, and further convey the nature of the industrial processes conducted at the site. It is also likely that the retention of at least some other elements would lend additional character to the proposed development.

Recommendation 3: A policy of 'preservation by record' should be adopted in relation to all elements that are not to be retained.

Recommendation 4: Groundworks in advance of any development should be accompanied by archaeological monitoring to ensure any sub-surface elements of interest are recorded prior to their destruction.

The proposed development of the subject site includes retention of one element of high significance, the southern chimney. No other elements are proposed for retention on the site, however the landowner has expressed a willingness to preserve by record or incorporate a plaque to commemorate the site's history, possibly with the involvement of the Bacchus Marsh and District Historical Society. Furthermore, the landowner and Historical Society have indicated a mutual interest in working together to remove items from the site for preservation elsewhere.

With regard to the high and moderate significance items to be removed or demolished, the landowner has advised of the following:

- Edge-runner (Chilean) mill: this item is large and severely dilapidated and would create OH&S risks if retained on site, requiring high fencing to prevent it being climbed on.
- Kiln framework: this item has been stolen from the site.
- Site offices: this building has been largely destroyed by fire.
- Central chimney: the cost of retaining the chimney, including the reduced lot yield of the proposed subdivision, would be approximately \$260,000, which is prohibitive.
- Processing building: the building is part of the fire damaged building and considered structurally unsafe.
- Northern chimney: if retained, the chimney would need to be demolished and reconstructed to ensure structural safety.
- No. 6 kiln: The kiln is dilapidated and is thought to contain asbestos and possibly not structurally sound.

The applicant has provided structural engineering advice in relation to the three chimneys, concluding that the north chimney is in poor condition and should be demolished, and that the southern and central chimneys would require remedial work to be retained in the longer term.

Overall, the proposal is considered to be an acceptable response to the identified heritage significance of the site. The southern chimney is identified as being a high significance element and would be retained in situ in an area of open space. It is recommended that a condition of approval require preservation by record of those buildings and items proposed to be demolished or removed and that a plaque or interpretive signage be erected on the site to Council's satisfaction. It is considered that this would be an acceptable response to ensure that the proposal does not adversely affect the significance of the heritage place. The proposed development and subdivision are considered to be suitably responsive to the heritage place and would not adversely affect its heritage significance.

Potential contamination

Given the subject site's former industrial use and proximity to a former Council refuse site to the west, it was considered appropriate to require information from the applicant regarding potential contamination and to refer the application to the EPA for advice. Soil samples and landfill gas monitoring was done as part of an environmental assessment, which concluded that there is potential contamination at the site which may pose a constraint to residential land use. The report concludes that various works would be required to meet adopted soil criteria for the proposed uses.

A separate planning permit has been issued for those works. It is recommended that the EPA's advice that Council require an environmental audit be done before development commences, to ensure site is suitable for any approved development. Furthermore, it is recommended that written confirmation of compliance with all conditions of a Statement of Environmental Audit must be provided by a suitably qualified environmental professional or other suitable person to Council.

Other matters

The current proposal identifies this part of the site as public open space, however the cost of remedial works and ongoing maintenance of the chimney would be borne by Council. The landowner and Council officers have held discussions about the retention of the southern chimney in an area of open space, and agreed that the public open space should form part of the aged care facility's landholding. However this would mean that the open space area would be privately managed and maintained, including the chimney.

Following notice of the application and the receipt of objections, the applicant provided draft amended plans to Council. The plans showed the relocation of the aged care facility's maintenance shed, plant room and chemicals storage from near the loading bay at the rear of the facility to within the main building on the west side. This is considered to be a preferable design and it is recommended that a condition of approval require amended plans to be formally submitted to Council for endorsement.

It is further noted that the application refers to a 43 lot subdivision. 43 residential lots are proposed, however the subdivision must include the site of the proposed residential aged care facility, which would be the 44th lot. It is recommended that any permit issued reflect this. Notice of the application was given for 43 lots however it is considered that the recommended change is largely inconsequential and would not detrimentally affect any person.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in assessing this application.

Referrals

The following referrals were made pursuant to s.52 and 55 of the *Planning and Environment Act 1987*.

Section	Authority	Response
55	Melbourne Water Powercor Downer Utilities Western Water Public Transport Victoria	Consent subject to conditions Consent subject to conditions Consent subject to conditions Consent subject to conditions Consent
52	EPA Infrastructure Aged and Disability Services Strategic Planning	Consent subject to conditions Consent subject to conditions No comment No comment

Financial Implications

The recommendation of an approval of this development would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this development does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The submitters and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposed demolition or removal of buildings and items adversely affects the significance of the heritage place.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the General Residential Zone, Heritage Overlay, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Consideration of Deputations – Planning Permit Application PA2015 103; Partial Demolition of Existing Buildings and Works and Development of a Residential Aged Care Facility and 44 Lot Subdivision at Land in Plan of Consolidation PC 364983L, 58 Grey Street, Darley.

Mr. Bernard Stewart addressed the S86 Development Assessment Committee in favour of granting of a planning permit for the application.

Mr. Jim Ross addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

Ms. Katrina Bradfield addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. PA2015 103, subject to the following conditions:

- 1. Before the development including demolition starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three x A3 and one x A1 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application, identified as Job No. 1308 and prepared by Croft Developments P/L, but modified to show:**
 - a) The public open space containing the existing southernmost chimney included on the lot occupied by the residential aged care facility.**
 - b) The maintenance shed, plant room and chemicals storage facilities relocated to within the main residential building.**
 - c) Trees identified as no.'s 60 and 66 in the report prepared by ArbEcology dated 25 February 2015 shown on the plans with 'Fenced Exclusion Zones' in accordance with Condition No. 3.**
 - d) Notations on the plans in accordance with Condition No. 4.**
 - e) Trees identified as no.'s 60 and 66 in the report prepared by ArbEcology dated 25 February 2015 shown on the plans with 'Tree Protection Zones' as follows:**
 - i. Tree 60: 8.9 metres**
 - ii. Tree 66: 8.6 metres**

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Heritage conditions:

2. Before demolition begins, an annotated photographic study of archival quality of all elements identified as being of high, moderate and low significance in the Conservation Management Plan prepared by Context, dated March 2015, must be prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to the responsible authority as a record of the site. The survey must include:
 - a) each elevation of the building or item
 - b) the interior of the building or item (where applicable)
 - c) architectural design detailing of the building or item (where applicable)
 - d) a statement prepared by an architectural historian or other suitably qualified person describing and explaining both the design and construction of the building or item and the photographs.

Tree protection conditions:

3. Before the development including demolition starts, a tree protection fence must be erected around the following trees at the specified radius from the base of the trunk to define a 'Fenced Exclusion Zone':
 - a) Tree 60 – Eucalyptus occidentalis (Flat Topped Yate) 3.0 metres
 - b) Tree 66 – Eucalyptus tricarpa (Red Ironbark) 3.0 metres

The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.

4. Except with the written consent of the responsible authority, within the Tree Protection Zone:
 - a) No vehicular or pedestrian access, trenching or soil excavation is to occur.
 - b) No storage or dumping of tools, equipment or waste is to occur.
5. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Section 173 Agreements:

6. Before the development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:
 - a) Future development on Lot 43 must provide for the northernmost Eucalyptus occidentalis (Flat Topped Yate) tree to be retained. Development must be outside the Structural Root Zone of 2.98 metres around the tree and must occupy less than 10% of the Tree Protection Zone being 8.9 metres around the tree. Before the development of any buildings or works on Lot 43 the tree must be fenced off to create a Fenced Exclusion Zone of 3.0 metres. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority.

The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.

- b) A geotechnical report must be prepared by a suitably qualified person to assess soil conditions on the site and the soil's suitability for constructing buildings and works on that part of the site intended for the development of dwellings. The report must address suitable construction methods.

Before development of the residential aged care facility starts, application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred.

The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval.

The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Developer contributions:

- 7. Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.

Subdivision conditions:

- 8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
- 9. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
- 10. The owner of the land must enter into agreements with:
 - a) A telecommunications network or service provider for the provision of telecommunication service 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 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 provide by optical fibre.
- 11. Before the issue of 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) 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

- b) 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 an area where the National Broadband Network will not be provided by optical fibre.

Amenity conditions – Residential Aged Care Facility:

- 12. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - 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, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) Any other way.
- 13. Any public address system installed must not be audible beyond the boundaries of the site.
- 14. The owner, the occupier and the manager of the premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.
- 15. Any security alarm or similar device installed must be of a silent type.
- 16. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
- 17. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
- 18. All pipes, fixtures, fittings and vents servicing the residential aged care facility, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Landscaping condition:

- 19. Before the development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Infrastructure conditions:

- 20. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:
 - a) Encompass the entire area of the development.
 - b) Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.
 - c) Provide for outfall drainage from the site connecting to an approved discharge point.
 - d) Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

21. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
- a) The subdivision as a whole must be self-draining.
 - b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
 - d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
 - e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
 - f) The drainage system must be designed to include provision to intercept litter.
 - g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - h) The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

22. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
- a) the requirements for drainage of the whole site.
 - b) if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - c) If additional outfall drainage or upgrading of the existing drainage network is required.
23. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
24. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
25. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
26. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
27. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.

28. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
29. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
30. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority.
31. The development must be provided with open access underground conduits to carry optical fibre at the development stage. (This may be waived if the responsible authority considers provision is unwarranted.) A development plan must show the conduit network for the subdivision, to the satisfaction of the responsible authority. Conduits must be provided in accordance with a plan approved by the responsible authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.
32. Street names and street signs must be provided to the satisfaction of the responsible authority.
33. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
34. Prior to the issue of Statement of Compliance, street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
35. Prior to the use of Statement of Compliance, landscaping within the development must be undertaken in accordance with an approved Landscape Plan, to the satisfaction of the responsible Authority.
36. Landscaping (including street trees) must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
37. If a Statement of Compliance is sought prior to the landscape works being undertaken, then a security deposit of 150% of the cost of the landscaping must be lodged with the responsible authority. The landscape works must then be completed within 6 months from the issue of the Statement of Compliance (Practical Completion). Once the landscaping works are “Practically Complete”, the security deposit may be returned.
38. Prior to the issue of Statement of Compliance, a security deposit equal to 25% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

39. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
- a) 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - b) 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
 - c) After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - d) Drainage construction details in “D-Spec” format.
 - e) Roadworks construction details in “R-Spec” format.
40. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
41. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
42. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Infrastructure conditions – Residential Aged Care Facility:

43. A standard urban industrial vehicle crossing must be provided to each access point on Grey Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
44. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
- a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - b) Designated loading areas shall be shown on layout plans.
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
45. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Environment Protection Authority Victoria conditions:

46. Prior to the commencement of the development the applicant must provide:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

47. All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Western Water conditions:

48. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

49. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

50. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.

51. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

52. All internal sewer and water mains servicing the aged cared facility must be owned and maintained by the aged care facility.

53. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.

54. Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.

55. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

56. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

57. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- a) Own a metered hydrant approved by Western Water;
 - b) Meter and pay for all water taken;
 - c) Display a Western Water Permit Number Sticker on the tanker;
 - d) Only take water from nominated hydrants or standpipes;
 - e) Only use water for the purpose approved in the Water Carters Permit;
 - f) Avoid wastage of water on site; and
 - g) Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Melbourne Water conditions:

58. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
59. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
60. Local drainage must be to Council's satisfaction.
61. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Downer conditions:

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

Powercor conditions:

63. 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.
64. The applicant shall:
- a) 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.
 - b) 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.
 - c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) 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 a caveat prior to the registration of the plan of subdivision.
- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on 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 "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia Ltd 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.
- j) 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.

Expiry condition:

65. This permit will expire if one the following circumstances apply:

- a) The development and the use is not started within three years of the date of this permit;
- b) The development is not completed within six years of the date of this permit;
- c) The plan of subdivision is not certified within three years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at the Titles office within five years from the date of certification.

Resolution:

The following Motion was proposed:

Moved: Cr. Comrie

Seconded: Cr. Dudzik

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. PA2015 103, subject to the following conditions:

1. Before the development including demolition starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three x A3 and one x A1 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application, identified as Job No. 1308 and prepared by Croft Developments P/L, but modified to show:

- a) The public open space containing the existing southernmost chimney included on the lot occupied by the residential aged care facility.
- b) The maintenance shed, plant room and chemicals storage facilities relocated to within the main residential building.
- c) Trees identified as no.'s 60 and 66 in the report prepared by ArbEcology dated 25 February 2015 shown on the plans with 'Fenced Exclusion Zones' in accordance with Condition No. 4.
- d) Notations on the plans in accordance with Condition No. 5.
- e) Trees identified as no.'s 60 and 66 in the report prepared by ArbEcology dated 25 February 2015 shown on the plans with 'Tree Protection Zones' as follows:
 - i. Tree 60: 8.9 metres
 - ii. Tree 66: 8.6 metres

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Heritage conditions:

- 2. Before demolition begins, an annotated photographic study of archival quality of all elements identified as being of high, moderate and low significance in the Conservation Management Plan prepared by Context, dated March 2015, must be prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to the responsible authority as a record of the site. The survey must include:
 - a) each elevation of the building or item
 - b) the interior of the building or item (where applicable)
 - c) architectural design detailing of the building or item (where applicable)
 - d) a statement prepared by an architectural historian or other suitably qualified person describing and explaining both the design and construction of the building or item and the photographs.
- 3. The Applicant must provide and erect a plaque recognising the Wittick Family in immediate area of the retained chimney.

Tree protection conditions:

- 4. Before the development including demolition starts, a tree protection fence must be erected around the following trees at the specified radius from the base of the trunk to define a 'Fenced Exclusion Zone':
 - a) Tree 60 – Eucalyptus occidentalis (Flat Topped Yate) 3.0 metres
 - b) Tree 66 – Eucalyptus tricarpa (Red Ironbark) 3.0 metres

The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.

- 5. Except with the written consent of the responsible authority, within the Tree Protection Zone:
 - a) No vehicular or pedestrian access, trenching or soil excavation is to occur.
 - b) No storage or dumping of tools, equipment or waste is to occur.
- 6. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Section 173 Agreements:

7. Before the development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:

- a) Future development on Lot 43 must provide for the northernmost Eucalyptus occidentalis (Flat Topped Yate) tree to be retained. Development must be outside the Structural Root Zone of 2.98 metres around the tree and must occupy less than 10% of the Tree Protection Zone being 8.9 metres around the tree. Before the development of any buildings or works on Lot 43 the tree must be fenced off to create a Fenced Exclusion Zone of 3.0 metres. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.**
- b) A geotechnical report must be prepared by a suitably qualified person to assess soil conditions on the site and the soil's suitability for constructing buildings and works on that part of the site intended for the development of dwellings. The report must address suitable construction methods.**

Before development of the residential aged care facility starts, application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred.

The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval.

The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Developer contributions:

8. Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.

Subdivision conditions:

9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

10. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.

11. The owner of the land must enter into agreements with:

- a) A telecommunications network or a service provider for the provision of telecommunication service 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 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 provide by optical fibre.

12. Before the issue of 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) 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
- b) 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 an area where the National Broadband Network will not be provided by optical fibre.

Amenity conditions – Residential Aged Care Facility:

13. The amenity of the area must not be detrimentally affected by the use or development, through the:

- 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, waste water, waste products, grit or oil;
- d) Presence of vermin;
- e) Any other way.

14. Any public address system installed must not be audible beyond the boundaries of the site.

15. The owner, the occupier and the manager of the premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.

16. Any security alarm or similar device installed must be of a silent type.

17. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

18. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

19. All pipes, fixtures, fittings and vents servicing the residential aged care facility, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Landscaping condition:

20. Before the development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Infrastructure conditions:

21. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:

- a) Encompass the entire area of the development.**
- b) Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.**
- c) Provide for outfall drainage from the site connecting to an approved discharge point.**
- d) Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.**

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

22. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:

- a) The subdivision as a whole must be self-draining.**
- b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
- c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.**
- d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.**
- e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.**
- f) The drainage system must be designed to include provision to intercept litter.**
- g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.**
- h) The drainage design must take into account any applicable drainage or flood management strategy.**

If required, the layout of the subdivision must be modified based on the approved stormwater design.

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- a) the requirements for drainage of the whole site.**
- b) if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.**
- c) If additional outfall drainage or upgrading of the existing drainage network is required.**

24. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

25. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.

26. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
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40. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
- a) 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - b) 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
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43. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Infrastructure conditions – Residential Aged Care Facility:

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45. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
- a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - b) Designated loading areas shall be shown on layout plans.
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.

- e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.

46. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Environment Protection Authority Victoria conditions:

47. Prior to the commencement of the development the applicant must provide:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

48. All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Western Water conditions:

49. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

50. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

51. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.

52. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

53. All internal sewer and water mains servicing the aged cared facility must be owned and maintained by the aged care facility.

54. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.

55. Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.

56. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

57. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.
58. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- a) Own a metered hydrant approved by Western Water;
 - b) Meter and pay for all water taken;
 - c) Display a Western Water Permit Number Sticker on the tanker;
 - d) Only take water from nominated hydrants or standpipes;
 - e) Only use water for the purpose approved in the Water Carters Permit;
 - f) Avoid wastage of water on site; and
 - g) Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Melbourne Water conditions:

59. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
60. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
61. Local drainage must be to Council's satisfaction.
62. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Downer conditions:

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

Powercor conditions:

64. 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.
65. The applicant shall:
- a) 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.

- b) 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.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) 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 a caveat prior to the registration of the plan of subdivision.
- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on 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 "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia Ltd 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.
- j) 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.

Expiry condition:

66. This permit will expire if one the following circumstances apply:

- a) The development and the use is not started within three years of the date of this permit;
- b) The development is not completed within six years of the date of this permit;
- c) The plan of subdivision is not certified within three years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at the Titles office within five years from the date of certification.

Permit Notes:

Environmental Health:

The applicable permits for kitchen facilities in the residential aged care facility must be obtained from Council's Environmental Health department.

Melbourne Water:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 252861.

Amendment:

The following Amendment was proposed:

Moved: Cr. Tatchell

Seconded: Cr. Dudzik

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. PA2015 103, subject to the following conditions:

1. Before the development including demolition starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three x A3 and one x A1 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application, identified as Job No. 1308 and prepared by Croft Developments P/L, but modified to show:
 - a) The public open space containing the existing southernmost chimney included on the lot occupied by the residential aged care facility.
 - b) The maintenance shed, plant room and chemicals storage facilities relocated to within the main residential building.
 - c) Trees identified as no.'s 60 and 66 in the report prepared by ArbEcology dated 25 February 2015 shown on the plans with 'Fenced Exclusion Zones' in accordance with Condition No. 4.
 - d) Notations on the plans in accordance with Condition No. 5.
 - e) Trees identified as no.'s 60 and 66 in the report prepared by ArbEcology dated 25 February 2015 shown on the plans with 'Tree Protection Zones' as follows:
 - i. Tree 60: 8.9 metres
 - ii. Tree 66: 8.6 metres
 - f) The landscaping plan in condition 20 must include a notation that the bricks from the demolished chimneys are to be incorporated into the plan in the form of paths, retaining walls etc.

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Heritage conditions:

2. Before demolition begins, an annotated photographic study of archival quality of all elements identified as being of high, moderate and low significance in the Conservation Management Plan prepared by Context, dated March 2015, must be prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to the responsible authority as a record of the site. The survey must include:
 - a) each elevation of the building or item
 - b) the interior of the building or item (where applicable)
 - c) architectural design detailing of the building or item (where applicable)
 - d) a statement prepared by an architectural historian or other suitably qualified person describing and explaining both the design and construction of the building or item and the photographs.
3. The Applicant must provide and erect a plaque recognising the Wittick Family in immediate area of the retained chimney.

Tree protection conditions:

- 4. Before the development including demolition starts, a tree protection fence must be erected around the following trees at the specified radius from the base of the trunk to define a 'Fenced Exclusion Zone':**
 - a) Tree 60 – Eucalyptus occidentalis (Flat Topped Yate) 3.0 metres**
 - b) Tree 66 – Eucalyptus tricarpa (Red Ironbark) 3.0 metres**

The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.
- 5. Except with the written consent of the responsible authority, within the Tree Protection Zone:**
 - a) No vehicular or pedestrian access, trenching or soil excavation is to occur.**
 - b) No storage or dumping of tools, equipment or waste is to occur.**
- 6. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.**

Section 173 Agreements:

- 7. Before the development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:**
 - a) Future development on Lot 43 must provide for the northernmost Eucalyptus occidentalis (Flat Topped Yate) tree to be retained. Development must be outside the Structural Root Zone of 2.98 metres around the tree and must occupy less than 10% of the Tree Protection Zone being 8.9 metres around the tree. Before the development of any buildings or works on Lot 43 the tree must be fenced off to create a Fenced Exclusion Zone of 3.0 metres. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the responsible authority.**
 - b) A geotechnical report must be prepared by a suitably qualified person to assess soil conditions on the site and the soil's suitability for constructing buildings and works on that part of the site intended for the development of dwellings. The report must address suitable construction methods.**

Before development of the residential aged care facility starts, application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred.

The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval.

The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Developer contributions:

- 8. Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.**

Subdivision conditions:

- 9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 10. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**
- 11. The owner of the land must enter into agreements with:**
 - a) A telecommunications network or service provider for the provision of telecommunication service 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 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 provide by optical fibre.**
- 12. Before the issue of 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) 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**
 - b) 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 an area where the National Broadband Network will not be provided by optical fibre.**

Amenity conditions – Residential Aged Care Facility:

- 13. The amenity of the area must not be detrimentally affected by the use or development, through the:**
 - 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, waste water, waste products, grit or oil;**
 - d) Presence of vermin;**
 - e) Any other way.**
- 14. Any public address system installed must not be audible beyond the boundaries of the site.**
- 15. The owner, the occupier and the manager of the premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.**

16. Any security alarm or similar device installed must be of a silent type.
17. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
18. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
19. All pipes, fixtures, fittings and vents servicing the residential aged care facility, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Landscaping condition:

20. Before the development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Infrastructure conditions:

21. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:
 - a) Encompass the entire area of the development.
 - b) Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.
 - c) Provide for outfall drainage from the site connecting to an approved discharge point.
 - d) Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

22. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
 - a) The subdivision as a whole must be self-draining.
 - b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
 - d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
 - e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
 - f) The drainage system must be designed to include provision to intercept litter.
 - g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - h) The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

23. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - a) the requirements for drainage of the whole site.
 - b) if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - c) If additional outfall drainage or upgrading of the existing drainage network is required.
24. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
25. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
26. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
27. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
28. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.
29. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
30. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
31. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority.
32. The development must be provided with open access underground conduits to carry optical fibre at the development stage. (This may be waived if the responsible authority considers provision is unwarranted.) A development plan must show the conduit network for the subdivision, to the satisfaction of the responsible authority. Conduits must be provided in accordance with a plan approved by the responsible authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.
33. Street names and street signs must be provided to the satisfaction of the responsible authority.
34. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.

35. Prior to the issue of Statement of Compliance, street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
36. Prior to the use of Statement of Compliance, landscaping within the development must be undertaken in accordance with an approved Landscape Plan, to the satisfaction of the responsible Authority.
37. Landscaping (including street trees) must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
38. If a Statement of Compliance is sought prior to the landscape works being undertaken, then a security deposit of 150% of the cost of the landscaping must be lodged with the responsible authority. The landscape works must then be completed within 6 months from the issue of the Statement of Compliance (Practical Completion). Once the landscaping works are “Practically Complete”, the security deposit may be returned.
39. Prior to the issue of Statement of Compliance, a security deposit equal to 25% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
40. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
 - a) 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - b) 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
 - c) After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - d) Drainage construction details in “D-Spec” format.
 - e) Roadworks construction details in “R-Spec” format.
41. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
42. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
43. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Infrastructure conditions – Residential Aged Care Facility:

44. A standard urban industrial vehicle crossing must be provided to each access point on Grey Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
45. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
- a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - b) Designated loading areas shall be shown on layout plans.
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
46. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Environment Protection Authority Victoria conditions:

47. Prior to the commencement of the development the applicant must provide:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.
48. All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Western Water conditions:

49. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
50. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
51. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.
52. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

53. All internal sewer and water mains servicing the aged care facility must be owned and maintained by the aged care facility.
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56. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
57. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.
58. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
 - a) Own a metered hydrant approved by Western Water;
 - b) Meter and pay for all water taken;
 - c) Display a Western Water Permit Number Sticker on the tanker;
 - d) Only take water from nominated hydrants or standpipes;
 - e) Only use water for the purpose approved in the Water Carters Permit;
 - f) Avoid wastage of water on site; and
 - g) Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Melbourne Water conditions:

59. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
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61. Local drainage must be to Council's satisfaction.
62. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Downer conditions:

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65. The applicant shall:

- a) 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.
- b) 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.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) 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 a caveat prior to the registration of the plan of subdivision.
- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on 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 "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia Ltd 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.
- j) 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.

Expiry condition:

66. This permit will expire if one the following circumstances apply:

- a) The development and the use is not started within three years of the date of this permit;
- b) The development is not completed within six years of the date of this permit;
- c) The plan of subdivision is not certified within three years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at the Titles office within five years from the date of certification.

Permit Notes:

Environmental Health:

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Melbourne Water:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 252861.

The Amendment was voted upon and defeated the Motion.

The Amendment then became the Motion and was

CARRIED.

Report Authorisation

Authorised by:


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 27 November, 2015

ITEM 5.3 – PLANNING PERMIT APPLICATION 2015 169; 42 GISBORNE ROAD, BACCHUS MARSH

PA2015 169; Two (2) Lot Subdivision and Alteration of Access to a Road Zone, Category 1, at Lot 2 on PS 024703, 42 Gisborne Road, Bacchus Marsh

Application Summary:	
Permit No:	PA2015 169
Lodgement Date:	24 July 2015
Planning Officer:	Tom Tonkin
Address of the land:	Lot 2 on PS 024703, 42 Gisborne Road, Bacchus Marsh VIC 3340
Proposal:	Two (2) Lot Subdivision and Alteration of Access to a Road Zone, Category 1
Lot size:	1041sq m
Why is a permit required	Clause 32.08-2 – General Residential Zone – to subdivide land Clause 52.29 – Alter access to a Road Zone, Category 1 Clause 52.29 – Subdivide land adjacent to a Road Zone, Category 1
Restrictions registered on title	No
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal’s potential to cause material detriment.
Number of notices to properties:	11
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	Three (3)
Consultation meeting:	A consultation meeting was held on 11 October 2015. No objections were withdrawn however the scope of the application was clarified and the applicant responded to the objectors’ concerns.
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Manager – Robert Fillisch

In providing this advice to Council as the Manager, I have no interests to disclose in this report.

Author – Tom Tonkin

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Executive Summary:

Application referred?	The application was referred to VicRoads and internally to Council's Infrastructure unit.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	There were no preliminary concerns.
Any discussions with applicant regarding concerns	Not applicable.
Any changes made to the application since being lodged?	No.
VCAT history?	None
Previous applications for the site?	PA2007-242 for Two (2) Lot Subdivision was issued by Council on 22 October 2008. The permit has lapsed and expired.
General summary	<p>The application is for a two (2) lot subdivision of land and alteration of the current vehicle access from Gisborne Road, which is in a Road Zone, Category 1.</p> <p>Lot 1 would be 520sq m and Lot 2 521sq m. Both lots would be roughly rectangular and have frontages to Gisborne Road of 11.43m. Vehicle access to both lots would be via a shared crossover.</p> <p>Objectors to the application raised concerns about the loss of amenity and impact on neighbourhood character associated with potential double storey development of the proposed lots, and drainage issues.</p> <p>The proposal meets the relevant objectives of State and local planning policy and, subject to conditions, all relevant ResCode requirements. Overall, the proposal is an acceptable design response having regard to the character of the area and the orderly development of the land.</p>

Summary Recommendation:

It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.

Public Notice

The application was advertised to adjoining landowners by mail on 31 July 2015 and a sign placed on site from 14 August to 1 September 2015. Three (3) objections were received.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Overlooking, loss of privacy and solar access, and subsequent devaluation of property.	N/A
<p>Officer's response -</p> <p>The application does not include details of future development, being only for subdivision. The applicant has verbally advised that a semi-detached double storey dwelling is intended to be built on both proposed lots, and the objectors verbally advised of this, however it is not relevant to deciding this application. Amenity considerations would be assessed against the requirements of the Building Code as part of the building approval process for future development of the land.</p> <p>There are a range of factors which affect property values and as such the potential devaluation of surrounding properties is not deemed to be a valid planning consideration.</p>	
Two storey development is not in keeping with neighbourhood character.	N/A
<p>Officer's response -</p> <p>The application does not include details of future development, being only for subdivision. The applicant has verbally advised that a semi-detached double storey dwelling is intended to be built on both proposed lots, and the objectors verbally advised of this, however it is not relevant to deciding this application. In any case the proposal makes acceptable provision for the siting of a future dwelling on both proposed lots.</p>	
Drainage and stormwater runoff must be directly to Gisborne Road given that existing drainage via 40 Gisborne Road is considered incapable of coping with the likely demands of future development.	Clause 56.07-4
<p>Officer's response -</p> <p>The application was referred to Council's Infrastructure department who consent to the proposal, subject to conditions including that the drainage system for the development be to a design approved by Council, which is consistent with the requirements of Clause 56.07-4.</p>	

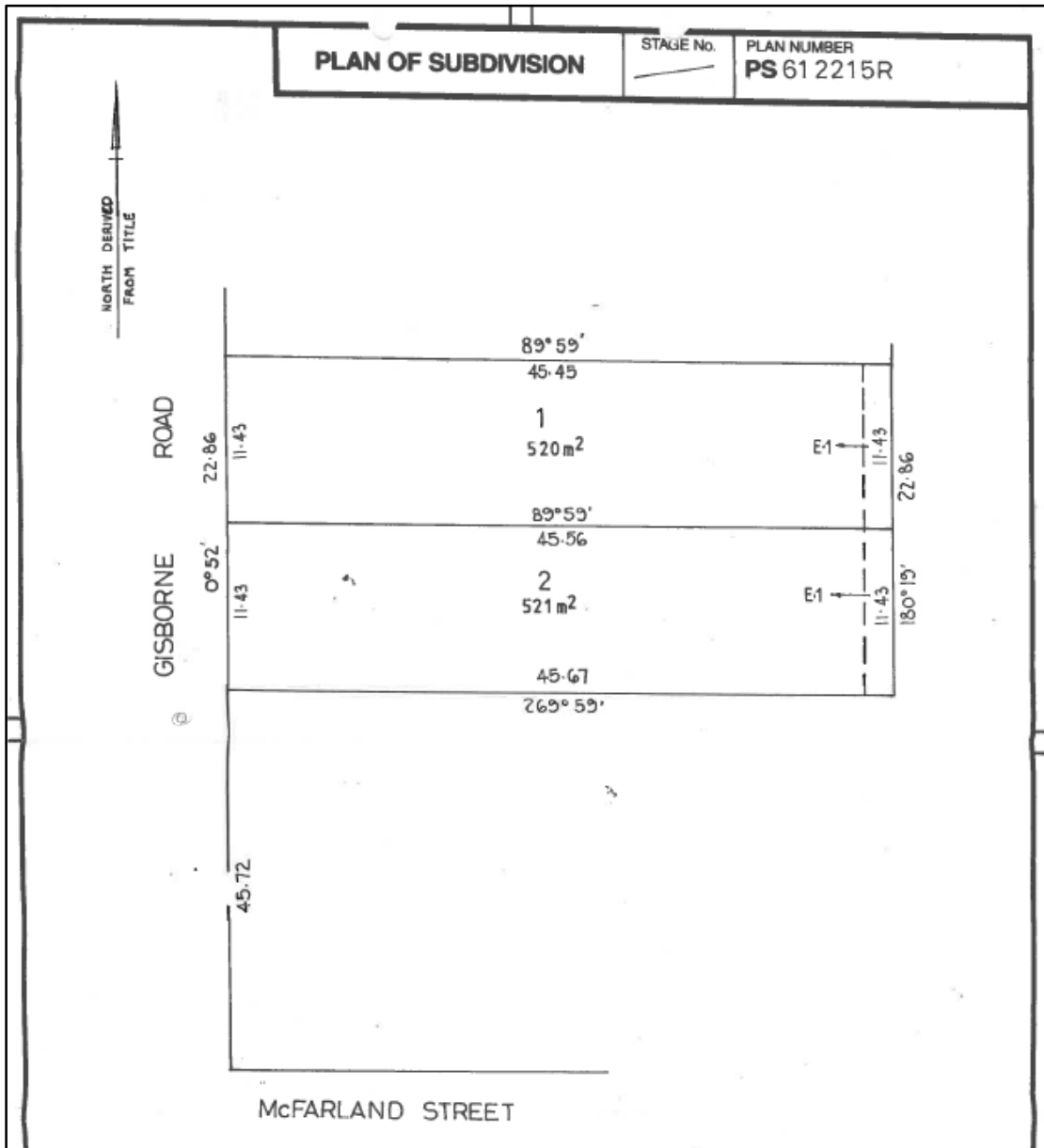
Proposal

It is proposed to subdivide the land into two (2) lots and alter the existing vehicle access from Gisborne Road.

Both lots would be generally rectangular in shape and have 11.43m frontages to Gisborne Road. Lot 1 & 2 would have a depth of approximately 45m.

All reticulated services are available to the site.

The proposed plan is shown below.



Site Description

The subject site is at 42 Gisborne Road, Bacchus Marsh, on the east side of the road, between Dugdale and McFarland Streets.

The site is a roughly rectangular shape with the following dimensions:

- A west frontage of 22.86m
- A south boundary of 45.67m
- An east boundary of 22.86m
- A north boundary of 45.45m
- Overall site area of 1041sq m.

The site is encumbered by a 1.83m wide sewerage and drainage easement parallel to the east boundary.

The site is currently vacant, contains no significant vegetation and experiences a slight fall generally from the northwest to the southeast boundary.

The subject site and surrounding land is in the General Residential Zone and not affected by any overlays. The predominant lot design is a grid pattern, with generally consistent dimensions. There are occasional examples of recent land subdivision in the area, often associated with medium density housing development, including directly to the north of the subject site.

To the south is a lot of approximately 1030sq m fronting Gisborne Road. To the east is a lot of approximately 750sq m fronting Dugdale Street. To the north are three (3) lots, two (2) facing Dugdale Street and one (1) on the corner of Dugdale Street and Gisborne Road, with areas of approximately 310sq m, 320 sq m and 415sq m. To the west, across Gisborne Road, is the intersection of William Street, and a lot of approximately 775sq m. All lots are developed with single dwellings.

Locality Map

The map below shows the location of the subject site and the zoning of the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11 – Settlement
- 11.05-2 – Melbourne’s hinterland areas
- 11.06-1 – Planning for growth
- 15.01-3 – Neighbourhood and subdivision design
- 21.03-2 – Urban Growth Management
- 21.07 – Bacchus Marsh

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

General Residential Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To 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 nonresidential uses to serve local community needs in appropriate locations.*

A permit is required to subdivide land under Clause 32.08-2 of the Moorabool Planning Scheme. Pursuant to this clause an application must meet the requirements of Clause 56 (Residential Subdivision).

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone.*
- *The pattern of subdivision and its effect on the spacing of buildings.*
- *The objectives and standards of Clause 56.*

Overall, the proposed subdivision is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

Overlays

The subject site is not affected by any Overlays.

Relevant Policies

Council adopted the Urban Growth Policy Statement at the OMC of the 19th September 2012. Council can give weight to this document under the provisions of section 60(1A) (g) of the Planning and Environment Act 1987.

The policy states that:

The Moorabool Growth Strategy 2041 aims to provide a vision for the type of community Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by our current residents.

The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.

Particular Provisions

52.01 Public Open Space Contribution and Subdivision

A subdivision is exempt from a public open space requirement if it subdivides land into two (2) lots and Council considers it unlikely that each lot will be further subdivided. The proposal is for two (2) lots of 520sq m and 521sq m. Whilst it is possible that the lots could be further subdivided it is considered unlikely for the following reasons:

- The proposed frontage widths of 11.43m would limit opportunities for further subdivision of either lot.
- Further subdivision would likely require increased vehicle crossovers to Gisborne Road, which is constrained by its status as a Road Zone, Category 1.

It is therefore not considered that a public open space contribution is required. In any case it is noted that a search of Council records indicates that a contribution has not previously been made.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

A permit is required to:

- Alter access to a road in a Road Zone, Category 1.
- Subdivide land adjacent to a road in a Road Zone, Category 1.

Accordingly, the application was referred to VicRoads, who consent to the proposal subject to condition.

Clause 56 Residential Subdivision

Clause 56 provides objectives and standards for residential land subdivision. A proposal must meet all of the relevant objectives and should meet all of the relevant standards of this clause.

The proposal complies with the relevant objectives and standards of Clause 56.

Discussion

Overall, the proposed two (2) lot subdivision is generally consistent with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. The proposed lot sizes would be smaller than those typically found in the area which would help contribute to housing affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is generally typified by residential lots ranging in size from 750-1050sq m, although smaller lots of less than 350sq m are evident in the area, including directly to the north of the site. The purpose of the GRZ includes the following:

- 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 provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies. The proposed two (2) lot subdivision supports consolidated population growth in an established area with good access to services and transport. The proposed lots of 520sq m and 521sq m would both be rectangular shaped and oriented to the street, generally consistent with the predominant lot pattern in Gisborne Road and surrounding streets.

The proposal complies with the relevant standards and objectives of Clause 56 for a two (2) lot subdivision. No common property is proposed, both lots would be oriented to achieve acceptable solar access for future dwellings, and both lots would have dimensions readily capable of accommodating a rectangle 10m x 15m. The lot widths of 11.43m are substantially narrower than most lots which generally range from 15.8m to 22.8m. However, it is not considered that the proposal would undermine the contribution that existing lot design makes to the character of the area.

The alteration of access to Gisborne Road is considered to be acceptable, given the proposed lot design. Public safety would not be compromised and VicRoads consent to the application, subject to condition.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in assessing this application.

Referrals

The referral to VicRoads was made pursuant to s.55 of the Planning and Environment Act 1987, and Council’s Infrastructure department was provided with an opportunity to comment on the proposed subdivision.

Authority	Response
VicRoads	Consent subject to conditions
Infrastructure	Consent subject to conditions

Financial Implications

The recommendation of an approval of this subdivision would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this subdivision does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The submitters and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposed subdivision does not appropriately respond to neighbourhood character.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the General Residential Zone, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Consideration of Deputations – Planning Permit Application PA2015 169; Two (2) Lot Subdivision and Alteration of Access to a Road Zone, Category 1, at Lot 2 on PS 024703, 42 Gisborne Road, Bacchus Marsh.

Mr. Beverley Crawford addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. PA2015169; Two (2) Lot Subdivision and Alteration of Access to a Road Zone, Category 1, at Lot 2 on PS 024703, 42 Gisborne Road, Bacchus Marsh subject to the following conditions:

Endorsed Plans:

- 1. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.**

Developer contributions:

- 2. Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.**

Subdivision:

- 3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Telecommunications:

- 4. The owner of the land must enter into agreements with:**
 - a) A telecommunications network or service provider for the provision of telecommunication service 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 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 provide by optical fibre.**
- 5. Before the issue of 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) 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**
 - b) 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 an area where the National Broadband Network will not be provided by optical fibre.**

Servicing:

- 6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**

Infrastructure:

- 8. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard urban residential vehicle crossing on Gisborne Road to the satisfaction of the Responsible Authority. The vehicle crossings must be positioned to ensure that there is no reduction in the number of indented parking spaces in Gisborne Road along the front of the property. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.**
- 9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:**
 - a) The development as a whole must be self-draining.**
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.**
 - c) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.**

d) Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.

10. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
11. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
12. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
13. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
14. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
15. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
16. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a) location of vehicle crossings
 - b) details of the underground drainage
 - c) location of drainage legal points of discharge
 - d) standard details for vehicle crossings and legal points of discharge
 - e) civil notes as required to ensure the proper construction of the works to Council standard.

VicRoads:

17. The existing crossover must be widened to provide access arrangements for the proposed subdivision and no new crossover on Gisborne Road is permitted.

Expiry:

18. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Comrie

That a Notice of Decision for Planning Permit Application PA2015 169 for Two (2) Lot Subdivision and Alteration of Access to a Road Zone, Category 1, at Lot 2 on PS 024703, 42 Gisborne Road, Bacchus Marsh be deferred to the next S86 Development Assessment Committee Meeting.

CARRIED.

Report Authorisation

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: **Friday 27 November, 2015**

ITEM 5.4 – PLANNING PERMIT APPLICATION 2015 190; 13 DUNDAS STREET, DARLEY

PA2015 190; Use and Development of a Restricted Recreation Facility (Yoga and Massage Therapy Studio), Associated Business Identification Signage and Reduction in Car parking at 13 Dundas Street, Darley

Application Summary:	
Permit No:	PA2015 190
Lodgement Date:	21 August, 2015
Planning Officer:	Victoria Mack
Address of the land:	13 Dundas Street, Darley being Lot 5 on PS 097523
Proposal:	Use and Development of a Restricted Recreation Facility (Yoga and Massage Therapy Studio), Associated Business Identification Signage and Reduction in Car parking
Lot size:	650sqm
Why is a permit required	Clause 32.08 – section 2 use and development Clause 52.05 – Category 3 - business identification signage Clause 52.06 – Car parking
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	2 Notices
Notice in Moorabool Newspaper:	Not required
Number of Objections:	One (1)
Consultation meeting:	Yes
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Manager – Rob Fillisch

In providing this advice to Council as the Manager, I have no interests to disclose in this report.

Author – Victoria Mack

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Executive Summary:

Application Referred?	Yes, to Infrastructure Department
Any issues raised in referral responses?	Car parking spaces on the site
Preliminary Concerns?	Car parking spaces
Any discussions with applicant regarding concerns	Yes
Any changes made to the application since being lodged?	A car space plan for on-site car parking was provided after advice was requested from the Infrastructure Department about the required car spaces for the use.
VCAT history?	None
Previous applications for the site?	None

General summary:

The application is to develop and use an existing dwelling in a residential area for the provision of classes in yoga, meditation and relaxation and also offer massage therapy to individual clients on a one-on-one basis.

The yoga centre would run classes for up to 12 people per class, with an estimated average of 8 people per class, on weekdays including in the evenings and on Saturdays.

The applicant would run the centre himself but would employ casual part time staff from time to time as the business grows. Only one class would be run at any one time in the building. Massage would be offered in a separate room on an individual basis.

The applicant has stated that as yoga, meditation and massage therapy all require a peaceful setting he intends to develop the environment around the building, to achieve a sense of privacy and peace. The site will need some work to achieve this.

It is recommended that a full landscape plan is provided to show how the site will be developed and planted to achieve the setting proposed. Details should also include all screening and fencing proposed and all surface treatments and finishes.

Council’s Infrastructure Department estimated that based on the floor area of the building and modelled on the use of land for a gymnasium – the nearest equivalent use in the *RTA Guide to Traffic Generating Developments* that the number of car spaces required on site should be 6.

The applicant has requested that Council approves a minimum of 4 on-site car spaces with a reduction of 2 spaces from this calculation.

General Summary Cont.

It is also considered that the existing crossover in the south-east corner of the site nearly directly opposite the intersection of Dundas and Russell Street and the crossover in the south-west corner of the site should be removed and a new crossover constructed further down Russell Street to better accord with the parking plans.

In relation to objector concern that this development would seriously exacerbate already serious traffic congestion in the immediate area at peak times there are two considerations.

The first is that the application for the yoga centre is not the issue here per se but rather the parking demand. The swim school from time to time appears to create traffic congestion at the intersection and in Russell Street. The parking behavior of the swim school patrons and their drivers at times is allegedly less than satisfactory.

However, there is adequate parking across Dundas Street on the west side of Darley Park, particularly during weekdays that could be used by the Yoga centre clients without disrupting the neighbourhood.

It is not denied that when football, market and similar activities are being conducted at Darley Park that parking may be difficult to access immediately across the road from the Yoga centre but at those times clients might have to far a park further away and walk.

The yoga centre would provide a service for the community that supports community wellbeing and relaxation. In spite of alleged traffic and parking congestion from time to time, at other times the precinct is very quiet.

With the provision of at least 5 car spaces on the site it is considered that the application is worthy of support.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for the Use and Development of a Restricted Recreation Facility (Yoga and Massage Therapy Studio), Associated Business Identification Signage and Reduction in Car parking at 13 Dundas Street, Darley subject to conditions.

Public Notice

The application was notified to adjoining and surrounding landowners and two signs were placed on the site for a minimum of period of 14 days, one facing Dundas Street and one facing Russell Street.

One objection was received.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

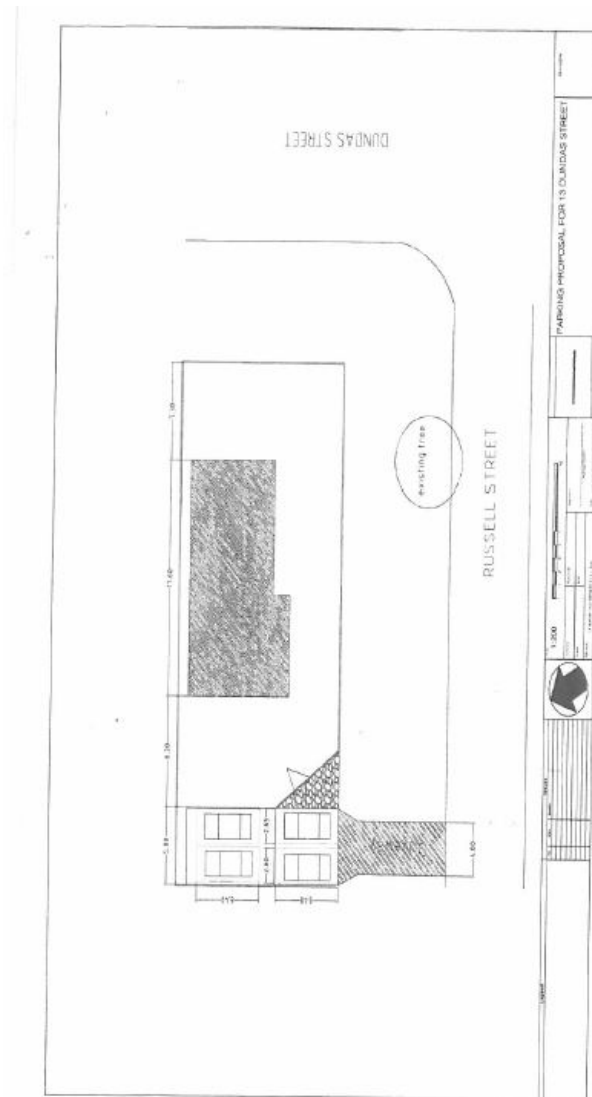
Objection	Any relevant requirements
<p>Bacchus Marsh Learn to Swim School: The corner of Russell Street and Dundas Street currently experiences intense traffic congestion and car parking demand caused by the swim school which is located at the corner of the Dundas and Russell Street intersection known as 11 Dundas Street, directly opposite the proposed yoga school. The swim school operates six (6) days a week with an alleged 300 students per week.</p> <p>The parking demand generated by swim school traffic , specifically parents accompanying their children to swimming lessons, often results in both sides of Russell Street having cars parked in the street, which creates peak congestion at certain times which makes it extremely difficult for Russell Street residents to access their homes, and often to access their driveways.</p>	<p>Requirement under Clause 52.06 relating to car parking</p>
<p>Officer's response – The Bacchus Marsh Learn to Swim facility appears to be well patronised. The facility has been used for swim classes for at least, or more than, 15 years. There are no car parking spaces provided on the site, and the objector stated that mothers with children are reluctant to use the Darley Park car spaces and walk across Dundas Street to the swimming pool, but prefer to drive into Russell Street and park right in front of the facility. There is limited on-street parking for the turnover of cars accessing this business.</p> <p>However, for much of the time except for peak usage times there are over 50 vacant car parking spaces available across the road on the west side of Darley Park, and it is likely that the Yoga and Massage Centre's clients can use these car parks for much of the time.</p>	
<p>Darley Park. Dundas Street is affected by peak traffic congestion and parking demands when there are activities at the venue, including football training, Auskick, Saturday football and netball, community markets and the range of other sporting activities at Darley Park including the bike track, tennis courts and in the summer cricket.</p> <p>When these events occur coupled with the regular daily swim school traffic, both Dundas and Russell Streets experience untenable traffic and parking congestion. The yoga and massage business would add to this congestion.</p>	<p>Requirement under Clause 52.06 relating to car parking</p>
<p>Officer's response – during peak events and activities held at Darley Park it is likely that there is a high parking demand but for much of the rest of the time it is likely that there is ample parking for occasional use. The precinct has a strong recreational and sporting focus and a yoga, meditation and massage centre would not be out of place as a related service to such activities.</p>	
<p>Darley Park has 50 car spaces on the east side of Dundas Street available for Darley Park patrons. It is not meant use by other businesses. The applicant should not rely on these car spaces for patrons of the yoga and massage business.</p>	<p>Requirement under Clause 52.06 relating to car parking</p>
<p>Officer's response – the applicant will be required to construct 5 on-site car spaces. However, when the Darley Park car spaces are unused there is no bylaw that states that they cannot be used by others.</p>	

<p>Safety. The Darley Park Committee have removed a section of fence and created a gravel two lane access and gateway to the Park from Dundas Street. While the main entrance to Darley Park is from Fitzroy Street which is a category 2 road better suited to heavy traffic, the relocation of the primary access point to Dundas Street poses safety concerns for vehicles and pedestrians particularly children accessing sporting facilities or the swim school. There should be a pedestrian crossing in Dundas Street.</p>	<p>Requirement under Clause 52.06 relating to car parking</p>
<p>Officer's response – the construction of a new access to Darley Park is not a matter that can be addressed in this application.</p>	
<p>The site is currently used for a dwelling and residential use. The Victorian State Government Planning Framework encourages planning authorities to address the lack of housing within the State. It is considered that this residential land which has been tenanted for some time should not be used for business purposes.</p>	<p>State Planning Policy Framework (SPPF)</p>
<p>Officer's response – While it is agreed that there is a strong focus within State policy to create additional housing stock in Victoria, other policies equally require the provision of a range of services and employment opportunities to residents such as cultural, recreational, health, business, commercial, industrial and transport services.</p>	
<p>An office is prohibited in the General Residential Zone and the floor plan for this business contains offices which should be prohibited.</p>	<p>Requirement under General Residential Zone table of uses.</p>
<p>Officer's response – An office is prohibited in the General Residential Zone other than a medical centre. The proposed use is a yoga, meditation and massage centre with a room called office nominated as part of the floor plan. The definition of “office” under Clause 75 of the Planning Scheme is Land used for administration, or clerical, technical, professional or other like business activity. The office in the Yoga centre does not meet the definition of “office”.</p>	
<p>The building does not comply with the Disability Discrimination Act with respect to access and the application has not addressed the development of the site to account for safety and occupational health and safety.</p>	<p>Building Regulations would apply to the redevelopment of the building.</p>
<p>Officer's response – this is a building matter covered by the Building Regulations.</p>	
<p>The application is lacking required detail to make a detailed assessment of the proposal.</p>	
<p>Officer's response – it is considered that the application was generally acceptable except for car parking provision which will be addressed further in this report.</p>	

Proposal

- The applicant, and owner of the subject site at 13 Dundas Street, Darley, proposes to redevelop the existing dwelling for the use of a Restricted Recreation Facility (Yoga and Massage Therapy Studio). An alternative description of the centre is “well-being centre” offering yoga, meditation (mindfulness) and massage therapy.
- Yoga, meditation and massage require a peaceful setting and to that end the building, and environment around the building, would be developed to achieve that.
- The proposal is to conduct yoga and meditation classes, and offer massage to individual clients, six days per week but it is acknowledged that it may take several years to achieve this level of demand.

- The number of classes is anticipated to grow slowly with at commencement it is likely that one daytime and one evening class would be run during the week and two classes on Saturdays.
- Additional yoga classes would be offered as demand grows. The application acknowledges that in a town the size of Bacchus Marsh running classes full time all week is probably unrealistic.
- The maximum number of clients in each class would be 12 with an anticipated average of 8 per class based on industry experience. All financial forecasts for the business are based on 8 customers per class.
- The maximum hours of operation requested are:
 - 9.30am to 8.30pm weekdays; and
 - 8.00am to 4.00pm on Saturday.
- Massage would be offered on an individual client basis at any time during these hours.
- The building would be rearranged internally to include the following rooms: waiting room; massage room; two bathrooms; laundry; kitchen; studio area; office; and a second office / storage room.
- The application states that a section of wall is required to be removed to open up the studio space and the kitchen and laundry would be refurbished.
- Externally car spaces would be constructed and the site re-fenced on Dundas and Russell Streets in sections to enhance the amenity of the property and privacy for clients.
- The application was amended by the applicant to clarify car parking provision on the site. After consultation with Council's Infrastructure Department the car space demand was calculated as follows:
 - In the RTA Guide to Traffic Generating Developments, the nearest equivalent use would be a "gymnasium".
 - The RTA Guide recommends a minimum rate of 4.5 spaces/100sqm of GFA, and a desirable rate of 7.5 spaces/100sqm of GFA. From the GIS, I estimate the GFA at 125sqm.
 - Given the substantial amount of on-street parking readily available in the immediate vicinity of the site, I consider the minimum rate of 4.5 spaces/100sqm GFA to be reasonable in the circumstances.
 - This calculates out at 5.625 spaces, round up to 6.
- A car parking plan has been provided showing 4 car spaces to be provided on the site with a request for a waiver of 2 car spaces.
- Business identification signage is proposed which would be 1m high and 1.2m wide which would be erected on the Dundas Street fence with a 600mm X 400mm sign placed on the front door.
- Staffing would include the applicant as the principal trainer and a maximum of two part-time casual staff once the business is fully operational.
- The plan below shows an indicative car parking plans for 4 spaces, which is the applicant's preference, but which will not allow vehicles to exit in a forward direction, which is a much safer outcome.



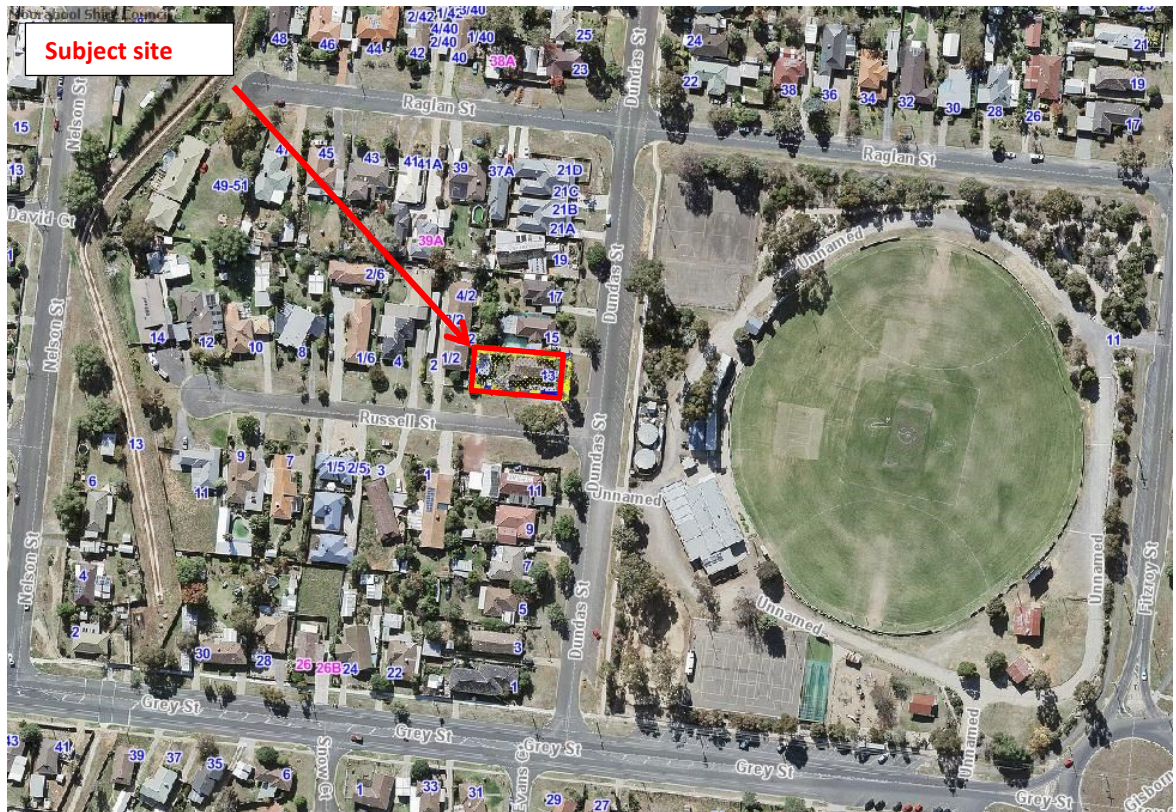
Site Description

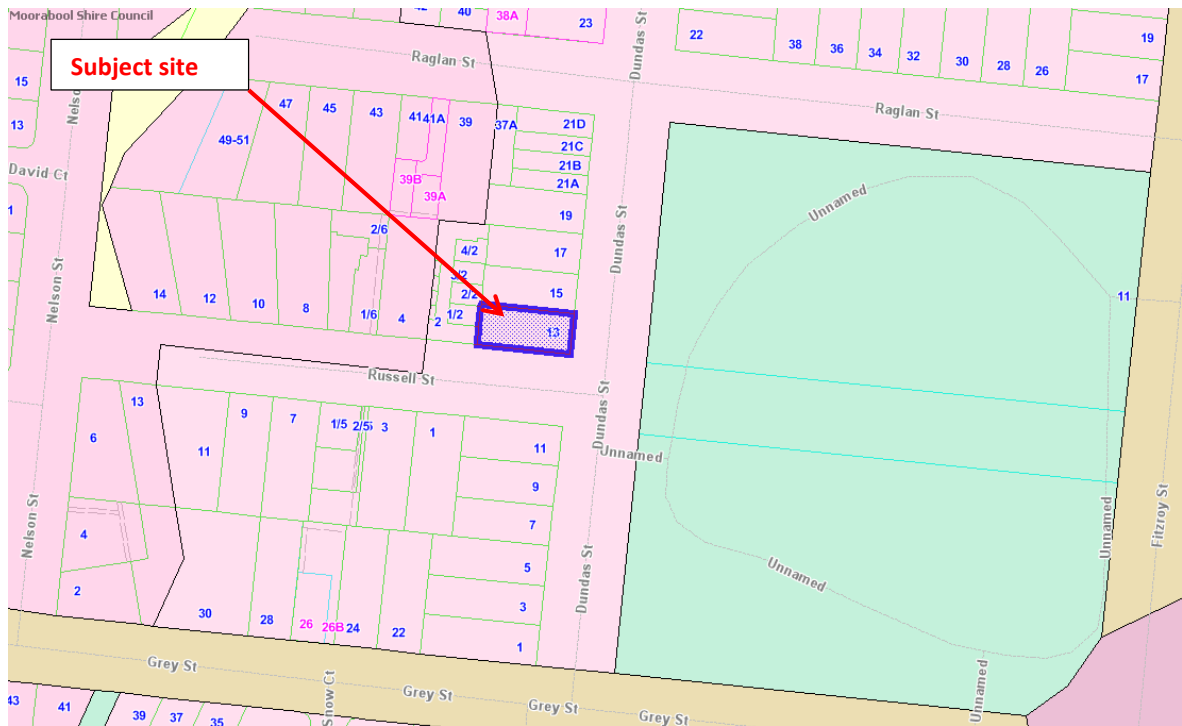
- The site has an area of approximately 650sqm and is located at the corner of Dundas Street and Russell Street in Darley opposite the western boundary of Darley Park.
- The site contains a single storey brick dwelling with a tiled roof and some garden trees and shrubs with additional established trees located in the road reserve. The dwelling has been tenanted for some years.
- Access to the site is via a crossover from Russell Street in the south-east corner of the site very close to the intersection of Dundas Street with Russell Street.
- Russell Street is a no-through-road ending with a court bowl. It comprises established predominantly single storey dwellings on lots of approximately 1000sqm average. There are two multi-dwelling developments also in Russell Street.
- Dwellings in Dundas Street are also established generally single storey homes on slightly smaller lots of approximately 650sqm.
- One of these dwellings at the corner of Russell Street and Dundas Street, on the opposite corner to the subject site is a dwelling with a swimming pool at the rear which has been offering swimming lessons and related water activities for at least 15 or more years. There is no on-site parking provided by this enterprise.

- Opposite the subject land across Dundas Street is Darley Park which is an established sporting precinct with the main oval (used for football, cricket and other sports and community activities), netball and tennis courts, a dirt bike track and other recreational spaces. There is an established public grandstand on the site and sundry other buildings.
- Access to Darley Park is via the main entrance located on the eastern side boundary with access from Fitzroy Street, and a newer double entrance gateway on the western boundary which provides access from Dundas Street.
- There are externally located marked car spaces around the west, south and east side boundaries of Darley Park, numbering approximately 70 car spaces. On Dundas Street there are approximately 53 marked car spaces.
- The site is approximately 300m walking distance from the Darley Plaza shopping centre and approximately 2.7kms from the Bacchus Marsh shopping precinct.

Locality Map

The aerial map below indicates the location of the subject site, and the second map shows the zoning applicable to the surrounding area.





Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-2 – Melbourne’s hinterland areas
- 11.06 – Residential development
- 15.01-5 – Cultural identity and neighbourhood character
- 16.01-1 – Integrated housing
- 21.03-2 – Urban Growth Management
- 21.03-4 – Landscape and Neighbourhood Character
- 21.07 – Bacchus Marsh

The proposal generally complies with the relevant sections of the SPPF and LPPF

Zone - General Residential Zone – Schedule 2 (GRZ2)

In accordance with Clause 32.08-1, Section 2 of the General Residential Zone a permit is required to use land for a Restricted Recreation Facility, and in accordance with Clause 32.08—6 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

The proposal is consistent with the requirements of the General Residential Zone and the Schedule to the zone.

Overlays

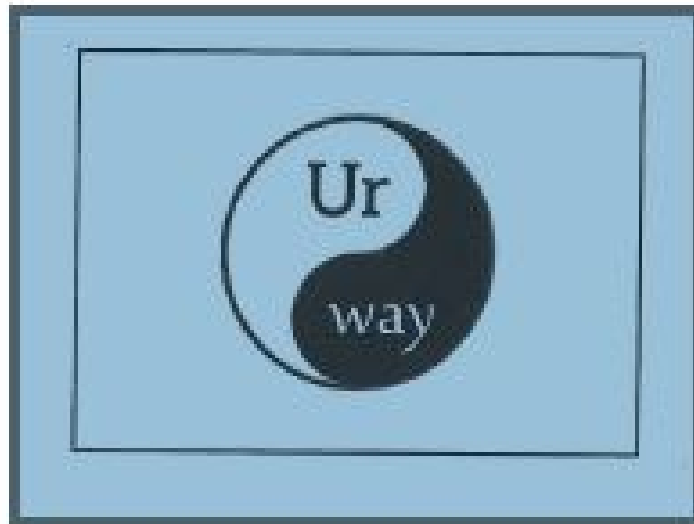
No overlays apply to the site.

Particular Provisions

Clause 52.05 – Advertising signage

The General Residential Zone is in Category 3 of Clause 52.05 for advertising signage. In accordance with Clause 52.05-9 Category 3 - High amenity areas - a business identification sign is in section 2 and requires a permit. No additional specifications within Category 3 are specified in relation to Business identification signs.

The signage proposed would be one 1m x 1.2m sign to be located on the Dundas Street frontage with the logo as below but with the word Live Well replacing Ur Way:



The sign would additionally have the words: yoga – meditation – massage and contact details.

Clause 52.06 Car parking

Clause 52.06 of the Moorabool Planning Scheme applies where there is a new use proposed on the land. In this application a new use is proposed for a Restricted Recreation Facility (Yoga and Massage Therapy Studio) and a parking demand assessment is required.

In accordance with Clause 52.06-3 a permit is required to reduce the number of car parking spaces required for a use listed in Table 1 of Clause 52.06-5. However, a restricted recreation facility is not listed in Table 1 and officers were required to estimate the car parking demand based on other information.

Council's Infrastructure Department provided the following assessment of the application:

In the RTA Guide to Traffic Generating Developments, the nearest equivalent use would be a "gymnasium".

The RTA Guide recommends a minimum rate of 4.5 spaces/100sqm of GFA, and a desirable rate of 7.5 spaces/100sqm of GFA. From the GIS, I estimate the GFA at 125sqm.

Given the substantial amount of on-street parking readily available in the immediate vicinity of the site, I consider the minimum rate of 4.5 spaces/100sqm GFA to be reasonable in the circumstances.

This calculates out at 5.625 spaces, round up to 6.

The applicant has however requested that four car spaces are approved with a waiver of two spaces.

A further assessment of the allotment shows that access to the site is via an existing crossover in the south-east corner of the site very close to the Dundas and Russell Street intersection. Another unused crossover is located in the south-west corner of the site.

It is considered that the parking layout plan could be improved with a new crossover constructed centrally located to the allotment from Russell Street and that the layout plan should be redesigned so that cars can exit the site in a forward direction.

It is also noted that if this was adopted more than 4 car spaces may be able to be constructed on the site.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.52 of the Planning and Environment Act 1987.

Authority	Response
Council's Infrastructure Department	Consent with conditions

Financial Implications

It is not considered that there are any known financial risks to Council.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

If a refusal was recommended the possibility is that the applicant would appeal Council's decision at VCAT. The likely outcome of a VCAT determination is unknown.

Conclusion

The application is to develop and use an existing dwelling in an existing residential area for the provision of classes in yoga, meditation and relaxation and also offer massage therapy to individual clients on a one-on-one basis.

The yoga centre would run classes for up to 12 people per class, with an estimated average of 8 people per class, on weekdays including in the evenings and on Saturdays.

The applicant would run the centre himself but would employ casual part time staff from time to time as the business grows. Only one class would be run at any one time in the building. Massage would be offered in a separate room on an individual basis.

The applicant has stated that as yoga, meditation and massage therapy all require a peaceful setting he intends to develop the environment around the building, to achieve a sense of privacy and peace. The site will need some work to achieve this.

It is recommended that a full landscape plan is provided to show how the site will be developed and planted to achieve the setting proposed. Details should also include all screening and fencing proposed and all surface treatments and finishes.

Council's Infrastructure Department estimated that based on the floor area of the building and modelled on the use of land for a gymnasium – the nearest equivalent use in the RTA Guide to Traffic Generating Developments that the number of car spaces required on site should be 6.

The applicant has requested that Council approves a minimum of 4 on-site car spaces with a reduction of 2 spaces from this calculation.

It is considered that if the car space plan is redeveloped that more than 4 spaces could be contained on the site. It is recommended that as a condition of the permit that the applicant provides an amended dimensioned plan showing the car spaces and also the accessway. It is considered that all vehicles parked on the site should be able to exit the site in a forward direction and the access way should be designed to achieve this.

It is also considered that the existing crossover in the south-east corner of the site nearly directly opposite the intersection of Dundas and Russell Street and the crossover in the south-west corner of the site should be removed and a new crossover constructed further down Russell Street to better accord with the parking plans.

In relation to objector concern that this development would seriously exacerbate already serious traffic congestion in the immediate area at peak times there are two considerations.

The first is that the application for the yoga centre is not the issue here per se but rather the parking demand. The swim school from time to time appears to create traffic congestion at the intersection and in Russell Street. The parking behavior of the swim school patrons and their drivers at times is allegedly less than satisfactory.

However, there is adequate parking across Dundas Street on the west side of Darley Park, particularly during weekdays that could be used by the Yoga centre clients without disrupting the neighbourhood.

It is not denied that when football, market and similar activities are being conducted at Darley Park that parking may be difficult to access immediately across the road from the Yoga centre but at those times clients might have to far a park further away and walk.

The yoga centre would provide a service for the community that supports community wellbeing and relaxation. In spite of alleged traffic and parking congestion from time to time, at other times the precinct is very quiet.

With the provision of at least 5 car spaces on the site it is considered that the application is worthy of support.

Consideration of Deputations – Planning Permit Application PA2015 190; Use and Development of a Restricted Recreation Facility (Yoga and Massage Therapy Studio), Associated Business Identification Signage and Reduction in Car parking (one space) at 13 Dundas Street, Darley subject to conditions.

Mr. Tony Pinder addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

Mr. Zak Kreikat addressed the S86 Development Assessment Committee in favour of granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Comrie

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for Planning Permit PA2015 190; Use and Development of a Restricted Recreation Facility (Yoga and Massage Therapy Studio), Associated Business Identification Signage and Reduction in Car parking (one space) at 13 Dundas Street, Darley subject to conditions.

Endorsed plans:

- 1. Before the use and development commences an amended site and layout plan needs to be provided. When approved, the plan will be endorsed and will then form part of the permit. The amended plan must be generally in accordance with the plan submitted but modified to include the following requirements:**
 - a) An amended car parking plan in accordance with condition 6.**
 - b) The removal of all the existing crossovers along Russell Street with a new crossover to be constructed in accordance with condition 8.**
 - c) A Landscaping plan in accordance with condition 9.**
 - d) An amended site plan showing the location and details of all proposed signage.**
 - e) An amended floor plan of the building with dimensions showing the access doorway modified as applicable for access by people with disabilities.**

Unless otherwise approved in writing by the Responsible Authority the use and development are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

- 2. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority. All buildings shall be located clear of any easements or water and sewer mains/septic tank and effluent lines.**

Use:

- 3. The permitted hours of operation for the use would be restricted to:**
 - a) 9.30am to 8.30pm weekdays; and**
 - b) 8am to 4pm on Saturday.**
- 4. No more than one trainer may conduct classes on the site at any one time.**

5. No sound or amplified equipment or loudspeakers shall be installed so as to be audible from outside the building.

Car Parking:

6. Prior to the use commencing a car parking plan in A3 format drawn to scale and with dimensions must be provided that shows a minimum of 5 car spaces on the site and showing the accessway that enables all vehicles to exit the site in a forward direction.
7. All clients who do not park on the site must be directed to park in the car spaces on the western side of Darley Park and not in Russell Street to the satisfaction of the Responsible Authority.

Access:

8. Prior to the use commencing all the existing crossovers along Russell Street must be removed and a new crossover constructed midway along Russell Street to the satisfaction of the Responsible Authority.

Landscaping:

9. Prior to the use commencing a Landscape plan must be provided showing the landscaping to all areas of the site including:
 - a) The location of all species to be planted, the number of each species and their height at maturity;
 - b) Surface treatments across the site including the pathways to the building, car spaces and the accessway; and
 - c) The location and type of fencing and/or screening proposed.
 - d) All landscaping proposed along Russell Street from the west boundary to the access driveway.
 - e) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
 - f) The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Infrastructure conditions:

10. A standard urban residential/rural vehicle crossing with culvert must be provided on Russell Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
11. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
12. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
13. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

14. Prior to the use commencing, the car park areas must be constructed with an all-weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:

- a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
- b) The parking areas shall be provided with an all-weather surface and associated drainage.
- c) Kerbing of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
- d) The building shall be provided with all abilities access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Permit expiry:

15. This permit will expire if one of the following circumstances applies:

- a) The development and the use are 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the *Planning and Environment Act 1987*.

Permit Note:

The permit for the approved signage expires within 15 years of the date of this permit.

CARRIED.

Report Authorisation

Authorised by:


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 27 November, 2015

ITEM 5.5 – PLANNING PERMIT APPLICATION 2015 154; 28 ROSENOWS ROAD, DURHAM LEAD

PA2015 154; Use and Development of the Land for Group Accommodation and Use of Reflective Materials at 28 Rosenows Road, Durham Lead

Application Summary:	
Permit No:	PA2015 154
Lodgement Date:	14 July, 2015
Planning Officer:	Robert Fillisch
Address of the land:	Lot 1 on PS 117817 28 Rosenows Road, Durham Lead
Proposal:	Use and Development of the Land for Group Accommodation and Use of Reflective Materials
Lot size:	16.19 ha
Why is a permit required?	Farming Zone use and development for group accommodation. Bushfire Management Overlay – buildings and works. Design and Development Overlay – schedule 2 – buildings and works.
Public Consultation:	
Was the application advertised?	Yes, six (6) notices sent to neighbouring owners and occupiers.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	Not required
Number of Objections?	One (1)
Consultation meeting?	The objector indicated they were not interested in a consultation meeting.
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Manager – Satwinder Sandhu

In providing this advice to Council as the Manager, I have no interests to disclose in this report.

Author – Robert Fillisch

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Executive Summary:

Application Referred?	Yes
Any issues raised in referral responses?	None
Preliminary Concerns?	Justification of the use of group accommodation in Farming Zone
Any discussions with applicant regarding concerns	No
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	PA2004027 - Development of additions to an existing dwelling. PA2003030 – Development of a gazebo.

General summary?

The subject site has an area of 16.19 hectares and is located in the farming zone in an area that is typically used for rural living purposes.

The proposal is for the development of two small two bedroom cabins for the purpose of tourist accommodation.

The cabins are well located within the property and are small structures which would be screened by existing vegetation. The cabins would be used for short term tourist accommodation.

One objection was received by an adjoining landowner to the east of the site. A number of concerns were raised however the location of the cabins is on the western side of the site and is not likely to impact on the adjoining landowner.

After assessment it is considered that the application should be supported.

Summary Recommendation:

That, having considered all matters as prescribed by s.60 of the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for Group Accommodation and Use of Reflective Materials at Lot 1 on PS 117817, 28 Rosenows Road, Durham Lead.

Public Notice

The application was notified to adjoining and surrounding landowners and a sign was placed on the site for at least 14 days. One objection was received.

Summary of Objections

The objections received are detailed below with officer’s comments accompanying them:

Objection	Any relevant requirements?
Increasing stormwater, wastewater, waste products, emission of noise, light and traffic.	
Officer’s response – These are all matters that can be dealt with through the design of the development and have been considered in this application.	
Impact on amenity due to trespassing, presence of pets, transport of materials, appearance of buildings,	
Officer’s response – Again most of these matters are dealt with through the design of the development or by permit conditions. It unreasonable to expect that the addition of tourist using this accommodation are likely to trespass on adjoining properties.	
Impact on the ability to farm the adjoining land or limit the use of the adjoining land.	
Officer’s response – The buildings are well set back from the adjoining properties and located on the western side of the property. It is considered unlikely that the use of land for tourism in the form of accommodation will impact on any adjoining agricultural use. It is also noted that the objection comes from the adjoining property to the west and the development is to occur on the western side of the site, some 600 metres from the eastern boundary.	
Devaluation of land	
Officer’s response – The devaluation of land is impacted by many matters and VCAT have consistently stated that this is not a matter that can be considered through a planning application.	

Proposal

The applicant seeks approval for the construction of two small cabins for use as accommodation. The use is defined in the planning scheme as group accommodation were more than one dwelling is located on land.

The accommodation is for tourism purposes and will be for short term stays.

The cabins will be located on the site in a manner that will not require the removal of any native vegetation.

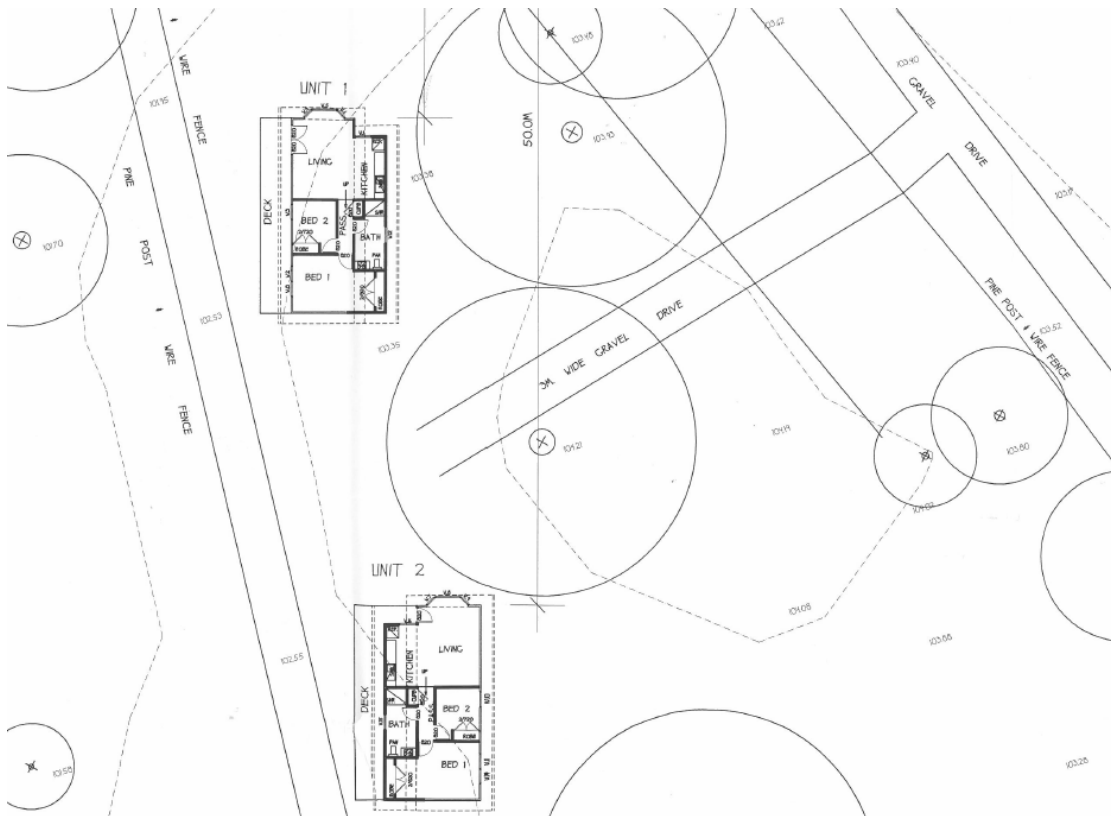
Each cabin will be two bedroom and provide the following;

- Single storey with a floor area of 58 square metres;
- Two bedrooms with robes;
- Bathroom with toilet, shower and hand basin;
- Combined kitchen and living area;
- Deck on one side of the building;
- A mixture of cladding materials including colourbond corrugated iron and hardy plank;
- Flat roof with an 8 degree pitch clad with zincalume corrugated iron sheeting;
- Bushfire Attach Level construction of BAL29; and
- Access will be provided by extending the existing driveway.

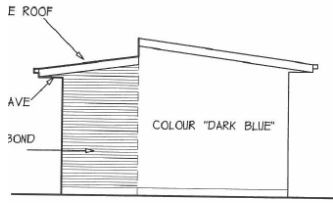
Cabin 1 and 2 will be setback 21 and 50 metres from Rosenows Road respectively. The cabins will be separated by approximately 16 metres.

The site currently contains an existing dwelling and studio. It is proposed to use the existing studio as one of the cabins and it will be relocated to the new site.

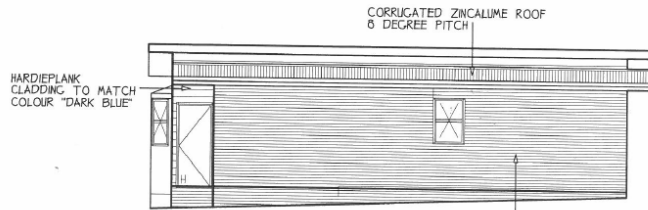
Proposed Site Plan



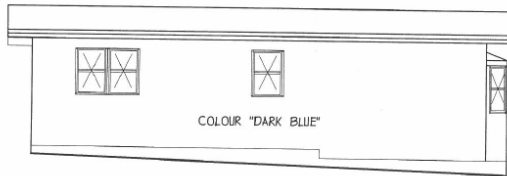
Elevations



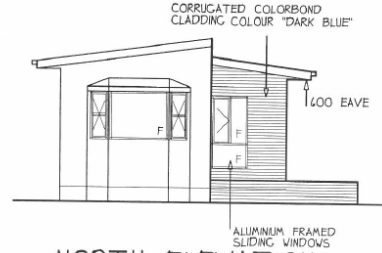
SOUTH ELEVATION
CABIN 2



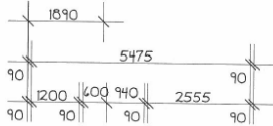
WEST ELEVATION
CABIN 2



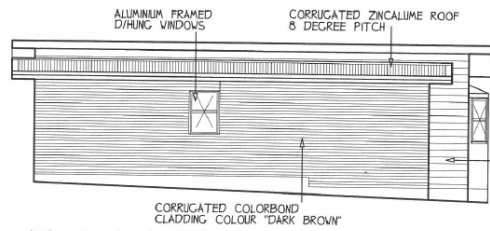
EAST ELEVATION
CABIN 2



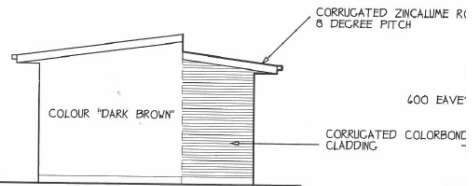
NORTH ELEVATION
CABIN 2



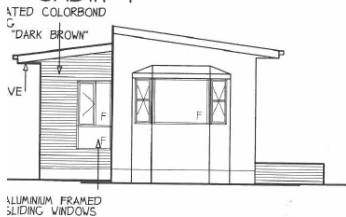
AREA		
DESCRIPTION	METRES SQUARE	SQUARES
DWELLING		
GROUND FLOOR	63.73	686
FIRST FLOOR		
CARAGE		
CARPORT		
VERANDAH		



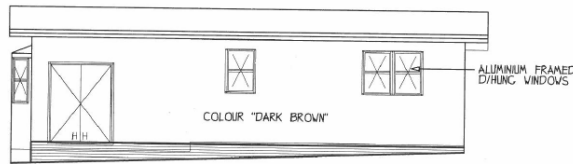
EAST ELEVATION
CABIN 1



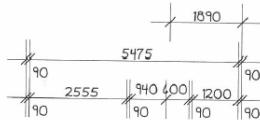
SOUTH ELEVATION
CABIN 1



NORTH ELEVATION
CABIN 1

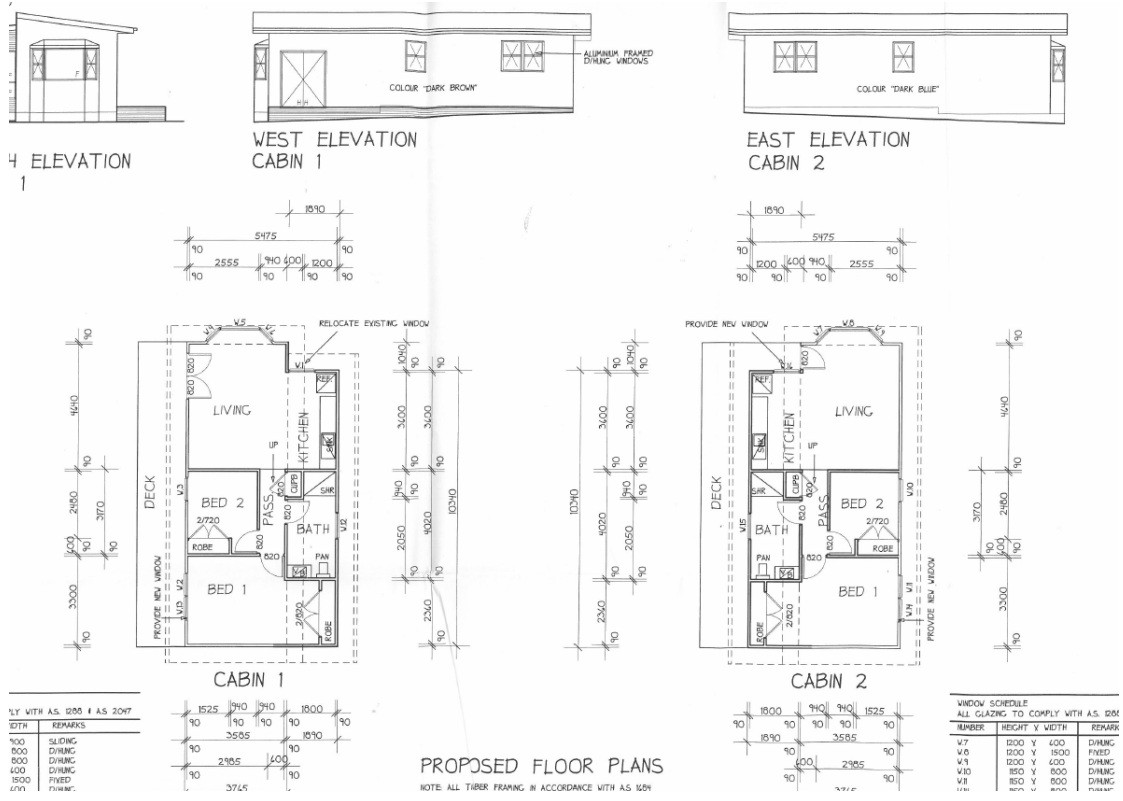


WEST ELEVATION
CABIN 1



RELOCATE EXISTING WINDOW

Floor Plans



Site Description



The site is located at 28 Rosenows Road is rectangular in shape with an area of 16.19 hectares.

It is located some 21 kilometres south west of the Ballarat central business district, on the corner of Rosenows and Sand Road. Both roads are all weather gravel roads.

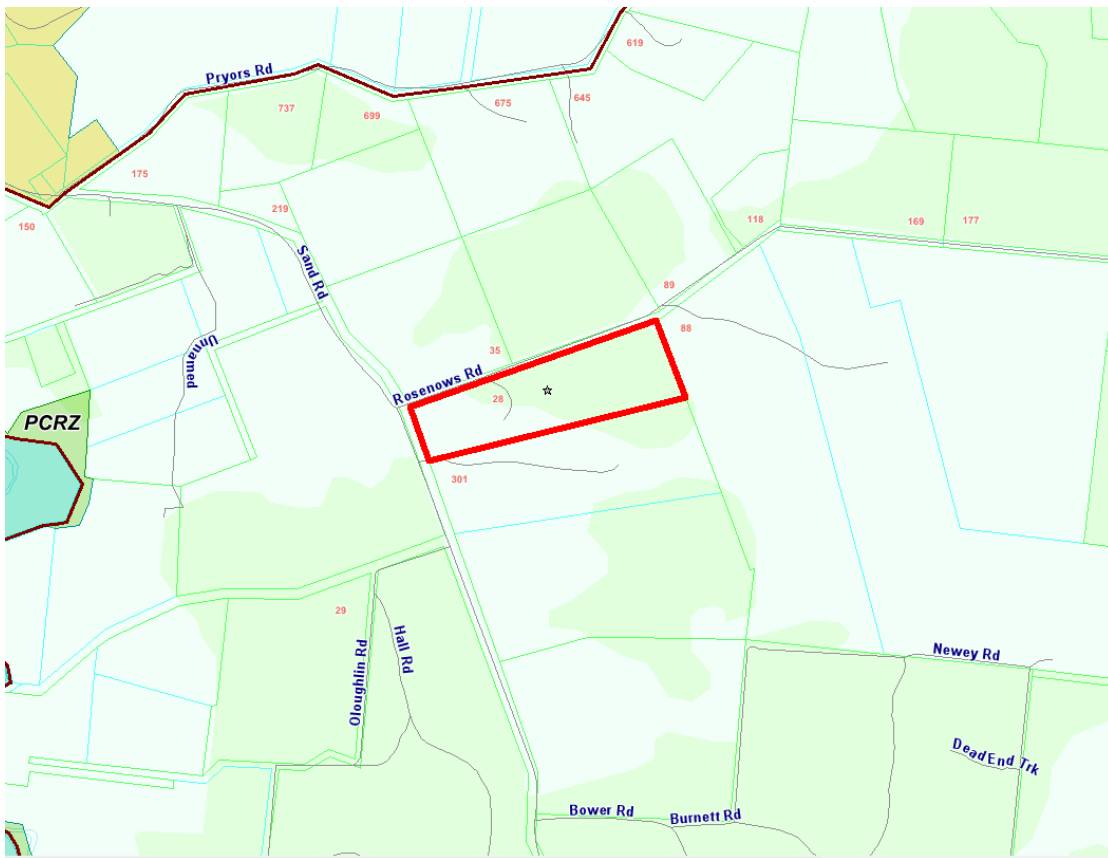
The site currently has an existing dwelling with shedding and a large studio.

The site is connected to mains electricity and telecommunications. The dwelling is serviced with a septic tank system and relies on potable water from roof collection.

The site is located in an area of the shire which is typically used for rural living purposes as most of the lots are smaller in size.

Locality Map

The map below shows the zoning applicable to the surrounding area. The Land is in the Farming Zone.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-3 Rural productivity
- 11.06-8 Agricultural productivity
- 14.01-1 Protection of agricultural land
- 14.01-2 Sustainable agricultural land use
- 14.02-1 Catchment planning and management
- 16.02-1 Rural residential development
- 21.02-3 Water and Catchment Management
- 21.03-4 Landscape and neighborhood character
- 21.03-5 Rural lifestyle opportunities
- 22.02 Special Water Supply Catchments

The proposal complies with the relevant sections of the SPPF and LPPF.

Farming Zone

Pursuant to Clause 35.07-1, Section 2 of the Farming Zone a permit is required for the use of land for a dwelling and pursuant to Clause 35.07-5 a permit is required for buildings and works for a use in Section 2 of Clause 35.07-1.

The purpose of the zone is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Provide for the use of land for agriculture.
- Encourage the retention of productive agricultural land.
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- Encourage the retention of employment and population to support rural communities.
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

It is considered that the proposed use for group accommodation will have minimal impact on surrounding agricultural land.

Overlays

The site is affected by Design and Development Overlay, Schedule 2 (DDO2) and the Bushfire Management Overlay.

Design and development Overlay – Schedule 2

Under Clause 43.02 of the Moorabool Planning Scheme a permit is required for buildings and works however Schedule 2 (DDO2) to the Overlay states that a permit is not required to construct a building and works if external walls and roof areas are clad with non-reflective materials.

In this case the roof material will be zincalume which is considered to be a reflective material. However the siting of the buildings is within the site and will be screened with existing vegetation. Also the roof will be flat and therefore unlikely to create an issue with the reflectivity.

Bushfire Management Overlay

Under Clause 44.06 of the Moorabool Planning scheme a permit is required for buildings and works associated with accommodation.

The application included a Bushfire Management Statement and bushfire assessment which stated that the group accommodation has been sited to achieve a BAL of 29.

Relevant Policies

Council's Rural Housing Policy, adopted on 19 September 2012, gives direction for assessing planning permit applications which propose new residential development of land in the Farming Zone. The Policy encourages residential development in farming areas which satisfies the purpose of the Farming Zone and supports agricultural opportunities. The proposal is broadly in accordance with this policy.

Particular Provisions

None applicable

Discussion

The subject site has an area of 16.9 hectares and is located in the farming zone in an area that is typically used for rural living purposes.

The proposal is for the development of two small two bedroom cabins for the purpose of tourist accommodation.

The cabins are well located within the property and are small structures which would be screened by existing vegetation. The cabins will be used for short term tourist accommodation.

One objection was received by an adjoining landowner to the east of the site. A number of concerns were raised however the location of the cabins is on the western side of the site and is not likely to impact on the adjoining landowner.

The application was referred to CFA due to the bushfire management overlay and they have no objection subject to conditions.

A Land Capability Assessment submitted with the application demonstrates that sewerage and wastewater can be treated onsite without detriment to water quality. Council's Environmental Health officer have no objection to the proposal, subject to conditions.

The proposed cabins are sited appropriately and considered to be reasonably responsive to the rural surroundings.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Country Fire Authority	Consent subject to conditions
Infrastructure	Consent subject to conditions
Environmental Health	Consent subject to conditions

Financial Implications

It is not considered that there are any known financial risks to Council

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

If a refusal was recommended the possibility is that the applicant would appeal Council's decision at VCAT. The likely outcome of a VCAT determination is unknown.

Conclusion

The use of the land for group accommodation located within the Farming Zone on this site is considered to be appropriate given consideration of the siting of the development.

It is considered unlikely that the adjoining owner will be impacted by the approval of this use and a permit can be conditioned to reduce any potential amenity impacts.

A condition would be included requiring a Section 173 agreement to ensure that any new owner is aware that the cabins are to be used for short term accommodation and cannot be converted to permanent dwellings in the future. It will also acknowledge that the surrounding land is used for agricultural purposes.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Comrie

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision Grant a Planning Permit PA2015 154; Use and Development of the Land for Group Accommodation and Use of Reflective Materials at Lot 1 on PS 117817, 28 Rosenows Road, Durham Lead, subject to the following conditions.

Endorsed plans:

1. Before the use and development commences an amended Farm Plan needs to be provided. When approved, the plan will be endorsed and will then form part of the permit. The amended plan must be generally in accordance with the plan submitted but modified to include the following requirements:

a) Removal of the studio which is to be used for as one of the cabins.

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority. All buildings shall be located clear of any easements or water and sewer mains/septic tank and effluent lines.

Section 173 Agreement:

3. Before the use and development commences the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority that:

a) The cabins approved under PA2015154 are only to be used for short term accommodation with a maximum stay of 14 days and cannot be used for the purpose of permanent dwellings.

b) The owner must be aware that the surrounding land is used for agricultural purposes and acknowledges that farming activities on adjoining land may have limited amenity impact on the group accommodation.

Before a Certificate of Occupancy is issued for the group accommodation, application must be made to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act and the owner must provide evidence of that registration of the Agreement to the Responsible Authority.

The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

Use:

4. The cabins may only be used for the purpose of tourist accommodation. Bookings may only be for a maximum of 14 days. The permit holder must maintain records of occupation and provide these records for inspection at the request of the Responsible Authority.

5. No more than two cabins may be used for group accommodation.

Material and colour:

6. All external walls of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.

Environmental Health:

7. A permit to install an onsite wastewater management system must be submitted to Environmental Health.
8. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Ballarat Soil Testing, dated December 18 2014 are to be strictly adhered to.
9. All setback distances must be adhered to, 60 meters from a dam and 100 meters from a potable water supply catchment.
10. Once the cabins are installed, owners will need to register the cabins under the Public Health and Wellbeing Regulations 2009. Please advise to contact Environmental Health.

Infrastructure:

11. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
12. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
13. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
14. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Country Fire Authority:

15. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Bushfire Management Plan:

16. Before the development starts, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Defendable Space:

- a) Show an area of defendable space for a distance of 21m around the proposed building/or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction Standards:

- b) Nominate a minimum Bushfire Attack Level of BAL – 29 that the building will be designed and constructed.

Water Supply:

- c) Show 10,000 litres per cabin (or 20,000lts combined) of effective water supply for firefighting purposes which meets the following requirements:
- Is stored in an above ground water tank constructed of concrete or metal.
 - All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.

The water supply must also:

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access:

- d) Show the access for firefighting purposes which meets the following requirements:
- Curves must have a minimum inner radius of 10m.
 - The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - Have a minimum trafficable width of 3.5m of all- weather construction.
 - Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
 - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Permit Expiry:

17. This permit will expire if one of the following circumstances applies:

- a) The development and the use are not started within two years of the date of this permit; or
- b) The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the *Planning and Environment Act 1987*.

Permit Note - Environmental Health:

A permit to install an onsite waste water management system must be submitted to Environmental Health.

Permit Note:

CFA:

In consideration of the substantial bushfire behaviour that could impact this site on a significant fire day and to complement the protection being provided by the required defendable space, the CFA strongly recommend that:

- The understory vegetation on the property that is outside of the required defendable space continues to be managed in a minimum fuel condition. Particularly during the fire danger period; and
- The dwelling be designed to reduce the impact of fire induced winds in excess of 120km/hr.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 27 November, 2015

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Satwinder Sandhu, General Manager Growth & Development and Robert Fillisch, Acting Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

DATE OF NEXT MEETING

Wednesday 10 February, 2016
4.00pm
Council Chambers, Ballan
15 Stead Street, Ballan

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 6:48 pm.



MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 10 February, 2016
Council Chambers, Ballan
15 Stead Street, Ballan
4.00pm

MEETING OPENING

Satwinder Sandhu welcomed all and opened the meeting at 4:05pm.

ATTENDANCE

Cr. John Spain (proxy)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik (Chair)	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Robert Fillisch	Acting Manager Statutory Planning
Mr. Mark Lovell	Senior Statutory Planning Officer
Mr. Thomas Tonkin	Statutory Planner Officer
Mr. Roger Cooper	Statutory Planning Officer
Ms. Victoria Mack	Statutory Planning Officer
Ms. Judy Lotz	Minute Taker

APOLOGIES

Cr. Allan Comrie (Mayor)	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward

MEETING CHAIR

In the absence of Councillor Edwards as the chair, Councillor Dudzik was nominated as interim chair of the S86 Development Assessment Committee.

CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Spain

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 9 December, 2015 be confirmed as a true and correct record.

CARRIED.

CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

GROWTH & DEVELOPMENT REPORTS

ITEM 4.1 – PLANNING PERMIT APPLICATION 2015 203; 52 GISBORNE ROAD, BACCHUS MARSH

PA2015 203 - Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre, located at 52 Gisborne Road, Bacchus Marsh

Application Summary:	
Permit No:	PA2015203
Lodgement Date:	7 September 2015
Planning Officer:	Roger Cooper
Address of the land:	Lot 2 on PS 017027 52 Gisborne Road, Bacchus Marsh.
Proposal:	Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre
Lot size:	755m2
Why is a permit required?	Clause 52.05-9 for a business identification sign. Clause 52.07 waiver of vehicle loading facilities Clause 52.29 alter access to a road in a road zone, category 1. Clause 52.34-2 waiver of bicycle facilities

Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	Four (4)
Consultation meeting:	Held Tuesday 12 January, 2016
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Roger Cooper</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes
Any issues raised in referral responses?	None
Preliminary Concerns?	None
Any discussions with applicant regarding concerns	N/A

Any changes made to the application since being lodged?	Nil
VCAT history?	Nil
Previous applications for the site?	None
Summary Recommendation:	
That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre at Lot 2 on PS 017027 known as 52 Gisborne Road, Bacchus Marsh.	

Background

None.

Public Notice

The application was notified to adjoining and surrounding landowners.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
<p>Traffic/car parking:</p> <ul style="list-style-type: none"> Added congestion on Gisborne Road and local streets No space on Gisborne Road for turning lanes Safety concerns for pedestrians and cyclists on Gisborne Road Wider crossover reduces on street parking Car parks on site are too narrow Setback of car park to Gisborne Road is non-compliant Business identification sign obscures driver views 	Clause 52.06 Car parking
<p>Officer's response –</p> <p>Gisborne Road is a road zone category 1 with a constant flow of traffic and this location is also popular with pedestrians. The application was referred to VicRoads and Council's Infrastructure Department for comment on traffic, vehicle movement and car parking, with no issues raised. Construction of the proposed car parking area is to the specifications and requirements of Clause 52.06. The site is within a few hundred metres of where the proposed Bunnings development drew resident concerns about additional traffic flows. The proposed development does not require a permit for the use of the land for a medical centre and the associated traffic flows are expected to be insignificant compared to a Bunnings development.</p>	
Dwelling to be demolished has heritage significance	Nil

Officer's response –	
The dwelling was considered as part of the heritage study amendment C6, as it may have been a former CSR staff house. The 2013 panel report found 'there is no evidence to suggest that 52 Gisborne Road is a CSR house' therefore applying a heritage overlay was not considered necessary. There are no planning controls on the land for heritage protection.	
Commercial building in a residential area will have nuisance lighting	Nil
Officer's response –	
A condition of any permit issued will be the building's internal lighting be baffled and pointed away from adjoining properties.	
Open frontage/deep setback will attract trespassers through to adjoining properties	Nil
Officer's response –	
Secure side fencing and security lighting will be recommended as conditions on any permit issued.	
Commercial development in this residential part of Gisborne Road is not in keeping with the 'country feel'	
Officer's response –	
The planning controls affecting this land do not apply to the use and are limited to minor works. Use of the land for a medical centre does not require a permit subject to conditions in the General Residential Zone. The building itself generally looks like a dwelling and the works associated with the use that may be unusual in a residential area are the front carpark and business sign, for which only the business sign needs a permit. Officers support the car park in the front of the site because it will encourage visitors to park off street and there are safety concerns for pedestrians where cars are passing an entry to the building.	
Approval will change the character of the area and could lead to a proliferation of commercial developments in Gisborne Road	
Officer's response –	
The planning controls affecting this land do not apply to the proposed use and are limited to minor works, of which any effect on the neighbourhood can generally be mitigated by permit conditions. Commercial development in the residential zones is prohibited and use of the land for a medical centre without a permit can only occur subject to strict conditions e.g. limited floor space, access from a main road, on site car parking.	
There will be more vehicle trips to the site (i.e. unscheduled visits, emergencies, deliveries, etc.) than shown in the application	
Officer's response –	
Officers discussed the requirement of a traffic report to be provided for referral authorities, however as there is no permit trigger for the use and all required car parking is to be provided on site, it was considered unnecessary. VicRoads has consented to the application only concerned the crossover is to be constructed to standard.	

Proposal

- It proposed to construct a single storey medical centre (dental clinic) to be occupied by two practitioners.
- The medical centre/dental clinic will contain four consultation rooms (only two to be used concurrently), reception, waiting room, office, sterilisation room, X-ray room, staff room, store rooms, toilets.
- Hours of operation are 8:00am to 5:00pm Monday-Friday.
- The building will be setback 20.6 metres from the street frontage, setback 1.5 metres from the northern side boundary, setback 4.12 metres from the eastern rear side boundary and setback 1.57 metres from the southern side boundary.
- The building will have a height of 3 metres to the eaves.
- The building will be comprised of a mixture of external materials such as brick wall cladding, aluminium windows, featured matrix cladding, steel beams and concrete tile roof.
- Provision of 11 car spaces including one dedicated disabled persons space.
- There is one existing single crossover which will be replaced with one double concrete crossover 5.5 metres wide to the western property boundary providing access for two way vehicle traffic.
- There will be one business identification sign 1.2 metres wide by 2 metres high showing the business name and address that is not proposed to be illuminated.
- Indicative landscaping is predominately shrubs and groundcovers around the car parking area with provision for a few canopy trees.

Refer to attachment 1 for development plans.

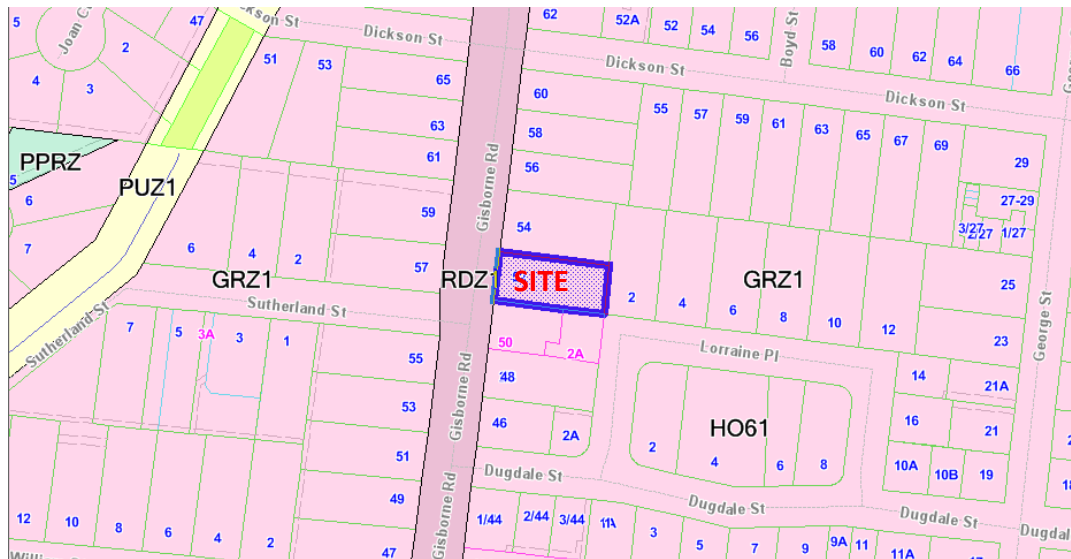
Site Description

- The subject site contains an existing dwelling on the northern side and a garage on the southern side. The topography is relatively flat. The site has a frontage to Gisborne Road, which is a road zone category 1.
- The site is located within a General Residential Zone 1 under the Moorabool Planning Scheme.
- Surrounding development is predominantly dwellings, however 49 Gisborne Road (80 metres south-west) is operating as a medical centre; 83 Gisborne Road (300 metres north-west) has a permit for a dental clinic and 91 Gisborne Road (350 metres north-west) is currently operating as an alternative health centre.



Locality Map

The site below indicates the location of the subject site and the zoning applicable to the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.05-2 Melbourne's hinterland areas.
- Clause 11.06-2 A diversified economy.
- Clause 13.04-1 Noise abatement.
- Clause 17.01-1 Business.
- Clause 18.02-5 Car Parking.
- Clause 21.04-3 Commerce.
- Clause 21.07 Bacchus Marsh.

Zone

The site is located in a General Residential Zone 1 (GRZ1) under the Moorabool Planning Scheme. The purpose of the GRZ1 is:

- 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 nonresidential uses to serve local community needs in appropriate locations.

Pursuant to section 1, the use for a medical centre/dental clinic does not require a permit provided it complies with the following conditions:

- The gross floor area of all buildings must not exceed 250 square metres.
- Must not require a permit under clause 52.06-3 (Car parking).
- The site must adjoin, or have access to, a road in a Road Zone.

The land is also adjacent to a road in a Road Zone, Category 1.

Overlays

There are no overlays at present.

Particular Provisions

Clause 52.05 Advertising Signs

Signage controls in General Residential Zone are covered by Clause 52.05-9 which has the purpose:

- To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

A permit is required for a business identification sign in a high amenity area.

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
 - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
 - The cumulative impact of signs on the character of an area or
 - The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
 - The potential to obscure or compromise important views from the public realm.
 - The potential to dominate the skyline.
 - The potential to impact on the quality of significant public views
 - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
 - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
 - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
 - The ability to screen unsightly built or other elements.
 - The ability to reduce the number of signs by rationalising or simplifying signs.
 - The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
- The extent to which associated structures integrate with the sign. The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- The impact of any illumination:
 - The impact of glare and illumination on the safety of pedestrians and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
 - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
 - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
 - The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.
 - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
 - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
 - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
 - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
 - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
 - Is within 100 metres of a rural railway crossing.
 - Has insufficient clearance from vehicles on the carriageway. Could mislead drivers or be mistaken as an instruction to drivers.

Clause 52.06 Car Parking

Under Clause 52.06-5 of the Moorabool Planning Scheme a medical centre requires 5 spaces to the first person providing health services plus 3 spaces to every other person providing health services.

The applicant has provided 11 car spaces which exceeds the minimum requirement of 8 car spaces under this Clause. The car space dimensions and minimum accessway widths are in accordance with Clause 52.06-8. No permit is required for car parking.

Clause 52.07 Loading and Unloading of Vehicles

The purpose of this provision is:

To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

A permit may be granted to reduce or waive these requirements if either:

- The land area is insufficient.
- Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Clause 52.29 Land Adjacent to a Road Zone

The purpose of this provision is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

A permit is required to create or alter access to a road in a Road Zone, Category 1.

Clause 52.34 Bicycle Facilities

The purpose of this provision is:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Under Clause 52.34-3, a medical centre requires 1 to each 8 practitioners and 1 to each 4 patients which equates to a total bicycle requirement of 1 space.

Discussion

Strategic justification

The proposed works allow for the establishment of a medical centre in a well serviced residential area which is consistent with broad objectives of the State Planning Policy Framework and the Local Planning Policy Framework to promote business activity in residential areas where appropriate.

Use (no permit required)

The use meets the conditions imposed under section 1 for a medical centre in the General Residential Zone.

Built Form (no permit required)

The external design adopts a combination of post war and contemporary features such as pitched roofing, mixed external materials and finishes befitting an established residential area. These building features will generally blend the development in among surrounding residences.

Car parking (no permit required)

The proposal provides adequate on site car parking and subject to permit conditions can enhance safety and assist with smooth traffic flows.

Medical centres attract a constant but low volume stream of vehicular traffic and the proposed car parking area with its deep frontage, absence of fencing and double crossover limits the potential for conflict with pedestrians.

Access from Gisborne Road

The proposed alterations to access have received consent from the two referral authorities and subject to conditions can be constructed to maximise driver and pedestrian safety to/from the site.

Bicycle facilities

The proposed building and secure open space to the rear provides adequate space for parking of practitioner and patient bikes if required. The applicant does not intend to provide a bicycle facility in accordance with this Clause.

Loading bay

No loading bay has been provided and a permit is required to waive the facility. The proposed medical centre is only expected to generate low demand for loading and unloading of light vehicles and there is room on the site to park a light commercial vehicle.

Signage

There will be one business identification sign 1.2 metres wide by 2 metres high showing the business name and address that is not illuminated. The sign is not perceived to restrict driver views into/out of the site or impose unreasonable amenity impact on the surrounding residential area.

Landscaping (no permit required)

The proposal demonstrates that there is ample room on the site for attractive landscaping to accompany the development. Submission of an appropriate landscape plan is recommended as a condition of any permit issued.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
VicRoads	No objection subject to one condition regarding construction of the access.
Infrastructure	Approval subject to conditions

Financial Implications

There are no financial implications.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds of adversely affecting the amenity of nearby residential properties, access points affecting traffic flow, business identification signage in a residential area and not in keeping with the streetscape character.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

The proposal for display of a business sign, alteration of access to a Road Zone Category 1 and a waiver of bicycle and loading facilities associated with a medical centre generally complies with Moorabool Planning Scheme. Permit conditions will be required to soften the proposal's impact on local amenity and the development can be improved through the provision of amended plans.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Spain

That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for PA2015 203; Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre, 52 Gisborne Road, Bacchus Marsh, subject to the following conditions:

Amended plans:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - a) Security lighting from the building towards Gisborne Road which is located designed and baffled so as to prevent any adverse effects on adjoining land.
 - b) Secure fencing on the north and south of the building to deter anyone from entering the rear of the property other than through the front door. A side gate may be permitted but must be lockable from both sides to the satisfaction of the responsible authority.
 - c) A mail box located in the landscaped area between the carpark and the footpath. The dimensions, placement and numbering of the mail box must comply with the Australia Post - General Post Guide 2004 (Point G4.3) as published on its web site to the satisfaction of the responsible authority.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Landscape plan:

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:
 - a) Details of surface finishes of pathways and driveways;
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - c) Landscaping and planting within all open areas of the site;
 - d) A minimum of three canopy trees (minimum two metres tall when planted) between the building and the street frontage;

All species selected must be to the satisfaction of the responsible authority.

Use:

3. Except with the further written consent of the responsible authority, not more than two (2) medical practitioners/dentists may operate from the premises at any one time.

4. Except with the further written consent of the responsible authority, the hours of operation of the use hereby permitted shall be limited to 8:00am to 5:00pm Monday to Friday.

Amenity:

5. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - 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, waste water, waste products, grit or oil;
 - d) Presence of vermin; or
 - e) Any other way.
6. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'
7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
9. Any security alarm or similar device installed must be of a silent type.
10. Waste materials must be securely stored inside the building.
11. All car parking spaces must be designed to allow vehicles to turn and drive forwards when existing the site.
12. All disused or redundant vehicle crossovers must be removed and the area reinstated to kerb, channel and nature strip to the satisfaction of the responsible authority.

Infrastructure:

13. A standard urban double vehicle crossing must be provided on Gisborne Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
14. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
15. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.

16. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
17. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property
18. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
19. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - b) Designated loading areas shall be shown on layout plans.
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
20. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Landscaping:

21. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
22. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Signage:

23. The location, design, content, colours and materials of the approved advertising sign must not be altered without the written consent of the Responsible Authority.
24. The advertising sign must be not contain any moving parts or flashing lights.

VicRoads:

25. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

Permit expiry:

26. 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Monday 25 January, 2016

CARRIED.

ITEM 4.2 – PLANNING PERMIT APPLICATION 2015 205; 70 ATKINSON STREET, BALLAN

PA2015 205 - Development of four (4) Dwellings and Removal of Vegetation on Lot 1 on TP 231842W, 70 Atkinson Street, Ballan

Application Summary:	
Permit No:	PA2015 205
Lodgement Date:	8 September, 2015
Planning Officer:	Roger Cooper
Address of the land:	Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342
Proposal:	Development of four (4) dwellings and removal of vegetation
Lot size:	1,011 sqm
Why is a permit required	Clause 32.08-2 – General Residential Zone – to construct more than one dwelling on a lot. Clause 42.01-2 Environmental Significance Overlay – to remove vegetation.
Restrictions registered on title	Nil.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties:	Ten (10)

Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	Two (2)
Consultation meeting:	26 November, 2015 Attended by the applicant, the land owner and one objector
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Roger Cooper</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred to Central Highlands Water, Melbourne Water, Southern Rural Water, Western Water and internally to Council's Infrastructure Department.
Any issues raised in referral responses?	Central Highlands Water require a 3.0 metre easement (minimum width) over the Sewer main located on the Eastern Boundary. This affects the building line of proposed dwelling 4 (currently setback 1.44 metres), which will require an amended setback by a condition of any permit issued.
Preliminary Concerns?	The officer sought further information from the applicant to demonstrate how the proposed multi-unit development is in keeping with the existing neighbourhood character and/or contributes to a preferred neighbourhood character. Vehicle turning templates for four dwellings were also required to be shown on the

	design response, as the development must allow all vehicles to exit the site in a forward direction.
Any discussions with applicant regarding concerns	Further information in the form of an amended ResCode submission and development plans were requested via Section 54 of the Planning and Environment Act 1987.
Any changes made to the application since being lodged?	The amended plans/submission were included in public notice of the application.
VCAT history?	None
Previous applications for the site?	Nil
General summary?	<p>The proposal is for development of four (4) dwellings and removal of vegetation on a lot in a well serviced suburban area of Ballan.</p> <p>The proposal results in an increase in housing choice, more diverse and affordable housing in an area of Ballan close to the train station and within walking distance of the town's core commercial area.</p> <p>Surrounding streets are generally characterised by detached single storey post war homes in rows, consistent front and side setbacks, mature vegetation above roof lines and one vehicular crossover. The proposed layout is for two post war imitation weatherboard dwellings to front Atkinson Street, screening another two at the rear with a shared vehicular crossover in the middle and room for canopy landscaping. The proposal generally maintains a front and one side setback consistent with the established neighbourhood character, however results in an increase in dwelling density in a preferred urban location.</p> <p>Two objectors have raised concerns the proposed density and built form results in an overdevelopment/is not in keeping with the existing neighbourhood character, does not maintain setbacks consistent with the established neighbourhood, does not provide adequate car parking and has minimal opportunity for appropriate landscaping.</p> <p>Officers believe while the proposal results in a more intense dwelling density on a lot of 1,100m², it is compliant with the objectives and standards (with minor modifications) of ResCode, therefore does not differ greatly from the existing neighbourhood character.</p> <p>The application is worthy of support subject to applying the permit conditions recommended in this report.</p>
Summary Recommendation:	
It is recommended that Council issue a Notice of Decision to Grant a permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.	

Public Notice

The original application was advertised to adjoining and nearby landowners by mail on 29 September, 2015 and a sign placed on site from 13 to 27 October, 2015. Two (2) objections were received.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Does not respect the established neighbourhood character (country town setting).	Purposes of Clause 32.08 General Residential Zone Clause 55.02-1 Neighbourhood character
<p>Officer's response -</p> <p>A 2000 ResCode Advisory Committee Report defines neighbourhood character by built form in the context of its surroundings, vegetation and topographic characteristics, distinctive physical features. Consistent interpretation of neighbourhood character at VCAT is it is <i>not</i> related to dwelling density. The established neighbourhood character streetscapes of Ballan is rows of consistent front setbacks (6-10 metres on average), single or double fronted single storey/low rise built form, one wall on or within 1.5 metres of a side boundary, mature vegetation above roof lines and a singular vehicle crossovers. The proposed built form is two single fronted single storey dwellings, ResCode compliant 5 metre front setback, 1.35-1.44 metre side setbacks on both external boundaries, front and rear landscaping and a single shared vehicular crossover. These are generally consistent with the existing built form.</p>	
Does not meet the objectives of Clause 55.02-1 Neighbourhood Character.	Clause 55.02-1 Neighbourhood character
<p>Officer's response -</p> <p>The objectives of Clause 55.02-1 Neighbourhood character are:</p> <p><i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i></p> <p><i>To ensure that development responds to the features of the site and the surrounding area.</i></p> <p>While the proposal results in a higher dwelling density, it draws on a number of similarities with the surrounding built form including single fronted single storey façades, ResCode compliant front and side setbacks, appropriate landscaping and single shared vehicular crossover. Officers consider the design response to be generally in keeping with the existing neighbourhood character and responds to the features of the site/surrounds.</p>	
17m wide built form on north (rear) elevation is inappropriate.	Clause 55.02-1 Neighbourhood character Clause 55.04-1 Side and rear setbacks objective
<p>Officer's response -</p> <p>This objection was raised at the consultation meeting in November and relates to the roof line of the semi-detached mirror image rear dwellings. The rear walls are setback by around 500mm for a verandah, however applicant has agreed to submit amended plans with a break in roofline/improved articulation of the north elevations.</p>	
1.5m side setbacks to east and west cannot have meaningful landscaping.	Clause 55.303-8 Landscaping objectives

Officer's response -	
The proposal has side setbacks of between 1.35-1.44 metres, which is not unusual for this suburban part of Ballan, however the intensity of the proposal dictates the side setbacks apply to both external boundaries. The setbacks make planting canopy trees along the side boundaries virtually impossible, however the development does leave space for new canopy trees in the private open spaces of each dwelling. This requirement can be made a condition of permit.	
Walls on boundaries are a foreign element in Ballan.	Clause 55.02-1 Neighbourhood character Clause 55.04-2 Walls on boundaries objective
Officer's response -	
The proposal has garage walls on boundaries on both sides which is unusual for Ballan. This is due to the nature of the proposal with two units either side of a central driveway. The walls on boundaries meet the standard for what is acceptable and Officers requested the four garages be attached together internally to increase the area of north facing private open space for the front two dwellings.	
Dwellings encroach on adjoining private open space.	Clause 55.02-1 Neighbourhood character
Officer's response -	
The increased dwelling density does result in secluded private open spaces (SPOS) of the proposed and up to six neighbouring dwellings being closer together. ResCode does not have objectives and standards to assess encroachment of SPOS, however this could be considered part of the neighbourhood character objective. Controlled Ballan urban area infill development is inevitable and increasing the stock of more diverse and affordable housing will result in some smaller more intimate and lower maintenance private gardens. This appeals to some residents who wish to downsize from a larger property.	
Substantial increase in density versus surrounding pattern of development.	Clause 55.02-1 Neighbourhood character
Officer's response -	
Consistent interpretation of neighbourhood character at VCAT is it is <i>not</i> related to dwelling density. The proposal results in a threefold increase in dwelling density, however does provide more diverse and affordable infill housing in an urban area of Ballan with all services and public transport available.	
Only one car park per dwelling provided which will inadequately service parking needs, particularly where the 'study' is modified for use as a bedroom.	Clause 52.06 Car parking
Officer's response -	
The car parking requirements for a two bedroom dwelling under the Moorabool Planning Scheme (Clause 52.06 Car parking) is one space; and each dwelling has been provided with a single car garage. The objection is that the 'study' in each dwelling only needs one wall added for it to be considered a bedroom and therefore the planning scheme triggers the need for a second car space for each dwelling. This objection was raised at the consultation meeting in November and it was agreed by all parties some modifications to the studies i.e. modifying another wall could overcome this perception. Appropriate modifications to the studies by condition of permit are recommended.	
Cars reversing from garages 3 & 4 will collide with the wall of bedroom one of these dwellings.	Clause 52.06 Car parking

Officer's response -	
The plans available for public notice show turning templates where cars reversing from garages 3 & 4 towards bedroom 1 of these dwellings are inside the bedrooms. This is a computer error as cars have room to reverse within the common property driveway drive back towards the garages then pull towards the central driveway and safely exit in a forward direction.	
Car parking provision does not adequately cover the needs of residents in a car dependent community like Ballan. The streets should not have to absorb the extra cars and on street parking is too far from the rear two dwellings.	Clause 52.06 Car parking
Officer's response -	
In accordance with Clause 52.06 Car parking of the Moorabool Planning Scheme, adequate car parking for the development is provided on site. Relocating the single crossover to the centre of the site does not alter the possibility for two cars to park in front of the site on Atkinson Street.	
Secluded POS for dwelling's 1 & 2 does not comply with the objective for solar access.	Clause 55.05-5 Solar access to open space objective
Officer's response -	
The standard at Clause 55.05-5 Solar access to open space objective requires at least a setback of 4.88 meters be provided for the private open spaces of dwelling's 1 & 2. Relative to the size and scale of the proposal, the objective of Clause 55.05-5 is met.	
Lack of separation between habitable room windows abutting the access way.	Clause 55.03-10 Parking location objectives
Officer's response -	
In accordance with the Scheme, shared access ways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where window sills are at least 1.4 metres above the access way. The development generally complies with the standard, as the habitable room windows of dwelling's 1 & 2 are at least 1.4 metres above the access way. A condition of any permit issued is the bedroom 1 windows of dwelling's 3 & 4 should also comply with this standard. Relative to the size and scale of the proposal, the objective of Clause 55.03-10 is met.	
Location of study walls next to garage entries (dwelling's 3 & 4).	Nil
Officer's response -	
In accordance with the changes to studies recommended above, the external walls of dwelling's 3 & 4 for the studies adjoining the garage can be setback 500mm to articulate the development, improve natural light to a habitable room and reduce the study's capacity to be used as a bedroom by a condition of any permit issued.	
Porches abutting a common driveway.	Nil
Officer's response -	
Relative to the size and scale of the proposal, this design outcome is not contrary to any objective of ResCode.	
Dwellings are weatherboard not brick.	Clause 55.02-1 Neighbourhood character

Officer's response - Weatherboard clad dwellings are relatively common across the Ballan urban area and there is no requirement in the Moorabool Planning Scheme for the dwellings to be clad in brick.	
Minimal landscaping and open spaces for landscaping provision.	Clause 55.303-8 Landscaping objectives
Officer's response - A landscape plan with provision for new canopy trees is recommended as a condition of any permit issued.	
Large area of hard surface driveway.	Clause 55.02-1 Neighbourhood character Clause 55.03-4 Permeability objectives
Officer's response - Relative to the size and scale of the proposal, an access way of this nature is required. The standard for permeable surfaces at Clause 55.03-4 is at least 20% and the proposed development has 35% permeable surfaces, therefore the objective is met.	

Proposal

It is proposed to develop four (4) dwellings and remove vegetation at 70 Atkinson Street, Ballan.

Detached dwelling 1 would be constructed towards the south-west (front) corner of the lot with a 5 metre street setback and consist of two bedrooms, unenclosed study, open plan kitchen/meals area, separate laundry, bathroom, toilet, north facing verandah and detached single garage. The dwelling has an area of 56m² of north facing secluded private open space with a minimum dimension of 4.88 metres. The minimum side setback is 1.35 metres and there is provision for landscaping in the front and rear setbacks.

Detached dwelling 2 is a mirror image of dwelling 1 would be constructed towards the south-east corner of the lot.

Semi detached dwelling 3 would be constructed towards the north-west (rear) corner of the lot and consist of two bedrooms, unenclosed study, spacious open plan kitchen/meals area, separate laundry, bathroom, toilet, north facing verandah and attached single garage. The dwelling has an area of 73m² of north facing secluded private open space with a min. dimension of 5.49 metres. Minimum side setback is 1.35 metres and there is provision for landscaping in rear setback.

Semidetached dwelling 4 is a mirror image of dwelling 3 dwelling towards the north-east corner of the lot with 75m² of secluded private open space. Due to a sewerage easement requirement by Central Highlands Water, the proposed 1.44 metre east setback must be increased to at least 3 metres by condition of permit.

Shared access to the dwellings is provided by a single crossover towards the centre of the south boundary from Atkinson Street adjoining a 3 metre wide access way to the four garages at the rear of the site. The proposal has two adjoining garage walls on boundaries and two garage walls sharing an internal boundary, which all comply with ResCode requirements.

The maximum height of the proposed single storey dwellings to roof peak is 5.10 metres; site coverage is stated to be 49% and permeability is at 35%.

The dwellings would be of a modern post-war design, constructed of weatherboard cladding with a hipped Colorbond roof generally in keeping with some surrounding dwellings.

Major reticulated services are available to the site.

The vegetation proposed to be removed are four exotic trees/shrubs ranging in size but not considered significant to in the context of the site or surrounding area. Consent for their removal is required from the water authorities, in accordance with Clause 42.01-2 of the Environmental Significance Overlay.

The proposed development plans are included at Attachment 1.

Site Description

The land is known as Lot 1 on TP 231842W, on the northern side of Atkinson Street, Ballan. It is currently cleared including all vegetation and a detached dwelling previously on the land. Atkinson Street is a local road towards the bottom of the Ballan township traversing from almost the end of the urban area in the east to the west. The nearest intersection is Stead Street approximately 50 metres to the east. A single gravel crossover exists from Atkinson Street towards the south-west corner of the site.

Surrounding development is predominantly single detached dwellings with a small number of multi-unit developments. Land to the south of Atkinson Street is in the Public Use Zone including the Ballan Railway Station as part of the Ballarat to Melbourne railway line.

The site is rectangular in shape with the following dimensions:

- A south street frontage of 20.12 metres
- An east side boundary of 50.29 metres
- A north rear boundary of 20.12 metres
- A west side boundary of 50.29 metres
- Overall site area of 1,011m²

There are no easements registered on the title to the property.

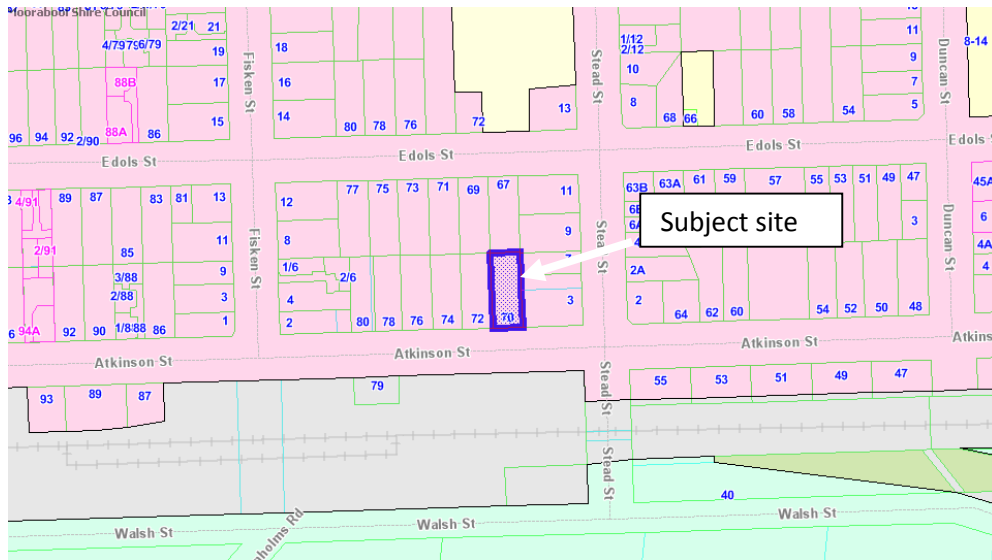
The subject site is in the General Residential Zone with an Environmental Significance Overlay Schedule 1, however reticulated sewerage is available in the township.



The site is within walking distance of the commercial core of Ballan (500 metres), Ballan train station (50 metres), Ballan Primary School (500 metres); and 3.5km drive of the Western Freeway providing express access to Ballarat and Melbourne.

Locality Map

The map below shows the location of the subject site and the zoning of the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11 – Settlement
- 11.05-2 – Melbourne’s hinterland areas
- 11.06-1 – Planning for growth
- 15.01-5 – Cultural identity and neighbourhood character
- 16.01-1 – Integrated housing
- 16.01-2 – Location of residential development
- 16.01-4 – Housing diversity
- 16.01-5 – Housing affordability
- 21.03-2 – Urban Growth Management
- 21.03-3 – Residential Development
- 21.03-4 – Landscape and Neighbourhood Character
- 21.08 – Ballan

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

General Residential Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

The purpose of the zone is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies:

- To 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 nonresidential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.08-4 of the General Residential Zone of the Moorabool Planning Scheme, a permit is required to construct more than one dwelling on a lot.

The development must meet the requirements of Clause 55 Two or More Dwellings on a Lot and Residential Buildings.

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- The objectives, standards and decision guidelines of Clause 55.

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

Overlays

The subject site is affected by the Environmental Significance Overlay – Schedule 1 (ESO1) at Clause 42.01 of the Moorabool Planning Scheme.

Pursuant to Clause 42.01-2, a permit is required to remove vegetation.

Relevant Policies

Council's Urban Growth Policy, 2012 forecasts Ballan will become home to up to 4,500 residents by 2041 and promotes well designed and located infill development.

"As unconstrained land in Bacchus Marsh becomes scarce Ballan and Gordon have the potential to accommodate further growth, which could absorb some of the pressure from Bacchus Marsh, and address the imbalance in growth, which is occurring in the municipality."

“The Ballan Structure Plan should plan for initial development pressure and have an indicative urban growth boundary to provide certainty to 2041.”

Council’s Ballan Structure Plan still in draft form nominates the subject site as being within the yellow ‘town centre infill’ area encouraging good urban design.

Particular Provisions

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being one space for each two (2) bedroom dwelling.

The minimum 3 metre width of the accessway meets the standard, as do the carport and garage dimensions under Clause 52.06-8 Design standards for car parking.

Clause 55 Two or more dwellings on a lot and residential buildings

Clause 55 provides objectives and standards for residential development of two or more dwellings on a lot. This clause requires the submission of detailed information. Residential development must meet all of the objectives and should meet all of the standards of this clause.

The proposal complies with ResCode (Clause 55) except for the following:

Clause/ResCode	Title	Response
55.02-1	Neighbourhood character objectives (side and rear setbacks)	The proposal has two side setbacks of under 1.5 metres with another two virtually against the common property accessway. The rear setbacks are also generally less than what are found in this part of Ballan, however they do comply with another part of ResCode at Clause 55.04-1. Given the other elements of neighbourhood character are generally compliant including architectural style, building height, room for canopy trees, single crossover, it is argued the objective is met. Some variation to neighbourhood character is expected from urban area development at higher densities.
55.03-10	Parking location objectives	The development generally complies with the standard with habitable room windows of dwelling’s 1 & 2 at least 1.4 metres above the accessway. A condition of any permit issued is the bedroom 1 windows of dwelling’s 3 & 4 should be at least 1.4 metres above the accessway to comply with this standard.

Discussion

Overall, the proposal is deemed to comply with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as regionally significant in terms of its role as a key service centre and location for increased population growth, partly due to high volume passenger road and rail links between Ballarat and Melbourne.

The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In the immediate area is dominated by single detached dwellings and the proposal would make a positive contribution by incremental change to housing choice and affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The established neighbourhood character streetscapes of Ballan is rows of consistent front setbacks (6-10 metres on average), single or double fronted single storey/low rise built form, one wall on or within 1.5 metres of a side boundary, mature vegetation above roof lines and a single vehicular crossover.

While the proposal results in a higher dwelling density, it draws on a number of similarities with the surrounding built form including single fronted single storey façades, ResCode compliant front and side setbacks, appropriate landscaping and single shared vehicular crossover. Officers consider the design response to be generally in keeping with the existing neighbourhood character and responding to the features of the site/surrounds. The proposal seeks a variation of side and rear setbacks to existing neighbourhood character. In the context of most other elements being compliant in this instance, the variation is considered appropriate.

Conditions of permit can deal with built form improvements such as better articulation of the north elevation roof/building line, modified studies and height of bedroom windows adjacent to an accessway.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in assessing this application.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Infrastructure	No objection subject to eleven (11) conditions
Central Highlands Water	No objection subject to four (4) conditions
Melbourne Water	No objection subject to one (1) condition
Southern Rural Water	No objection subject to two (2) conditions
Western Water	No objection no conditions

Financial Implications

The recommendation of an approval of this development would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this development does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application in the form of 10 letters to nearby property owners and one sign on site for a min. 14 days, in accordance with s.52 of the Planning and Environment Act 1987. Further correspondence is required to all interested parties to the application as a result of a decision in this matter.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposal is not appropriately responsive to the existing neighbourhood character.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the General Residential Zone, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Consideration of Deputations – Planning Permit Application No. 2015 205; Development of four (4) Dwellings at 70 Atkinson Street, Ballan.

Ms. Emily Bayliss addressed the S86 Development Assessment Committee in favour of granting a planning permit for the application.

Ms. Sivy Orr addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit PA2015 205 for the Development of four (4) Dwellings at 70 Atkinson Street Ballan, subject to the following conditions:

Endorsed Plans:

- 1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - a) The eastern building line of dwelling 4 to be setback by a minimum of 3.0 metres from the eastern boundary in accordance with Central Highlands Water's requirements for a sewer easement.**
 - b) A break in the continuous roof and/or building line on the north elevation;**
 - c) Dwelling 1 & 2's internal study wall removed or maximum length 1.0 metre;**

- d) Dwelling 3 & 4's study exterior wall facing the accessway and adjoining the front of the garage be setback 500mm and either the laundry made deeper or fixed shelving be notated at the back of the study;
- e) Sill level of south facing bedroom windows of dwelling's 3 & 4 raised to at least 1.4 metres above the accessway;
- f) Landscape plan in accordance with Condition 2.

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of occupation.

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Details of surface finishes of pathways and driveways;
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - c) Landscaping and planting within all open areas of the site;
 - d) One canopy tree (minimum two metres tall when planted) in the following areas (min. four in total): front setback of dwelling's 1 & 2; and rear setback of dwelling's 3 & 4.

All species selected must be to the satisfaction of the responsible authority.

Amenity:

3. The amenity of the area must not be detrimentally affected by the construction of the development until a Certificate of Occupancy is issued, through the:
 - 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, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) Any other way.
4. Any external lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
5. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise emanating from the site.
6. All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Landscape plans:

7. Before occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans required at Condition 2 of this permit must be carried out and completed to the satisfaction of the responsible authority.

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Infrastructure conditions:

9. A standard urban residential vehicle crossing must be provided on Atkinson Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
10. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 55.03-9 of the Planning Scheme.
11. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
 - a) The development as a whole must be self-draining.
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
 - c) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
12. A Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
13. The Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
14. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
15. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
16. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
17. The Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
18. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a) Location of vehicle crossings;
 - b) Details of the underground drainage;
 - c) Location of drainage legal points of discharge;

- d) Standard details for vehicle crossing and legal point of discharge; and
- e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Melbourne Water:

- 19. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Southern Rural Water:

- 20. The development must be connected to the town sewerage system approved drainage infrastructure.
- 21. Sediment control measures outlined in EPA's publication No 275, Sediment Pollution Control, shall be employed during construction works and maintained until the disturbed areas have been revegetated.

Central Highlands Water:

- 22. Reticulated sewerage facilities must be provided to each dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- 23. A reticulated water supply must be provided to each dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- 24. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- 25. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Expiry condition:

- 26. This permit will expire if one of the following circumstances applies:
 - a) The development and the use 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;

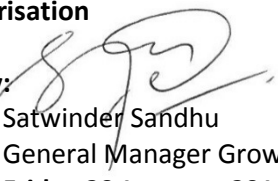
Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Permit Notes:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 262701.

Central Highlands Water require a 3.0 metre easement (minimum width) over the Sewer main located on the Eastern Boundary of the proposed dwelling number 4. Please contact Central Highlands Water Growth and Development Team for further information.

Report Authorisation

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 29 January, 2016

Resolution:

Moved: Cr. Tatchell
Seconded: Cr. Spain

That in line with the S86 Development Assessment Committee Terms of Reference, PA2015 205 Development of four (4) Dwellings at 70 Atkinson Street Ballan be deferred to a future Ordinary Meeting of Council for decision.

CARRIED.

ITEM 4.3 – PLANNING PERMIT APPLICATION 2015 207; 16 MOONGLOW CRES, MADDINGLEY

PA2015 207 - Application for the Development of three (3) dwellings on Lot 2 on PS728358V at 16 Moonglow Crescent, Maddingley

Application Summary:	
Permit No:	PA20152 07
Lodgement Date:	8 September 2015
Planning Officer:	Victoria Mack
Address of the land:	16 Moonglow Crescent, Maddingley Lot 2 on PS728358V
Proposal:	Development of three (3) dwellings
Lot size:	810sqm
Why is a permit required?	General Residential Zone – Schedule 1 - Construct two or more dwellings on a lot

Public Consultation:	
Was the application advertised?	Yes
Notices on site:	One (1) sign facing Moonglow Crescent.
Notice in Moorabool Newspaper:	No
Number of Objections:	Two (2)
Consultation meeting:	Yes
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Rob Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes.
Any issues raised in referral responses?	No.
Preliminary Concerns?	1. Inclusion of this lot and the adjacent lot to the east in the <i>Development Plan Overlay Schedule 3 - West Maddingley</i> , as the land is privately

	<p>owned and not part of the <i>Stonehill or Essence Estates</i>.</p> <p>2. ResCode objectives and standards.</p>
Any discussions with applicant regarding concerns	Yes, consultation with the applicant on ResCode issues.
Any changes made to the application since being lodged?	Yes, the plans have been modified to achieve the ResCode objectives and standards.
VCAT history?	None
Previous applications for the site?	PA2014224 – two lot subdivision; the subject land is Lot 2 of this subdivision.
General summary	
<p>The application is for 3 dwellings on the lot. During the assessment process the plans were modified to better achieve ResCode objectives and standards which included reducing dwelling 1 and 2 from 3 bedrooms to 2 bedrooms each, which in turn provided improved living space, greater solar efficiency and reduced the car space requirement to one car space for dwellings 1 and 2.</p> <p>The land is located in the south-east corner of the <i>Development Plan Overlay Schedule 3 (DPO3) – West Maddingley</i> and is also included in the West Maddingley Development Plan Part 1. However the land is in private ownership and is not part of the Stonehill or Essence Estates and is not a parcel listed in the Explanatory Report under planning scheme amendment C49 which created the DPO3, gazetted on 19 November 2009.</p> <p>The purpose of the DPO3 at Clause 43.04 of the Moorabool Planning Scheme is to:</p> <ul style="list-style-type: none"> • Identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land; and • Exempt an application from notice and review if it is generally in accordance with the development plan. <p>This created an issue with respect to advertising the application which under the provisions of Clause 43.04 Development Plan Overlay Schedule 3, an application is exempt from notice and review if it is <i>generally in accordance with the development plan</i> endorsed for West Maddingley.</p> <p>It is considered that the application is generally in accordance with the approved West Maddingley Development Plan Part 1, specifically that the use of the land is for residential and related purposes, which includes applications for ‘conventional and medium density residential’.</p> <p>The application was advertised because it was initially assessed as not being part of the West Maddingley precinct, meaning not a part of the <i>Stonehill or Essence Estates</i>.</p> <p>On balance it was considered that the application should be determined by Council, but that the objectors should be advised that they do not have review rights contained within Section 82(1) of the Planning and Environment Act 1987 in accordance with Clause 43.04-2 of the DPO3.</p>	
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Permit for the Development of three (3) dwellings at 16 Moonglow Crescent, Maddingley, otherwise known as Lot 2 on PS728358V subject to conditions.</p>	

Background

The subject allotment was created by the subdivision of land known as 60 Griffith Street and approved by permit No. 2014224 issued on 30 October 2014. Subdivision conditions required a standard urban residential vehicle crossing to be constructed to the new Lot 2 to be created on the west side of the land, but it was not specified as to whether the crossover was to be constructed to Griffith Street or Moonglow Crescent. The crossing was constructed to Moonglow Crescent.

A search of Council Records does not provide any guidance on why the parent title of the subject land (before the two lot subdivision) was included in the DPO3. The Planning Scheme Amendment C49 Explanatory Report does not list the parent title in the “land affected by the amendment”, but the land is included in all maps produced in relation to C49 which created the DPO3 and was gazetted on 19 November 2009.

The original application showed three dwellings with three bedrooms each with a number of ResCode standards not satisfactorily met. The applicant revised the layout plan by reducing the number of bedrooms in two dwellings to two each, reconfiguring the living spaces, enlarging windows to improve solar efficiency, and widening the crossovers to dwellings 1 and 2.

Public Notice

The application was advertised to adjoining and surrounding landowners with a sign being placed on the site for a period of 14 days.

Two objections were received.

In the later stages of the assessment, it was determined that due to the presence of DP03, comments could be considered by adjoining and owners but not as a formal objection which have appeal rights.

Summary of Objections (Comments)

The objections received are detailed below with officer’s comments accompanying them:

Objection	Any relevant requirements
<p>Proposal not in keeping with neighbourhood character which comprises single dwellings on a lot and is enforced by single dwelling covenants.</p> <p><i>Stonehill</i> Estate single dwelling covenant and design guidelines should apply to this development as in DPO3.</p> <p>Access to the land is via Stonehill and Essence Estate streets and the dwellings would front an Estate street, so the application appears to be part of the Stonehill Estate.</p>	ResCode
<p>Officer’s response –</p> <p>This property does not have a single dwelling covenant; and while the land is covered by the DPO3 is not a part of Stonehill or Essence Estates and as such the guidelines do not apply. Covenants are applied to land titles, usually at the point of sale, by developers, not by Council. The title shows access is possible from either Griffith Street or Moonglow crescent. Moonglow Crescent is a Council Road.</p>	

Parking location and lack of secure parking for some cars. Safety for children at end of 'dead end street'	ResCode
Officer's response – Two dwellings have been reduced to two bedrooms where 1 car space only is required in accordance with ResCode Standard and these spaces are within the garages. The three bedroom dwelling would have one tandem car space which is uncovered. Children should not be on the road at any time. Moonglow Crescent is not a dead end street. The proposal represents an increase in car spaces required to four. A single three bedroom dwelling would have two car spaces, so the increased number of car spaces for this development is two.	
Design detail – Single garages not visually compatible with the character of the area, where double garages are the norm. Identical facades are not permitted in the Stonehill Estate guidelines.	ResCode
Officer's response – Articulation between the dwelling frontage and garage frontage would create improved frontage to the street. The applicant has agreed to do this. The front setback could be reduced to 6.5m from 6.85m.	
Amenity impacts of 3 dwellings will reduce quiet way of life; increase noise.	
Officer's response – The residents of any dwelling in the immediate neighbourhood could impact on the amenity of the area.	
Neighbouring property values would be affected.	
Officer's response – VCAT has ruled in numerous cases that the impact of property values of a use or development are not a valid planning issue.	

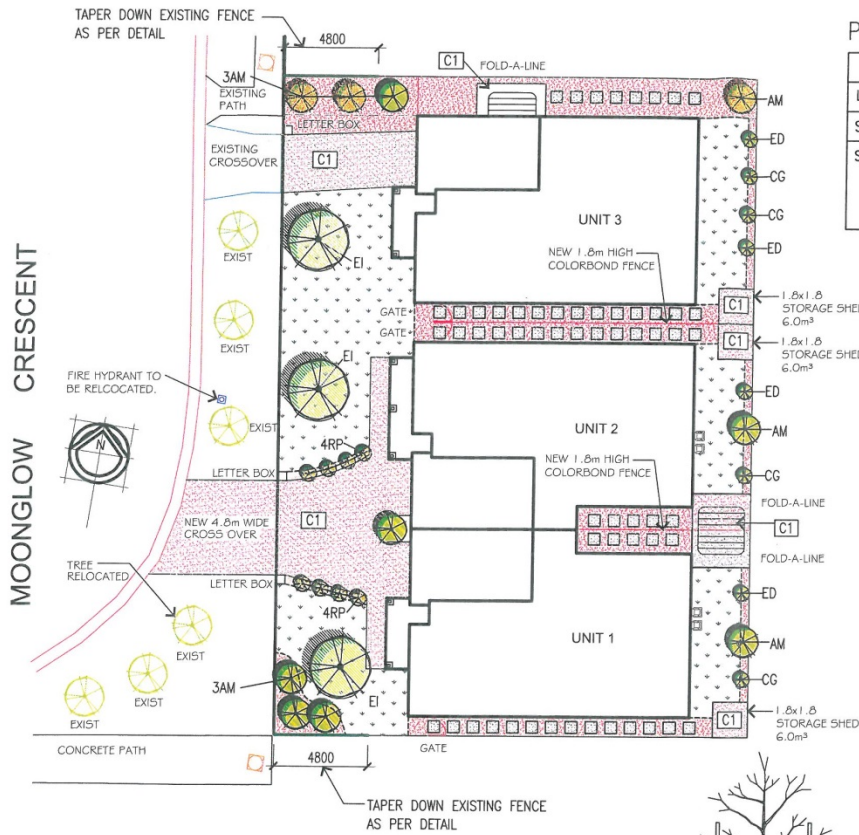
Proposal

It is proposed to construct three (3) single storey dwellings on the subject land, which has a total area of 810sqm. The dwellings would be constructed with face brick and with ColorBond® roofing. Dwelling 3 would have three bedrooms and dwellings 1 and 2 would have two bedrooms each. Two tandem car spaces would be provided for dwelling 3, with a one car space garage, and one car space for each of dwellings 1 and 2 also in a one car space garage.

The floor area of the dwellings would be as follows:

- Dwelling 1 (two bedrooms) - 133.43sqm
- Dwelling 2 (two bedrooms) - 135.34sqm
- Dwelling 3 (three bedrooms) - 140.55sqm.

The site plan, dwelling floor plans, dwelling elevations and landscape plan are included below:



PLANT LEGEND: MOORABOOL CITY COUNCIL

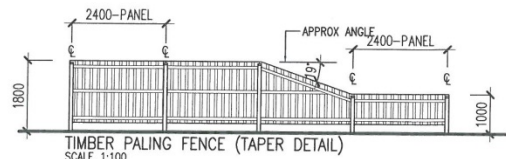
	Code	Plant Selection	Common Name	Height	Qty	Pot Size
Large Trees	EI	Eucalyptus leucoxylo	Yellow Gum	10-20m	3	200mm
Small Trees	AM	Acacia Melanoxylo	Blackwood	5-30m	9	500mm
Shrubs	RP	Goodenia Ovata	Hop Goodenia	1-2.5m	8	200mm
	ED	Eremophila Deserti	turkey Bush	1-3m	4	140mm
	CG	Correa Glabra	Rock Correa	1.0m	4	140mm

GRASSED AREAS:

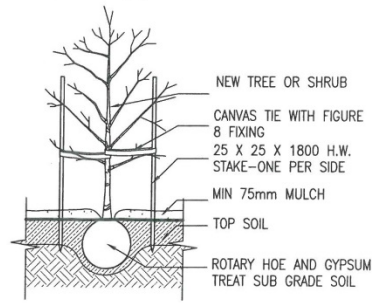
Prepare grassed areas as follows:
 Remove grass and other plants, stones, building debris etc.
 Cultivate top soils without bringing sub-soils to the surface.
 Build up levels where required with imported topsoil.
 Include lawn starter fertiliser such as Pivot NPK ratio 12:12:8 at the rate of 40 grams / m² raked into the prepared surface 50mm at the time of turfing.
 Turf with Strathyr blue-blend or similar approved.
 Newly laid areas shall be watered during laying and more thoroughly at the end of each day to saturate the soil to a depth of 75mm-100mm.
 Watering shall be at least daily for the first week.

LANDSCAPE NOTES:

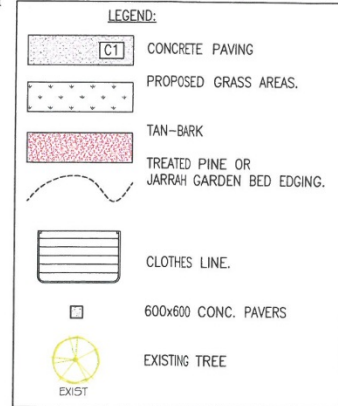
Prepare garden beds as follows:
 Remove grass and other plants, stones, buildings debris etc.
 Cultivate top soils without bringing sub-soils to the surface.
 Build up levels where required with imported topsoil.
 Water plants before planting.
 Backfill plant hole with imported topsoil.
 Include slow release fertiliser to the base of each plant hole prior to planting, e.g. 'Osmacote'.
 Mulch garden beds to a minimum depth of 75mm with shredded pine bark mulch.
 Treated pine or jarrah garden mesh secured to the paling fence at 800mm centres where climbers are indicated on the drawing.



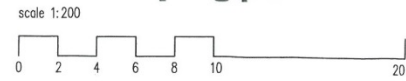
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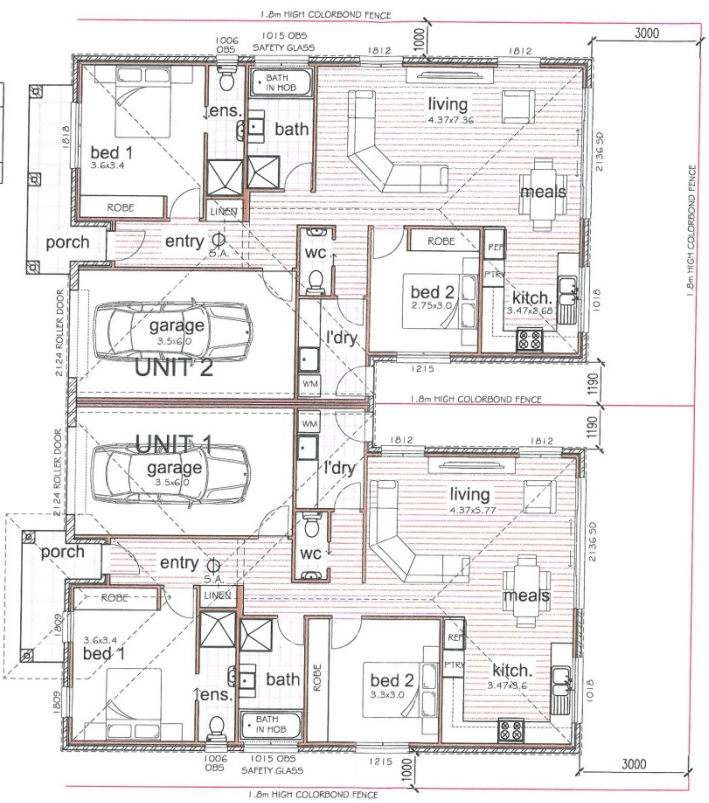
TREE PLANTING DETAIL



landscaping plan



AREAS	
residence:	105.29m ² (11.33sq)
garage:	22.85m ² (2.45sq)
porch:	7.20m ² (0.77sq)
total:	135.34m² (14.55sq)



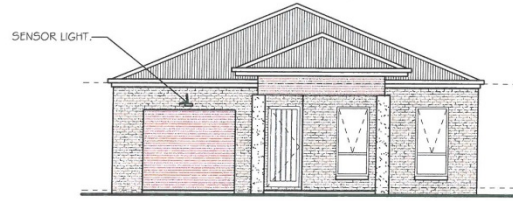
AREAS	
residence:	105.29m ² (11.33sq)
garage:	22.85m ² (2.45sq)
porch:	5.29m ² (0.57sq)
total:	133.43m² (14.35sq)

Unit 1 & 2 floor plans

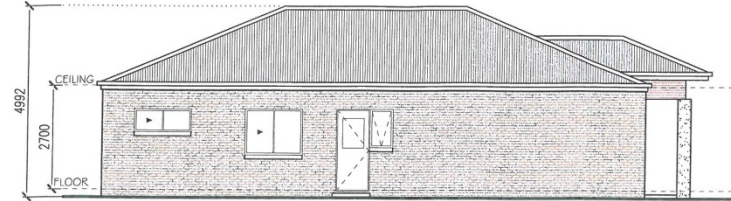
scale 1:100



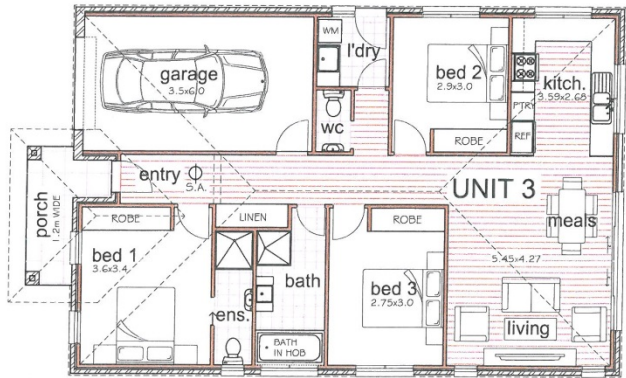
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west elevation



south elevation



floor plan

AREAS		
residence:	111.71m ²	(12.00sq)
garage:	23.54m ²	(2.53sq)
porch:	5.30m ²	(0.57sq)
total:	140.55m²	(15.10sq)



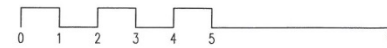
east elevation



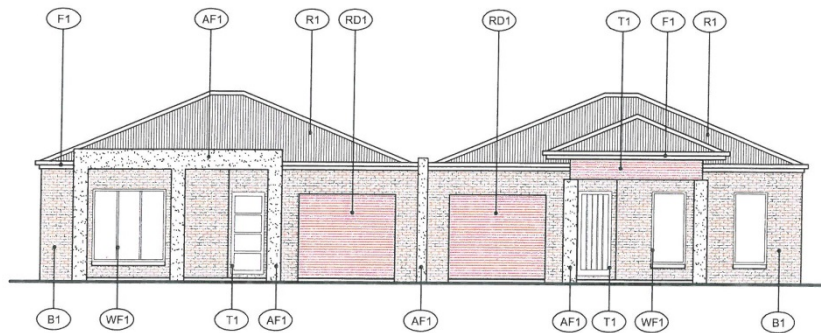
north elevation

Unit 3 floor plan & elevations



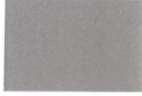


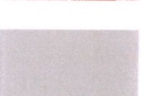
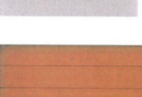
scale 1:100



REVISED 12/10/2015
BY: EC



LEGEND

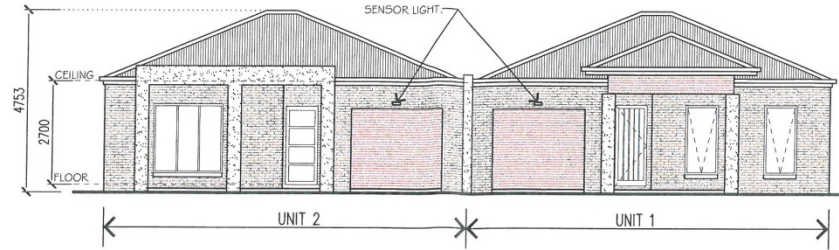
- (R1)  ROOFING: CUSTOM ORB
- COLORBOND BASALT
OR SIMILAR APPROVED
- (AF1)  APPLIED FINISH ON CEMENT RENDER
- COLOR: SHALE GREY
OR SIMILAR APPROVED
- (WF1)  ALUMINIUM FRAMED WINDOWS: CLEAR GLAZING
- COLOUR : POWDERCOAT "COLORBOND BASALT"
OR SIMILAR APPROVED
- (T1)  TIMBER
- COLOUR : IRONBARK
OR SIMILAR APPROVED
- (B1)  BRICKS: A B BRICKS
- COLOUR : HOMESTEAD "BLACKWOOD"
OR SIMILAR APPROVED
- (F1)  FASCIA AND GUTTERS.
- COLOUR : COLORBOND SHALE GREY
OR SIMILAR APPROVED
- (RD1)  PANEL LIFT DOOR
- COLOUR : COLORBOND IRON BARK
OR SIMILAR APPROVED

colors and finishes

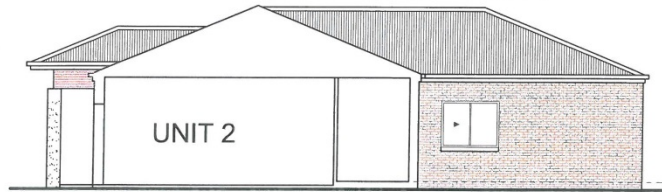
scale 1:100



REVISED 06/01/2016
BY: EC



west elevation



south elevation



north elevation

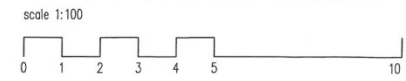


north elevation

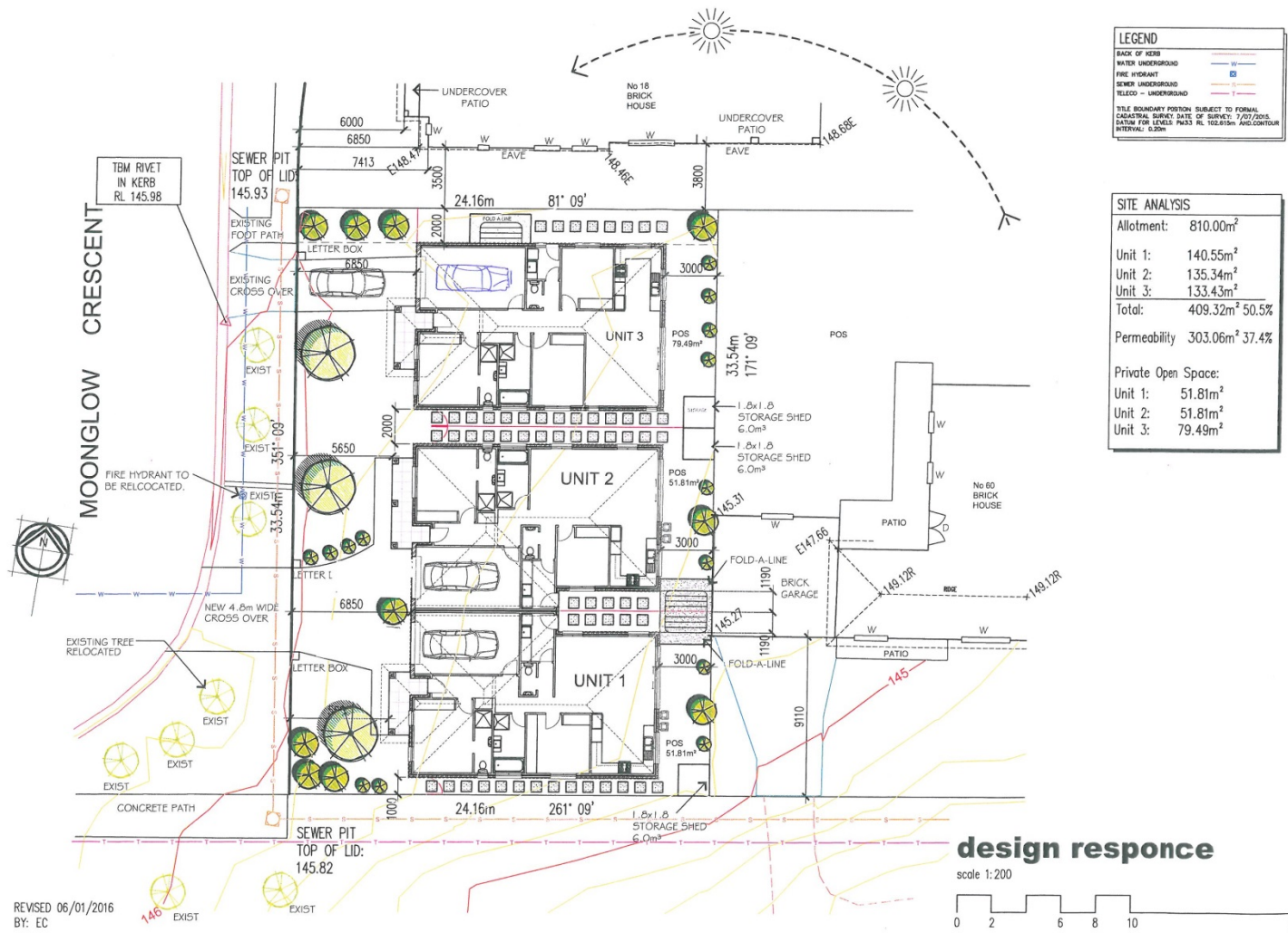


east elevation

Unit 1 & 2 elevations



REVISED 06/01/2016
BY: EC



Site Description

The vacant site is 810sqm, is rectangular in shape and is flat.

It has access from Moonglow Crescent to the west and also Griffith Street to the south.

The subject allotment was created by a two lot subdivision approved by planning permit 2014224 issued on 30 October 2014.

An aerial photo of the site is below:



The subject land is located in the south-east corner of the West Maddingley development plan precinct in the General Residential Zone.

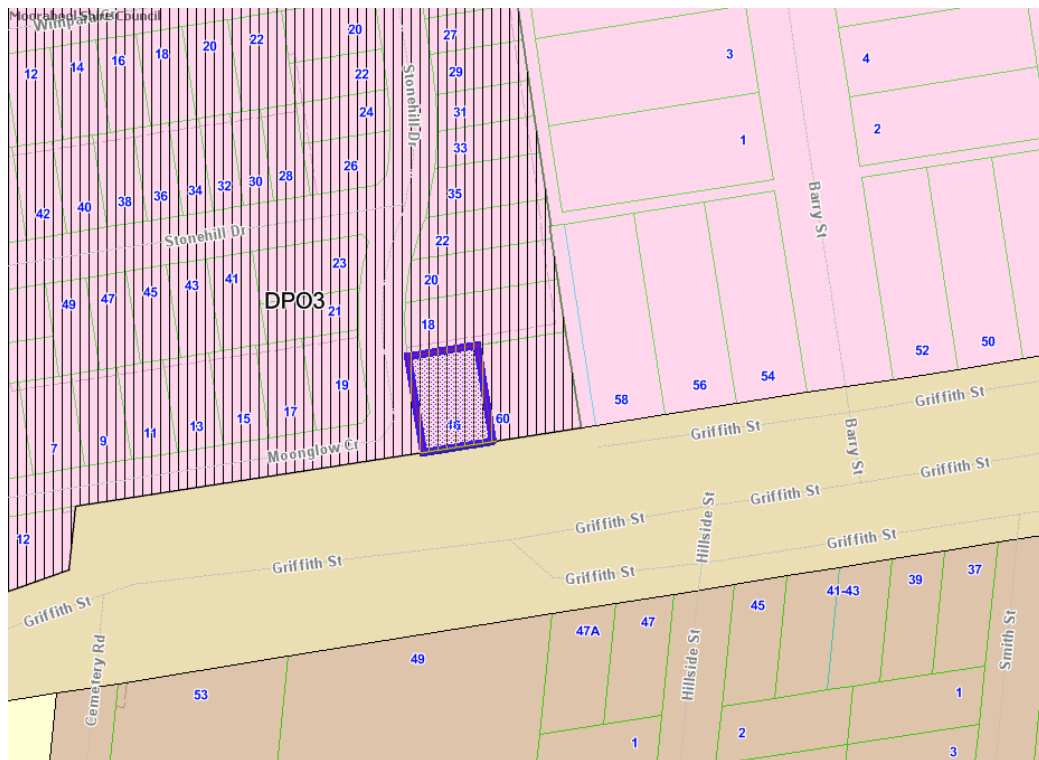
To the south of the land is Griffith Street, with a wide road reserve, and on the south side of Griffith Street is land in the Industrial 2 Zone. To the east is the existing dwelling that was part of the two lot subdivision that was approved by Planning Permit PA2014224. This dwelling is also covered by the DPO3. To the north and west are single storey dwellings on single allotments which are part of the Stonehill Estate.

The site is approximately 1.7 kilometres from the Bacchus Marsh railway station and approximately 3 kilometres from the centre of the township of Bacchus Marsh.

The site would be approximately 880 metres east of future facilities to be constructed as part of the West Maddingley development precinct including a commercial centre and education and similar services.

Locality Map

The site below indicates the location of the subject site and the zoning applicable to the surrounding area with the DPO3 shown as attached:



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11 – Settlement
- 11.05-2 – Melbourne’s hinterland areas
- 11.06-1 – Planning for growth
- 15.01-5 – Cultural identity and neighbourhood character
- 16.01-1 – Integrated housing
- 16.01-2 – Location of residential development
- 16.01-4 – Housing diversity
- 21.03-2 – Urban Growth Management
- 21.03-3 – Residential Development
- 21.03-4 – Landscape and Neighbourhood Character
- 21.07 – Bacchus Marsh

The proposal generally complies with the relevant sections of the SPPF and LPPF.

Zone

General Residential Zone – Schedule 1

The land is in the General Residential Zone – Schedule 1 (GRZ1) where in accordance with Clause 32.08-4 of the Moorabool Planning Scheme a permit is required for the construction and extension of two or more dwellings on a lot.

The proposal is generally consistent with the Purpose of the GRZ1 being:

- 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.

Overlay

Development Plan Overlay – Schedule 3

The land is within the Development Plan Overlay (DPO) and Schedule 3 relating to West Maddingley.

The purpose of the Development Plan Overlay is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- Exempt an application from notice and review if it is generally in accordance with a development plan.

Clause 43.04-1 of the DPO states that:

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

Be generally in accordance with the development plan.

- Include any conditions or requirements specified in a schedule to this overlay.

The West Maddingley Development Plan is attached to this report as an attachment.

Clause 43.04-2 of the DPO states that:

Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Relevant Policies

Council adopted the Urban Growth Policy Statement at the Ordinary Meeting of Council on 19 September, 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The policy states that:

The Moorabool Growth Strategy 2041 aims to provide a vision for the type of community Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by our current residents.

The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.

Particular Provisions

- Clause 52.06-4 – relating to car parking provisions. The application accords with the car space requirements for dwellings, having two car spaces for the 3 bedroom dwelling and 1 car space for each of the two bedroom dwellings. Dwellings 1 and 2 also have additional off-street car spaces in front of each garage for visitors.

The proposal complies with ResCode (Clause 55) with the exception of the following:

Clause ResCode	Title	Response
Standard B10	Energy efficiency	The floor plan of dwelling 3 does not maximise solar efficiency from northerly sunlight to the living room but does achieve good access to the kitchen and good easterly (morning) sunlight. The layout is acceptable.
Standard B12	Safety	Sensor lighting is indicated in the documentation but not noted on the plans. Condition of permit.
Standard B31	Design detail	Improved articulation of the front façade would be achieved if the front setback of the dwellings was reduced to 6.5m with garages set back 6.85m.
Standard B34	Site services	No bin / recycling enclosures for dwelling 3. Condition of permit.

Discussion

The development has gained benefit of the Development Plan Overlay been applied to a site beyond the boundaries of the Stonehill and Essence Estates. The Development Plan Overlay allows for exemption from the notice provision and exemption of review rights. The development is also not encumbered by development guidelines or single dwelling covenants that have occurred to lots created within the Stonehill and Essence Estates.

The application is still required to be assessed against the standards of ResCode, Clause 55.

Neighbourhood Character

The subject site is located adjacent to a recently developed area of Bacchus Marsh being the Stonehill and Essence Estates to the west and north.

The underlying landscape character is generally flat to slightly undulating. Residential lot sizes in the area vary from approximately 450sqm to 800sqm. Existing dwellings in the Stonehill and Essence Estates are all relatively new and incorporate brick and render elements and have low pitched hipped roofs. Some dwellings have eaves, others do not. Dwellings are generally of a conventional appearance but differentiated by variations in façade articulation, including porch and verandah design, window forms, and roof design and materials.

The subject proposal is for three single storey dwellings to face Moonglow Crescent. The front setback would be landscaped. Two single width crossovers, one existing and one to be constructed, would provide vehicle access to the three dwellings.

The dwellings would be constructed of face brick, with front porches and three single garages facing the street. Roofs would be low pitched and clad with Colorbond corrugated steel. Dwelling three would be detached from dwellings 1 and 2. The overall form, scale and appearance of the dwellings would be generally consistent with the surrounding built form. Given the site context, it is considered that the proposal is an acceptable response to neighbourhood character.

Development Plan Overlay – Schedule 3 – West Maddingley

Is the proposal “generally in accordance with the endorsed West Maddingley Development Plan (part 1)?

The development plan shows land surrounding the subject site to be used generally for “conventional residential development (but not excluding applications for medium density residential)”. It is noted that the subject site is not classified at all within the endorsed plan.

However, in considering the land adjacent to the subject site, both to the north and west, is within this category then it is considered that the subject application for medium density residential is generally in accordance with the Development Plan.

Plan changes:

The applicant has revised their plans to reduce number of bedrooms and improve the living areas to allow for adequate internal energy efficiency. The proposal is now suitable for approval subject to further revisions to improve building articulation facing the street by recessing the garages from the front building line to each dwelling, providing sensor lighting to allow for safe pedestrian access to the dwellings and showing the location of the garbage/recycling bin for Dwelling 3.

Overall, the proposal development complies with the State Planning Policy Framework, Local Planning Policy Framework and a majority of the standards of ResCode, Clause 55.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Western Water	Consent with conditions
Infrastructure	Consent with conditions

Financial Implications

The recommendation of an approval of this development would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not implicate any risk or OH & S issues to Council

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposed development does not comply with the standards of ResCode, Clause 55.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

It is considered that the application is generally consistent with relevant State and Local planning policy, the General Residential Zone, Development Plan Overlay, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

With the Development Plan Overlay containing exemptions from review rights, the two objectors have had their issues evaluated as comments.

It is therefore recommended that the application be supported by Council.

Consideration of Deputations – Planning Permit Application No. 2015 207; Development of three (3) dwellings at 16 Moonglow Crescent, Maddingley.

Mr. Johndean Bielecki addressed the S86 Development Assessment Committee in favour of granting a planning permit for the application.

Mr. Anthony Agius addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Spain

Seconded Cr. Tatchell

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues Planning Permit PA2015 207 for the Development of three (3) dwellings at 16 Moonglow Crescent, Maddingley, otherwise known as Lot 2 on PS728358V subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - a) The front setback of the dwellings moved forward to 6.5m with the garages setback from the dwelling frontage by 350mm.
 - b) Show the location of Bin and recycling enclosures to dwelling 3.
 - c) Show the location of sensor lighting at the front of the property.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.

Landscaping:

3. Before the development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Infrastructure conditions:

4. The proposed new vehicle crossing on Moonglow Crescent should be constructed to urban residential standard to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
5. The fire hydrant adjacent to the subject land must be relocated to the satisfaction of the responsible. The new location of the hydrant must not compromise the coverage requirements specified by the CFA for hydrants in residential zones. The proponent must obtain from Council and Western Water all necessary permits to undertake the relocation prior to the commencement of the works.

6. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
 - a) The development as a whole must be self-draining.
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
 - c) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
7. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
8. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
9. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
10. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
11. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
12. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
13. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
14. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a) Location of vehicle crossings
 - b) Details of the underground drainage
 - c) Location of drainage legal points of discharge
 - d) Standard details for vehicle crossing and legal point of discharge
 - e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Western Water conditions:

15. Payment of new customer contributions for each dwelling created by the development, such amount being determined by Western Water at the time of payment.

16. Each allotment is to be independently and directly connected to a sewer and water main of Western Water.
17. The operator under this permit shall be obliged to enter into an Agreement with Western Water, with the form of such Agreement being to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

Expiry condition:

18. 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
 Title: General Manager Growth and Development
 Date: Friday 29 January, 2016

CARRIED.

ITEM 4.4 – PLANNING PERMIT APPLICATION 2015 216; GLENMORE ROAD, MOUNT WALLACE

PA2015 216; Use and Development for Industry (Composting Facility) at Lot 32 on TP 387669, Glenmore Road, Mount Wallace

Application Summary:	
Permit No:	PA2015-216
Lodgement Date:	15 September 2015
Planning Officer:	Tom Tonkin
Address of the land:	Lot 32 on TP 387669, Glenmore Road, Mount Wallace VIC 3342
Proposal:	Use and Development for Industry (Composting Facility)
Lot size:	31.84ha
Why is a permit required?	<p>Clause 35.07 – Farming Zone – Use and develop land for industry</p> <p>Clause 42.01 – Environmental Significance Overlay – Buildings and works</p> <p>Clause 44.06 – Bushfire Management Overlay – Development associated with Industry</p>

Public Consultation:	
Was the application advertised?	Yes
Notices on site:	None
Notice in Moorabool Newspaper:	No
Number of Objections:	Five (5)
Consultation meeting:	Yes
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	The application was referred to external referral authorities .and to internal Council departments
Any issues raised in referral responses?	Yes, the Country Fire Authority (CFA) and Department of Environment, Land, Water and Planning (DELWP) both requested further information from the applicant, which was provided.
Preliminary Concerns?	No concerns were raised with the applicant.

Any discussions with applicant regarding concerns?	After referral of the application, a meeting was held with several referral authority representatives to discuss the application and clarify the nature of the proposal.
Any changes made to the application since being lodged?	Minor plan changes to satisfy EPA requirements.
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is to use and develop the site for a composting facility treating bio waste and green waste. Waste would be processed generally in a 10-12 week cycle on site before being distributed for use elsewhere on the Yaloak Estate as part of the existing agricultural operation, and off-site for distribution to other consumers. The facility would be 2.7km from the nearest dwelling and the composting would include aerobic and other processes to reduce odour emissions.</p> <p>The application was referred to a range of external authorities who consented to the proposal, some conditionally, including the EPA from whom the proponent has since obtained a provisional works approval for the facility.</p> <p>Objections to the proposal include concerns about emissions from the facility, impacts on the natural environment and human health, traffic and inadequate information about the proposal.</p>
	Overall, the proposal is considered to be acceptable, meeting relevant planning policy and the requirements of relevant referral authorities. The site is considered suitable for the proposal with potential amenity impacts able to be appropriately managed to limit potential off-site impacts.
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.	

Background

Before the application was lodged, various individuals and groups were consulted about the proposal.

The applicant advises that consultation was done with adjoining landowners, Glenmore CFA brigade and the Rowsley Landcare Group at the Mount Wallace Hall.

A Council officer accepted an invitation by the proponent to visit the site at Deer Park in 2015 where the proposed composting facility previously operated. The Council officer observed part of the industrial process and had no preliminary concerns about the operation in respect of the proposal to relocate the operation to Mount Wallace.

Public Notice

Notice of the application was given on 12 November, 2015 to adjoining and surrounding landowners of properties up to at least four (4) kilometres from the subject site. Five (5) objections were received from four (4) landowners.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Impact on property values	N/A
Officer's response - There are a range of factors which affect property values and as such the potential devaluation of surrounding properties is not deemed to be a valid planning consideration.	
Noise generated by the facility	13.04-1
Officer's response - The nearest sensitive land use (existing dwelling) is 2.7km from the proposed facility and noise is not expected to be an issue. The facility would be required to comply with State regulations controlling noise from industry, to be reinforced by way of a condition on any planning permit.	
Fire hazard given proximity to national park	13.05-1, 52.47-2
Officer's response - The CFA, as a determining referral authority, have indicated their conditional consent to the application now that the applicant has prepared a fire risk assessment of the proposal. DELWP, as owner of the Brisbane Ranges National Park, consent to the application.	
Glenmore Road is unsuited to regular use by trucks and trailers	N/A
Officer's response - The applicant has indicated that access to and from the site is intended from Glenmore Road via Geelong-Ballan Road and the Western Freeway. It is recommended that a condition of approval restrict trucks and trailers associated with the facility from using that section of Glenmore Road east of the facility entrance.	
How would fire generated by heat in the composting process and creation of deep seated fires from spontaneous ignition be suppressed?	13.05-1
Officer's response - The compost piles are to be maintained at an optimum temperature of 55-65 degrees Celsius, with corrective action able to be taken as part of regular monitoring, as required by the EPA. Furthermore, the proposal includes works comprising an impervious 250m x 200m pad on which the facility would be located. It is noted that the applicant has submitted a fire risk assessment for endorsement by the CFA, and planning permit conditions would be imposed accordingly.	
What is the complaints procedure for residents affected if the facility is approved?	N/A
Officer's response - The applicant must comply with planning permit conditions including that a works approval be obtained from the EPA, which itself will require compliance with various conditions to protect amenity. The proponent has advised that provisional approval has been granted by the EPA. Council would investigate any report of permit conditions being breached, the EPA investigate complaints, and the proponent has indicated they would implement a complaints procedure.	
No information on use of compost on Yaloak Estate	N/A

Officer's response - 10,000-15,000 cubic metres of compost would be used on Yaloak Estate, and prior to use would be fully pasteurised to eliminate pathogens and heavy metals to EPA requirements. The compost used on Yaloak Estate would be incorporated 0.25-0.3m below the soil surface for optimal results, preventing runoff.	
How would vermin be controlled and how would vermin affect surrounding ecosystems?	12.01-1
Officer's response - Bio solids and green waste would not be expected to attract vermin and no control measures are proposed. DELWP as the relevant referral authority raised no concerns and consent to the application.	
There is no guarantee what materials may be accepted into the facility in future.	N/A
Officer's response - Any change to the facility would need to be approved by the EPA and potentially require a planning permit to be amended. The applicant has indicated that the size of the facility has been designed to accommodate a larger operation than is currently intended but expansion is not expected.	
Were Victorian National Parks Association consulted? There is no information about impacts on the national park.	N/A
Officer's response - The application was referred to DELWP as the owner of the Brisbane Ranges National Park, and consent provided. A Parks Victoria representative attended a consultation meeting attended by the permit applicant and proponent and had the opportunity to raise any issues. No information specific in relation to the national park was provided, and none requested by Council, Parks Victoria or DELWP.	
No study provided regarding presence of heavy metals in bio waste and the impacts on surrounding areas during dry windy weather.	N/A
Officer's response - Before bio waste is delivered to the facility it would be analysed by the relevant water authorities to determine concentrations of heavy metals and pathogens, and would not be accepted for delivery to the facility if it does not comply with the relevant chemical grading.	
No study provided regarding dispersal of airborne pathogens emanating from bio solids.	N/A
Officer's response - As per response above.	
Air pollution in windy conditions.	13.04-2
Officer's response - As previously stated bio waste would be treated to limit the presence of pathogens and heavy metals before being delivered to the facility. Bio waste is moist and would not generate substantial dust. Water would be used from the leachate dam in the early stages of the composting process and fresh water in the latter stages to limit dust emissions.	
Capacity of the leachate dam to contain runoff.	14.02-1, 14.02-2

Officer's response -	
The leachate dam would require a capacity of six (6) megalitres allowing for a 1 in 20 year rainfall event in accordance with EPA requirements, to ensure waterways are not affected. Leachate dam water would be used in the compost process which would further minimise the risk of overflow, and other measures put in place to ensure overflows do not occur. Furthermore, the compost area would be an impermeable hardstand compacted to protect the subsoil from water leaching.	
Odour associated with the facility.	13.04-2
Officer's response -	
The proposed composting process would maintain aerobic activity within the compost piles, regulating temperature, moisture content and nutrient loads. A filtering system would be used to limit any odours emitted from the piles. Additionally, the facility would be located a minimum 2.7km from the nearest existing dwelling, exceeding the minimum 2.0km buffer distance recommended by the EPA.	
Emission of contaminated material during transportation of compost material.	N/A
Officer's response -	
Concerns about contaminated material are addressed above. In any case, trucks carrying materials to and from the site would have sealed loads.	

Proposal

It is proposed to use and develop part of the Yaloak Estate agricultural property for an aerated composting facility. The Pinegrove composting facility has until recently operated for more than 15 years in Deer Park, and seeks to relocate due to non-renewal of its lease on the previous site.

The facility would process up to 50,000 tonnes of green waste per annum and 20,000 tonnes of bio-solids per annum. The process is one where air is forced through the composting piles by blowers and pipes to ensure that no anaerobic processes occur, thereby avoiding creation of undesirable odours associated with anaerobic processing.

The green waste to be brought to the site would come from Melbourne and much of the finished product would be purchased by the Yaloak Estate for soil improvement on their property. Material would be transported via the Western Freeway to the Ballan-Daylesford Road interchange, thence south along the Geelong-Ballan Road, turning into Glenmore Road near Mt Wallace. Vehicles would then use gravelled roads within the Yaloak Estate to reach the site.

Waste from impurities in the organic matter brought onto the site would be transported for disposal, possibly at the Calleja landfill in Maddingley.

Heavy vehicle movements are estimated to be approximately four (4) return trips to the site per day. Six (6) to 10 staff would access the site in private vehicles.

Operating hours would be 6.30am to 6.30pm Monday to Friday and 7am to 1pm Saturday. No operations are anticipated on Sundays or public holidays.

The material would be brought on-site and placed onto the operational surface, which is a 250m x 200m compacted, all weather pad laid over a clay base in accordance with the requirements of the Environmental Protection Authority. That authority is required to issue a works approval for this operation, which has since occurred.

A leachate dam would be constructed to capture runoff from the site and to ensure that Spring Creek is not subject to any environmental impacts. The leachate from the dam would be reused to control the moisture content of the composting mounds and for dust suppression on the site.

The site would contain three (3) 'Atco' style huts for administration (two (2) joined together) and a workers' staff room with ablution facilities. All wastewater from these buildings will be directed to a septic effluent waste disposal system.

The proposed leachate dam was originally intended to have a 3.442 megalitre capacity. In accordance with the EPA requirements of the works approval an amended plan was provided showing an increased dam capacity of 6.05ML.

Site Description

The subject site is identified as Lot 32 on TP 387669 and located on a government road off Glenmore Road in Mount Wallace.

The operational site lies above the escarpment at the head of the Spring Creek Valley, approximately 3.0km south-west of 'The Bluff' and 3.9km, by road, southeast of the Glenmore Road site entrance. It lies at an elevation of approximately 410 metres AHD and is set back some 400 metres from the escarpment dropping into Spring Creek to the south.

The site is relatively flat being on the plateau with no vegetation except grass at the operational site. At the break of slope to the south, the land becomes forested and is the northern extremity of the Brisbane Ranges National Park. The escarpment abutting Spring Creek has been fenced.

The site has previously been improved by the removal of many tonnes of bluestone rocks through deep ripping and these have been piled on the land.

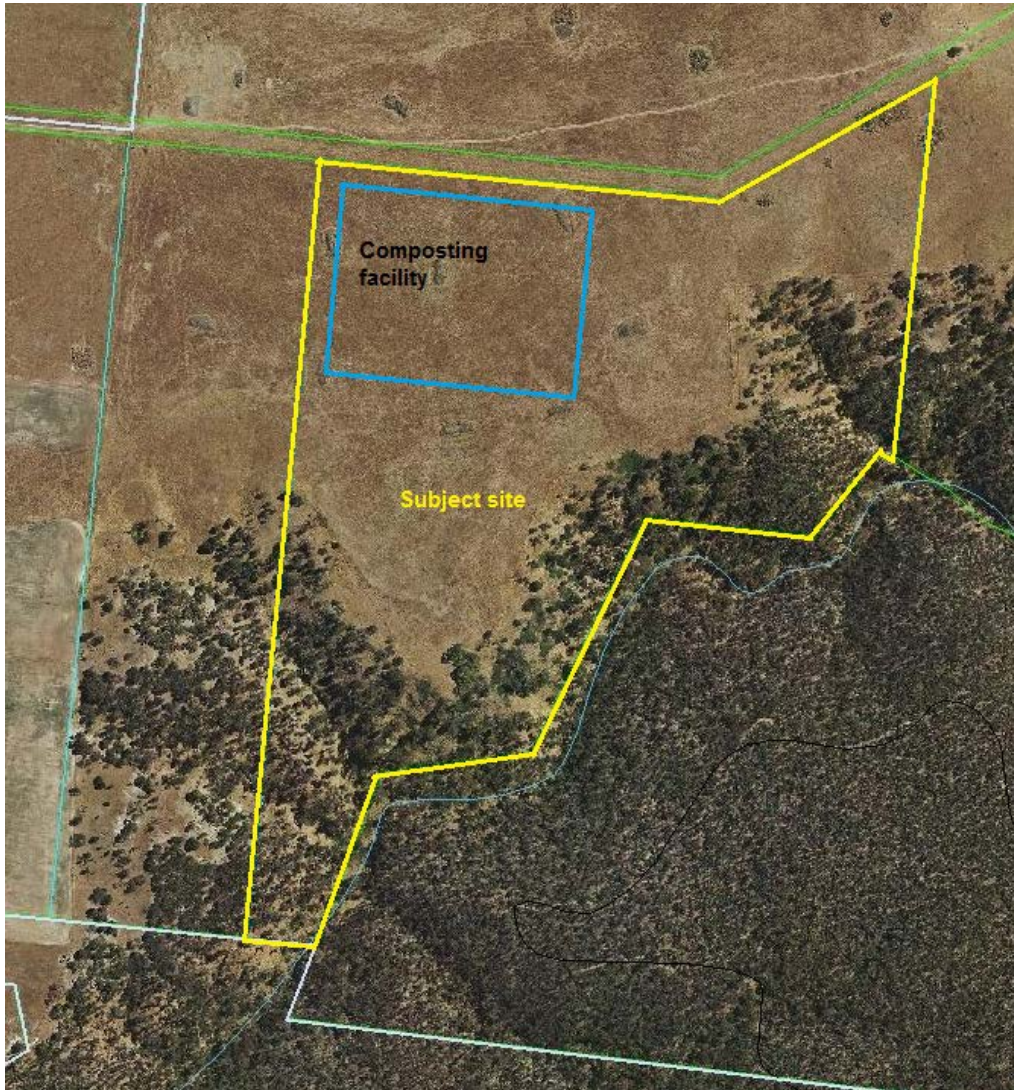
Access to the site along Glenmore Road via Cut Hill to the east is impractical for heavy vehicles and so all access and egress is proposed to be to the west, via Glenmore Road to Geelong-Ballan Road.

It is noted that the proposed facility would be located in the northwest corner of the subject site.

The site and surrounds has been farmed for generations, primarily for grazing. The nearest site of Aboriginal cultural heritage significance lies more than 50 metres to the north of the construction site. The operational site has been sited more than 200 metres from Spring Creek's area of cultural heritage sensitivity. All road upgrades would be undertaken by placing construction material on top of the existing tracks/roads thereby not disturbing the ground. A comprehensive CHMP was undertaken for the Yaloak Wind Energy Facility proposed to be sited in this area and this proposal would use the same road network as for that proposal.

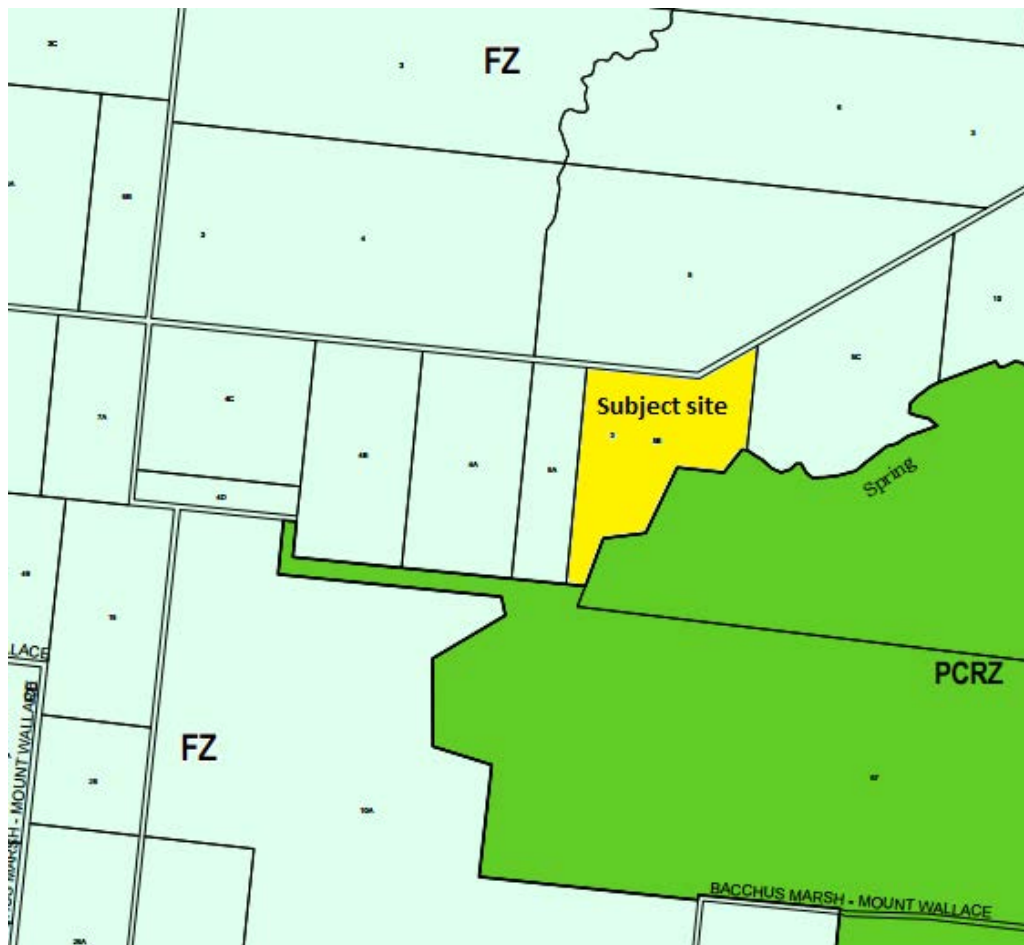
The nearest existing dwellings to the site are between 2.5-3.0km to the south and southwest. Ballan township is approximately 15.0km north of the site. To the immediate south is the Brisbane Ranges National Park.

Aerial photograph of subject site:



Locality Map

The map below indicates the location of the subject site and the zoning applicable to the surrounding area.



Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-2 Melbourne's hinterland areas
- 11.05-3 Rural productivity
- 11.06 Central Highlands regional growth
- 13.04-2 Air quality
- 13.05-1 Bushfire planning strategies and principles
- 14.01-1 Protection of agricultural land
- 14.02-1 Catchment planning and management
- 14.02-2 Water quality
- 17.02-2 Design of industrial development
- 21.02-3 Water and catchment management
- 21.04-2 Agriculture
- 21.04-4 Industry
- 22.02 Special Water Supply Catchments

The proposal complies with the relevant sections of the SPPF and LPPF.

Zone

Farming Zone

The subject site is in the Farming Zone and the provisions of Clause 35.07 apply.

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture. To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Under the table to Clause 35.07-1 'Industry' is classified as a Section 2 for which a permit is required. Under Clause 35.07-4 a permit is required for buildings and works associated with a Section 2 use.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*
- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Overall, the proposed use and development is considered to be consistent with the purpose and decision guidelines of the Farming Zone.

Overlays

The subject site is affected by the following overlays:

- Environmental Significance Overlay, Schedule 1 (ESO1)
- Bushfire Management Overlay (BMO)

Environmental Significance Overlay, Schedule 1 (ESO1)

Under Clause 42.01-2, a permit is required to construct buildings and works, and there are no applicable exemptions.

Bushfire Management Overlay (BMO)

Under Clause 44.06-1, a permit is required to construct buildings and works associated with Industry.

Overall, the proposal is considered to be consistent with the purpose and decision guidelines of these overlays.

Relevant Policies

There are no adopted Council policies or draft policies relevant to this application.

Particular Provisions

Clause 52.06 Car Parking

Before a new use commences the number of car parking spaces as specified in the table to Clause 52.06-5 must be provided on the land. The aforementioned table specifies 2.9 car spaces to each 100sq m of net floor area. 95.4sq m of net floor area is proposed and accordingly two (2) spaces are required. Eight (8) spaces are proposed with ample space for additional vehicles if required. The proposal satisfies the parking requirement.

Clause 52.07 Loading and Unloading of Vehicles

Buildings and works constructed for the manufacture and storage of materials must include space for loading and unloading of vehicles. The proposal complies with the specified area by providing for the loading and unloading of trucks on the operational pad within the reception area where tip trucks would unload green waste. Loading of trucks to take processed compost off-site would also occur on the operational pad in the area designated for that purpose.

Clause 52.10 Uses with Adverse Amenity Potential

The purpose of this clause is to define those types of industries which if not appropriately designed and located may cause offence or unacceptable risk to the surrounding area. Minimum threshold distances from residential zoned land, hospitals and education centres are defined or otherwise identified as variable depending on the processes to be used and materials processed or stored.

Composting and recycling organic materials is identified in this clause as having a variable threshold distance. In this instance the EPA works authority is the governing legislative enactment that determines such matters. A works approval was applied for from the EPA and a setback from neighbouring dwellings established as 2.0km. The works approval has since been issued by the EPA.

Clause 52.47 Planning for Bushfire

This clause provides the objectives and measures for the design of developments affected by the Bushfire Management Overlay.

The application satisfies the relevant requirements regarding siting and design, defensible space, water supply and access.

Discussion

Overall, the proposal is considered to be generally in accordance with relevant State and local planning policy, the Farming Zone, relevant Overlays, Particular Provisions and decision guidelines at Clause 65.

The proposed composting facility is defined as an industrial land use for which a permit is required in the Farming Zone. The subject site is a vacant lot in Mount Wallace surrounded by predominantly vacant grazing land, and to the south Brisbane Ranges National Park. The site is in a Special Water Supply Catchment and accordingly the application was referred to Southern Rural Water, who consent to the application subject to permit conditions.

The proposal generally satisfies relevant State and local planning policy. The proposed facility would be sited to minimise impacts on the surrounding environment and maintain the rural character of the area. Rural productivity would generally be enhanced by the proposal, given a substantial portion of the composted material is intended for use on the Yaloak Estate property itself, on which the site is located. The location of the proposed facility would allow much of the surrounding land to be maintained for grazing purposes and would ensure that fragmentation of agricultural land is largely avoided. The proposal is a generally suitable response to the site's agricultural context. The facility would generate ongoing employment, contributing to the local economy.

The site borders the Brisbane Ranges National Park to the south, the park occupying an extensive swathe of land extending generally to the south and east of the subject site. Spring Creek lies within the Park and runs close to the southern boundary of the subject site. The proposed facility would occupy the northwest corner of the subject site, as far as possible from the Park. The Victorian Department of Environment, Land, Water and Planning (DELWP) owns the Park and consents to the application.

The site is affected by a Bushfire Management Overlay. Accordingly documentation was provided in support of the proposal's compliance with required objectives and standards, and the application was referred to the CFA for consent. The CFA requested further information including a risk assessment from the applicant, which has been provided. The CFA are currently assessing the information provided by the applicant and based on preliminary feedback are supportive of the proposal. Council officers anticipate a favourable response from the CFA shortly and understand that the proponent would benefit from Council's earliest possible decision on the application.

Council officers do not expect any CFA requirements to conflict with any other referral authority or with Council’s consideration of the application. It is also noted that Council has an opportunity to defer its decision on the application in the unlikely event that the CFA’s conditional consent to the application is not received before the application is to be decided.

Objections to the application have raised a range of concerns about the proposal and been responded to above. Overall it is considered that the proposal is acceptably designed to protect the natural environment and the amenity of the area. The facility would be located 2.7km from the nearest existing dwelling, which exceeds the minimum 2.0km buffer recommended by the EPA for such a facility. Additionally, the information provided by the applicant and proponent regarding the composting process, including before waste is brought to the site, demonstrate an acceptable standard of treatment to limit any off site impacts including emissions of odour, dust, runoff and noise. The application was referred to all relevant referral authorities who either consented or gave conditional consent to the proposal.

It is noted that the proposed facility requires separate approval from the EPA, and accordingly would be required to operate subject to conditions and be subject to monitoring to ensure standards are maintained.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.52 or s.55 of the Planning and Environment Act 1987, and Council departments were provided with an opportunity to make comment on the application.

Authority	Response
<u>Section 52</u>	
Melbourne Water	Consent
VicRoads	Consent
DELWP	Consent
DEDJTR	Consent
<u>Section 55</u>	
Southern Rural Water	Consent with conditions
EPA	Consent with conditions
CFA	Pending
Public Transport Victoria	Consent
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions

Financial Implications

The recommendation of an approval of this application would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this application does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposed use and development would be unable to operate without unreasonable impacts on the amenity of the surrounding area.

Refusing the application may result in the proponent lodging an application for review of Council's decision with VCAT.

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the Farming Zone, relevant Overlays and Particular and General Provisions of the Moorabool Planning Scheme.

All relevant referral authorities consent to the application, subject to conditions where applicable. The EPA have issued a provisional works approval for the proposal, which would require compliance with EPA conditions.

The subject site exceeds the EPA recommended minimum buffer distance from sensitive land uses and the proposed composting processes would adequately limit off-site impacts on the environment and general amenity. Furthermore, the proposal would generate local employment and contribute to the economic growth of the Shire over the longer term.

Consideration of Deputations – Planning Permit Application No. 2015 216; Use and Development for Industry (Composting Facility) at Lot 32 on TP 387669 known as Glenmore Road, Mount Wallace.

Mr. Peter Hawkins addressed the S86 Development Assessment Committee in favour of granting a planning permit for the application.

Mr. John van Meel addressed the S86 Development Assessment Committee in favour of granting a planning permit for the application.

Mr. Kevin Ramholdt addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. 2015-216 for use and Development for Industry (Composting Facility) at Lot 32 on TP 387669 known as Glenmore Road, Mount Wallace, subject to the following conditions:

- 1. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority. All buildings shall be located clear of any easements or water and sewer mains/septic tank and effluent lines.**

2. Any security alarm or similar device installed must be of a silent type.
3. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'
4. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.
5. The facility is limited to handling a maximum of 50,000 tonnes of green waste and 20,000 tonnes of bio-solids per calendar year. The permit holder must on the request of the Responsible Authority provide written evidence of the total tonnage for the calendar year.
6. Trucks associated with the composting facility must not travel east of the entry/exit along Glenmore Road.
7. The facility shall operate only from 6.30am to 6.30pm Monday to Friday and 7am to 1pm Saturday, except with the written consent of the Responsible Authority.
8. Before the use commences, the proponent must provide to Council a copy of the complaints procedure to be implemented by the proponent, to the satisfaction of Council.

Environmental Health conditions:

9. An onsite waste water management system must be installed.
10. The land application area and all conditions must be in accordance with the Land Capability Assessment prepared by Bruce Hollioake and Partners, ref number 15318 dated 27th July 2015.
11. All setback distances must be adhered to, 60 metres from a dam and 100 metres from a potable water supply catchment.

Infrastructure conditions:

12. Prior to the use commencing, the intersection of the access road and Glenmore Road must be constructed in accordance with standard drawing SD265 of the Infrastructure Design Manual to the satisfaction of the Responsible Authority.
13. The proponent must at his own cost construct the access road from the intersection with Glenmore Rod to the entry point of the subject site to the following standard:
 - a) A 7.0 metres wide carriageway of which the central 4.0 metres section shall have a pavement of approved granular material to a minimum compacted depth of 150 millimetres;
 - b) Table drainage as required to minimum width 2.0 metres and depth 0.2 metres;
 - c) The pavement shall be formed to facilitate water runoff to the table drains;
 - d) Culverts of minimum 375 millimetre diameter installed as required to facilitate drainage;
 - e) A turning area for service and emergency vehicles to be provided at the termination of the road works;
 - f) Traffic signage as required;
 - g) All works to be completed to the satisfaction of the Responsible Authority.
14. All road and drainage works must be maintained in good condition and repair for a minimum of 6 months after completion of the works, to the satisfaction of the Responsible Authority.

15. A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 6 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
16. The property access and the internal driveways must be constructed in accordance with the requirements specified in the CFA publication "Building in a Wildfire Management Overlay".
17. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - b) Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - c) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
18. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
19. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
20. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
21. Prior to the use commencing, the car park area must be constructed with an all-weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - b) Designated loading areas shall be shown on layout plans.
 - c) The parking areas shall be provided with an all-weather surface and associated drainage.
 - d) Kerbing of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
22. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

EPA condition:

23. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the A07 Composting prior to any works beginning.

Southern Rural Water conditions:

24. The use of water from either surface water, groundwater or from a catchment dam, soak or spring for industrial purposes (such as composting operations) must be licensed in accordance with Section 51 or 67 Water Act 1989.

25. Controls to ensure that there is no polluted seepage from the work site into the groundwater or surface water resource must be developed and implemented.
26. Cut off drains/mounds must be constructed around the work site perimeter in order to eliminate any catchment water entering the site.
27. Works must not impact on a waterway, groundwater, soak, spring or a dam whether onsite or located on adjoining property.
28. Sediment runoff from the site shall be retained on site during and after operations. Controls particularly on steep slopes are to be in accordance with the Environment Protection Authority (EPA recommendations detailed in the construction techniques for sediment pollution control No 275, May 1991. Sediment control structures must be installed prior to the commencement of operations and maintained post development.

Expiry condition:

29. This permit will expire if one of the following circumstances applies:

- a) The development and the use are 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Permit Note:

A permit application to install an onsite wastewater management system must be submitted to Council's Environmental Health department.

Report Authorisation

Authorised by: 

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 29 January, 2016

Resolution:

Moved: Cr. Tatchell
Seconded: Cr. Spain

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. 2015-216 for use and Development for Industry (Composting Facility) at Lot 32 on TP 387669 known as Glenmore Road, Mount Wallace, subject to the following conditions:

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2. Any security alarm or similar device installed must be of a silent type.

3. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'
4. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.
5. The facility is limited to handling a maximum of 50,000 tonnes of green waste and 20,000 tonnes of bio-solids per calendar year. The permit holder must on the request of the Responsible Authority provide written evidence of the total tonnage for the calendar year.
6. Trucks associated with the composting facility must not travel east of the entry/exit along Glenmore Road.
7. The facility shall operate only from 6.30am to 6.30pm Monday to Friday and 7am to 1pm Saturday, except with the written consent of the Responsible Authority.
8. Before the use commences, the proponent must provide to Council a copy of the complaints procedure to be implemented by the proponent, to the satisfaction of Council.

Environmental Health conditions:

9. An onsite waste water management system must be installed.
10. The land application area and all conditions must be in accordance with the Land Capability Assessment prepared by Bruce Hollioake and Partners, ref number 15318 dated 27th July 2015.
11. All setback distances must be adhered to, 60 metres from a dam and 100 metres from a waterway.

Infrastructure conditions:

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 - e) A turning area for service and emergency vehicles to be provided at the termination of the road works;
 - f) Traffic signage as required;
 - g) All works to be completed to the satisfaction of the Responsible Authority.
14. All road and drainage works must be maintained in good condition and repair for a minimum of 6 months after completion of the works, to the satisfaction of the Responsible Authority.
15. A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 6 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

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17. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - b) Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - c) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
18. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
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20. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
21. Prior to the use commencing, the car park area must be constructed with an all-weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
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 - d) Kerbing of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
22. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

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25. Controls to ensure that there is no polluted seepage from the work site into the groundwater or surface water resource must be developed and implemented.

26. Cut off drains/mounds must be constructed around the work site perimeter in order to eliminate any catchment water entering the site.
27. Works must not impact on a waterway, groundwater, soak, spring or a dam whether onsite or located on adjoining property.
28. Sediment runoff from the site shall be retained on site during and after operations. Controls particularly on steep slopes are to be in accordance with the Environment Protection Authority (EPA recommendations detailed in the construction techniques for sediment pollution control No 275, May 1991. Sediment control structures must be installed prior to the commencement of operations and maintained post development.

CFA Conditions:

29. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relation to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
30. CFA require a Risk Assessment and Emergency Management Plan to be developed to the satisfaction of CFA and to be endorsed by the Municipality.

Expiry condition:

31. This permit will expire if one of the following circumstances applies:

- a) The development and the use are 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.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Permit Note:

A permit application to install an onsite wastewater management system must be submitted to Council's Environmental Health department.

CARRIED.

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Satwinder Sandhu, General Manager Growth & Development and Robert Fillisch, Acting Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

CLOSED SESSION OF THE MEETING – 5.35pm

Resolution:

Moved: Cr. Spain
Seconded: Cr. Tatchell

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss further matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act as follows:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matters which the Council or special committee considers would prejudice the Council or any person;
- i) A resolution to close the meeting to members of the public.

CARRIED.

RETURN TO OPEN SESSION – 5.45PM

Resolution:

Moved: Cr. Spain

Seconded: Cr. Tatchell

That the meeting now return to open session.

CARRIED.

DATE OF NEXT MEETING

Wednesday 9 March

4.00pm

James Young Room, Lerderderg Library

215 Main Street, Bacchus Marsh

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 5.50pm.

Attachment - Item 11.2(d)

MINUTES

SECTION 86 URBAN GROWTH STRATEGY COMMITTEE MEETING

Wednesday 16 December, 2015
James Young Room, Lerderderg Library, Bacchus Marsh
3.00pm

MEETING OPENING

Cr David Edwards welcomed all and opened the meeting at 3.00pm.

ATTENDANCE

Cr. David Edwards(Chair)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. John Spain	Councillor – East Moorabool Ward
Mr. Rob Croxford	Chief Executive Officer
Mr. Satwinder Sandhu	General Manager, Growth & Development
Mr. Andrew Goodsell	Acting Manager Strategic & Sustainable Development
Mr. Robert Fillisch	Acting Manager Statutory Planning and Community Safety

APOLOGIES

Cr. Allan Comrie	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Mr. Phil Jeffrey	General Manager, Infrastructure
Mr. Danny Colgan	General Manager, Community Services
Ms. Lisa Gervasoni	Coordinator Strategic Planning

ELECTION OF MEETING CHAIR

Resolution:

Moved: Cr. Spain

Seconded: Cr. Dudzik

That Councillor David Edwards be elected as the Chair of the Section 86 Urban Growth Strategy Committee.

CARRIED.

CONFIRMATION OF THE PREVIOUS MINUTES

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Spain

That the Minutes of the Section 86 Rural Growth Strategy Committee Meeting for 26 August, 2015 be confirmed as a true and correct record.

CARRIED.

CONFLICT OF INTEREST

None.

MESH PRESENTATION - HOUSING STRATEGY UPDATE

Mr Chris DeSilva and Bronwyn Pettitt from MESH provided an update to the Committee on initial findings and the key aspects of their work.

COMMUNITY INFRASTRUCTURE FRAMEWORK

Community Infrastructure Framework

Introduction

File No.: 13/01/013
Author: Raeph Cumming, Social Infrastructure Planner
General Manager: Satwinder Sandhu, General Manager Growth & Development

Background

A Social Infrastructure Plan is identified as a critical component of the Moorabool 2041 growth framework. Such a plan will identify the Shire's most critical needs for community facilities, where they are needed, timing of delivery, as well as a funding and implementation plan for their delivery.

In October 2014, the Strategic and Sustainable Development (SSD) unit began pulling together Council's existing social infrastructure planning work into a structured planning and delivery framework. The Community Infrastructure Framework (CI Framework) updates and builds on existing work by establishing an evidence-driven, highly flexible approach to identifying the Shire's priority community infrastructure needs. This has been developed collaboratively across Council.

The key aims of the Community Infrastructure Framework are to:

- Identify, assess and prioritise Moorabool Shire's current and future community infrastructure needs to 2041.
- Inform the design and delivery of multifunctional, strategically significant projects that meet a range of community service needs.
- Provide a basis for securing outside investment in infrastructure such as Government funding, development contributions, and delivery partnerships with the private, community and philanthropic sectors.

The CI Framework is not limited to the preparation of a single plan or report that serves as a snapshot in time. It is based on a system that allows officers to update, revise and report on the community's need for services and facilities (work for which council has previously had to use consultants). The ultimate published expression of the Framework will still be a Community Infrastructure Plan, but one that is continually updated to reflect current priorities.

The CI Framework establishes internal cross-departmental processes, which ensure that community infrastructure projects are identified through a consistent assessment of evidence of service needs. Moorabool Shire Council's (Council) internal Service Managers (Aged & Disability, Early Years, Community Development, and Sport, Recreation and Youth Development), Asset Managers and Strategic Planners work together to identify and deliver key infrastructure projects.

The CI Framework has been developed as an integral component of the Moorabool 2041 growth framework. It has been effective in demonstrating how urban growth in Bacchus Marsh will affect upon services and create demand for new facilities or upgrades to existing facilities. In addition, early findings are being used through the Small Towns Strategy to define a hierarchy of settlements in terms of their role in providing facilities and services to other towns.

Community Infrastructure Planning Cycle

Appendix A outlines the broad operation of the CI Framework as a cyclical process involving several stages and key stakeholders, with key outputs and links to other plans. The core components are:

1. **Framework design:** a one-off stage defining how the Framework will operate and the core principles that will drive decision-making.
2. **Evidence base:** collecting the most relevant evidence that services will use to determine their infrastructure priorities. Storing this data in a database rather than a paper report.
3. **Needs analysis:** each service area interpreting the evidence to identify priority infrastructure needs. This stage provides a 'pool' of evidence based and worthwhile projects upon which to apply the CIP assessment.
4. **Strategic prioritisation:** firstly identifying where multiple service needs can be met through a single project, then strategically prioritising projects through the CIP process.
5. **Outputs:** publication of a Plan or report that sets out the Shire's current and future infrastructure needs and the projects that will meet those needs.

This report primarily addresses stages 1 to 3. The process has yet to run a full cycle. The first complete iteration will conclude with Council endorsement of a Community Infrastructure Plan and the 2016-17 Capital Improvement Program in 2016. The process is currently coordinated by the Social Infrastructure Planner (within SSD) supported by the Framework Steering Group (SSD, service and asset managers).

Framework Design – Key Principles and Objectives (DRAFT)

The Framework is based on a set of key principles and objectives (see list below; these are described in more detail in Appendix B).

Strategic planning principles:

- Delivery of services
- Integrated planning approach
- Alignment of internal and external planning
- Co-location / integration of services and facilities
- Accessibly located facilities
- Equitable distribution of facilities
- Network and hierarchy of facilities

Facility-based principles:

- Functional / fit for purpose facilities
- Optimised use of facilities
- Multifunctional facilities
- Universally accessible facilities
- Social significance of facilities

Project-based principles:

- Responding to priority community needs
- Funding and delivery of facilities through partnerships
- Urban design (sense of place and community)
- Net community benefit
- Delivered in step with need

The principles and objectives described in Appendix B have guided the design of the planning cycle, tools and assessments. It is proposed that these principles and objectives will also guide the design and prioritisation of community infrastructure projects through the Capital Improvement Program (CIP).

Scope of 'community infrastructure' included within the CI Framework

The full scope of community infrastructure in Moorabool Shire goes beyond the range of facilities currently owned and operated by MSC. While it is important to eventually include the full range of facilities available to the public, the Framework will initially focus on critical built infrastructure that is owned, operated or funded by MSC. It will also assess third party owned/operated facilities that provide critical services to the public.

The first component of work on the CI Framework will not include passive open space reserves but it is proposed to include these at a later date.

Appendix C defines which forms of infrastructure are included in the Framework and at which stage.

Community Infrastructure Database – Gap Analysis Tool

The Gap Analysis Tool supports stages 2 (evidence based) and 3 (needs analysis) of the Framework. It is essentially a database that allows officers to store, manipulate, and report on complex data.

The Tool enables officers to define planning standards (such as the target number of facilities per head of population) and compare that target with the existing situation. In this respect, the Tool largely replaces the need for further community infrastructure consultancy work.

This report is supported by a demonstration of the Tool, which will explain its operation and outputs in more detail.

The Gap Analysis Tool provides services and planners with sophisticated, structured and service-specific information to inform the identification of projects to meet infrastructure shortfalls.

Key findings

At this stage, all findings are draft pending Council endorsement of the Framework principles, objectives, planning cycle and Gap Analysis Tool. Broadly, preliminary findings suggest that:

- Compared to various planning standards, the Shire is underprovided for a range of infrastructure, most notably sport and recreation facilities. Access to facilities (in terms of travel distance) in Bacchus Marsh and surrounds is good, but there is insufficient capacity to meet the demands of the population. For small towns, the capacity of local facilities is good, but residents must travel much greater distances to access a full range of community infrastructure. Therefore, capacity is potentially the predominant issue for urban areas, while accessibility is the main problem in small rural communities.
- Existing service plans and strategies adequately plan for some future needs (e.g., kindergarten and MCH through the Municipal Early Years Plan) but additional plans will be required to plan for other service needs (such as library capacity and aged residential care).
- Travel time analysis shows that many services can be accessed by rural communities within 20 minutes drive time, but that towns in the west rely heavily on Ballarat.
- Council already owns and operates several facilities which are well located in terms of accessibility by communities and which may have substantial capacity to accommodate greater use by services and the community (in some cases negating the need for construction of new facilities).
- Council will need to ensure that major new developments adequately contribute towards the improvement of existing facilities, as well as contributing to the construction and operation of new facilities.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community.
Objective	Advocate for services and infrastructure that meets the Shire’s existing and future needs.
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire. Represent Council at a regional level to improve services and infrastructure within the Shire.
Key Result Area	Representation and Leadership of our Community.
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council’s assets.
Key Result Area	Community wellbeing.
Objective	Inclusive, responsive and accessible community services.

Strategy	<p>Undertake social, health and recreation planning that increases our understanding of the needs of our communities now and into the future and articulates the role of Council.</p> <p>Work in partnership with government and non-government service providers to deliver early years facilities and services.</p> <p>Advocate, support and deliver youth development programs and services in partnership with other agencies.</p> <p>Advocate, support and provide aged and disability services.</p> <p>Ensure Council's services and facilities are accessible.</p>
Key Result Area	Community wellbeing.
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.
Key Result Area	Enhanced infrastructure and natural and built environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	<p>Adoption of Moorabool 2041 Framework and vision.</p> <p>Development of Urban and Rural Growth Strategies in conjunction with other related plans.</p> <p>Advocate and lobby government for increased infrastructure funding and ensure state land use plans are in line with the Moorabool community needs.</p> <p>Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.</p>
Key Result Area	Enhanced infrastructure and natural and built environment.
Objective	Ensure current and future infrastructure meets the needs of the community.
Strategy	<p>Develop long term social and physical infrastructure plans and funding modelling as part of the Moorabool 2041 Framework including opportunities for development contributions.</p> <p>Plan and maintain a long term and annual capital improvement program.</p> <p>Construct physical infrastructure to appropriate standards.</p>
Key Result Area	Enhanced infrastructure and natural and built environment
Objective	Management of assets and infrastructure.

Strategy Address the infrastructure renewal gap through prudent financial strategies and an accurate understanding of the renewal demand.

Delivery of the annual Capital Improvement Program.

Financial Implications

At this stage of the CI Framework, no direct financial implications arise. Later reports will address specific findings from the Framework that will impact on the funding of community infrastructure projects by Council, developers and other funding partners.

Risk & Occupational Health & Safety Issues

The Community Infrastructure Framework does not present any known risk or OH&S issues to Council.

Communications and Consultation Strategy

A separate communication or consultation strategy will be required to communicate the findings of the Framework to communities, developers and other service providers. Findings will also be included within the Small Towns Strategy, Urban Growth Strategy and other Moorabool 2041 publications.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Raeph Cumming

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The CI Framework essentially provides officers with the means to carry out community infrastructure planning in a structured, evidence-driven and service-focused manner. The primary output from the Framework will be prioritised lists of infrastructure needs that have been developed through a collaborative cross-departmental approach.

The Framework is being presented to the S86 Urban Growth and S86 Rural Growth Committees to gather feedback on its design, and to test preliminary findings. Following endorsement of its design, more detailed findings will be developed and presented to the Committees over the coming months prior to preparation of a Community Infrastructure Plan.

Resolution:

Moved: Cr. Dudzik
Seconded: Cr. Spain

That the S86 Urban Growth Strategy Committee:

Receives this report and provides feedback to officers on the core elements of the Community Infrastructure Framework discussed in the report, being:

- a) Framework planning cycle
- b) Key principles and objectives
- c) Scope of community infrastructure
- d) The gap analysis tool

CARRIED.

Report Authorisation



Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Friday 27 November, 2015

UPDATE ON URBAN GROWTH STRATEGY AND MPA INVOLVEMENT

Andrew Goodsell, Acting Manager Strategic and Sustainable Development provided a verbal update on the Urban Growth Strategy and MPA involvement.

NEXT MEETING

Wednesday 24 February, 2016
3.00pm
James Young Room, Lerderberg Library
215 Main Street, Bacchus Marsh

MEETING CLOSURE

The Chair thanked all and closed the meeting at 4:58pm.

MINUTES

SECTION 86 URBAN GROWTH STRATEGY COMMITTEE MEETING

Wednesday 24 February, 2016
James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh
4.00pm

MEETING OPENING

The Chair welcomed all and opened the meeting at 4.10pm.

ATTENDANCE

Cr. David Edwards (Chair)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. John Spain	Councillor – East Moorabool Ward
Mr. Rob Croxford	Chief Executive Officer
Mr. Satwinder Sandhu	General Manager, Growth & Development
Mr. Andrew Goodsell	Acting Manager Strategic & Sustainable Development
Mr. Rod Davison	Senior Strategy Planner
Mr. Chris DeSilva	Mesh Consultant
Ms. Bronwyn Pettitt	Mesh Consultant

APOLOGIES

Cr. Allan Comrie (Mayor)	Councillor – East Moorabool Ward
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CONFLICTS OF INTEREST

None.

CONFIRMATION OF THE PREVIOUS MINUTES

Resolution:

Moved: Cr. Dudzik
Seconded: Cr Spain

That the Minutes of the Section 86 Urban Growth Strategy Committee Meeting for 16 December, 2015 be confirmed as a true and correct record.

CARRIED.

MESH PRESENTATION – HOUSING STRATEGY UPDATE

Mr Chris DeSilva and Bronwyn Pettitt from Mesh provided an update to the Committee on the key strategic direction, policies and implementation of the Bacchus Marsh Housing Strategy. Preliminary Community Consultation to take place early March 2016.

UPDATE ON MOORABOOL RETAIL STRATEGY

Andrew Goodsell presented the latest version of the Moorabool Retail Strategy scheduled to be presented at an Ordinary Meeting for Council adoption.

Cr Spain suggested some further clarification to the Strategy as follows:

1. *That Council adopts the Moorabool Retail Strategy 2014 subject to the following amendments:*
 - a. *Add a paragraph in the section Escape expenditure in the Executive Summary as follows:*
 - *“Note that In the case of the Bacchus Marsh region, more than half of the overall retail expenditure in the region is retained within the municipality and this holds true across retail categories apart from discretionary expenditure.”;*
 - b. *Amend the list of Actions on page 106 of the Strategy as follows:*
 - *Change the second sentence in Action 4 to replace the words “...and a permanent growers market or a food and beverage precinct...” with “... and a mix of municipal, state agency or community organisation shop fronts together with small-scale food and beverage outlets...”;*
 - *Add Action 10 – Prepare a separate strategy for Darley to promote opportunities for increased commercial development, including an analysis of potential sites suitable for use or redevelopment for commercial purposes;*
 - *Add Action 11 – Subject to an analysis of the opportunity costs of appropriate encouragement mechanisms, proactively encourage the fast-tracking of the West Maddingley Neighbourhood Centre retail components;*
 - *Amend any recommendations within the Strategy document as appropriate to ensure general concordance with the above;*
2. *That Council receive a further report on any impacts that the completion of the Halletts Way extension project and the Halletts Way Freeway interchange project may have on recommendations and actions in the Moorabool Retail Strategy 2041.*

NEXT MEETING

Wednesday 27 April 2016
4.00pm
James Young, Lerderderg Library

MEETING CLOSURE

The Chair thanked all and closed the meeting at 5.55pm.

Attachment - Item 11.2(e)

MINUTES

SECTION 86 RURAL GROWTH STRATEGY COMMITTEE

Wednesday 21 October, 2015
James Young Room, Lerderderg Library
215 Main Street, Bacchus Marsh
5.30pm

MEETING OPENING

The Chair welcomed all and opened the meeting at 5:44pm.

ATTENDANCE

Cr. Tom Sullivan	Councillor – West Moorabool Ward (Chair)
Cr. Pat Toohey	Councillor – Woodlands Ward
Mr. Satwinder Sandhu	General Manager, Growth & Development
Ms. Lisa Gervasoni	Co-ordinator Strategic Planning
Mr. Andrew Goodsell	Acting Manager Strategic & Sustainable Development
Ms. Sharon Duff	Minute Taker

APOLOGIES

Mr. Rob Croxford	Chief Executive Officer
Cr. Paul Tatchell	Councillor - Central Moorabool Ward (Mayor)
Mr. Justin Horne	Co-ordinator Environment
Mr. Damien Drew	Senior Strategic Planner

CONFLICTS OF INTEREST

None.

Small Towns Strategy – Draft Community Consultation Report

Introduction

File No.: 13/01/013
 Author: Damien Drew
 General Manager: Satwinder Sandhu

Background

The purpose of this report is to present the draft Community Consultation Report for the Small Towns Strategy and confirm the key emerging themes arising from this work. A further report will be presented to a future Ordinary Meeting of Council to outline the key principles, which will guide the development of the Small Towns Strategy.

Since the beginning of February 2015, Council has conducted a significant program of community consultation in the Small towns and settlements in the municipality. The context report and documentation prepared by Council for the engagement program defined the challenges faced, the legislation to be met, and the broad parameters of policy debate.

As part of the consultation program, Councillors and officers met with 285 residents at 13 community conversations, as follows:

Location	Participants
Wallace*	21
Bungaree	23
Dunnstown (incl. Navigators and Yendon)	24
Gordon (incl. Mount Egerton)	44
Lal Lal (incl. Clarendon)	40
Elaine	16
Balliang East (incl. Balliang)	22
Korweinguboorra (incl. Barkstead and Spargo Creek)	20
Blackwood	33
Myrniong (incl. Greendale)	23
Millbrook	12
Yendon	7
Total	285

***Note: Two (2) workshops were held in Wallace on Tuesday, 10 February, 2015 and Thursday, 19 March, 2015.**

The community workshops had a focus on the individual towns, the local context, and other towns within the broader context of the Shire and region. A key purpose of the workshops was to gain an understanding of the major issues for each community to be addressed in the Small Towns Strategy. In addition, the workshops enabled community members to share thoughts about the future of their local areas from now until 2041.

An additional meeting was held with residents of Millbrook on Wednesday, 12 August, 2015 at the Millbrook Community Centre.

During the 12 primary school visits, Councillors and officers met with 267 students, as follows:

Primary School	Participants
Ballan Primary School	47
Myrniong Primary School	37
St Brigid's Primary School, Ballan	45
Mount Egerton Primary School	4
Bungaree Primary School	14
Balliang East Primary School	17
Coimadai Primary School	21
St Mary's Primary School, Clarkes Hill	9
St Brendan's Primary School, Dunnstown	8
Lal Lal Primary School	16
St Patrick's Primary School, Gordon & St Michaels Primary School, Springbank	15
Gordon Primary School	34
Total	267

In addition, Council received 553 completed postcard surveys, which comprised of:

- 285 from residents/ratepayers; and
- 268 from Primary School students.

As part of the Talking 2041 campaign, Council has:

- Written to 39 Agencies seeking their participation in the Small Towns Strategy. Seven (7) responses have been received to date;
- Received eight (8) detailed submissions from property owners and/or residents. Note: The detailed submissions will be considered as part of the preparation of the draft Small Towns Strategy;
- Visited 12 primary schools to talk to the Shire's younger residents about their visions for the future.
- Visited the Ballan train station to speak with commuters; and
- Met with staff from Central Highlands Water, the Department of Environment, Land, Water and Planning, and Department of Economic Development, Jobs, Transport and Resources (Transport Co-ordination Manager).

A further 265 people became aware of the campaign via Moorabool Shire's Have your Say Community Engagement portal and online comments were made by 17 individuals. Visitors to the site were viewing up to three of the pages of information.

Whilst some of the participants in the consultation program may have contributed via more than one of the engagement opportunities, it is considered that Council has received a significant response from the community. Along with the Urban Growth Strategy, the Small Towns Strategy has included one of the largest engagement exercises ever conducted in the Shire.

Community Conversations

A wide range of issues, opinions, and opportunities has emerged from the community conversations, including the following:

- General support for Moorabool to develop and grow in a sustainable manner;
- Quality of life will be difficult to sustain if growth is not properly managed;
- It was generally agreed that growth could best be accommodated in the larger towns along the Western Freeway/Melbourne to Ballarat Railway Line corridor;

- A number of respondents indicated that growth should be directed into locations in other municipalities, rather than locations in the Moorabool Shire;
- Population growth to this time has created congestion problems within the major town of Bacchus Marsh;
- Small towns and settlements will need to be carefully planned if they are to accommodate increased populations;
- Residents of Gordon value the township's character, and only support minimal growth, but desire enhancement of public realm areas, and improvements to services and facilities;
- In some of the smaller towns and settlements, there was a consistent view that there is little purpose in encouraging population growth in areas where there are bushfire and environmental constraints, and the existing settlement size and structure should be retained;
- To ensure that the character of towns and settlements is not jeopardised by further growth and development, residents are prepared to travel to other towns to access services and facilities;
- To retain services and facilities, and sufficient numbers of volunteers, there is a need to maintain population numbers in some of the smaller towns and settlements;
- Provision and retention of basic/daily services, such as, general stores, post boxes, etc., is considered to be essential;
- Many of the smaller towns and settlements lack services and facilities to cater for ageing populations;
- Some participants considered that rural living lots should be made available for lifestyle aspirants;
- There was a consistent view that tourism was an economic development opportunity, in particular, heritage and recreational based tourism, such as, day touring, bushwalking and off road cycling, which can take advantage of the Shire's existing assets;
- Restrictions on development in special water supply catchments are considered to be excessive;
- Concerns regarding the potential effects of approved windfarms in relation to noise, health, and visual amenity;
- Public transport infrastructure, especially the commuter rail connections to the Melbourne CBD are under strain, indicating that there is a need for additional rolling stock, services, and infrastructure;
- Bus services linking towns and other areas of the Shire are not considered adequate to provide convenient travel options for residents who do not have access to private motor vehicles;
- Physical infrastructure augmentation is required in the Shire, in particular, the road network, reticulated water and sewerage, natural gas, and telecommunications services;
- Rural landscapes and environmental features were considered to be major assets within the Shire;
- Several workshop attendees commented that the proliferation of hobby farms and/or foreign investment is detrimental to genuine farming enterprises, in particular, by causing unsustainable increases in rural land values and resultant rate increases; and
- There is a need to continue to advocate for provision of, and/or access to, services for residents of the small towns and settlements.

Primary School Students

In addition to completing the postcard surveys, primary school students participated in a group activity to identify priorities in the short (0 to 10 years), medium (10 to 20 years), and long (by 2041) term. In addition, the student groups were asked to nominate their top priority for 2041.

There were common themes identified across all of the priority timeframes, including education (primary and local secondary schools), entertainment facilities (cinemas, theme parks, and water parks), health/medical (local doctors, hospitals), retail facilities (general stores and supermarkets, specialty shops, fast food chains), sport and recreation (sporting clubs, facilities and fields, and aquatic centres/swimming pools), transport, etc.

Post Card Survey

Key findings from the Post Card Survey are:

Employment:

- Metropolitan Melbourne excluding Melton, the City of Ballarat, and Bacchus Marsh are the most significant locations of employment.

Services:

- The City of Ballarat is the primary retail and service area for Bungaree, Elaine, Lal Lal, Wallace, and Yendon.
- For residents of Mt Egerton and Ballan, Ballan and the City of Ballarat are both significant retail and service providers.
- Myrning, Balliang East, and Greendale rely on Bacchus Marsh, Melton and Metropolitan Melbourne for retail and other services.
- Korweinguboorra and Blackwood extensively rely on facilities and services provided in Daylesford and Trentham, with Ballan and Bacchus Marsh providing additional opportunities.
- There is not a direct correlation between journey to work and place of residence data, and where residents access retail and services. For instance, a Ballan resident of working age may be employed in Metropolitan Melbourne, but access retail and services in the City of Ballarat. The same holds true for Mt Egerton. However, residents of areas further west in the Shire tend to access services and retail facilities in the locality of their place of work, predominantly the City of Ballarat.

Settlement Attributes:

- Blackwood, Wallace, Greendale and Mount Egerton residents all highly value the quiet, peacefulness, and lifestyle. It is a common theme for most settlements with only Balliang East/Balliang, Ballan and Clarendon scoring less than a 20 per cent response rate for this attribute.
- Ballan and Yendon were the highest ranked on community support and inclusiveness.
- Blackwood residents identified trees and vegetation as a major attractor to the area, reflecting the landscape and major reserves in the immediate area.
- Myrning and Balliang East/Balliang recorded the highest response nominating 'lots of space/open', which suggests that lifestyle amenity value is linked to larger lot sizes, lack of near neighbours, or the surrounding landscape.
- Bungaree and Ballan residents identified regional connectedness and access to Metropolitan Melbourne and City of Ballarat via road and rail as highly significant attractors to the area.
- Landscape values were most significant to residents of Yendon and Mount Egerton, and ranked highly for residents of Clarendon/Elaine/Navigators, Myrning, and Wallace.
- Korweinguboorra received the highest ranking on healthy environment/wildlife and accessibility to places with these values.

Future Growth Potential:

- Ballan is identified by residents of all settlements as being a suitable location for future growth.
- Myrniong and Balliang East/Balliang residents support growth in Bacchus Marsh, as well as, Ballan.
- Blackwood residents do not appear to support growth/expansion of their town.
- Only Bungaree residents and Wallace residents identify growth potential in Bungaree.
- Residents of Wallace, Ballan and Gordon identify potential for growth in Gordon.
- Bungaree residents are more than twice as likely to see growth potential in Wallace, compared to residents of Wallace.
- Residents of the western areas of the Shire do not identify Bacchus Marsh as being a potential growth area.

The attached community consultation report is only the first stage in community consultation for the Small Towns Strategy. Additional workshops will be held with the community in late 2015 and/or early 2016 to further develop the Strategy.

A number of key recommendations and actions will result from the work undertaken, for example, in the areas of economic investment (tourism, investment attraction), prioritising improved and/or new infrastructure (recreation and other community facilities, public transport, roads), land use planning (built form character, zones, extent of town boundaries), community support (meeting places, support at home, training, etc.), or advocacy on priorities where the Federal or State Government is the delivery/regulatory authority (improvements to public transport, expansion of health services, postal services, etc.).

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	Adoption of Moorabool 2041 Framework and vision. Development of Urban and Rural Growth Strategies in conjunction with other related plans. Advocate and lobby government for increased infrastructure funding and ensure state land use plans are in line with the Moorabool community needs. Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

The draft Community Consultation Report for the Small Towns Strategy is consistent with the 2013 – 2017 Council Plan.

Financial Implications

There are no immediate financial implications associated with the consideration of this report. Funding for further stages of the work program for the Small Towns Strategy has been included in the 2015/2016 Budget.

Risk & Occupational Health & Safety Issues

There are no immediate risks associated with the consideration of this report.

The Small Towns Strategy will address many community issues in relation to future development, growth and planning issues in the Municipality.

Consolidating and clarifying issues at both a broad municipal level and at a local township/settlement level via the preparation of the Small Towns Strategy should increase the understanding of the planning and strategic direction for the Shire. However, the project may raise aspirations in relation to provision of infrastructure and services, which cannot be met.

Communications and Consultation Strategy

It is proposed that, when completed, the draft Community Consultation Report will be uploaded on the Moorabool Shire Council website to allow the community to review and provide input on the key findings.

Further community consultation will occur as part of the process to prepare the Small Towns Strategy.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Damien Drew

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Moorabool 2041 and the Small Towns Strategy presents Council with an opportunity to develop a consolidated and coordinated vision and plan for a significant area of the Shire, in particular, its townships/settlements and communities.

Since the beginning of February 2015, Council has conducted a significant program of community consultation in the small towns and settlements in the municipality. This process has built good will and collaboration in communities, as indicated by the good attendances at the community workshops, and the positive feedback received at these sessions.

The draft Community Consultation Report for the Small Towns Strategy reflects the considerable weight of feedback received during the initial consultation process. In identifying key themes, a basis will be provided to develop a series of key principles to guide the Small Towns Strategy. Releasing the findings of the Consultation Report will provide the opportunity for the community to provide further input on the future direction of the small towns and settlements in the municipality.

Following the completion of the comment period in relation to the draft Community Consultation Report, key principles will be drawn from the findings of the consultation process. The key principles will guide the development of the Small Towns Strategy.

Recommendation:

That S86 Rural Growth Strategy Committee Resolves:

- 1. To receive and note the Draft Community Consultation Report for the Small Towns Strategy.**
- 2. Prior to the release of the Draft Community Consultation Report for the Small Towns Strategy for public comment, the document will be desktop published to the satisfaction of the General Manager, Growth and Development.**
- 3. That the Draft Community Consultation Report for the Small Towns Strategy be released for public comment via Council's website, as a record of the consultation undertaken and the key themes that have emerged in the M2041 Small Towns Strategy process, and invite comment for a period of no less than one (1) month.**
- 4. That a further report be presented to a future Ordinary Meeting of Council to outline any additional community feedback in response to the Draft Community Consultation Report. In addition, the report will include suggested principles, which respond to the key themes identified, to guide the development of the Small Towns Strategy.**

Resolution:

Moved: Cr. Toohey

Seconded: Cr. Sullivan

That the S86 Rural Growth Strategy Committee Resolves:

- 1. To receive and note the Draft Community Consultation Report for the Small Towns Strategy. .**

2. To request that the General Manager Growth & Development release the Draft Community Consultation Report for the Small Towns Strategy for public comment following its desktop publication.
3. That the Draft Community Consultation Report for the Small Towns Strategy be released for public comment via Council's website and via email / letter to those who registered at the Community Consultation Sessions, as a record of the consultation undertaken and the key themes that have emerged in the M2041 Small Towns Strategy process, and invite comment for a period of no less than one (1) month.
4. That a further report be presented to a future Ordinary Meeting of Council to outline any additional community feedback in response to the Draft Community Consultation Report. In addition, the report will include suggested principles, which respond to the key themes identified, to guide the development of the Small Towns Strategy.

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Satwinder Sandhu

General Manager Growth and Development

28 September, 2015

Environmental Assessment Project

Introduction

File No.: 02/14/005
Authors: Justin Horne & Lisa Gervasoni
General Manager: Satwinder Sandhu

Background

To assist with the improved identification of the development potential of 16 towns and settlements (see Table 1 below), Ecology and Heritage Partners were engaged to undertake environmental and cultural heritage assessments, which comprised two stages (preliminary desktop/literature review and on- ground assessments).

The intent of the project was to identify any significant values, which may be present and would need to be considered when assessing the development potential of the towns.

The areas investigated were based on a 500-metre buffer from the existing township/settlement areas, with some minor adjustments for natural and constructed barriers (e.g., waterways and the Western Highway).

Stage 1 of the project involved a desktop analysis of the identified towns. This assessment involved utilised publically available databases and pre-existing Council documents to assess the following environmental and social values present in the identified towns including:

- Pre-1750 flora communities (ecosystems);
- Current flora communities (ecosystems);
- European and Aboriginal cultural heritage and overlays;
- Extractive industries, wind farms and EPA licences; and.
- Bush fire risk, based on criteria adapted from the CFA's Planning for Bushfire Victoria: Guidelines for Meeting Victoria's Bushfire Planning Requirements.

This process then guided the decision as to which towns/settlements required on-ground assessments to ensure that no significant issues were present at each of the towns, which were not identified from the desktop assessment.

During Stage 2 of the project, on-ground assessments were undertaken in 14 towns/settlements. No assessments were undertaken at Barkstead and Korweinguboorra/Spargo Creek as the data gathered during Stage 1 was deemed satisfactory. These assessments were undertaken from roadsides and public reserves, inspections were not undertaken on private property.

The on-ground assessments were undertaken during late summer/early autumn with the aim to verify the findings of the desktop assessments.

Towns / Settlements	
Bungaree	Dunnstown
Elaine	Myrniong
Wallace	Balliang
Balliang East	Barkstead
Blackwood	Clarendon
Greendale	Hopetoun Park
Korweinguboorra / Spargo Creek	Lal Lal
Mount Egerton	Yendon

Table 1: investigation towns and settlements

Also included in the desktop assessment component were Ballan and Gordon. This was to assist with the structure plan processes for each of these towns, they were not considered for on-ground assessments.

During informal discussions on the draft report, clarification was sought, and will be provided, in this report on:

- Whether the report meet the requirements of the brief;
- Terminology within the report; and
- Whether the recommendations relating to application of planning controls within the report will commit Council to that action.

Conformance with the Project Brief

The Environment Assessment Project is primarily a desktop analysis to provide background information regarding environmental attributes for consideration as part of the M2041 project. This type of work is known as ‘sieve mapping’ where it provides layers of information, which will assist in strategic assessment of suitability of land for different uses.

Following the desktop analysis, the consultants were required to provide a methodology for future on ground assessment of the five priority settlements and identify / provide scope of works for on ground assessment of priority B settlements where required. Strategic on ground assessments for these sites were to be undertaken (to ground truth desktop analysis) and then recommendations were to be provided on how to manage the identified environmental constraints.

The assessment and report conform to the project brief. It is a high-level strategic assessment, which means that any future changes to the planning scheme (rezoning or introduction of a control) will need to be accompanied by the appropriate level of assessment / documentation as per the recommendations of the Report.

Key Findings

Native Vegetation

Due to the history of inhabitation and agriculture, most towns/settlements did not contain large patches of native vegetation values within the existing township areas of the five larger towns (Wallace, Dunnstown, Elaine, Bungaree and Myrniong) investigated in this project.

The assessed bushfire risk of these five towns was identified as being low, however, this is only indicative and further investigation should be undertaken if future development of the towns is to occur.

It was identified that Wallace contains several large scattered eucalypts, which should be considered as part of future development plans, both ecologically, and as to the value, they add to the character of the township.

In the instances where patches of native vegetation did remain in these five towns, they were generally constrained to the waterways and the fringes of the 500-metre investigation buffer.

Due to the development history of the other 11 smaller towns/settlements investigated as part of this project, native vegetation has been retained within the township/settlement and is present in large quantities, which in several cases resulted in the bushfire risk assessments being identified as extreme.

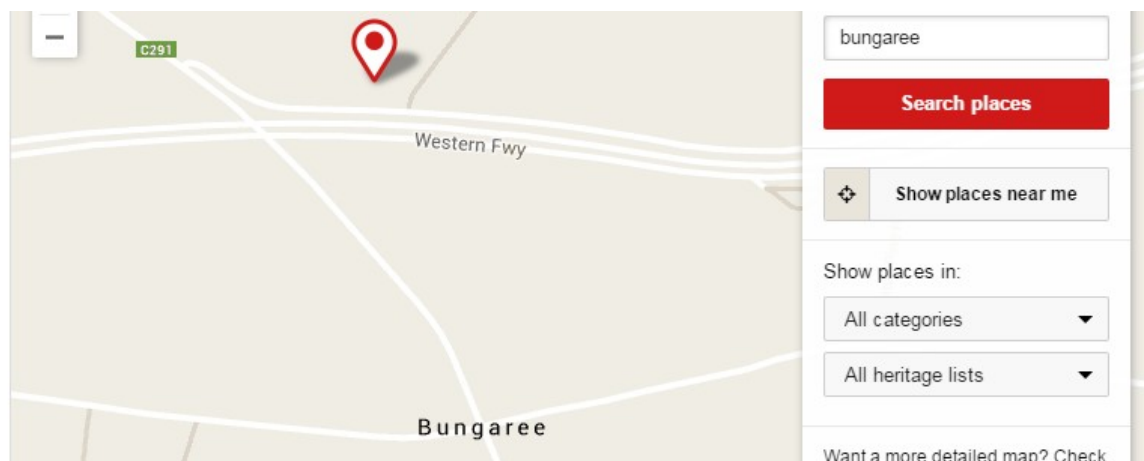
Future development of many of these towns towns/settlements will need to be sympathetic to the native vegetation for environmental, bushfire management and town character (social) and some instances will be a critical factor as to whether future development is achievable.

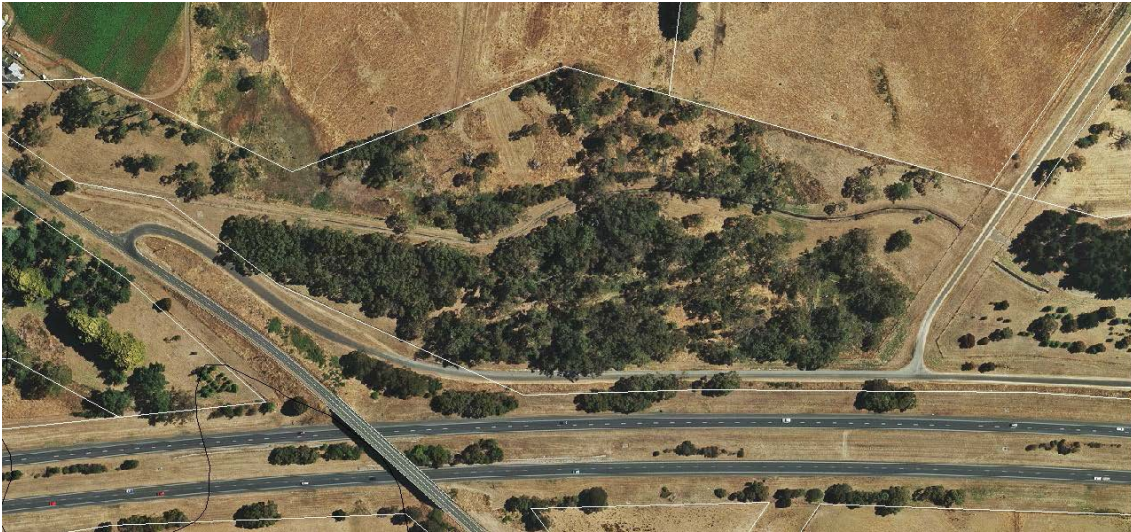
Questions were asked regarding reference to last reported sightings of species being 1770, prior to European settlement in the area. This is a standard methodology for flora and fauna assessments. Sites appear on a State or Federal list if the species has been identified as part of previous surveys. The State and Federal databases include many historic records dating back in excess of 100 years. To comply with industry practices, all records must be referenced in the report, however, recorded sightings prior to 2000 generally do not support any form of control or listing and are considered novel.

Cultural Heritage

The on-ground assessments did not identify any new European or Aboriginal cultural significant values. However, this report is only indicative and if any future development of any of the towns/settlements is to occur, further studies will be required.

It is noted that an inactive bluestone quarry at Bungaree is listed in the Victorian Heritage Inventory (HERMES database) as an archaeological site. The quarry is located to the north of the Western Freeway on Geddes Lane.





Search Options Place Info Tags Reports Admin New Edit Save < > <Place Place> Exit									
Location		Place Data			Heritage				
		Owner			Status				
		Heritage Victoria			Heritage Inventory Site				
Name									
BLUESTONE QUARRY									
Location *									
GEDDES LANE BUNGAREE, MOORABOOL SHIRE									
HERMES No.		VHR No.		HI No.		File No.			
7040				H7622-0010					
Overlay No.		Precinct Name			Details		Property No.		
Current Address									
Sort Order	Unit Number	Street No	Suffix	Street	Locality	State	Pcode	LGA	
2				GEDDES LANE	BUNGAREE	VIC	3352	MOORABOOL SHIRE	
Current Address Details									
Unit Number	Street number	Suffix	Street						
			GEDDES LANE						
Locality	BUNGAREE			Lookup	State	Post Code	Sort Order *		
					VIC	3352	2		
LGA	MOORABOOL SHIRE			Property No					
Location Information									
Longitude	Latitude	Last Update		HV Mapped					
143.99457	-37.55122	31/10/2012		Yes					
Accuracy	Projection / Datum			Obtain coord					
Premise level accuracy	AGD66								
Easting	Northing	Zone		Show locati					
764420	5839570	54							
Site Notes									
Heritage Inventory Relocation: Water supply reserve near cnr of Geddes Rd on the north side of the western freeway (access from Bungaree - Creswick Rd)									
Heritage Inventory Access: Restricted									

Recommendations Relating to Overlay Controls

This document outlines the environment and heritage issues that may need to be considered in the preparation of any future structure plan, strategic planning document or planning scheme amendment.

As the assessment is 'strategic' in nature, the consultants were requested to make recommendations regarding future controls or assessment in relation to environmental issues, if development / change were to occur subsequent to the M2041 process. As such, further assessment of recommendations regarding future planning controls would be undertaken as part of any structure planning processes, which emanate from the Small Towns Strategy.

A recent example of this process is the preparation of the Gordon Structure Plan. Community consultation undertaken during the preparation of the Structure Plan identified the need for vegetation and landscape controls to maintain the valued character of the township and its surrounds.

The Structure Plan was adopted by Council and became the strategic support for the introduction of a Design and Development Overlay and Significant Landscape Overlay. Council then publically exhibited a planning scheme amendment, considered submissions to the amendment, referred submissions to an independent panel and adopted the amendment.

Thus, affected landowners and the local community in Gordon had the opportunity to review and provide comment on the Overlay provisions, and if they wished, have their views heard by the Panel, prior to the approval of the amendment.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area: Enhanced Infrastructure and Natural and Built Environment

Objective: Effective and integrated strategic planning in place to create sustainable communities.

Strategy: Development of Urban and Rural Growth Strategies in conjunction with other related plans.

Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

Key Result Area: Enhanced Infrastructure and Natural and Built Environment

Objective: Promote, and enhance places of heritage, landscape and environmental significance

Strategy: Develop future planning policy to ensure it:

- Preserves the unique character and sense of place;
- Maintains the rural setting of the Shire;
- Provides a sense of connection with the town's origins and familiarity with the country town feel; and
- Ensures environmentally sensitive areas such as Lerderderg State Park and remnant vegetation are protected in accordance with relevant legislation.

Financial Implications

The findings of the Environment Assessment Project do not present any known financial implications to Council.

Risk & Occupational Health & Safety Issues

The findings of the Environment Assessment Project do not present any known risk or Occupational Health & Safety issues to Council.

Communications and Consultation Strategy

A separate communication or consultation strategy is not required for the Environment Assessment Project element of the Moorabool 2041 project.

Information from the project will be incorporated in the Small Towns Strategy and will be made publically available via that process.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Justin Horne and Lisa Gervasoni

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

For the five larger towns investigated (Wallace, Bungaree, Elaine, Myrniong and Dunnstown) as part of the Environment Assessment Project, local environmental and cultural heritage values were identified, and future development should be sympathetic to these values, but they should not present any significant barrier to the development potential of the towns.

In addition, the identified bushfire risk of these five towns was identified as low, which may also assist to increase the development potential of the towns.

For the 11 smaller towns/settlements assessed as part of this project, native vegetation and bushfire risk varies greatly, and the development potential of each of these towns/settlements will need to be considered on a case-by-case basis as in several instances the native vegetation and bushfire risk will present a significant barrier to development.

Recommendation:

That the S86 Rural Growth Strategy Committee:

1. Receives the draft Small Towns and Settlements Environment Assessment Project report for the purposes of review and feedback to officers.
2. Endorses the draft Small Towns and Settlements Environment Assessment Project report for use as a background document for the preparation of the Small Towns and Settlements Strategy.
3. Notes that the recommendations of the draft Small Towns and Settlements Environment Assessment Project report in relation to planning controls are intended to provide guidance for future investigation and do not provide the strategic justification necessary for the preparation of a planning scheme amendment.

Resolution:

Moved: Cr. Toohey

Seconded: Cr. Sullivan

That the S86 Rural Growth Strategy Committee:

1. Receives the draft Small Towns and Settlements Environment Assessment Project report for the purposes of review and feedback to officers.
2. Endorses the General Manager Growth & Development to circulate the draft Small Towns and Settlements Environment Assessment Project Report for use as a background document for the preparation of the Small Towns and Settlements Strategy.
3. Notes that the recommendations of the draft Small Towns and Settlements Environment Assessment Project report in relation to planning controls are intended to provide guidance for future investigation and do not provide the strategic justification necessary for the preparation of a planning scheme amendment.

CARRIED.

Report Authorisation

Authorised by:

Name:


Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

15 September, 2015

DATE OF NEXT MEETING

Wednesday 25 November, 2015

3:00pm

James Young Room, Lerderberg Library,

215 Main Street, Bacchus Marsh

MEETING CLOSURE

The Chair thanked all and closed the meeting at 6:46pm.

MINUTES

SECTION 86 RURAL GROWTH STRATEGY COMMITTEE

Wednesday 25 November, 2015
James Young Room, Lerderderg Library
215 Main Street, Bacchus Marsh
3.00pm

MEETING OPENING

Cr Sullivan welcomed all and opened the meeting at 3:02pm.

ATTENDANCE

Cr. Tom Sullivan (Chair)	Councillor – West Moorabool Ward
Cr. Allan Comrie (Mayor)	Councillor – East Moorabool Ward
Mr. Rob Croxford	Chief Executive Officer
Mr. Satwinder Sandhu	General Manager, Growth & Development
Mr. Andrew Goodsell	Acting Manager Strategic & Sustainable Development
Ms. Lisa Gervasoni	Co-ordinator Strategic Planning
Mr. Damien Drew	Senior Strategic Planner
Mr. Raeph Cumming	Social Infrastructure Planner
Mr. Joe Morgan-Payler	Urban Designer
Ms. Chris Rodda	Minute Taker

APOLOGIES

Cr. Pat Toohey	Councillor – Woodlands Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward

ELECTION OF MEETING CHAIR

Cr Tom Sullivan was elected as Chair for the meeting held on Wednesday 25 November, 2015.

CONFLICTS OF INTEREST

None.

CONFIRMATION OF THE PREVIOUS MINUTES

Resolution:

Moved: Cr. Sullivan
Seconded: Cr. Comrie

That the Minutes of the Section 86 Rural Growth Strategy Committee Meeting for 21 October, 2015 be confirmed as a true and correct record.

CARRIED.

M2041 – COMMUNITY INFRASTRUCTURE FRAMEWORK

Community Infrastructure Framework

Introduction

File No.: 13/01/013
Author: Raeph Cumming
General Manager: Satwinder Sandhu

Background

A Social Infrastructure Plan is identified as a critical component of the Moorabool 2041 growth framework. Such a plan will identify the Shire's most critical needs for community facilities, where they are needed, timing of delivery, as well as a funding and implementation plan for their delivery.

In October 2014, the Strategic and Sustainable Development (SSD) unit began pulling together Council's existing social infrastructure planning work into a structured planning and delivery framework. The Community Infrastructure Framework (CI Framework) updates and builds on existing work by establishing an evidence-driven, highly flexible approach to identifying the Shire's priority community infrastructure needs. This has been developed collaboratively across Council.

The key aims of the Community Infrastructure Framework are to:

- Identify, assess and prioritise Moorabool Shire's current and future community infrastructure needs to 2041.
- Inform the design and delivery of multifunctional, strategically significant projects that meet a range of community service needs.
- Provide a basis for securing outside investment in infrastructure such as Government funding, development contributions, and delivery partnerships with the private, community and philanthropic sectors.

The CI Framework is not limited to the preparation of a single plan or report that serves as a snapshot in time. It is based on a system that allows officers to update, revise and report on the community's need for services and facilities (work for which council has previously had to use consultants). The ultimate published expression of the Framework will still be a Community Infrastructure Plan, but one that is continually updated to reflect current priorities.

The CI Framework establishes internal cross-departmental processes, which ensure that community infrastructure projects are identified through a consistent assessment of evidence of service needs. Moorabool Shire Council's (Council) internal Service Managers (Aged & Disability, Early Years, Community

Development, and Sport, Recreation and Youth Development), Asset Managers and Strategic Planners work together to identify and deliver key infrastructure projects.

The CI Framework has been developed as an integral component of the Moorabool 2041 growth framework. Early findings are being used through the Small Towns Strategy to define a hierarchy of settlements in terms of their role in providing facilities and services to other towns. The Framework has also been effective in demonstrating how urban growth in Bacchus Marsh will impact upon services and create demand for new facilities or upgrades to existing facilities.

Community Infrastructure Planning Cycle

Appendix A outlines the broad operation of the CI Framework as a cyclical process involving several stages and key stakeholders, with key outputs and links to other plans. The core components are:

1. **Framework design:** a one-off stage defining how the Framework will operate and the core principles that will drive decision-making.
2. **Evidence base:** collecting the most relevant evidence that services will use to determine their infrastructure priorities. Storing this data in a database rather than a paper report.
3. **Needs analysis:** each service area interpreting the evidence to identify priority infrastructure needs. This stage provides a 'pool' of evidence based and worthwhile projects upon which to apply the CIP assessment.
4. **Strategic prioritisation:** firstly identifying where multiple service needs can be met through a single project, then strategically prioritising projects through the CIP process.
5. **Outputs:** publication of a Plan or report that sets out the Shire's current and future infrastructure needs and the projects that will meet those needs.

This report primarily addresses stages 1 to 3. The process has yet to run a full cycle. The first complete iteration will conclude with Council endorsement of a Community Infrastructure Plan and the 2016-17 Capital Improvement Program in 2016. The process is currently coordinated by the Social Infrastructure Planner (within SSD) supported by the Framework Steering Group (SSD, service and asset managers).

Framework Design – Key Principles and Objectives (DRAFT)

The Framework is based on a set of key principles and objectives (see list below; these are described in more detail in Appendix B).

Strategic planning principles:

- Delivery of services
- Integrated planning approach
- Alignment of internal and external planning
- Co-location / integration of services and facilities
- Accessibly located facilities
- Equitable distribution of facilities
- Network and hierarchy of facilities

Facility-based principles:

- Functional / fit for purpose facilities
- Optimised use of facilities
- Multifunctional facilities
- Universally accessible facilities
- Social significance of facilities

Project-based principles:

- Responding to priority community needs
- Funding and delivery of facilities through partnerships
- Urban design (sense of place and community)
- Net community benefit
- Delivered in step with need

The principles and objectives described in Appendix B have guided the design of the planning cycle, tools and assessments. It is proposed that these principles and objectives will also guide the design and prioritisation of community infrastructure projects through the Capital Improvement Program (CIP).

Scope of 'community infrastructure' included within the CI Framework

The full scope of community infrastructure in Moorabool Shire goes beyond the range of facilities currently owned and operated by MSC. While it is important to eventually include the full range of facilities available to the public, the Framework will initially focus on critical built infrastructure that is owned, operated or funded by MSC. It will also assess third party owned/operated facilities that provide critical services to the public.

The first component of work on the CI Framework will not include passive open space reserves but it is proposed to include these at a later date.

Appendix C defines which forms of infrastructure are included in the Framework and at which stage.

Community Infrastructure Database – Gap Analysis Tool

The Gap Analysis Tool supports stages 2 (evidence based) and 3 (needs analysis) of the Framework. It is essentially a database that allows officers to store, manipulate, and report on complex data.

The Tool enables officers to define planning standards (such as the target number of facilities per head of population) and compare that target with the existing situation. In this respect, the Tool largely replaces the need for further community infrastructure consultancy work.

This report is supported by a demonstration of the Tool, which will explain its operation and outputs in more detail.

The Gap Analysis Tool provides services and planners with sophisticated, structured and service-specific information to inform the identification of projects to meet infrastructure shortfalls.

Key findings

At this stage, all findings are draft pending Council endorsement of the Framework principles, objectives, planning cycle and Gap Analysis Tool. Broadly, preliminary findings suggest that:

- Compared to various planning standards, the Shire is underprovided for a range of infrastructure, most notably sport and recreation facilities. Access to facilities (in terms of travel distance) in Bacchus Marsh and surrounds is good, but there is insufficient capacity to meet the demands of the population. For small towns, the capacity of local facilities is good, but residents must travel much greater distances to access a full range of community infrastructure. Therefore, capacity is potentially the predominant issue for urban areas, while accessibility is the main problem in small rural communities.
- Existing service plans and strategies adequately plan for some future needs (e.g. kindergarten and MCH through the Municipal Early Years Plan) but additional plans will be required to plan for other service needs (such as library capacity and aged residential care).
- Travel time analysis shows that many services can be accessed by rural communities within 20 minutes' drive time, but that towns in the west rely heavily on Ballarat.
- Council already owns and operates several facilities which are well located in terms of accessibility by communities and which may have substantial capacity to accommodate greater use by services and the community (in some cases negating the need for construction of new facilities).
- Council will need to ensure that major new developments adequately contribute towards the improvement of existing facilities, as well as contributing to the construction and operation of new facilities.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community.
Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs.
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire. Represent Council at a regional level to improve services and infrastructure within the Shire.
Key Result Area	Representation and Leadership of our Community.
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.
Key Result Area	Community wellbeing.
Objective	Inclusive, responsive and accessible community services.

Strategy	<p>Undertake social, health and recreation planning that increases our understanding of the needs of our communities now and into the future and articulates the role of Council.</p> <p>Work in partnership with government and non-government service providers to deliver early year's facilities and services.</p> <p>Advocate, support and deliver youth development programs and services in partnership with other agencies.</p> <p>Advocate, support and provide aged and disability services.</p> <p>Ensure Council's services and facilities are accessible.</p>
Key Result Area	Community wellbeing.
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.
Key Result Area	Enhanced infrastructure and natural and built environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	<p>Adoption of Moorabool 2041 Framework and vision.</p> <p>Development of Urban and Rural Growth Strategies in conjunction with other related plans.</p> <p>Advocate and lobby government for increased infrastructure funding and ensure state land use plans are in line with the Moorabool community needs.</p> <p>Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.</p>
Key Result Area	Enhanced infrastructure and natural and built environment.
Objective	Ensure current and future infrastructure meets the needs of the community.
Strategy	<p>Develop long term social and physical infrastructure plans and funding modelling as part of the Moorabool 2041 Framework including opportunities for development contributions.</p> <p>Plan and maintain a long term and annual capital improvement program.</p> <p>Construct physical infrastructure to appropriate standards.</p>

Key Result Area	Enhanced infrastructure and natural and built environment
Objective	Management of assets and infrastructure.
Strategy	Address the infrastructure renewal gap through prudent financial strategies and an accurate understanding of the renewal demand. Delivery of the annual Capital Improvement Program.

Financial Implications

At this stage of the CI Framework, no direct financial implications arise. Later reports will address specific findings from the Framework that will impact on the funding of community infrastructure projects by Council, developers and other funding partners.

Risk & Occupational Health & Safety Issues

The Community Infrastructure Framework does not present any known risk or OH&S issues to Council.

Communications and Consultation Strategy

A separate communication or consultation strategy will be required to communicate the findings of the Framework to communities, developers and other service providers. Findings will also be included within the Small Towns Strategy, Urban Growth Strategy and other Moorabool 2041 publications.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Raeph Cumming

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The CI Framework essentially provides officers with the means to carry out community infrastructure planning in a structured, evidence-driven and service-focused manner. The primary output from the Framework will be prioritised lists of infrastructure needs that have been developed through a collaborative cross-departmental approach.

The Framework is being presented to the S86 Urban Growth and S86 Rural Growth Committees to gather feedback on its design, and to test preliminary findings. Following endorsement of its design, more detailed findings will be developed and presented to the Committees over the coming months prior to preparation of a Community Infrastructure Plan.

Resolution:

Moved: Cr. Comrie
Seconded: Cr. Sullivan

That the S86 Rural Growth Strategy Committee:

Receives this report and provides feedback to officers on the core elements of the Community Infrastructure Framework discussed in the report, being:

- a) Framework planning cycle
- b) Key principles and objectives
- c) Scope of community infrastructure
- d) The gap analysis tool

CARRIED.

Report Authorisation



Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Friday 20 November, 2015

COMMUNITY CONSULTATION PROGRAM (DECEMBER 2015)

Andrew Goodsell, Acting Manager Strategic and Sustainable Development and Joe Morgan-Payler, Urban Designer provided the Committee with an overview of the Small Town Investigation and proposed Consultation process.

The Committee received the contents of the Small Town Investigation future schedule and process.

Rural Growth Strategy - Timelines

Andrew Goodsell, Acting Manager Strategic and Sustainable Development provided the Committee with an overview of the Rural Growth Strategy Timelines.

NEXT MEETING

Wednesday 23 March, 2016
4.00pm
Council Chambers, Ballan
15 Stead Street, Ballan.

MEETING CLOSURE

The Chair thanked all and closed the meeting at 4.15 pm.

Attachment - Item 11.3

MINUTES

PLACE MAKING ADVISORY COMMITTEE

TUESDAY 15 MARCH 2016
Council Chambers, Ballan
1.00pm – 2.30pm

MEETING OPENING

The Chair welcomed all and opened the meeting at 1.06pm.

ATTENDANCE

Cr Pat Toohey, Chair	Councillor – Woodlands Ward
Cr Tom Sullivan	Councillor – West Moorabool Ward
Cr John Spain	Councillor – East Moorabool Ward
Mr Phil Jeffrey	General Manager Infrastructure
Ms Sam Romaszko	Manager Engineering Services
Mr Glenn Townsend	Manager Operations
Ms Lace Daniel	Minute Taker

Melbourne Water Representatives:

YC Chia	Principal of Schemes
James Hodgens	Senior Engineer, Waterway & Land, Development Services
Daniel Garzia	Student Catchment Planner, Development Services (North)
Erin Carpenter	Waterways Officer, Werribee Rover Corridor
Michael Prior	Statutory Planner

APOLOGIES

Mr Satwinder Sandhu	General Manager Growth & Development
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CONFLICTS OF INTEREST

No conflicts of interest were declared at the meeting.

CONFIRMATION OF MINUTES

3.1 Confirmation of Previous Minutes (Wednesday 17 February 2016)

Resolution:

That the Place Making Advisory Committee confirm the minutes of the meeting held on Wednesday 17 February 2016.

Moved: Cr Sullivan
Seconded: Cr Spain

CARRIED

3.2 Confirmation of Previous Minutes (Wednesday 14 October 2015)

Resolution:

That the Place Making Advisory Committee confirm the minutes of the meeting held on Wednesday 14 October 2015.

Moved: Cr Sullivan
Seconded: Cr Toohey

CARRIED

INFRASTRUCTURE REPORTS

4.1 Development Services Schemes and Drainage Strategy within the Ballan Township

Melbourne Water presented to the group in relation to the schemes and strategy.

Resolution:

That the Place Making Advisory Committee requests officers prepare a report to the April Ordinary Meeting of Council recommending that:

1. in principle support be provided to the three Development Services Schemes listed below:
 - a) Ballan North West DSS
 - b) Ballan South West DSS
 - c) Gillespies Lane DSS
2. the Gosling Street Drainage Strategy proposal be received.

Moved: Cr Sullivan
Seconded: Cr Spain

CARRIED

4.2 Community Survey – Greenwaste Disposal

Resolution:

That the Place Making Advisory Committee recommends to Council that:

1. A non-compulsory kerbside greenwaste collection be implemented within the urban (residential zoned) areas of Bacchus Marsh and Ballan.
2. The service be provided for a trial period from January 2017 to June 2019 at a cost of approximately \$85-100 per tenement including corporate overheads.
3. A further report be presented to Council regarding the feasibility for a continued service at least 6 months prior to the completion of the trial period.
4. An amendment to the existing Waste & Resource Recovery Policy be made to include the additional service.
5. Refers the costs associated with the implementation of the service to the annual budget process.

Moved: Cr Spain
Seconded: Cr Sullivan

CARRIED

4.3 Community Survey – Hardwaste Disposal

Resolution:

That the Place Making Advisory Committee recommends to Council that:

- 1. it not proceed with the implementation of a hardwaste service at this time**
- 2. officers write to Grampians Central West Waste Management Group in relation to a regional procurement approach for a potential future on call service.**

Moved: Cr Sullivan
Seconded: Cr Spain

CARRIED

GROWTH & DEVELOPMENT REPORTS

Nil

CLOSED SESSION OF THE MEETING

Nil

DATE OF THE NEXT MEETING

Wednesday 20 April 2016

MEETING CLOSURE

The Chair thanked all and closed the meeting at 3.03pm.