

# AGENDA

## SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

**Wednesday 20 February, 2019**  
North Wing Room 2 & 3  
Darley Civic and Community Hub  
182 Halletts Way, Darley  
5.00pm

### MEMBERS

Cr. Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward

### OFFICERS

Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Rob Fillisch	Manager Statutory Planning and Community Safety
Mr. Ewen Nevett	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Minute Taker

Item	Title	Responsibility	Page No.	Action
1.	<b>Welcome, Present and Apologies</b>	<b>Chair</b>		<b>Noting</b>
2	<b>Recording of Meeting</b>	<b>Chair</b>		<b>Noting</b>
3.	<b>Meeting Minutes</b>	<b>Chair</b>		<b>Noting</b>
3.1	Confirmation of previous minutes 19 December, 2019.			Resolution
4.	<b>Conflict of Interest</b>	<b>Chair</b>		<b>Noting</b>
5.	<b>Growth &amp; Development Reports</b>	<b>S. Sandhu</b>		<b>Discussion</b>
5.1	Planning Permit Number PA2018 295 – Two (2) Lot Subdivision at 4 Creek Court, Ballan	T. Tonkin	Page 3	Resolution
5.2	Planning Permit Number PA2018 296 – Two (2) Lot Subdivision at 5 Creek Court, Ballan	T. Tonkin	Page 17	Resolution
5.3	Planning Permit Number PA2018 297 – Two (2) Lot Subdivision at 8 Creek Court, Ballan	T. Tonkin	Page 31	Resolution
5.4	Planning Permit Number PA2018 198 – Three (3) Lot Subdivision at 29 Walkers Lane, Mount Egerton	T. Tonkin	Page 45	Resolution

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|-----|---|------------|---------|------------|
| 5.5 | Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan   | T. Tonkin  | Page 62 | Resolution |
| 5.6 | Planning Permit Number PA2018267 – Development and Use of a Medical Centre (Dental Practice) at 83 Gisborne Road, Bacchus Marsh | S. Duff    | Page 78 | Resolution |
| 5.7 | Planning Permit Number – PA2018264 Development and Use of a Dwelling at Lot 20 Myrniiong-Korobeit Road, Greendale.              | B. Southee | Page 98 | Resolution |

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|-----------|---|------------------|-------------------|--|
| <b>6.</b> | <b>Update on Trends, Issues and Other Matters</b> | <b>S. Sandhu</b> | <b>Discussion</b> |  |
| <b>7.</b> | <b>Update of VCAT Decisions</b>                   | <b>Chair</b>     | <b>Resolution</b> |  |
| <b>8.</b> | <b>Date of Next Meeting</b>                       | <b>Chair</b>     | <b>Noting</b>     |  |

8.1 Wednesday 20 March, 2019  
5.00pm  
North Wing Room 2 & 3  
Darley Civic and Community Hub,  
182 Halletts Way, Darley

- |           |                      |              |               |  |
|-----------|----------------------|--------------|---------------|--|
| <b>9.</b> | <b>Meeting Close</b> | <b>Chair</b> | <b>Noting</b> |  |
|-----------|----------------------|--------------|---------------|--|

## GROWTH & DEVELOPMENT REPORTS

### Item 5.1 Planning Permit Number PA2018 295 – Two (2) Lot Subdivision at 4 Creek Court, Ballan

<b>Application Summary:</b>	
Permit No:	PA2018295
Lodgement Date:	30 October, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot 4 on PS 713326T, 4 Creek Court, Ballan 3342
Proposal:	Two (2) Lot Subdivision
Lot size:	780sq m
Why is a permit required?	Clause 32.08 – General Residential Zone – Subdivision Clause 42.01 – Environmental Significance Overlay – Subdivision
Reason for being presented to S86 Development Assessment Committee.	Objection received.
<b>Public Consultation</b>	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	No.
<b>Policy Implications</b>	
<b>Strategy Objective 2:</b>	Minimising Environmental Impact
<b>Context 2A:</b>	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
<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>	
<b>Executive Summary</b>	
Application Referred?	Yes – to Infrastructure, Melbourne Water, Southern Rural Water and Western Water.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	No.
Brief history	Refer to 'Background to Current Proposal' and 'History' within this report.
Previous applications for the site?	PA2016147 – Construction of two dwellings on a lot in the General Residential Zone, Schedule 1 was issued by Council on 30 August, 2017 at the direction of VCAT. Refer to 'History' within this report.
General Summary	It is proposed to subdivide a vacant site into two lots of 314sq m and 466sq m, consistent with a development permit approved by VCAT. There are no minimum lot size requirements under the zone although the proposal is inconsistent with Ballan Strategic Directions which specifies preferred minimum 800sq m lot sizes for the site. The proposal is generally consistent with State and local planning policy and the existing Zone provisions.
<b>Summary Recommendation</b>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.</p>	

## Site Description

The site is identified as Lot 4 on PS 713326T, known as 4 Creek Court, Ballan and located on the north side of the street fronting a court bowl. The site is a trapezoid shape, with an 8.0m frontage to Creek Court widening to a 35.41m wide rear boundary, and yielding an area of 780sq m. All reticulated services are available to the site.

The site has a slight fall from west to east, is currently vacant and encumbered by a 3.0m wide easement for pipeline purposes parallel to the rear boundary.

The site and surrounding neighbourhood is towards the western periphery of the Ballan Township in the General Residential Zone. Creek Court is a cul-de-sac approximately 260 metres long, accessed from Old Melbourne Road to the north via Crook Court, and approximately 1.0km west of the Ballan town centre.

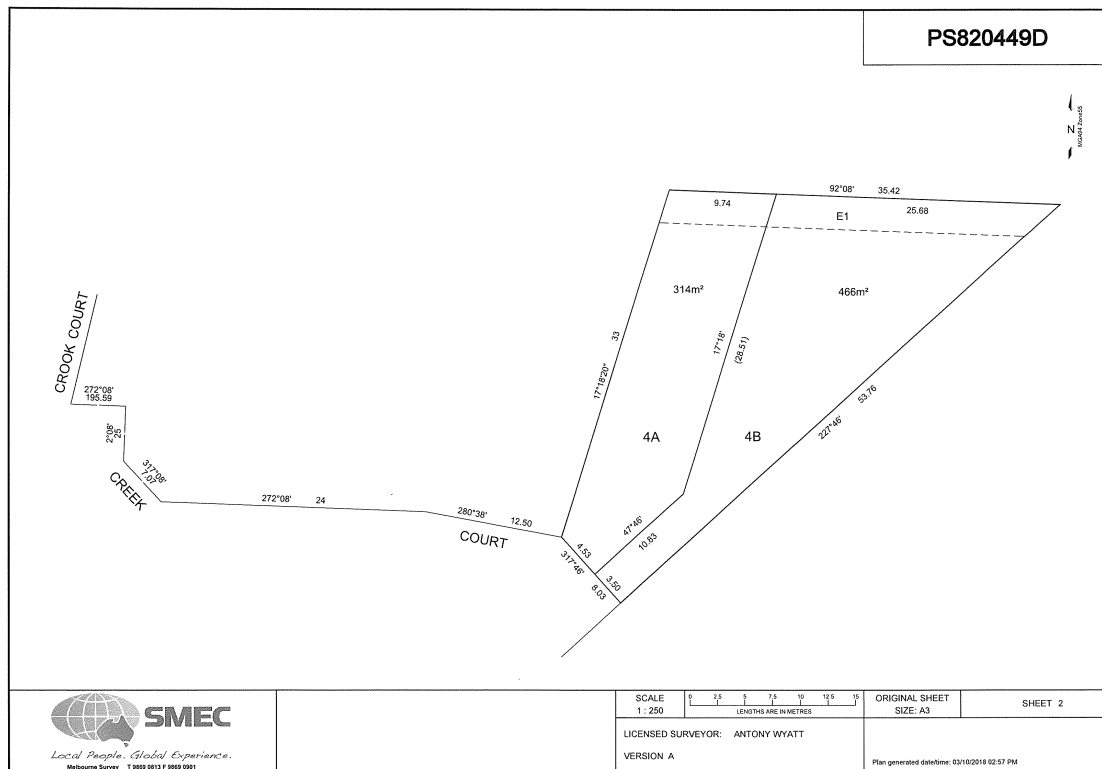
Lot sizes in the area range from 375sqm to 1.518ha, the variability reflecting recent subdivision which has created smaller residential lots from substantially larger sites, with the semi-rural character evidently transitioning to more intensive residential development, whilst noting that the semi-rural character is still evident, defined by single storey dwellings on large otherwise mostly vacant allotments. Landscaping on the larger lots typically comprises a mix of native and exotic trees either scattered or planted as windbreaks, compared to low level plantings, shrubs and small trees on the more recently created lots.

To the southeast of the subject site is a linear Council reserve adjoining a waterway, beyond which are lots fronting Old Geelong Road. To the north is a 1.113ha lot containing a single dwelling and ancillary outbuildings. To the west is a 520sq m lot containing a single dwelling, and across Creek Court to the southwest is a vacant lot 839sq m subject to application PA2018296 for a two (2) lot subdivision.



## Proposal

It is proposed to subdivide the site into two (2) lots. Lot 4A would be 314sq m and Lot 4B 466sq m, both an irregular shape with direct street frontages of 4.53m and 3.5m respectively, and both encumbered by an existing 3.0m wide easement for pipeline purposes parallel to the rear boundary. No common property is proposed and no vegetation removal would be required.



## Background to Current Proposal

Amendment C88 to the Moorabool Planning Scheme was exhibited from August until October, 2018 and seeks to implement Ballan Strategic Directions (June 2018), which is a Council adopted Strategy to guide land use and development in Ballan. Implementation of the Strategy includes the proposed rezoning of some land to guide how and where housing growth shall occur. As part of Amendment C88, the subject site is proposed to be rezoned from General Residential Zone, Schedule 1 to Neighbourhood Residential Zone, Schedule 7. A key change of the rezoning would be the requirement for minimum 800sq m lot sizes where a subdivision proposal is approved. The proposal is not in accordance with Council's strategic intent for the site.

## History

This application was submitted to Council concurrently with applications PA2018296 and PA2018297 for 5 Creek Court and 8 Creek Court respectively, for two (2) lot subdivisions of each property. Each application accords with current development permits approved by VCAT on 30 August 2017, however it is noted that at its s86 Development Assessment Committee meeting on 8 February 2017, Council resolved not to support those developments, consistent with the officer's recommendation.

## Public Notice

Notice of the application was given to adjoining and nearby landowners and occupants by mail on 22 November, 2018 and a sign erected on site from 26 November until 10 December, 2018. One (1) objection was received.

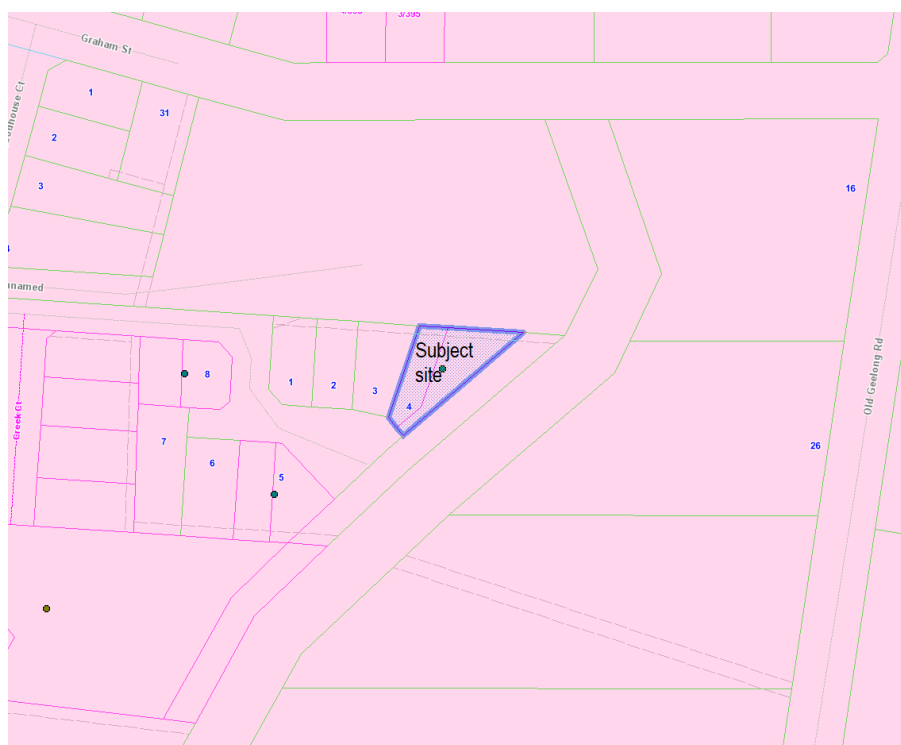
## Summary of Objections

The objection received is detailed below with the officer's accompanying comments:

Objection	Any Relevant Requirements
Strain on a small court which will not be able to handle the traffic. Existing residents are families with young children, and more traffic is dangerous.	N/A
<p><b>Officer's Response:</b> The proposed subdivision design is in accordance with a current permit for two (2) dwellings which are yet to be developed, and the proposal would not create any additional traffic to that which could occur if the approved dwellings are developed.</p> <p>It is not considered that traffic associated with the proposal would unreasonably impact on personal safety, in particular the safety of children, provided normal road safety rules for vehicles and pedestrians are adhered to.</p>	
People don't buy units to live in only to rent out which means you don't know who will move in. We want this to be a nice safe place.	N/A
<p><b>Officer's Response:</b> The current application is only to subdivide the site, in accordance with an existing permit for the development of two (2) dwellings. Council cannot directly control where people choose to live.</p>	
People who buy houses are more invested in Ballan and more willing to be good for the local community.	N/A
<p><b>Officer's Response:</b> This is not a relevant to the assessment of this permit application.</p>	

## Locality Map

The map below indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.02 Water.
- 15.01-3S Subdivision design.
- 15.01-5S Neighbourhood character.
- 16.01-2S Location of residential development.
- 21.02-3 Water and catchment management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

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

## **Zone**

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.08-3 a permit is required to subdivide land. Subdivision must meet the requirements of Clause 56. An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling must ensure that vacant lot contains at least 25 percent as garden area (as defined in Clause 73.01 of the Scheme). This does not apply where that lot is created in accordance with a permit for development. It is recommended that a condition of approval require that the development of the lots be developed in accordance with the development approved under PA2016147.

Subject to conditions, the proposed subdivision is generally consistent with the zone provisions.

## **Overlays**

The site is affected by Environmental Significance Overlay, Schedule 1. Under Clause 42.01-2 a permit is required to subdivide land. There are no relevant exemptions under Schedule 1.

Subject to conditions, the subdivision would be generally consistent with the overlay provisions.



## Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act* 1987. The current Ballan Strategic Directions strategy was adopted by Council on 14 June, 2018.

### Urban Growth Policy

The Urban Growth 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.*

### Ballan Strategic Directions

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character.
- Residential development.
- Movement network and connectivity.
- Open space and recreation.
- Community facilities.
- Non-residential uses and local employment.
- Drainage and servicing.

The subject site is in Precinct G in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct G are:

- Encourage built form of a modest scale, sympathetic to the existing character of the Precinct.
- Avoid built form to side boundaries and garages and carports which visually dominate dwellings or the streetscape.
- Built form and hard surfaces should not dominate sites.
- Increase canopy tree cover within lots to improve the landscape whilst achieving a balance between open space and built form.

To assist in achieving the above objectives, it is proposed to rezone the site to the Neighbourhood Residential Zone and impose minimum 800sq m lot sizes.

The proposal is inconsistent with Ballan Strategic Directions.

## Particular Provisions

### Clause 53.01 Public Open Space Contribution and Subdivision

A public open space contribution was made when the current subdivision was created.

### Clause 56 Residential Subdivision

The proposal generally complies with ResCode (Clause 56).

## Discussion

Subject to conditions, the proposed two (2) lot subdivision is generally consistent with relevant State and Local Planning Policy, the General Residential Zone and relevant Particular and General Provisions of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as a town intended to support increased population growth. The proposal would facilitate consolidated growth, take advantage of existing infrastructure and services, and reduce pressure on outward growth without any unreasonable impacts on the neighbourhood character or amenity of the area. The proposal would also contribute to housing diversity and affordability. Growth must be balanced with the need for new development to respect the neighbourhood character and integrate with surrounding development.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Existing surrounding lots in Creek Court range in size from 420sq m to 839sq m.

The purpose of the GRZ includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies.

The proposal for the currently vacant site would create lots of 314sq m and 466sq m, consistent with PA2016147 for the development of two dwellings, which is a valid planning permit.

Planning for Ballan is in a transitional phase, with Council's adopted Ballan Strategic Directions proposed to be implemented in the Moorabool Planning Scheme by way of Amendment C88, which was exhibited in 2018. Submissions were received which Council are yet to consider. The proposal is inconsistent with the adopted strategy which recommends minimum lot sizes of 800sq m for the subject site and surrounding land to achieve a preferred neighbourhood character. The *existing* neighbourhood character of Creek Court is inconsistent with the preferred character, however the fact that there is a current development permit for the site is a critical factor in the recommendation to approve this application. As previously stated, development has not commenced, and it appears the landowner is seeking to fairly gain an advantage by subdividing the land to attract sales. It is considered appropriate that if this application is approved, conditions should be imposed which require the development of the proposed lots to be consistent with the development approved by PA2016147. This is particularly relevant for Lot 4A of 314sq m, pursuant to the provisions of Clause 32.08-3 as they relate to garden area requirements.

The site is in a Special Water Supply Catchment and affected by Environmental Significance Overlay, Schedule 1. Accordingly, the application was referred to Western Water and Southern Rural Water as the relevant water boards, who both consent to the proposal.

The site is partly within a mapped area of 1 in 100 year flooding, and accordingly was referred to Melbourne Water who consent to the proposal, subject to conditions.

**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**

<b>Authority</b>	<b>Response</b>
Western Water	Consent
Melbourne Water	Consent with conditions
Southern Rural Water	Consent with conditions
Infrastructure	Consent with conditions

**Financial Implications**

The recommendation of approval of this application would not have any financial implications for Council.

**Risk & Occupational Health & Safety Issues**

The recommendation of approval of this application does not have any risk or OH&S implications for 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 applicant and objector were invited to attend this meeting and address Council if desired.

**Options**

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision with amendments to the conditions within the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to explore reasons based on why the proposal may not comply with the Moorabool Planning Scheme.

## **Conclusion**

The proposed two (2) lot subdivision to create vacant lots of 314sq m and 466sq m is generally consistent with State and Local Planning Policy and the General Residential Zone. Although the proposal is inconsistent with the Ballan Strategic Directions plan, it accords with a current planning permit for the development of the site for two (2) dwellings and should be supported but only if subject to conditions which ensure the proposed lots are developed in accordance with that permit.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018295 for a Two (2) Lot Subdivision at Lot 4 on PS 713326T, 4 Creek Court, Ballan 3342, 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.**

### **Subdivision:**

- 2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016147 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:**
  - a. Land to be Burdened: All lots on this plan.**
  - b. Land to Benefit: All lots on this plan.**
  - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
  - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016147 issued by Moorabool Shire Council.**
  - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

### **Servicing:**

- 3. 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.**
- 4. 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.**
- 5. 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:**

- 6. 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 provided by optical fibre.**
- 7. 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.**

**Infrastructure:**

- 8. Prior to the issue of a Statement of Compliance for the subdivision, the vehicle crossings to dwellings A and B must be constructed in accordance with Condition 7 of Planning Permit PA2016147 issued by Moorabool Shire Council, 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.**
- 9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016147, issued by Moorabool Shire Council.**
- 10. 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).**
- 11. 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.**
- 12. 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.**

**Melbourne Water:**

13. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

**Southern Rural Water:**

14. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
15. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
16. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.

**Permit Expiry:**

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

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

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**Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Satwinder Sandhu

General Manager, Growth and Development

29 January, 2019

# PLAN OF SUBDIVISION

## EDITION 1

## PS820449D

### LOCATION OF LAND

**PARISH:** GORONG  
**CROWN DESCRIPTION:** CA. 11, CROWN SECTION 2  
**TITLE REFERENCES:** VOL. 11595 FOL. 010  
**LAST PLAN REFERENCE:** LOT 4 ON PS713326T  
**POSTAL ADDRESS:** 4 CREEK COURT BALLAN 3342  
 (at time of subdivision)

Council Name: Moorabool Shire Council  
 SPEAR Reference Number: S130315J

### VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

### NOTATIONS

**DEPTH LIMITATION:** Does Not Apply

This is an ePlan

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s): PM12 & PM50 (PARISH OF GORONG).

PROCLAIMED SURVEY AREA: 148

**SURVEY:**  
 This plan is based on survey.

### EASEMENT INFORMATION

LEGEND: A-Appurtenant Easement E-Encumbering Easement

IMPLIED EASEMENTS UNDER SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO LOTS IN THIS PLAN.

IDENTIFIER	PURPOSE	WIDTH (m)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E1	PIPELINE OR ANCILLARY PURPOSES	3	PS713326T - SEC 136 OF THE WATER ACT 1989	CENTRAL HIGHLANDS REGION WATER CORPORATION



SURVEYORS FILE REF: 0624S04

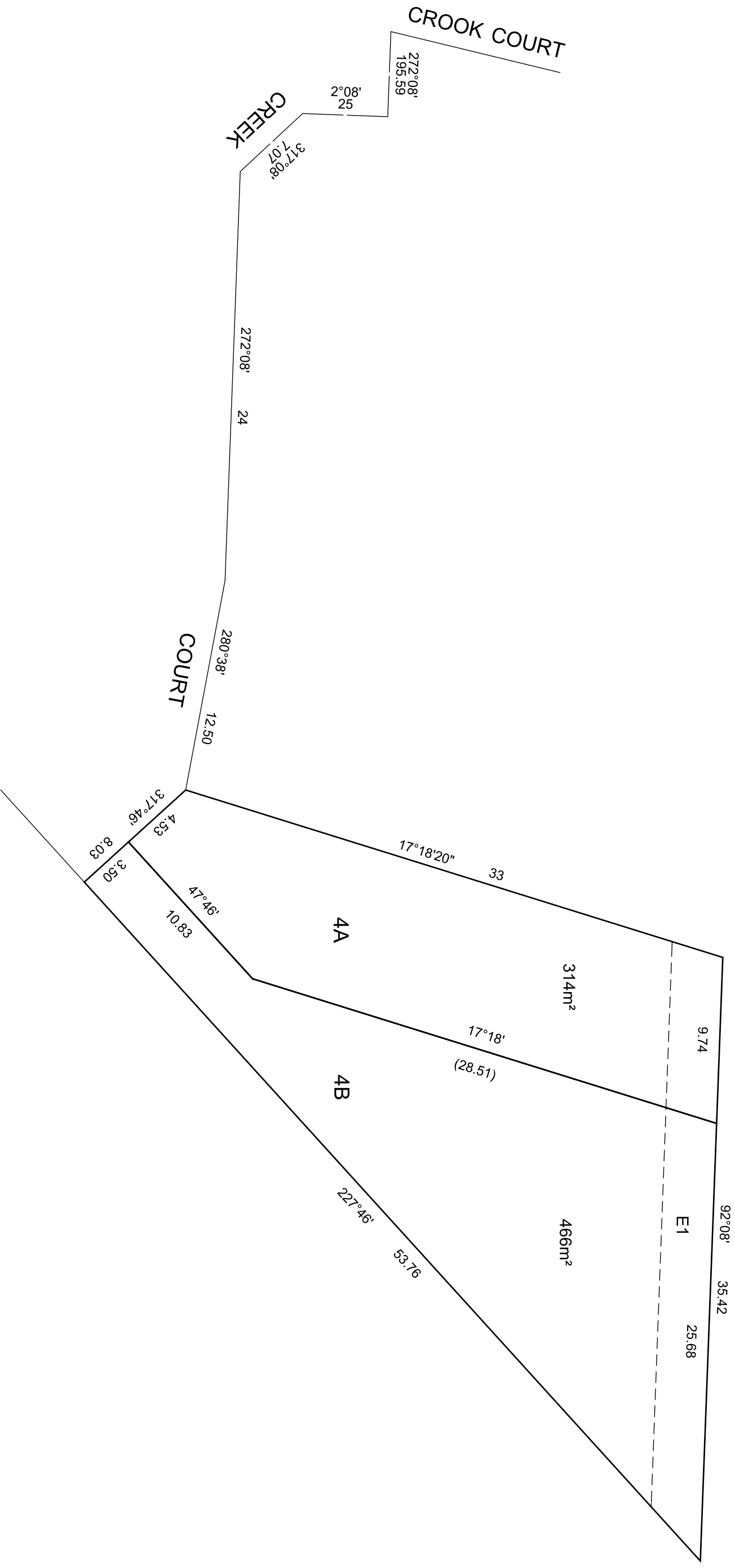
ORIGINAL SHEET  
SIZE: A3

SHEET 1 OF 2

LICENSED SURVEYOR: ANTONY WYATT

VERSION A

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SCALE 1 : 250	<p>LENGTHS ARE IN METRES</p>	ORIGINAL SHEET SIZE: A3	SHEET 2
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LICENSED SURVEYOR: ANTONY WYATT  
VERSION A

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Melbourne Survey T 9869 0813 F 9869 0901



**Item 5.2 Planning Permit Number PA2018 296 – Two (2) Lot Subdivision at 5 Creek Court, Ballan**

<b>Application Summary:</b>	
Permit No:	PA2018296
Lodgement Date:	30 October, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot 5 on PS 713326T, 5 Creek Court, Ballan 3342
Proposal:	Two (2) Lot Subdivision
Lot size:	839sq m
Why is a permit required?	Clause 32.08 – General Residential Zone – Subdivision Clause 42.01 – Environmental Significance Overlay – Subdivision
Reason for being presented to S86 Development Assessment Committee.	Objection received.
<b>Public Consultation</b>	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	No.
<b>Policy Implications</b>	
<b>Strategy Objective 2:</b>	Minimising Environmental Impact
<b>Context 2A:</b>	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
<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>	
<b>Executive Summary</b>	
Application Referred?	Yes – to Infrastructure, Melbourne Water, Southern Rural Water and Western Water.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	No.
Brief history	Refer to 'Background to Current Proposal' and 'History' section of this report.
Previous applications for the site?	PA2016148 – Construction of two dwellings on a lot in the General Residential Zone, Schedule 1 was issued by Council on 30 August 2017 at the direction of VCAT. Refer to 'History' section of this report.
General Summary	It is proposed to subdivide a vacant site into two lots of 415sq m and 424sq m, consistent with a development permit approved by VCAT. There are no minimum lot size requirements under the zone although the proposal is inconsistent with Ballan Strategic Directions which specifies preferred minimum 800sq m lot sizes for the site. The proposal is generally consistent with State and local planning policy and the existing Zone provisions.
<b>Summary Recommendation</b>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.</p>	

## Site Description

The site is identified as Lot 5 on PS 713326T, known as 5 Creek Court, Ballan and located on the south side of the street partly fronting a court bowl. The site is a trapezoid shape, with a 40.44m frontage to Creek Court, maximum depth of 33.63m and overall area of 839sq m. All reticulated services are available to the site.

The site has a slight fall from west to east, is currently vacant and encumbered by a 4.0m wide drainage easement parallel to the rear boundary.

The site and surrounding neighbourhood is towards the western periphery of the Ballan Township in the General Residential Zone. Creek Court is a cul-de-sac approximately 260 metres long, accessed from Old Melbourne Road to the north via Crook Court, and approximately 1.0km west of the Ballan town centre.

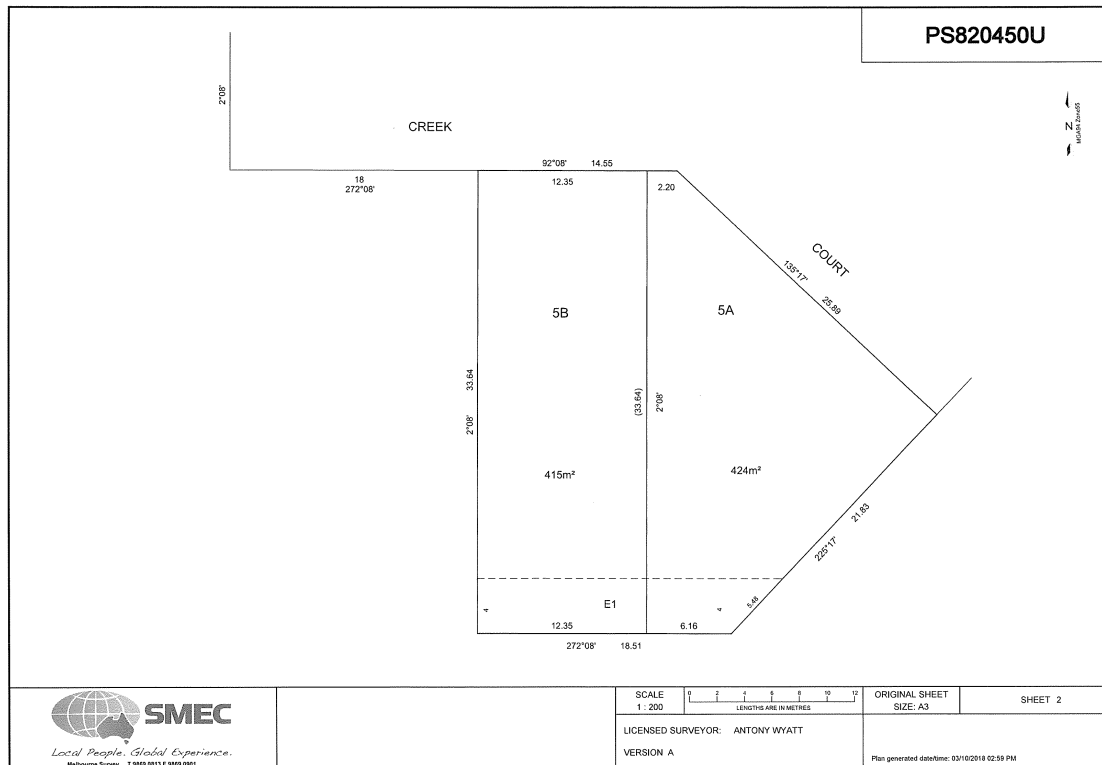
Lot sizes in the area range from 375sqm to 1.518ha, the variability reflecting recent subdivision which has created smaller residential lots from substantially larger sites, with the semi-rural character evidently transitioning to more intensive residential development, whilst noting that the semi-rural character is still evident, defined by single storey dwellings on large otherwise mostly vacant allotments. Landscaping on the larger lots typically comprises a mix of native and exotic trees either scattered or planted as windbreaks, compared to low level plantings, shrubs and small trees on the more recently created lots.

To the south of the subject site is a lot of 8649sq m containing a brick dwelling and ancillary outbuildings, which has current approval for a two (2) lot subdivision. To the west is a vacant lot of 605sq m. To the southeast is a linear Council reserve adjoining a waterway, beyond which are lots fronting Old Geelong Road. To the north and northeast, across Creek Court, are four (4) lots ranging in size from 420sq m to 780sq m, the smaller three (3) of which are developed with single dwellings, and the largest vacant lot being subject to application PA2018295 for a two (2) lot subdivision.



## Proposal

It is proposed to subdivide the site into two (2) lots. Lot 5A would be 424sq m and Lot 5B 415sq m, with respective street frontages of 28.09m and 12.35m, and both encumbered by an existing 4.0m wide drainage easement parallel to the rear boundary. No common property is proposed and no vegetation removal would be required.



## Background to Current Proposal

Amendment C88 to the Moorabool Planning Scheme was exhibited from August until October 2018 and seeks to implement Ballan Strategic Directions (June 2018), which is a Council adopted Strategy to guide land use and development in Ballan. Implementation of the Strategy includes the proposed rezoning of some land to guide how and where housing growth shall occur. As part of Amendment C88 the subject site is proposed to be rezoned from General Residential Zone, Schedule 1 to Neighbourhood Residential Zone, Schedule 7. A key change of the rezoning would be the requirement for minimum 800sq m lot sizes where a subdivision proposal is approved. The proposal is not in accordance with Council's strategic intent for the site.

## History

This application was submitted to Council concurrently with applications PA2018295 and PA2018297 for 4 Creek Court and 8 Creek Court respectively, for two (2) lot subdivisions of each property. Each application accords with current development permits approved by VCAT on 30 August 2017, however it is noted that at its s86 Development Assessment Committee meeting on 8 February, 2017 Council resolved not to support those developments, consistent with the officer's recommendation.

## Public Notice

Notice of the application was given to adjoining and nearby landowners and occupants by mail on 22 November, 2018 and a sign erected on site from 26 November until 10 December, 2018. One (1) objection was received.

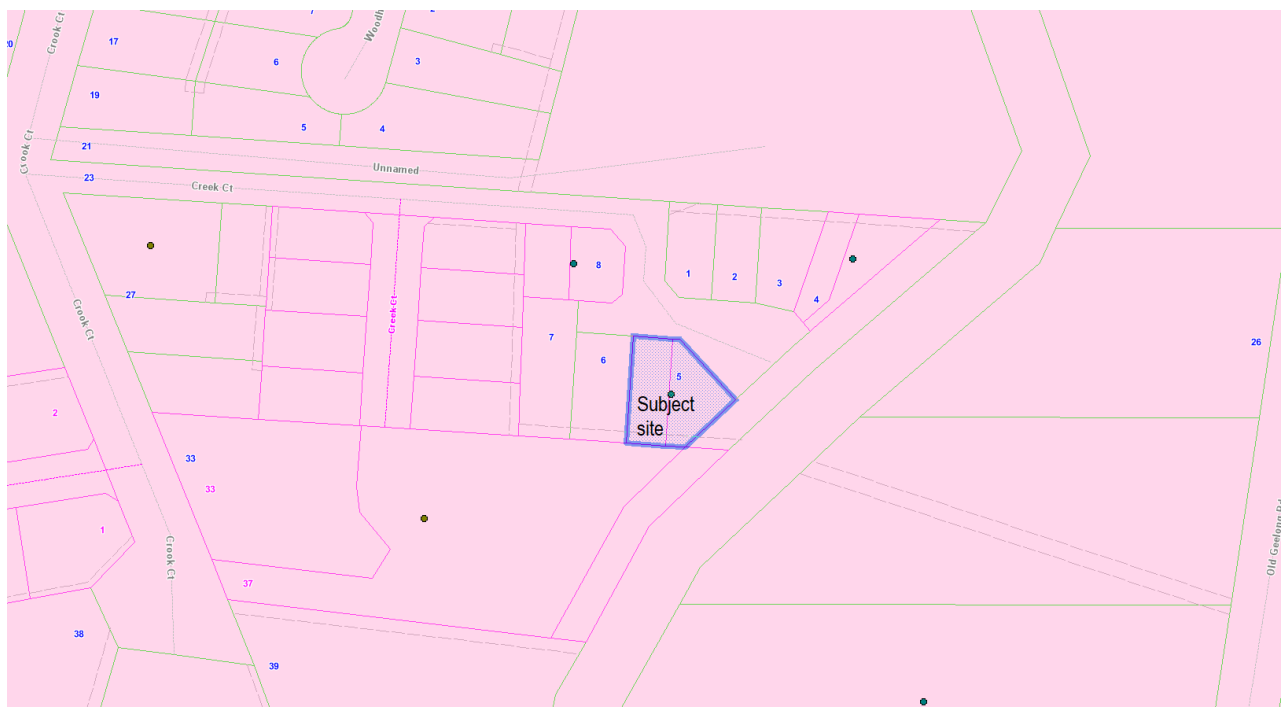
## Summary of Objections

The objection received is detailed below with the officer's accompanying comments:

Objection	Any Relevant Requirements
Strain on a small court which will not be able to handle the traffic. Existing residents are families with young children, and more traffic is dangerous.	N/A
<p><b>Officer's Response:</b> The proposed subdivision design is in accordance with a current permit for two dwellings which are yet to be developed, and the proposal would not create any additional traffic to that which could occur if the approved dwellings are developed.</p> <p>It is not considered that traffic associated with the proposal would unreasonably impact on personal safety, in particular the safety of children, provided normal road safety rules for vehicles and pedestrians are adhered to.</p>	
People don't buy units to live in only to rent out which means you don't know who will move in. We want this to be a nice safe place.	N/A
<p><b>Officer's Response:</b> The current application is only to subdivide the site, in accordance with an existing permit for the development of two dwellings. Council cannot directly control where people choose to live.</p>	
People who buy houses are more invested in Ballan and more willing to be good for the local community.	N/A
<p><b>Officer's Response:</b> This is not a relevant to the assessment of this permit application.</p>	

## Locality Map

The map below indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.02 Water.
- 15.01-3S Subdivision design.
- 15.01-5S Neighbourhood character.
- 16.01-2S Location of residential development.
- 21.02-3 Water and catchment management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

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

## **Zone**

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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

Subject to conditions, the proposed subdivision is generally consistent with the zone provisions.

## **Overlays**

The site is affected by Environmental Significance Overlay, Schedule 1. Under Clause 42.01-2 a permit is required to subdivide land. There are no relevant exemptions under Schedule 1.

Subject to conditions, the subdivision would be generally consistent with the overlay provisions.

## **Relevant Policies**

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act 1987*. The current Ballan Strategic Directions strategy was adopted by Council on 14 June, 2018.

## Urban Growth Policy

The Urban Growth 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.*

## Ballan Strategic Directions

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character.
- Residential development.
- Movement network and connectivity.
- Open space and recreation.
- Community facilities.
- Non-residential uses and local employment.
- Drainage and servicing.

The subject site is in Precinct G in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct G are:

- Encourage built form of a modest scale, sympathetic to the existing character of the Precinct.
- Avoid built form to side boundaries and garages and carports which visually dominate dwellings or the streetscape.
- Built form and hard surfaces should not dominate sites.
- Increase canopy tree cover within lots to improve the landscape whilst achieving a balance between open space and built form.

To assist in achieving the above objectives, it is proposed to rezone the site to the Neighbourhood Residential Zone and impose minimum 800sq m lot sizes.

The proposal is inconsistent with Ballan Strategic Directions.

## **Particular Provisions**

### Clause 53.01 Public Open Space Contribution and Subdivision

A public open space contribution was made when the current subdivision was created.

### Clause 56 Residential Subdivision

The proposal generally complies with ResCode (Clause 56).

## Discussion

Subject to conditions, the proposed two (2) lot subdivision is generally consistent with relevant State and Local Planning Policy, the General Residential Zone and relevant Particular and General Provisions of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as a town intended to support increased population growth. The proposal would facilitate consolidated growth, take advantage of existing infrastructure and services, and reduce pressure on outward growth without any unreasonable impacts on the neighbourhood character or amenity of the area. The proposal would also contribute to housing diversity and affordability. Growth must be balanced with the need for new development to respect the neighbourhood character and integrate with surrounding development.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Existing surrounding lots in Creek Court range in size from 420sq m to 780sq m.

The purpose of the GRZ includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies.

The proposal for the currently vacant site would create lots of 415sq m and 424sq m, consistent with PA2016148 for the development of two dwellings, which is a valid planning permit.

Planning for Ballan is in a transitional phase, with Council's adopted Ballan Strategic Directions proposed to be implemented in the Moorabool Planning Scheme by way of Amendment C88, which was exhibited in 2018. Submissions were received which Council are yet to consider. The proposal is inconsistent with the adopted strategy which recommends minimum lot sizes of 800sq m for the subject site and surrounding land to achieve a preferred neighbourhood character. The *existing* neighbourhood character of Creek Court is inconsistent with the preferred character, however the fact that there is a current development permit for the site is a critical factor in the recommendation to approve this application. As previously stated, development has not commenced, and it appears the landowner is seeking to fairly gain an advantage by subdividing the land to attract sales. It is considered appropriate that if this application is approved, conditions should be imposed which require the development of the proposed lots to be consistent with the development approved by PA2016148.

The site is in a Special Water Supply Catchment and affected by Environmental Significance Overlay, Schedule 1. Accordingly, the application was referred to Western Water and Southern Rural Water as the relevant water boards, who both consent to the proposal.

The site is partly within a mapped area of 1 in 100 year flooding, and accordingly was referred to Melbourne Water who consent to the proposal, subject to conditions.

## 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

Authority	Response
Western Water Melbourne Water Southern Rural Water	Consent Consent with conditions Consent with conditions
Infrastructure	Consent with conditions

## Financial Implications

The recommendation of approval of this application would not have any financial implications for Council.

## Risk & Occupational Health & Safety Issues

The recommendation of approval of this application does not have any risk or OH&S implications for 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 applicant and objector were invited to attend this meeting and address Council if desired.

## Options

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision with amendments to the conditions within the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to explore reasons based on why the proposal may not comply with the Moorabool Planning Scheme.

## Conclusion

The proposed two (2) lot subdivision to create vacant lots of 415sq m and 424sq m is generally consistent with State and Local Planning Policy and the General Residential Zone. Although the proposal is inconsistent with the Ballan Strategic Directions plan it accords with a current planning permit for the development of the site for two (2) dwellings and should be supported but only if subject to conditions which ensure the proposed lots are developed in accordance with that permit.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018296 for a Two (2) Lot Subdivision at Lot 5 on PS 713326T, 5 Creek Court, Ballan 3342, 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.**

### **Subdivision:**

- 2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016148 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:**
  - a. Land to be Burdened: All lots on this plan.**
  - b. Land to Benefit: All lots on this plan.**
  - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
  - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016148 issued by Moorabool Shire Council.**
  - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

### **Servicing:**

- 3. 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.**
- 4. 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.**
- 5. 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:**

- 6. 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 provided by optical fibre.**

7. 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.

**Infrastructure:**

8. Prior to the issue of a Statement of Compliance for the subdivision, the vehicle crossing to dwelling B must be constructed in accordance with Condition 7 of Planning Permit PA2016148 issued by Moorabool Shire Council, 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.
9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016148, issued by Moorabool Shire Council.
10. 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).
11. 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.
12. 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.

**Melbourne Water:**

13. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

**Southern Rural Water:**

14. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
15. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.

**16. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.**

**Permit Expiry:**

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

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

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**Report Authorisation:**

**Authorised by:**



**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** 29 January, 2019

# PLAN OF SUBDIVISION

## EDITION 1

## PS820450U

### LOCATION OF LAND

**PARISH:** GORONG  
**CROWN DESCRIPTION:** CA. 18, CROWN SECTION 2  
**TITLE REFERENCES:** VOL. 11595 FOL. 011  
**LAST PLAN REFERENCE:** LOT 5 ON PS713326T  
**POSTAL ADDRESS:** 5 CREEK COURT BALLAN 3342  
 (at time of subdivision)

Council Name: Moorabool Shire Council  
 SPEAR Reference Number: S130318V

### VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

### NOTATIONS

**DEPTH LIMITATION:** Does Not Apply

This is an ePlan

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s): PM12 & PM50 (PARISH OF GORONG).

PROCLAIMED SURVEY AREA: 148

**SURVEY:**  
 This plan is based on survey.

### EASEMENT INFORMATION

LEGEND: A-Appurtenant Easement E-Encumbering Easement

IMPLIED EASEMENTS UNDER SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO LOTS IN THIS PLAN.

IDENTIFIER	PURPOSE	WIDTH (m)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E1	DRAINAGE	4	LP209801R	LOTS ON LP209801R MOORABOOL SHIRE COUNCIL
E1	DRAINAGE	4	PS713326T	



SURVEYORS FILE REF: 0624S.05

ORIGINAL SHEET  
SIZE: A3

SHEET 1 OF 2

LICENSED SURVEYOR: ANTONY WYATT

VERSION A

Plan generated date/time: 03/10/2018 02:59 PM

2°08'

CREEK

18  
272°08'

92°08' 14.55

12.35

5B

2°08' 33.64

415m<sup>2</sup>

4

12.35

E1

272°08'

18.51

(33.64)

2°08'

2.20

5A

424m<sup>2</sup>

4

6.16

5.48

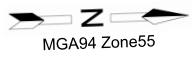
225°17'

21.83

COURT

135°47'

25.89



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SCALE  
1 : 200

LENGTHS ARE IN METRES

LICENSED SURVEYOR: ANTONY WYATT  
VERSION A

ORIGINAL SHEET  
SIZE: A3

SHEET 2

Plan generated date/time: 03/10/2018 02:59 PM

**Item 5.3 Planning Permit Number PA2018 297 – Two (2) Lot Subdivision at 8 Creek Court, Ballan**

<b>Application Summary:</b>	
Permit No:	PA2018297
Lodgement Date:	30 October, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot 8 on PS 713326T, 8 Creek Court, Ballan 3342
Proposal:	Two (2) Lot Subdivision
Lot size:	705sq m
Why is a permit required?	Clause 32.08 – General Residential Zone – Subdivision Clause 42.01 – Environmental Significance Overlay – Subdivision
Reason for being presented to S86 Development Assessment Committee.	Objection received.
<b>Public Consultation</b>	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	No.
<b>Policy Implications</b>	
<b>Strategy Objective 2:</b>	Minimising Environmental Impact
<b>Context 2A:</b>	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
<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>	
<b>Executive Summary</b>	
Application Referred?	Yes – to Infrastructure, Southern Rural Water and Western Water.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	No.
Brief history	Refer to 'Background to Current Proposal' and 'History'.
Previous applications for the site?	PA2016150 – Construction of two dwellings on a lot in the General Residential Zone, Schedule 1 was issued by Council on 30 August 2017 at the direction of VCAT. Refer to 'History'.
General Summary	It is proposed to subdivide a vacant site into two lots of 331sq m and 373sq m, consistent with a development permit approved by VCAT. There are no minimum lot size requirements under the zone although the proposal is inconsistent with Ballan Strategic Directions which specifies preferred minimum 800sq m lot sizes for the site. The proposal is generally consistent with State and local planning policy and the existing Zone provisions.
<b>Summary Recommendation</b>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.</p>	



## Site Description

The site is identified as Lot 8 on PS 713326T, known as 8 Creek Court, Ballan and located on the southwest corner of the street. The site is roughly rectangular in shape, with a maximum depth of 23.01m, width of 31.76m and overall area of 705sq m. All reticulated services are available to the site.

The site has a slight fall from west to east, is currently vacant and not encumbered by any easements.

The site and surrounding neighbourhood is towards the western periphery of the Ballan Township in the General Residential Zone. Creek Court is a cul-de-sac approximately 260 metres long, accessed from Old Melbourne Road to the north via Crook Court, and approximately 1.0km west of the Ballan town centre.

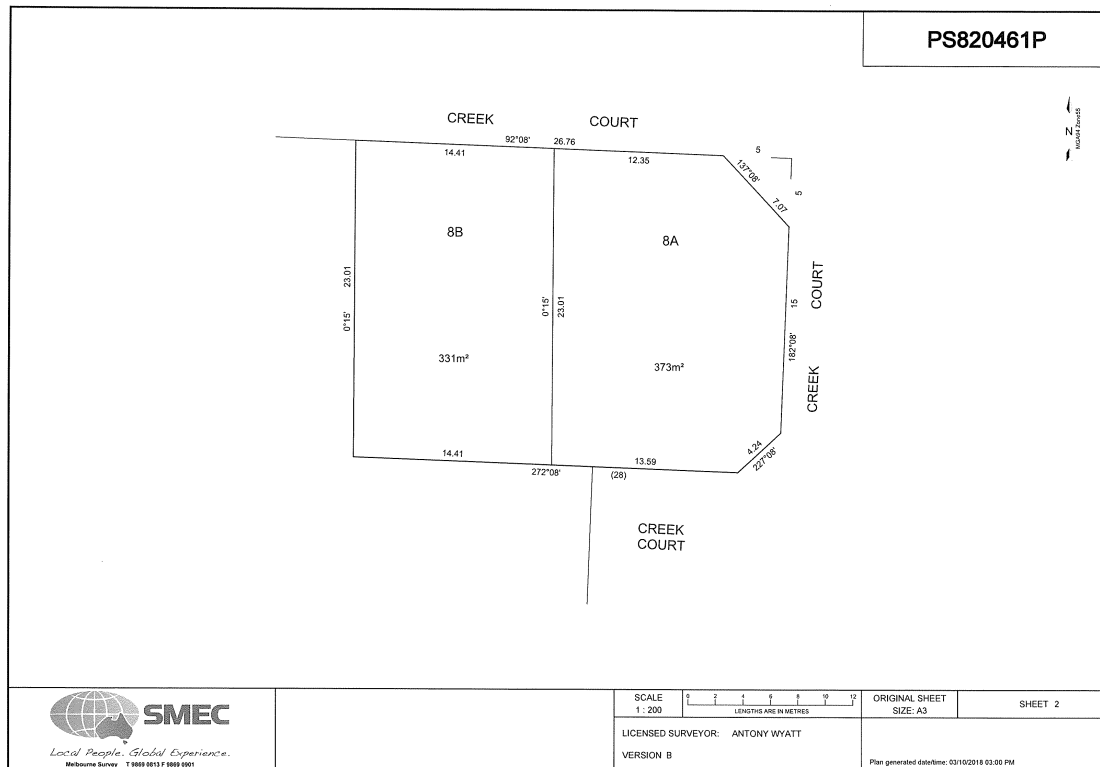
Lot sizes in the area range from 375sqm to 1.518ha, the variability reflecting recent subdivision which has created smaller residential lots from substantially larger sites, with the semi-rural character evidently transitioning to more intensive residential development, whilst noting that the semi-rural character is still evident, defined by single storey dwellings on large otherwise mostly vacant allotments. Landscaping on the larger lots typically comprises a mix of native and exotic trees either scattered or planted as windbreaks, compared to low level plantings, shrubs and small trees on the more recently created lots.

To the south of the subject site are vacant lots of 605sq m and 729sq m. To the north, across Creek Court is a 1.113ha lot containing a single dwelling and ancillary outbuildings. To the west is a vacant lot of 5404sq m which has current approval for an eight (8) lot subdivision with lots ranging in size from 508sq m to 589sq m. To the east, across Creek Court is a 438sq m lot occupied by a single dwelling.



## Proposal

It is proposed to subdivide the site into two (2) lots. Lot 8A would be 373sq m and Lot 8B 331sq m. Lot 8A would be an irregular shape with three (3) frontages of Creek Court adjoining its north, east and south (part) boundaries, and Lot 8B would be a rectangular shape with a north frontage to Creek Court of 14.41m. No common property is proposed and no vegetation removal would be required.



## Background to Current Proposal

Amendment C88 to the Moorabool Planning Scheme was exhibited from August until October 2018 and seeks to implement Ballan Strategic Directions (June 2018), which is a Council adopted Strategy to guide land use and development in Ballan. Implementation of the Strategy includes the proposed rezoning of some land to guide how and where housing growth shall occur. As part of Amendment C88 the subject site is proposed to be rezoned from General Residential Zone, Schedule 1 to Neighbourhood Residential Zone, Schedule 7. A key change of the rezoning would be the requirement for minimum 800sq m lot sizes where a subdivision proposal is approved. The proposal is not in accordance with Council's strategic intent for the site.

## History

This application was submitted to Council concurrently with applications PA2018295 and PA2018296 for 4 Creek Court and 5 Creek Court respectively, for two lot subdivisions of each property. Each application accords with current development permits approved by VCAT on 30 August 2017, however it is noted that at its s86 Development Assessment Committee meeting on 8 February, 2017 Council resolved not to support those developments, consistent with the officer's recommendation.

## Public Notice

Notice of the application was given to adjoining and nearby landowners and occupants by mail on 22 November, 2018 and a sign erected on site from 26 November until 10 December, 2018. One objection was received.

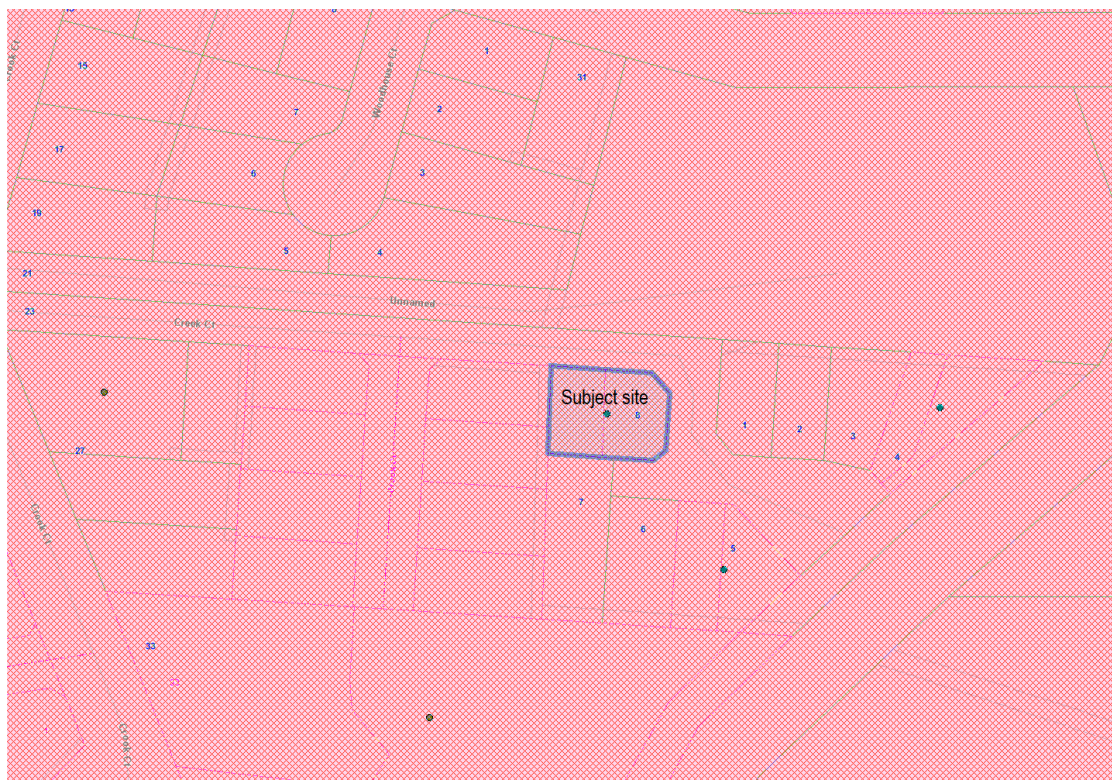
## Summary of Objections

The objection received is detailed below with the officer's accompanying comments:

Objection	Any Relevant Requirements
Strain on a small court which will not be able to handle the traffic. Existing residents are families with young children, and more traffic is dangerous.	N/A
<p><b>Officer's Response:</b> The proposed subdivision design is in accordance with a current permit for two dwellings which are yet to be developed, and the proposal would not create any additional traffic to that which could occur if the approved dwellings are developed.</p> <p>It is not considered that traffic associated with the proposal would unreasonably impact on personal safety, in particular the safety of children, provided normal road safety rules for vehicles and pedestrians are adhered to.</p>	
People don't buy units to live in only to rent out which means you don't know who will move in. We want this to be a nice safe place.	N/A
<p><b>Officer's Response:</b> The current application is only to subdivide the site, in accordance with an existing permit for the development of two dwellings. Council cannot directly control where people choose to live.</p>	
People who buy houses are more invested in Ballan and more willing to be good for the local community.	N/A
<p><b>Officer's Response:</b> This is not a relevant to the assessment of this permit application.</p>	

## Locality Map

The map below indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.02 Water.
- 15.01-3S Subdivision design.
- 15.01-5S Neighbourhood character.
- 16.01-2S Location of residential development.
- 21.02-3 Water and catchment management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

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

## **Zone**

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.08-3 a permit is required to subdivide land. Subdivision must meet the requirements of Clause 56. An application to subdivide land that would create a vacant lot less than 400 sq m capable of development for a dwelling must ensure that that vacant lot contains at least 25 percent as garden area (as defined in Clause 73.01 of the Scheme). This does not apply where that lot is created in accordance with a permit for development. It is recommended that a condition of approval require that the development of the lots be developed in accordance with the development approved under PA2016150.

Subject to conditions, the proposed subdivision is generally consistent with the zone provisions.

## **Overlays**

The site is affected by Environmental Significance Overlay, Schedule 1. Under Clause 42.01-2 a permit is required to subdivide land. There are no relevant exemptions under Schedule 1.

Subject to conditions, the subdivision would be generally consistent with the overlay provisions.

## Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act 1987*. The current Ballan Strategic Directions strategy was adopted by Council on 14 June, 2018.

### Urban Growth Policy

The Urban Growth 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.*

### Ballan Strategic Directions

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character.
- Residential development.
- Movement network and connectivity.
- Open space and recreation.
- Community facilities.
- Non-residential uses and local employment.
- Drainage and servicing.

The subject site is in Precinct G in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct G are:

- Encourage built form of a modest scale, sympathetic to the existing character of the Precinct.
- Avoid built form to side boundaries and garages and carports which visually dominate dwellings or the streetscape.
- Built form and hard surfaces should not dominate sites.
- Increase canopy tree cover within lots to improve the landscape whilst achieving a balance between open space and built form.

To assist in achieving the above objectives, it is proposed to rezone the site to the Neighbourhood Residential Zone and impose minimum 800sq m lot sizes.

The proposal is inconsistent with Ballan Strategic Directions.

## Particular Provisions

### Clause 53.01 Public Open Space Contribution and Subdivision

A public open space contribution was made when the current subdivision was created.

### Clause 56 Residential Subdivision

The proposal generally complies with ResCode (Clause 56).

## Discussion

Subject to conditions, the proposed two (2) lot subdivision is generally consistent with relevant State and Local Planning Policy, the General Residential Zone and relevant Particular and General Provisions of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as a town intended to support increased population growth. The proposal would facilitate consolidated growth, take advantage of existing infrastructure and services, and reduce pressure on outward growth without any unreasonable impacts on the neighbourhood character or amenity of the area. The proposal would also contribute to housing diversity and affordability. Growth must be balanced with the need for new development to respect the neighbourhood character and integrate with surrounding development.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Existing surrounding lots in Creek Court range in size from 420sq m to 839sq m.

The purpose of the GRZ includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies.

The proposal for the currently vacant site would create lots of 331sq m and 373sq m, consistent with PA2016150 for the development of two (2) dwellings, which is a valid planning permit.

Planning for Ballan is in a transitional phase, with Council's adopted Ballan Strategic Directions proposed to be implemented in the Moorabool Planning Scheme by way of Amendment C88, which was exhibited in 2018. Submissions were received which Council are yet to consider. The proposal is inconsistent with the adopted strategy which recommends minimum lot sizes of 800sq m for the subject site and surrounding land to achieve a preferred neighbourhood character. The *existing* neighbourhood character of Creek Court is inconsistent with the preferred character, however the fact that there is a current development permit for the site is a critical factor in the recommendation to approve this application. As previously stated, development has not commenced, and it appears the landowner is seeking to fairly gain an advantage by subdividing the land to attract sales. It is considered appropriate that if this application is approved, conditions should be imposed which require the development of the proposed lots to be consistent with the development approved by PA2016150.

The site is in a Special Water Supply Catchment and affected by Environmental Significance Overlay, Schedule 1. Accordingly, the application was referred to Western Water and Southern Rural Water as the relevant water boards, who both consent to the proposal.

## 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

Authority	Response
Western Water	Consent
Southern Rural Water	Consent with conditions
Infrastructure	Consent with conditions

## Financial Implications

The recommendation of approval of this application would not have any financial implications for Council.

## Risk & Occupational Health & Safety Issues

The recommendation of approval of this application does not have any risk or OH&S implications for 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 applicant and objector were invited to attend this meeting and address Council if desired.

## Options

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision with amendments to the conditions within the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to explore reasons based on why the proposal may not comply with the Moorabool Planning Scheme.

## Conclusion

The proposed two (2) lot subdivision to create vacant lots of 331sq m and 373sq m is generally consistent with State and Local Planning Policy and the General Residential Zone. Although the proposal is inconsistent with the Ballan Strategic Directions plan it accords with a current planning permit for the development of the site for two (2) dwellings and should be supported but only if subject to conditions which ensure the proposed lots are developed in accordance with that permit.

## **Recommendation**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018297 for a Two Lot Subdivision at Lot 8 on PS 713326T, 8 Creek Court, Ballan 3342, 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.

### **Subdivision:**

2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016150 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:
  - a. Land to be Burdened: All lots on this plan.
  - b. Land to Benefit: All lots on this plan.
  - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.
  - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016150 issued by Moorabool Shire Council.
  - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.

### **Servicing:**

3. 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.
4. 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.
5. 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:**

6. 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 provided by optical fibre.



7. 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.

**Infrastructure:**

8. Prior to the issue of a Statement of Compliance for the subdivision, the vehicle crossings to Dwellings A and B must be constructed in accordance with Condition 7 of Planning Permit PA2016150 issued by Moorabool Shire Council, 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.
9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016150, issued by Moorabool Shire Council.
10. 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).
11. 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.
12. 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.

**Southern Rural Water:**

13. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
14. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
15. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.

**Permit Expiry:**

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

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

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**Report Authorisation:**

**Authorised by:** 

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 29 January, 2019

# PLAN OF SUBDIVISION

## EDITION 1

## PS820461P

### LOCATION OF LAND

**PARISH:** GORONG  
**CROWN DESCRIPTION:** CA. 11, CROWN SECTION 2  
**TITLE REFERENCES:** VOL. 11595 FOL. 014  
**LAST PLAN REFERENCE:** LOT 8 ON PS713326T  
**POSTAL ADDRESS:** 8 CREEK COURT BALLAN 3342  
 (at time of subdivision)

Council Name: Moorabool Shire Council  
 SPEAR Reference Number: S130319S

### VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

### NOTATIONS

**DEPTH LIMITATION:** Does Not Apply

This is an ePlan

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s): PM12 & PM50 (PARISH OF GORONG).

PROCLAIMED SURVEY AREA: 148

**SURVEY:**  
 This plan is based on survey.

### EASEMENT INFORMATION

LEGEND: A-Appurtenant Easement E-Encumbering Easement

IMPLIED EASEMENTS UNDER SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO LOTS IN THIS PLAN.

IDENTIFIER	PURPOSE	WIDTH (m)	ORIGIN	LAND BENEFITED/IN FAVOUR OF



SURVEYORS FILE REF: 0624S08

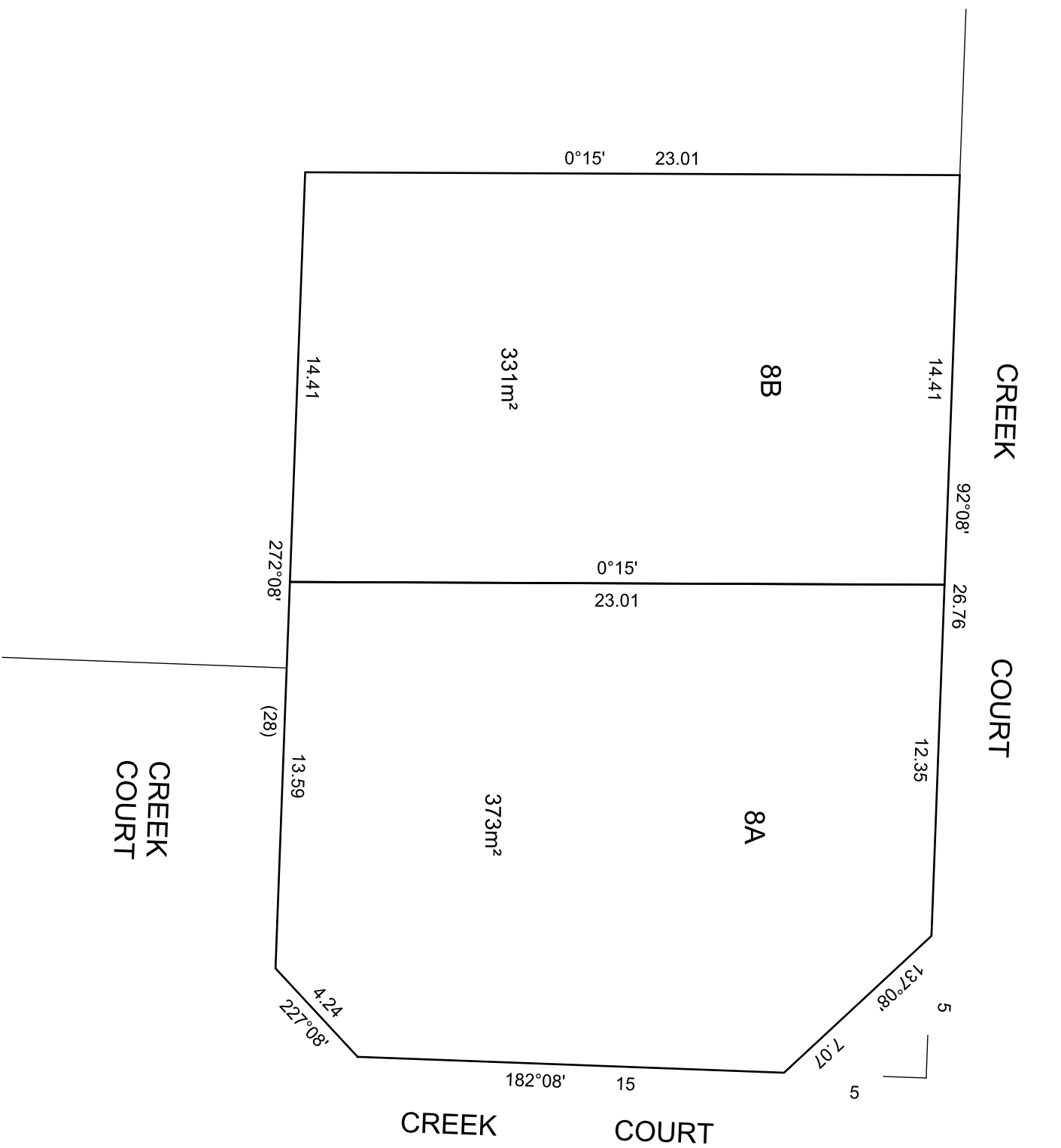
ORIGINAL SHEET  
SIZE: A3

SHEET 1 OF 2

LICENSED SURVEYOR: ANTONY WYATT

VERSION B

Plan generated date/time: 03/10/2018 03:00 PM



CREEK COURT

SCALE	1 : 200
LENGTHS ARE IN METRES	

LICENSED SURVEYOR: ANTONY WYATT  
VERSION B

ORIGINAL SHEET SIZE: A3	SHEET 2
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Plan generated date/time: 03/10/2018 03:00 PM



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**Item 5.4 Planning Permit Number PA2018 198 – Three (3) Lot Subdivision at 29 Walkers Lane, Mount Egerton**

<b>Application Summary:</b>	
Permit No:	PA2018198
Lodgement Date:	2 August, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Crown Allotments 1 & 2, Section 21, Township of Egerton, Parish of Bungal, 29 Walkers Lane, Mount Egerton 3352
Proposal:	Three (3) Lot Subdivision
Lot size:	1.481ha
Why is a permit required?	Clause 32.05 – Township Zone – Subdivision Clause 42.01 – Environmental Significance Overlay – Subdivision Clause 44.06 – Bushfire Management Overlay – Subdivision
Reason for being presented to S86 Development Assessment Committee.	Objection received.
<b>Public Consultation</b>	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	No. The Council officer consulted with the parties separately, but the proponent did not wish to consult with the objector.
<b>Policy Implications</b>	
<b>Strategy Objective 2:</b>	Minimising Environmental Impact
<b>Context 2A:</b>	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
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 – Tom Tonkin</i>	
In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary</b>	
Application Referred?	Yes – to Infrastructure, Environmental Health, Barwon Water, CFA and the relevant utility providers.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	No.
Brief history	None applicable.
Previous applications for the site?	None.
General Summary	It is proposed to subdivide the site into three residential lots of 6610sq m, 4100sq m & 4100sq m. One objection was received regarding loss of privacy, removal of a dam and the impact on neighbourhood character. All relevant referral authorities consent to the application, subject to conditions, and the proposal is generally consistent with State and local planning policy and the Township Zone.
<b>Summary Recommendation</b>	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.	

### **Site Description**

The site is identified as Crown Allotments 1 & 2, Section 21, Township of Egerton, Parish of Bungal and known as 29 Walkers Lane Mount Egerton. The lots are roughly rectangular in shape, similar in size and combined have maximum dimensions of 135.81m x 124.4m, yielding an overall area of 1.481ha.

The site is located on the southeast bend of Walkers Lane approximately 140m from the intersection with Yendon-Egerton Road and falls generally from north to south by up to 14.63m over a distance of approximately 160m. The site contains a single dwelling and ancillary outbuildings clustered towards the northwest and southwest boundaries, with vehicle access via a single crossover from Walkers Lane. The site is substantially cleared of vegetation, however there are established groves of trees generally planted near or along the north, northwest and southwest boundaries, around the dwelling and scattered elsewhere on the site, and are predominantly native species.

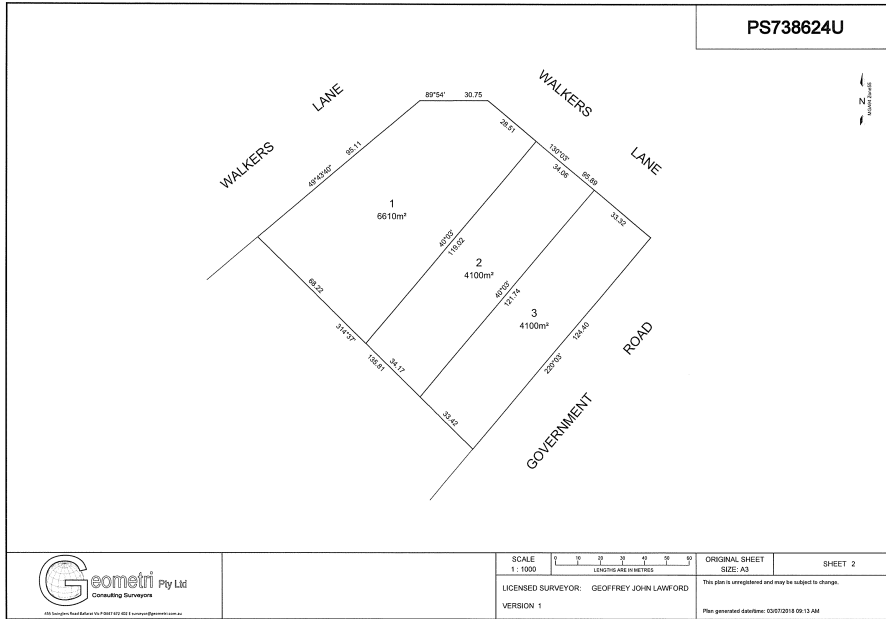
The site is not encumbered by any easements.

The site and surrounding land is in the Township Zone and developed mainly with single dwellings and ancillary outbuildings on a range of lot sizes with the subject site being two (2) of the largest lots in the nearby area. To the northeast of the site, across Walkers Lane, are single dwellings on lots ranging from 4022sq m to 4078sq m. To the northwest of the site, across Walkers Lane, is a vacant lot of 9071sq m and a 5300sq m lot containing a dwelling and shed. To the southwest of the site are single dwellings and sheds on lots of approximately 3650sq m and 5000sq m, the latter also having a dam near the subject site's common boundary. To the southeast of the site is an unmade road reserve which is understood to be leased by landowners whose properties adjoin it further to the southeast. Those properties front Yendon-Egerton Road, comprise either one (1) or two (2) lots and are mostly developed with dwellings and outbuildings, with lot sizes ranging from approximately 580sq m to 1900sq m.



# Proposal

It is proposed to subdivide the site into three (3) lots. Lot 1, with an area of 6610sq m, would occupy the northwest portion of the site, be irregular in shape and contain the existing dwelling and outbuildings, along with the existing vehicle access to the dwelling. Lots 2 and 3 would each have an area of 4100sq m and be located on the southwest side of Walkers Lane, roughly rectangular in shape, with respective frontage widths of 34.06m and 33.32m and maximum respective depths of 121.74m and 124.4m. Vehicle access to Lots 2 and 3 would be directly from Walkers Lane and both lots have specified building envelopes of 400sq m. No common property is proposed and no vegetation removal would be required to facilitate the subdivision.



## BUSHFIRE MANAGEMENT PLAN 29 WALKERS LANE MOUNT EGERTON PROPOSED LOTS 1, 2 & 3

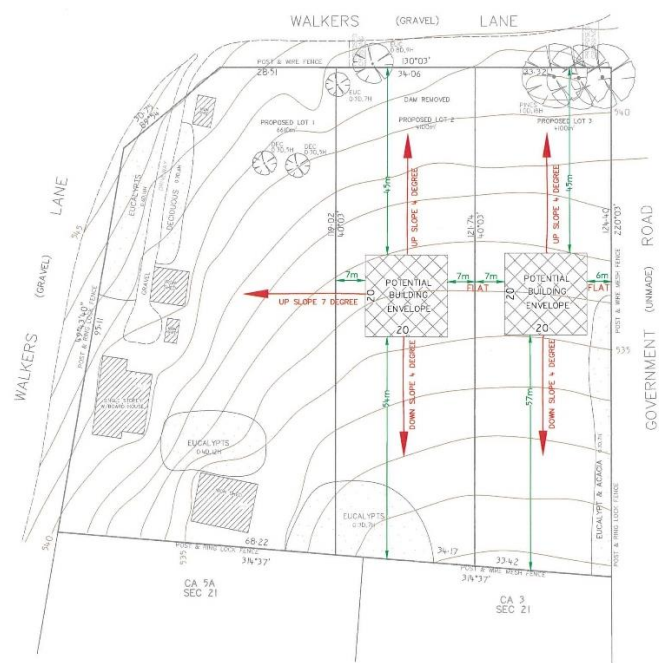
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**LEGEND**

TITLE BOUNDARY

CONTOUR

BUILDING ENVELOPE





## Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 28 August, 2018 and a sign erected on site from 16 to 30 September, 2018. One (1) objection was received.

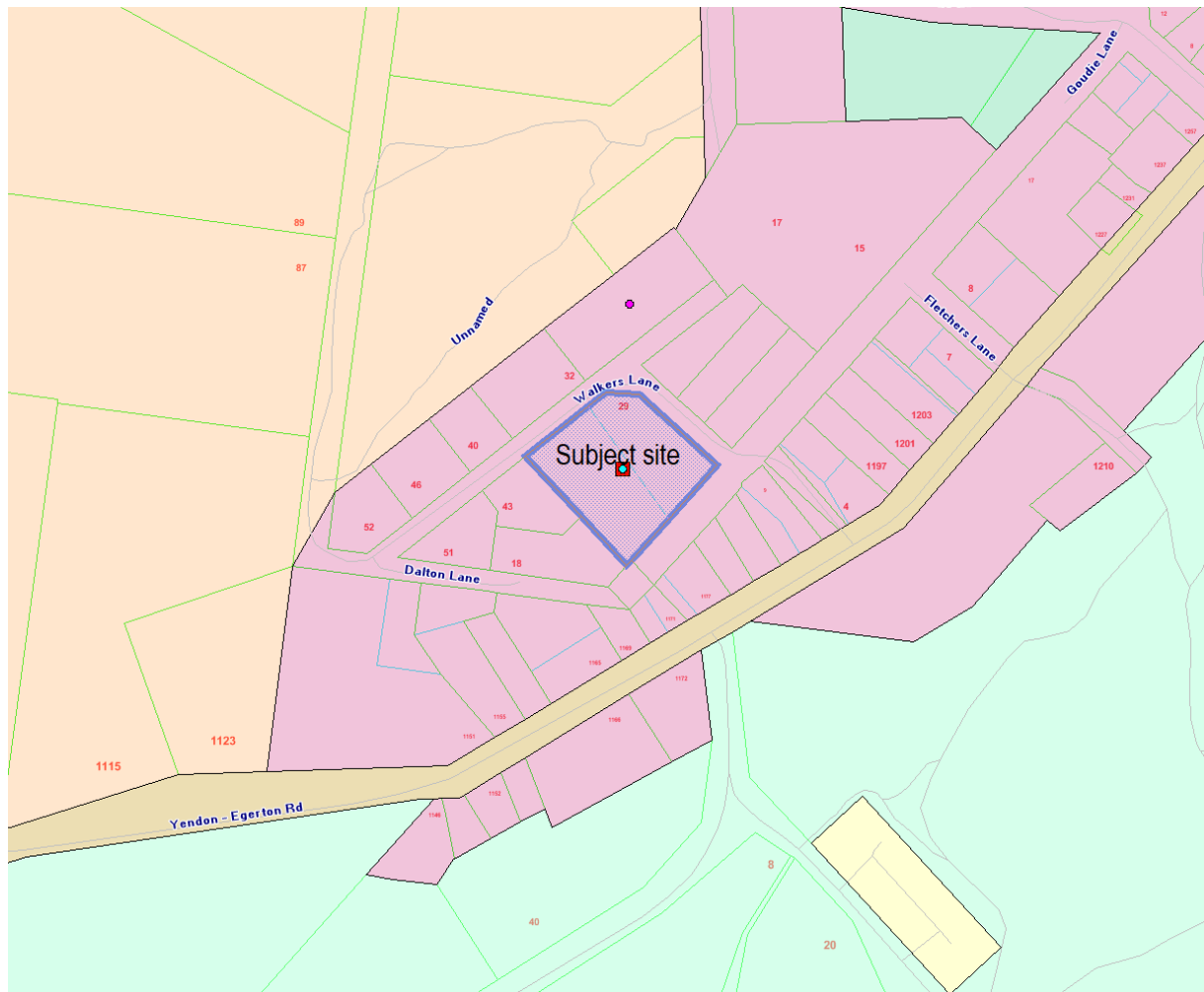
## Summary of Objections

The objection received is detailed below with the officer's accompanying comments:

Objection	Any Relevant Requirements
The building envelope on Lot 3 would result in a dwelling only 6.0m from our common boundary, encroaching on our privacy. We would be unable to plant screening vegetation due to the existing easement.	N/A
<p><b>Officer's Response:</b> It is understood that the easement referred to is the unmade road reserve, the portion of which lying between the subject site and the objector's property being leased by the objector from DELWP. The distance between the proposed building envelope and the objector's title boundary is approximately 35.0m. In any case, any potential overlooking would be assessed once a dwelling design is decided on and would be considered under the building permit requirements. Overlooking is not a relevant consideration in the assessment of this subdivision, and the setback of a future dwelling would be considered generally reasonable in the context of the neighbourhood character and amenity of the area and in consideration of the residential zoning of the land.</p>	
The existing dam on the northeast side of the subject site will need to be filled in which will potentially upset the water catchment and flood neighbouring properties.	N/A
<p><b>Officer's Response:</b> It is unclear how the proposed filling of the dam would upset the water catchment. Water runoff from the site would still flow to the same water supply reservoir and it is proposed that runoff from Walkers Lane in front of Lots 2 &amp; 3 be diverted through Lot 2 to a dam downslope on the adjoining property. On-site wastewater disposal systems must be designed to ensure no contamination of the water catchment.</p> <p>Permit conditions would require stormwater runoff from future buildings and hard surfaces to be retained and disposed of within the site boundaries, and this would be enforced by way of a legal agreement registered on title. It is recommended that a condition of approval require that the filling in of the dam not result in any detrimental impacts on surrounding properties.</p>	
Two additional dwellings within such a small area will impact on the lifestyle we sought by moving to a non-suburban area. The subdivision is unnecessary and will negatively impact on the appeal and value of our property.	N/A
<p><b>Officer's Response:</b> Surrounding lots vary in size and the proposed lot sizes are generally consistent with those in the nearby area. The site and surrounding land are in the Township Zone which is a residential zone where any increased housing growth in the wider area is encouraged. No evidence of a negative impact on property values has been provided and accordingly is not considered to be a valid objection. For the reasons discussed below, the proposal is considered to be generally in keeping with the neighbourhood character of the area.</p>	

## Locality Map

The map below indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 13.02-1S Bushfire planning.
- 14.02 Water.
- 15.01-3S Subdivision design.
- 15.01-5S Neighbourhood character.
- 16.01-2S Location of residential development.
- 21.02-2 Non-urban landscapes.
- 21.02-3 Water and catchment management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.03-5 Small town development.
- 21.09 Small Towns and Settlements.
- 22.02 Special Water Supply Catchments.

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

## **Zone**

The subject site is in the Township Zone (TZ).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.05-5 a permit is required to subdivide land. Subdivision must meet the requirements of Clause 56.

The proposed subdivision is generally consistent with the zone provisions.

## **Overlays**

The site is affected by the following Overlays:

- Environmental Significance Overlay, Schedule 1 (ESO1);
- Design and Development Overlay, Schedule 2 (DDO2); and
- Bushfire Management Overlay (BMO).

Under Clause 42.01-2 (ESO) a permit is required to subdivide land. There are no relevant exemptions under Schedule 1.

Under Clause 43.02-3 (DDO), a permit is required to subdivide land. Under Clause 3.0 of Schedule 2 subdivision is exempt from needing a permit under this Overlay.

Under Clause 44.06-2 (BMO) a permit is required to subdivide land. There is no applicable schedule to this Overlay.

Subject to conditions, the proposal is generally consistent with the overlay provisions.

## **Relevant Policies**

There are no Council policies applicable to this application.

## **Particular Provisions**

### Clause 53.01 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.

It is recommended that a condition of approval require a contribution to public open space equal to 5% of the subject site's value.

### Clause 53.02 Bushfire Planning

Clause 53.02-4 applies to an application to subdivide land.

### Clause 56 Residential Subdivision

The proposal generally complies with ResCode (Clause 56).

### **Discussion**

Subject to conditions, the proposed subdivision is generally consistent with relevant State and Local Planning Policy, the Township Zone, Environmental Significance Overlay, Bushfire Management Overlay, relevant Particular Provisions and the decision guidelines at Clause 65 of the Moorabool Planning Scheme.

The site is in Mount Egerton, in an established area towards the town's southwestern edge, characterised by dwellings on a range of lot sizes on sloping land with views to nearby forested areas. State and Local Planning Policy generally supports residential growth in established settlements, on land zoned for residential purposes, where detrimental impacts such as on agriculture or environmentally sensitive areas are minimal, and where development respects neighbourhood character.

The subject site and surrounding land is in the Township Zone (TZ), and the purpose of the TZ includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.

The purpose of the TZ indicates that a balance must be achieved in responding to a range of applicable policies.

The proposal would create lots of 6610sq m, 4100sq m and 4100sq m, the size and dimensions of which are generally consistent with residential lots in the surrounding area, and would consolidate growth within the existing town boundaries, take advantage of existing infrastructure, and reduce growth pressures on nearby agricultural land without any unreasonable impacts on the existing neighbourhood character or amenity of the area. Growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with surrounding development.

The proposed subdivision design complies with the relevant standards of Clause 56. Each lot would have a direct frontage to Walkers Lane and be oriented to achieve acceptable solar access. No vegetation removal would be required. Each vacant lot would have a designated building envelope to guide orderly future development and no common property would be required. The lots would be readily connected to the surrounding road network. The proposed building envelopes would be sited to provide side boundary setbacks of 6.0-7.0m and substantial front and rear setbacks to reflect the spacious character of surrounding development.

The site is in a Bushfire Management Overlay, and accordingly the applicant has provided a hazard assessment and proposes building envelopes on Lots 2 and 3 with dimensions of 20m x 20m, able to support development with a Bushfire Attack Level (BAL) rating of 29. The building envelopes would be centrally located within the lots in an area where most land within 150m is substantially cleared of vegetation. There is a fire hydrant proximate to the site in Walkers Lane and the existing dwelling has access to 10,000L of static water supply and has clear vehicle access from the road. The application was referred to the CFA who consent to the proposal, subject to conditions including the submission of an amended Bushfire Management Plan.

The site is in a Special Water Supply Catchment and affected by Environmental Significance Overlay, Schedule 1. Accordingly, the application was referred to the relevant water board Barwon Water, who consent to the proposal.

The application was referred to the relevant utility providers who consent to the proposal, subject to conditions.

### 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

Authority	Response
Central Highlands Water	Consent with conditions
Barwon Water	Consent with conditions
CFA	Consent with conditions
Powercor	Consent with conditions
Downer Utilities	Consent
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions

### Financial Implications

The recommendation of approval of this application would not have any financial implications for Council.

### Risk & Occupational Health & Safety Issues

The recommendation of approval of this application does not have any risk or OH&S implications for 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 applicant and objector were invited to attend this meeting and address Council if desired.

### Options

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision with amendments to the conditions within the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to explore reasons based on why the proposal may not comply with the Moorabool Planning Scheme.

## **Conclusion**

The proposed three lot subdivision is generally consistent with State and Local Planning Policy, the applicable Zone and Overlays, Particular Provisions and Decision Guidelines at Clause 65 of the Moorabool Planning Scheme. The proposal supports the modest residential growth of Mount Egerton utilising residential zoned land and is generally in keeping with the neighbourhood character and amenity of the area. Subject to conditions there would be no unacceptable environmental impacts and, subject to conditions, the bushfire hazard is adequately mitigated.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018198 for a Three (3) Lot Subdivision of Crown Allotments 1 and 2, Section 21, Township of Egerton, Parish of Bungal, 29 Walkers Lane, Mount Egerton, 3352, subject to the following conditions:**

### **Endorsed Plans:**

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
  - a. Amendments to the Bushfire Management Plan in accordance with Condition no. 17.**
  - b. A notation stating that the dam on Lots 2 and 3 must be filled, which must not result in the discharge of surface water to adjoining properties.**
- 2. 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.**

### **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.**
- 4. 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.**

### **Telecommunications:**

- 5. 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 provided by optical fibre.**

6. 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.

**Infrastructure:**

7. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a rural standard vehicle crossing on Walkers Lane to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, 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.
8. The property access and the internal driveways to each lot must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the Responsible Authority.
9. Storm water drainage from future buildings and impervious areas within any lot 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. Prior to the issue of a Statement of Compliance for the subdivision, a Section 173 Agreement must be registered against the subject land enforcing this provision.
10. 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).
11. 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.
12. 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.
13. 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. standard details for vehicle crossings and legal points of discharge;
  - d. civil notes as required to ensure the proper construction of the works to Council standard.

**Environmental Health:**

Prior to Statement of Compliance it must be demonstrated that the existing wastewater system and land application area to be retained on Lot 1 is wholly contained within the boundaries of Lot 1 and meet the necessary setbacks in accordance with the Environmental Protection Agency Code of Practice, Onsite Wastewater Management, Publication 891.4 July 2016.

**Powercor:**

14. 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.

15. 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.
- 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. The applicant shall 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.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

**Country Fire Authority:**

16. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Moorabool Planning Scheme.
- b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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



17. Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 Agreement. The BMP must be substantially in accordance with the BMP drawn by Geometri Pty. Ltd., dated 16-7- '18 and must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

#### **Construction Standards**

- a. Nominate a minimum Bushfire Attack Level of BAL – 29 that the future buildings on the lots 2 & 3 will be designed and constructed.

#### **Water Supply**

- a. Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
- I. Is stored in an above ground water tank constructed of concrete or metal.
  - II. All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.

The water supply must also –

- I. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- II. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- III. 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**

- a. Show the access for fire fighting purposes which meets the following requirements:
- I. Curves must have a minimum inner radius of 10m.
  - II. 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.
  - III. Have a minimum trafficable width of 3.5m of all- weather construction.
  - IV. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
  - V. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

#### **Matters to be set out in Section 173 Agreement**

- a. In addition to the requirements of Clause 44.06-3 of the Moorabool Council Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify:
- I. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Moorabool Council Planning Scheme:
    - i. A building or works consistent with an agreement under Section 173 Agreement of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.

### **Maintenance of Defendable Space**

- a. Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

#### **Barwon Water:**

18. The issue of a planning permit for the re-subdivision does not convey in any way ensuing approval for development of a dwelling on either lot. Any future proposals for development of a dwelling will be subject to relevant planning approvals and assessed separately in relation to potential impacts on catchment water quality.
19. Prior to a certificate of compliance being issued for the subdivision the owner shall enter into an agreement with the responsible authority and Barwon Water under Sections 173 Agreement of the Planning and Environment Act 1987, requiring that:
  - a. Each lot created cannot be further subdivided.
  - b. The Owner and the Responsible Authority 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.
  - c. The Owner shall meet all costs of the Responsible Authority in relation to stamping and registration of this Agreement.
  - d. The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (b) herein.

#### **Central Highlands Water:**

20. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
21. A reticulated water supply must be provided to each lot 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.
22. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

#### **Permit Expiry:**

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

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

#### **Permit Note:**

### **Powercor**

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

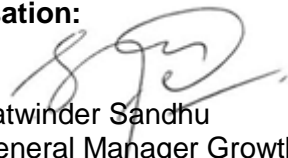
**Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.**

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**Report Authorisation:**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** 29 January, 2019



# PLAN OF SUBDIVISION

## EDITION 1

## PS738624U

### LOCATION OF LAND

**PARISH:** BUNGAL  
**TOWNSHIP:** EGERTON  
**CROWN DESCRIPTION:** CA. 1 & 2 SEC. 21  
**TITLE REFERENCES:** VOL. 7088 FOL. 419  
 VOL. 7647 FOL. 111  
**LAST PLAN REFERENCE:** 1~21\TP611350C  
 2~21\TP525738D  
**POSTAL ADDRESS:** 29 WALKERS LANE MOUNT EGERTON 3352  
 (at time of subdivision)

COUNCIL NAME: MOORABOOL SHIRE COUNCIL

### VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

### NOTATIONS

**DEPTH LIMITATION:** 15.24 applies to Lot(s) 1, 2, 3.

**SURVEY:**  
 This plan is based on survey.  
  
 This is an ePlan

### EASEMENT INFORMATION

LEGEND: A-Appurtenant Easement E-Encumbering Easement

IDENTIFIER	PURPOSE	WIDTH (m)	ORIGIN	LAND BENEFITED/IN FAVOUR OF



SURVEYORS FILE REF: 180626

LICENSED SURVEYOR: GEOFFREY JOHN LAWFORD

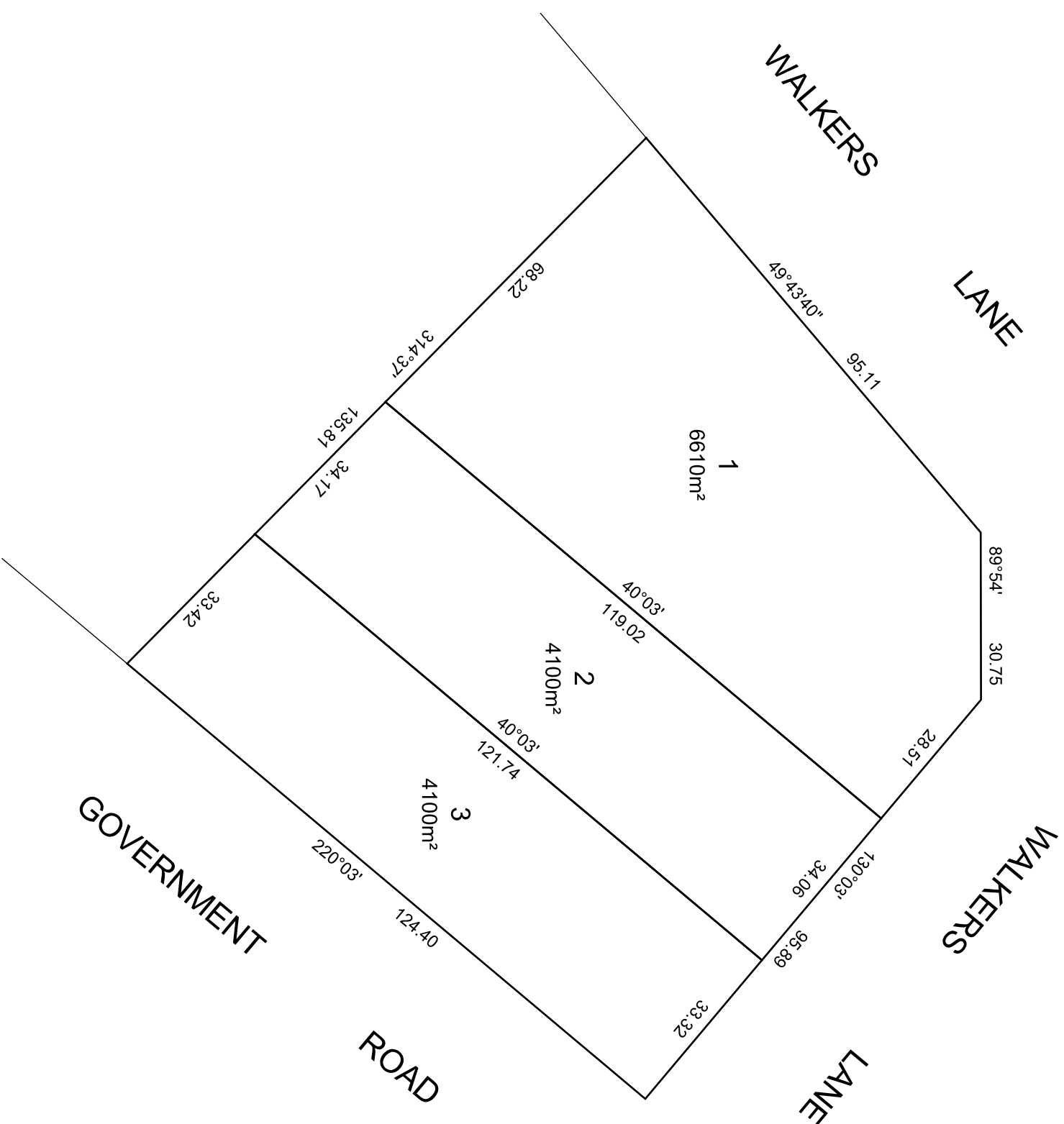
VERSION 1

ORIGINAL SHEET  
SIZE: A3

SHEET 1 OF 2

This plan is unregistered and may be subject to change.

Plan generated date/time: 03/07/2018 09:13 AM



SCALE  
1 : 1000

LENGTHS ARE IN METRES

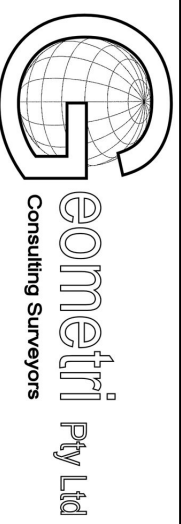
LICENSED SURVEYOR: GEOFFREY JOHN LAWFORD  
VERSION 1

ORIGINAL SHEET  
SIZE: A3

SHEET 2

This plan is unregistered and may be subject to change.

Plan generated date/time: 03/07/2018 09:13 AM



455 Swingers Road Ballarat VIC P 0447 672 402 E surveyor@geometri.com.au

**Item 5.5 Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan**

<b>Application Summary:</b>	
Permit No:	PA2018240
Lodgement Date:	14 September, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot 4 on PS 210622J 8 Jopling Street, Ballan 3342
Proposal:	Two (2) Lot Subdivision
Lot size:	1012q m
Why is a permit required?	Clause 32.08 – General Residential Zone – Subdivision Clause 42.01 – Environmental Significance Overlay – Subdivision.
Reason for being presented to S86 Development Assessment Committee.	Objections received.
<b>Public Consultation</b>	
Was the application advertised?	Yes
Notices on site:	Two (2)
Notice in Moorabool Newspaper:	No
Number of Objections:	Four (4)
Consultation Meeting:	No
<b>Policy Implications</b>	
<b>Strategy Objective 2:</b>	Minimising Environmental Impact
<b>Context 2A:</b>	Built Environment
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
<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>	
<b>Executive Summary</b>	
Application Referred?	Yes – to Infrastructure, Southern Rural Water and Western Water.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	No.
Any changes made to the application since being lodged?	No.
Brief history	Refer to 'History' within this report.
Previous applications for the site?	PA2018001 for Three Lot Subdivision and Development of Two (2) Additional Dwellings. Refer to 'History' within this report.
General Summary	<p>It is proposed to subdivide the site into two (2) lots – Lot 1 being 512sq m and Lot 2 494sq m. Lot 1 would contain an existing dwelling and Lot 2 would be vacant.</p> <p>Four (4) objections were received, raising concerns including neighbourhood character, limited private open space and the future development of Lot 2.</p> <p>Subject to conditions, the proposal is generally consistent with relevant State and local planning policy, the Zone and Ballan Strategic Directions.</p>
<b>Summary Recommendation</b>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the grounds included at the end of this report.</p>	

## Site Description

The site is identified as Lot 4 on PS 210622J and known as 8 Jopling Street, Ballan, and is roughly rectangular in shape with a 25.28m width, 40.23m depth and overall area of 1012sq m. The site is on the northeast corner of Jopling and Atkinson Streets and contains a single storey weatherboard clad dwelling fronting Jopling Street and ancillary shed parallel to the north title boundary, accessed via an existing crossover to Jopling Street. The existing dwelling comprises two (2) bedrooms, bathroom and open plan kitchen and living area with a verandah on three (3) sides. The site falls by approximately 1.0m from east to west and contains no significant vegetation, although it is noted that trees have been removed from the site in recent times, notably several large pine trees near the Atkinson Street boundary. The site is encumbered by a 2.0m wide drainage and sewerage easement parallel to the east title boundary.

The site and surrounding land is in the General Residential Zone and comprises mostly freestanding single storey dwellings, generally dating from the 1970's to the present day, and mostly of brick construction with hipped tile roofs. Lot sizes in the area are generally >1000sq m, with more recent subdivisions nearby creating lots as small as 364sq m. The subject site is towards the eastern edge of the township, approximately 400m from Ballan Primary School, 900m from Ballan railway station and 1000m from the town's commercial centre. There are few examples of medium density housing and associated subdivision nearby, with such development more common closer to the town centre.

To the north of the subject site is a single storey brick dwelling on a 1017sq m lot fronting Jopling Street. To the east is a single storey brick dwelling on a 1017sq m lot fronting Atkinson Street. To the west, across Jopling Street, are single storey weatherboard dwellings on 670sq m and 1350 sq m lots fronting Jopling Street. To the south, across Atkinson Street, is a single storey brick dwelling on an 1800sq m lot fronting Jopling Street.

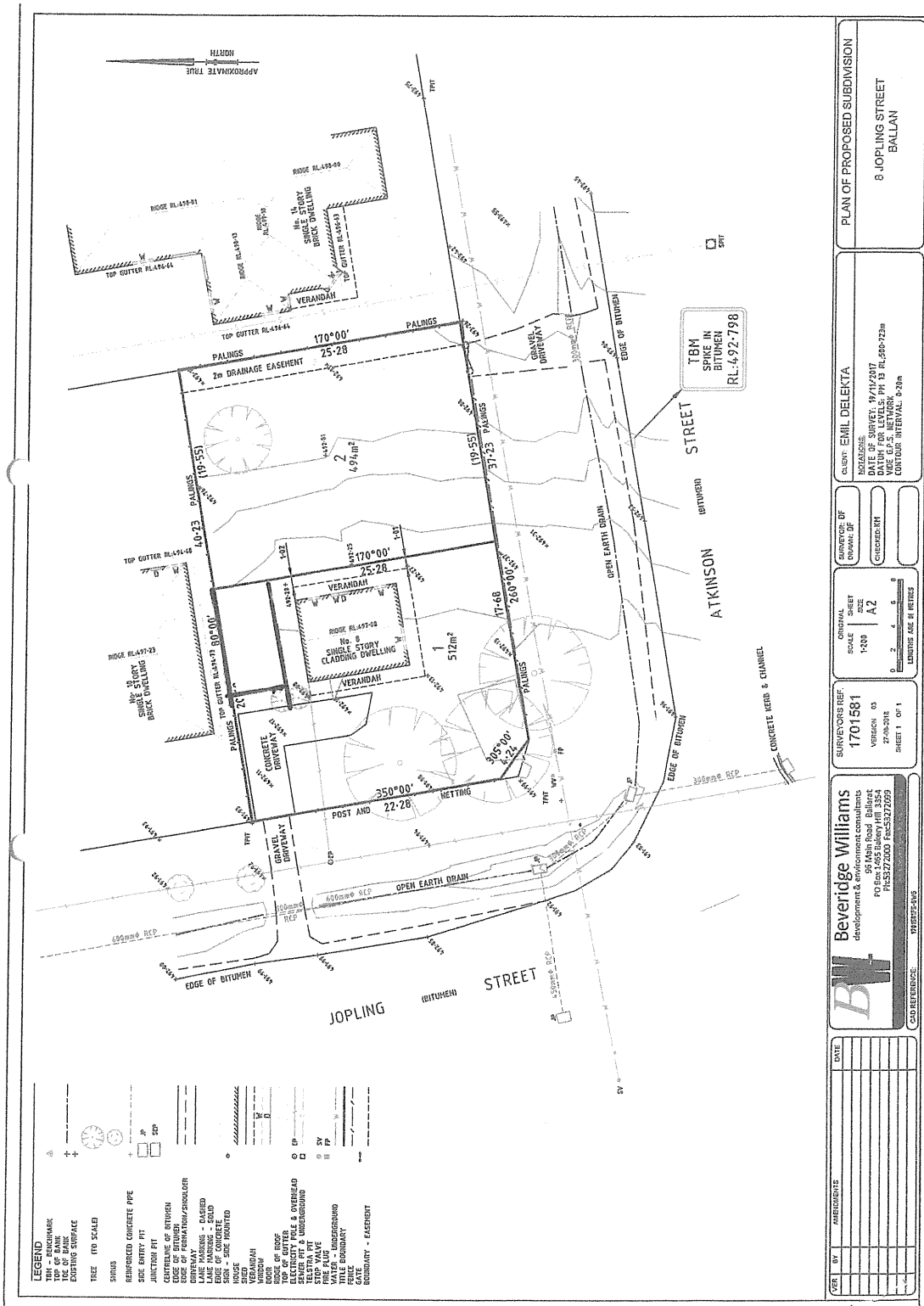
All reticulated services are available.





# Proposal

It is proposed to subdivide the site into two (2) lots. Lot 1 would have an area of 512sq m, be roughly rectangular in shape and contain the existing dwelling and shed, with vehicle access maintained via an existing crossover to Jopling Street. Lot 2 would be vacant with an area of 494sq m, be rectangular in shape, with a 19.55m frontage to Atkinson Street and a depth of 25.28m. Vehicle access is proposed via a crossover to Atkinson Street, towards the eastern title boundary. There is no common property proposed and no vegetation removal proposed. The boundary between Lots 1 and 2 aligns with an existing timber paling fence.



<b>PLAN OF PROPOSED SUBDIVISION</b> 8 JOPLING STREET BALLAN	
COUNTY: EMIL DELEKTA SURVEYOR: DATE OF SURVEY: 19/12/2017 SCALE: 1:200 DATE OF PLAN: 13 JUL 2018 CONTOUR INTERVAL: 0.20m	SURVEYOR'S REF: 1701581 VERSION: 03 27/08/2016 SHEET 1 OF 1
SURVEYOR'S REF: 1701581 VERSION: 03 27/08/2016 SHEET 1 OF 1	SURVEYOR'S REF: 1701581 VERSION: 03 27/08/2016 SHEET 1 OF 1
<b>Beveridge Williams</b> development & environment consultants 85 Jean Road, Ballan VIC PO Box 200, Ballan VIC 3200 PH: 5372 2000 FAX: 5372 0559 WWW.BEVERIDGEWILLIAMS.COM.AU	
DATE:	DATE:

## Background to Current Proposal

Amendment C88 to the Moorabool Planning Scheme was exhibited from August until October, 2018 and seeks to implement Ballan Strategic Directions (June 2018), which is a Council adopted Strategy to guide land use and development in Ballan. Implementation of the Strategy includes the proposed rezoning of some land to guide how and where housing growth shall occur. As part of Amendment C88, it is proposed to amend the General Residential Zone schedule to apply neighbourhood character objectives which complement the design objectives for Precinct A. The proposal is generally in accordance with Council's strategic intent for the site.

## History

PA2018001 for Three (3) Lot Subdivision and Development of Two (2) Additional Dwellings was refused by Council at its s86 Development Assessment Committee meeting on 15 August, 2018 consistent with the officer's recommendation.

## Public Notice

Notice of the application was given to adjoining and nearby landowners and occupants by mail on 17 October, 2018 and signs erected on site from 24 October until 11 November, 2018. Four (4) objections were received.

## Summary of Objections

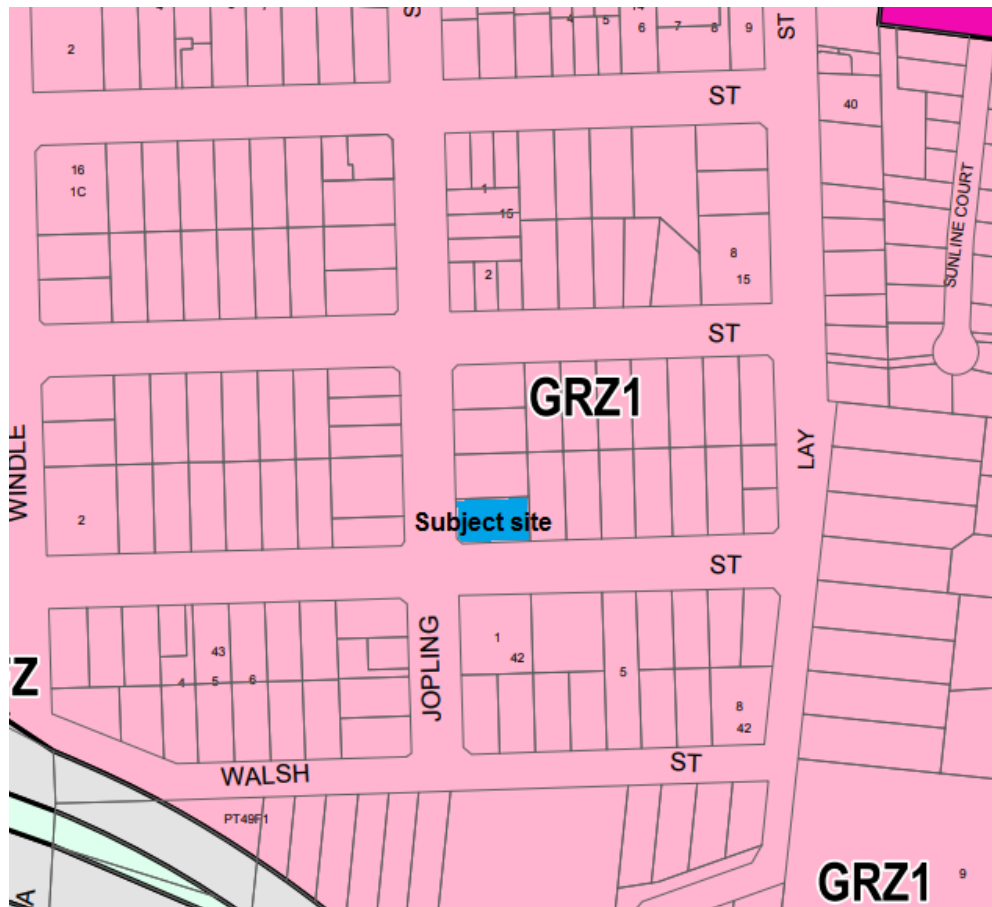
The objection received is detailed below with the officer's accompanying comments:

Objection	Any Relevant Requirements
Loss of the spacious country town feel of this part of Ballan created by quarter acre lots.	Clauses 15.01-3S, 15.01-5S, 21.03-2, 21.03-3, 21.03-4, 21.08-2.
<b>Officer's Response:</b> This objection is discussed below.	
Lack of private open space for recreation. Where will the existing dwelling's backyard be located?	Clause 56.04-2.
<p><b>Officer's Response:</b> Private open space comprises front, side and rear open space areas. That part of the private open space which can be fenced or otherwise located for privacy is referred to as secluded private open space, and typically provided at the rear of a dwelling, but can also be provided at the side of a dwelling. The standard requirement is that a dwelling must be provided with at least 40sq m of private open space, 25sq m of which must be secluded.</p> <p>For Lot 1, there is sufficient space to accommodate at least 25sq m of secluded private open space on the south side of the existing dwelling, allowing for fencing to be erected along part of the Atkinson Street boundary and within the property to provide privacy.</p> <p>For Lot 2, there is sufficient space for at least 25sq m of secluded private open space either to the rear of side of a future dwelling, allowing for the minimum requirement of a 10m x 15m building envelope to accommodate future development.</p>	
There is no opportunity to have a say in the future development of vacant Lot 2 and any potential detriment it may cause.	N/A

Objection	Any Relevant Requirements
<p><b>Officer's Response:</b> The future development of Lot 2 for a single dwelling would be subject to a building permit, including an assessment of amenity impacts on neighbours. Only if the dwelling design does not comply would affected neighbours be notified for a request to consent to the design or otherwise have the design modified to comply. No notice would be given if the design complies with the Building Code.</p> <p>Any proposal to develop either lot for two or more dwellings would be subject to further planning approval.</p>	
<p>The proponent has offered to replace the common boundary fence between my property and the subject site due to damage caused by the proponent's activities, but on the condition that I not appeal to VCAT against his development plans.</p> <p>If a permit is issued, I request that a condition of approval include construction of a fence along the entire common boundary with my property.</p>	N/A
<p><b>Officer's Response:</b> Boundary fencing – its construction, maintenance or replacement and associated costs – is usually negotiated between the affected landowners, and any related disputes are a civil matter. Costs for fence construction or replacement directly linked with land development would typically be expected to be borne by the developer or subdivider. In this instance, it is understood the existing fence is 1800mm high and was damaged by the proponent, but otherwise may not need to have been replaced to facilitate future development enabled by the proposed subdivision. This would be assessed as part of the building permit approval for future development of the site. In any case, it is considered to be beyond the scope of Council's authority to require the proponent to replace the fence. Should you require further information please refer to the <i>Fencing Act 1968</i>.</p>	
<p>If the subdivision is approved, and presuming the existing dwelling is extended in future, can a condition be imposed that the building setback matches the setback of dwellings in Atkinson Street between Jopling and Lay Streets.</p>	N/A
<p><b>Officer's Response:</b> The permit application is for subdivision only and does not include an assessment of any building design. Future building work would be subject to a building permit assessment including consideration of the street setback. It is considered beyond the scope of this permit to impose any requirement regarding the potential extension or redevelopment of the existing dwelling.</p>	

## Locality Map

The map below indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.02 Water.
- 15.01-3S Subdivision design.
- 15.01-5S Neighbourhood character.
- 16.01-2S Location of residential development.
- 21.02-3 Water and catchment management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

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

## Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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

Subject to conditions, the proposed subdivision is generally consistent with the zone provisions.

## Overlays

The site is affected by Environmental Significance Overlay, Schedule 1. Under Clause 42.01-2 a permit is required to subdivide land. There are no relevant exemptions under Schedule 1.

Subject to conditions, the subdivision would be generally consistent with the overlay provisions.

## Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act* 1987. The current Ballan Strategic Directions strategy was adopted by Council on 14 June 2018.

### Urban Growth Policy

The Urban Growth 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.*

## Ballan Strategic Directions

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character.
- Residential development.
- Movement network and connectivity.
- Open space and recreation.
- Community facilities.
- Non-residential uses and local employment.
- Drainage and servicing.

The subject site is in Precinct A in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct A are:

- Maintain a streetscape rhythm of detached dwellings with conventional front and side setbacks.
- Built form to one boundary may be appropriate where the preferred character of the Precinct is not compromised.
- Boundary to boundary development should be avoided.
- Built form will be of a modest scale and be sympathetic to the existing character of the Precinct, however innovative and unique built form that enhances the character of the Precinct will be encouraged.
- Multi-dwelling developments should minimise the need for additional crossovers to the street, be located on lots within the Precinct that are within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Therefore, some lots within the Precinct may not be suitable for further intensification.
- Open front gardens will blend into the public realm, with minimal or low scale front fencing.
- Built form will not dominate the lot which will allow for generous private open space and garden plantings.
- Increasing canopy tree cover within lots will assist in improving the landscape within the Precinct, while also achieving a balance between open space and built form.
- New development located in close proximity to dwellings that exhibit historical architectural styles should ensure built form complements these dwellings.
- Increasing the diversity in housing products within the Precinct is desirable including alternative housing products that allow for a variety of housing choices in areas accessible to services and facilities.

To assist in achieving the above objectives, it is proposed to amend the zone schedule to apply neighbourhood character objectives which complement the above objectives.

The proposal is generally consistent with Ballan Strategic Directions.

### **Particular Provisions**

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

A subdivision is exempt from a public open space requirement specified in this scheme if it subdivides land into two (2) lots and the Council considers it unlikely that each lot will be further subdivided.

In this instance, given the size of the proposed lots, the applicable planning controls and Council's decision on PA2018001, it is considered unlikely that either proposed lot would be further subdivided, and therefore no public open space contribution is recommended.

### Clause 56 Residential Subdivision

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

The proposal complies with ResCode (Clause 56).

### **Discussion**

Overall, the proposal is considered to be generally consistent with relevant State and Local Planning Policy, the General Residential Zone and Clause 56 of the Moorabool Planning Scheme, and Council's adopted Ballan Strategic Directions plan.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as one of several towns which will support an increased population to absorb growth pressures in the region. The proposal would contribute to consolidated growth of the town, take advantage of existing infrastructure, and contribute to housing diversity and affordability. Growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding urban environment.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings with few examples of medium density housing and associated subdivision nearby. The purpose of the GRZ includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies. The proposal must satisfy Clause 56 of the Moorabool Planning Scheme for subdivision.

The critical issue in the assessment of this application is how the proposal responds to the existing or preferred neighbourhood character and meets the purpose of the General Residential Zone.

Clause 21.08 of the Moorabool Planning Scheme is specific to Ballan and includes the following policy objective for housing:

- To provide diversity in housing that is in character with the township and provides for continued growth of the town as a regional centre.

The identified strategy to achieve this objective is stated as follows:

- Encourage re-subdivision of large lots including limited well designed medium-density development within 500 metres of the town centre and railway station.

As previously stated, the site is 1.0km from the town centre and 900m from the railway station, and whilst it is acknowledged that this policy does not prevent such development occurring in other parts of the town, it clearly identifies where more intensive growth is particularly desirable, noting that the objective is to encourage growth which achieves a balance between consolidation and respect for the township character.

Guidance as to the desired township character is provided by the design objectives in Ballan Strategic Directions for Precinct A, set out earlier in this report, with the following objectives particularly relevant to this application:

- Maintain a streetscape rhythm of detached dwellings with conventional front and side setbacks.
- Multi-dwelling developments should minimise the need for additional crossovers to the street, be located on lots within the Precinct that are within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Therefore, some lots within the Precinct may not be suitable for further intensification.
- Built form will not dominate the lot which will allow for generous private open space and garden plantings.
- Increasing canopy tree cover within lots will assist in improving the landscape within the Precinct, while also achieving a balance between open space and built form.

These objectives give particular guidance to the desirability for new dwellings to be in areas well located to services and facilities and responsive to key elements of the identified township character.

The proposed lot sizes of 512sq m and 494sq m are smaller than the majority of lots in the nearby area, which are mostly 1000-1100sq m in size and accommodate single dwellings with spacious rear yards. The proposed lots would facilitate a more compact form of development than is typically found nearby and, subject to conditions, are considered to strike an acceptable balance between development intensification and neighbourhood character. The proposed lot dimensions, in particular the frontage widths, provide sufficient space to accommodate single dwellings.

Aside from considering Clause 56 for subdivision, under the General Residential Zone, Council must also consider:

- The pattern of subdivision and its effect on the spacing of buildings.

Proposed Lot 1 would contain the existing dwelling with a rear setback of 1.0m which aligns with an existing timber paling fence constructed within the past 18 months, apparently in anticipation of the proposal being approved. Although a rear boundary setback consistent with the prevailing character of the area would be considered unreasonable for this dwelling, the proposal potentially limits the opportunity to provide a separation between the existing dwelling and a future dwelling on Lot 2 which would respect the spacious character of the area. It is therefore considered appropriate that a building envelope for Lot 2 be imposed as a restriction on title which specifies minimum boundary setbacks including minimum 2.0m side setbacks, to ensure there is adequate separation between dwellings to fit both the existing and preferred character of the area.

The site is in a Special Water Supply Catchment and affected by Environmental Significance Overlay, Schedule 1. Accordingly, the application was referred to Western Water and Southern Rural Water as the relevant water boards, who both consent to the proposal.

### **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

Authority	Response
Western Water	Consent
Southern Rural Water	Consent with conditions
Infrastructure	Consent with conditions

## Financial Implications

The recommendation to approve this application does not have any financial implications for Council.

## Risk & Occupational Health & Safety Issues

The recommendation to approve this application does not have any risk or OH&S implications for 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 applicant and objectors were invited to attend this meeting and address Council if desired.

## Options

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision to Grant a Permit with amendments to the conditions in the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to explore reasons based on why the proposal may not comply with the Moorabool Planning Scheme.

## Conclusion

Subject to conditions, the proposed two lot subdivision is generally consistent with State and local planning policy and the General Residential Zone and the Ballan Strategic Directions plan. The proposal makes a modest contribution to housing growth and whilst the lot sizes would be smaller than most nearby lots the proposal is generally respectful of the neighbourhood character of the area.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018240 for a Two (2) Lot Subdivision at Lot 4 on PS 210622J, 8 Jopling Street, Ballan 3342, subject to the following conditions:**

### **Endorsed Plans:**

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 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/other specified plans but modified to show:
  - a. Lot 2 with a building envelope which achieves the following minimum boundary setbacks:**
    - i. 2.0m from the west boundary;**
    - ii. 4.0m from the south (front) boundary;**
    - iii. 2.0m from the east boundary; and**
    - iv. 4.0m from the north boundary.****
- 2. 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.**
- 3. The plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:**
  - a. Land to be Burdened: All lots on this plan.**
  - b. Land to Benefit: All lots on this plan.**
  - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
  - d. Description of Restriction: No building on Lot 2 shall be constructed outside the designated building envelope shown on the endorsed plans attached to planning permit PA2018240 issued by Moorabool Shire Council.**
  - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**
  - f. Definition: Building – any building larger than 10 sqm that requires a building permit.**

### **Servicing:**

- 4. 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.**
- 5. 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.**
- 6. 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:**

- 7. 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 provided by optical fibre.**
- 8. 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.**

**Infrastructure:**

- 9. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a rural standard residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed and the 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. 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)".**
- 11. 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.**
- 12. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.**

13. 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).
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.

**Southern Rural Water:**

17. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
18. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
19. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authority's requirements and relevant legislation.

**Permit Expiry:**

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

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

**Permit Note:**

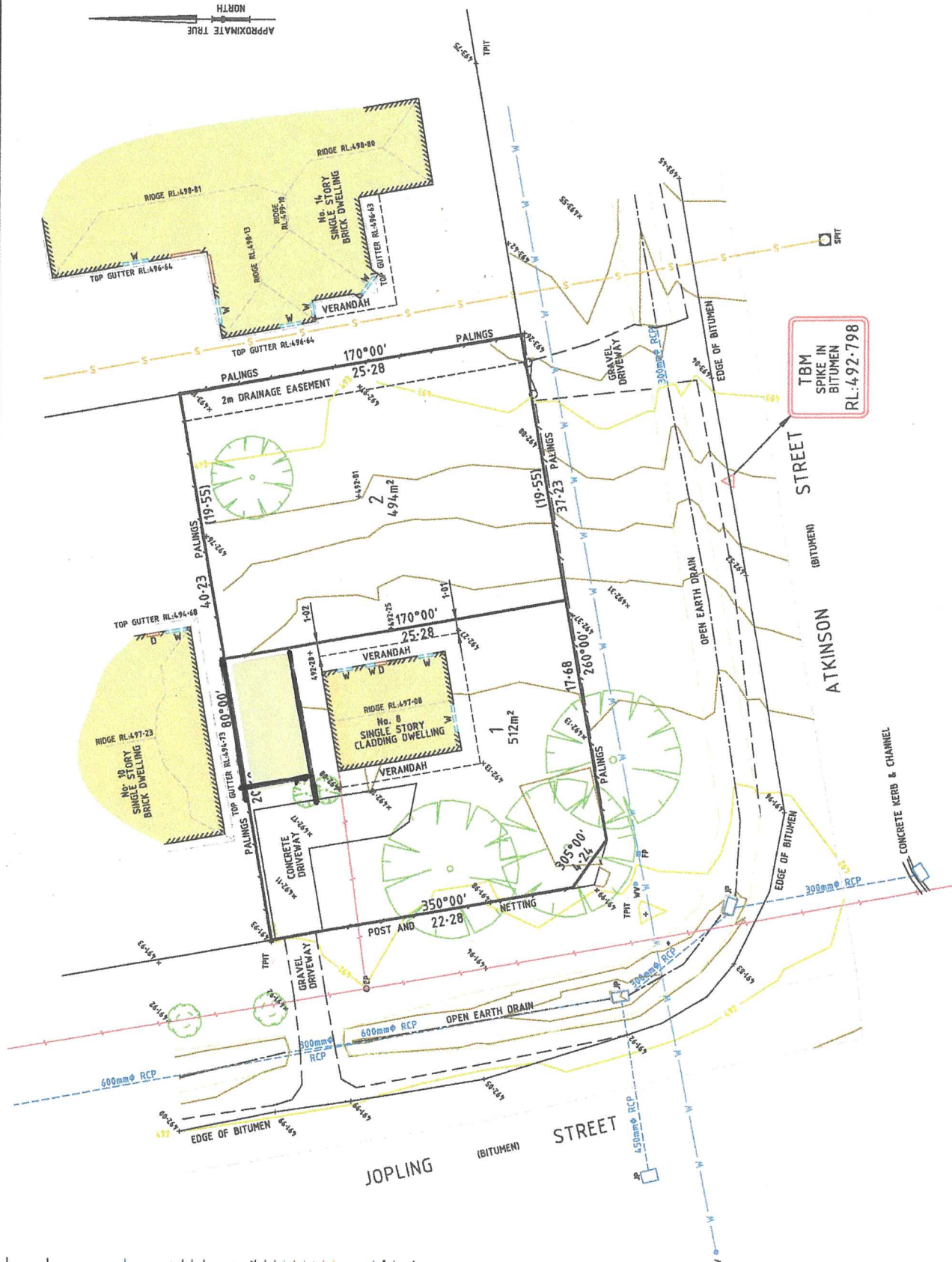
Please refer to the Ballan Strategic Directions (June 2018) – Precinct A, section 4.1.3 – Character Precincts, which detail the preferred development standards for this site/area.

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**Report Authorisation:**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** 29 January, 2019



**LEGEND**

	BENCHMARK
	TOP OF BANK
	EXISTING SURFACE
	TREE (TO SCALE)
	SHRUB
	REINFORCED CONCRETE PIPE
	SIDE ENTRY PIT
	JUNCTION PIT
	CENTRELINE OF BITUMEN
	EDGE OF BITUMEN
	EDGE OF PAVEMENT/SHOULDER
	DRIVEWAY
	LANE MARKING - DASHED
	LANE MARKING - SOLID
	EDGE OF CONCRETE
	SIGN - SIDE MOUNTED
	HOUSE
	VERANDAH
	WINDOW
	DOOR
	RIDGE OF ROOF
	TOP OF GUTTER & OVERHEAD
	SEWER PIT & UNDERGROUND
	TELSTRA PIT
	STOP VALVE
	FIRE PLUG
	WATER - UNDERGROUND
	FENCE BOUNDARY
	GATE
	BOUNDARY - EASEMENT

<b>PLAN OF PROPOSED SUBDIVISION</b>	
8 JOPLING STREET BALLARAT	
CLIENT: EMIL DELEKTA	
DATE OF SURVEY: 19/11/2017	
DATUM FOR LEVELS: PM 13 RL:500.723m	
VIDE G.P.S. NETWORK	
CONTOUR INTERVAL: 0.20m	
SURVEYOR: DF	CHECKED: RN
DRAWN: DF	
ORIGINAL SHEET SIZE: A2	SCALE: 1:200
LENGTHS ARE IN METRES	
SURVEYORS REF: 1701581	VERSION: 03
SHEET 1 OF 1	
<b>Beveridge Williams</b> development & environment consultants 96 Main Road Ballarat PO Box 1465 Bakery Hill 3354 Ph: 53272000 Fax: 53272099	
CAD REFERENCE: 1701581-03	
VER	DATE
BY	
AMENDMENTS	

**Item 5.6 Planning Permit Number PA2018267 – Development and Use of a Medical Centre (Dental Practice), Business Identification Signage and Variation of Access to a Road Zone, Category 1 (RDZ1) at 83 Gisborne Road, Bacchus Marsh**

<b>Application Summary:</b>	
Permit No:	PA2018 267
Lodgement Date:	15 October, 2018
Planning Officer:	Samuel Duff
Address of the land:	83 Gisborne Road, Bacchus Marsh VIC 3340
Proposal:	Development and Use of a Medical Centre (Dental Practice), Business Identification Signage and Variation of Access to a Road Zone, Category 1 (RDZ1).
Lot size:	812 square meters.
Why is a permit required?	Development and Use of a Medical Centre over 250 square meters. Business identification signage. Variation of access to a Road Zone, Category 1(RDZ1).
Reason for being presented to S86 Development Assessment Committee.	Receipt of an objection.
<b>Public Consultation</b>	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	The applicant consented to offer a consultation meeting. Offered a consultation meeting to the objector on 9 January 2019. The objector refused the offer of a consultation meeting on 10 January, 2019.
<b>Policy Implications</b>	
Strategy Objective 3:	Stimulating Economic Development
Context 3A:	Land Use Planning
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
<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</i> – Rob Fillisch</p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author</i> – Samuel Duff</p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
<b>Executive Summary</b>	
Application Referred?	The application was referred to VicRoads as well as Councils Strategic Planning Department and Infrastructure.
Any issues raised in referral responses?	It is thought that there are no issues that cannot be managed through conditioning the permit.
Preliminary concerns?	Access to and from the site is via Gisborne Road, which is one of the more heavily trafficked roads in the municipality, which may have an impact on the traffic flow, however the appropriate recommending authority, VicRoads, consented to the application, subject to conditions.
Any discussions with applicant regarding concerns?	The applicant, Planning and Property Partners, was contacted regarding VicRoads when Council was awaiting a referral response.
Any changes made to the application since being lodged?	No.
Brief history	<p>The applicant is seeking approval for the development of a medical centre. The planning permit is required as the application exceed the exempt 250 square meters.</p> <p>The proposed medical centre would have nine (9) parking spaces, which would be sufficient for the two (2) medical practitioners that is proposed to work there at any one time.</p>
Previous applications for the site?	There is a previous planning permit for the site PA2014-097, which had approved a medical centre, however the planning permit had expired prior to the owner being able to commence works.
General Summary	It is considered that this application is generally consistent with the development and uses within the area. The development of a dental clinic is consistent with the purpose of the zone to allow the community and other non-residential to serve local community needs in appropriate locations. The location is on a main thoroughfare on the outskirts of Bacchus Marsh.

## 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 Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.

## Site Description

The subject site is approximately 812 square meters, in an approximate trapezoid shape. The site is to the north of the main street precinct of Bacchus Marsh. The site is bordered by the Road Zone, Category 1 (Gisborne Road) and a Public Use Zone, schedule 1 land that has a rural water corporation channel (owned by the State Rivers & Water Supply Commission) to the east and west respectively, land to the immediate north and south is in the General Residential Zone, which is the predominant zoning in the area.

The site is currently vacant and is predominantly cleared, aside from grasses and scattered small shrubs. The property to the south is subject to another planning permit which allowed a two-lot subdivision that is currently being certified. The site is sloping, from a low point at the front to a high point at the rear.

The site adjacent Gisborne Road to the east is a retirement village.



Figure 1 Aerial photograph of the site and surrounding area.

## Proposal

It is proposed to develop a dental clinic, with the associated car park for the practice to be located to the south of the building. The building is proposed to be 280 square meters in area with a total of nine (9) carparks. The dental clinic would have a total of four (4) surgeries, staff facilities, laboratory and sterilisation facilities and recovery area as well as facilities typical of any office – administration and reception area, as well as a toilet and store room.



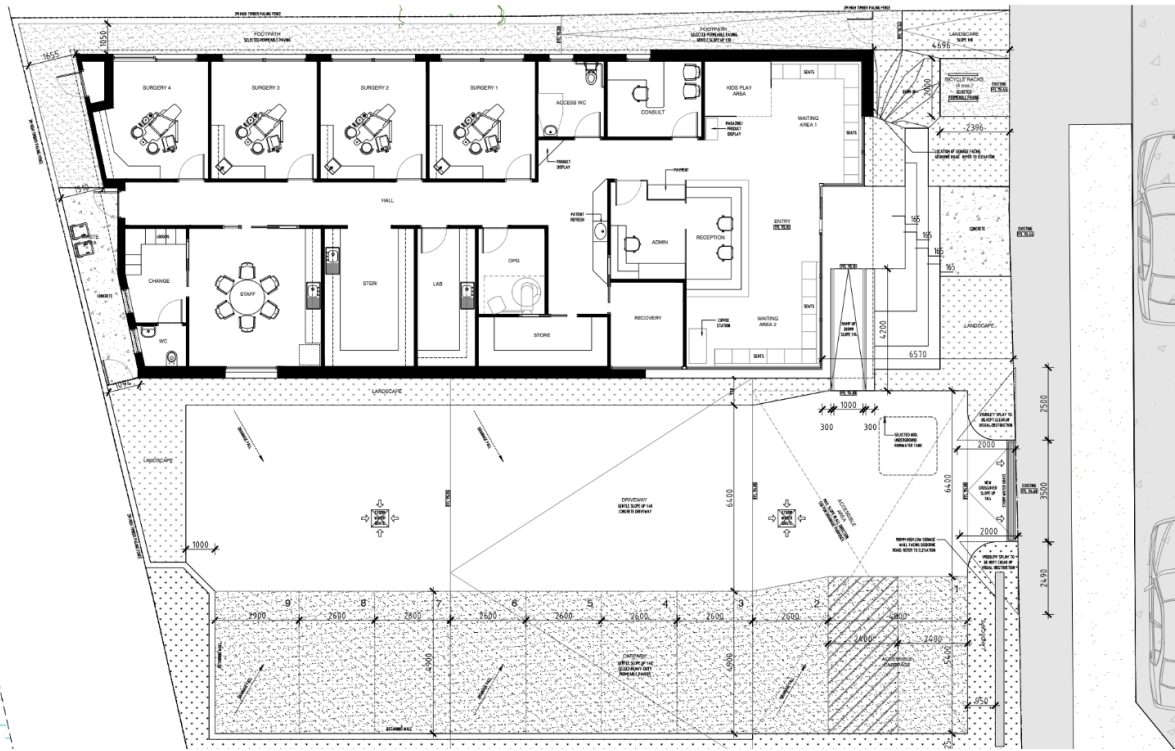
The applicant stated in the supporting documentation that the medical centre will only have a total of two (2) practitioners operating at one time, with operating hours being between 8:30am to 5:30pm Monday to Friday and 8:30am to 1:30pm Saturday.

The building would be a modern style, rectangular in shape with a 3° sloping roof from the front of the building to the back. The building would be primarily clad in two (2) different aluminium claddings – one (1) in warm grey and the other in charcoal, aside from the glazing, there would also have some rendering and wood panelling as highlights.

A copy of the plans have been included below:

DESIGN RESPONSE

RENDER - STREET PERSPECTIVE



Notes

Revision	Description
1	Initial Design
2	Final Design

Architecton  
83 Gisborne Road, Bacchus Marsh  
Job No. 1805376  
Scale: 1:50 @ A1  
1:100 @ A3

Figure 3 Floor and Site Plan



Figure 4 North and East Elevations



Figure 5 South and West Elevations

## History

There was a previous planning permit for the site, PA2014 097 which was approved under delegation. This planning permit allowed for the Development and Use of a Medical Centre (Dental Practice) and Variation of Access to a Road Zone Category 1 (RDZ1). This permit expired in August, 2016 and no application for an extension of time was lodged within the six (6) month grace period, therefore, could not legally be extended.

## Public Notice

The application was notified to adjoining and surrounding landowners. As a result of the advertising process, one (1) objection was received by Council.

## Summary of Objections

The grounds of objection are detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirements
<p>The proposal does not respect and reflect the neighbourhood character through the design and has not considered the character of the area and the visual bulk of the structure. The amount of site coverage of the structure will be a contributing factor to neighbourhood character.</p>	<p>Decision guidelines under Clause 32.08-13</p>
<p><b>Officer's Response:</b> The neighbourhood character is varied, with an increasingly varied range of uses being included in the area, including a retirement village opposite the road, a dance studio and veterinary centre to the north. These uses are not strictly in line with the 'dwelling only' lots, however, it diversifies the land uses to provide for some of the community's needs. In relation to the 'bulk and scale' concerns, it is agreed that the architectural design of the building differs from that of the traditional dwelling pattern, however as stipulated above, the area is changing – with the preferred neighbourhood character statement preferring innovative and unique built form. In addition to this, it could be argued that the site is over industrialised in appearance with the metal cladding and large hardstand area. It is recommended should Council support this application, that a condition be imposed requiring further landscaping treatment to soften the appearance of the site to better suit its surrounding character, however there is a permit condition to require some landscaping.</p>	
<p>There is not adequate parking on the site. Car parking is not line with the number of surgery's being built in the practice. The minimum requirement has not been met. According to Council guidelines when I built 18 months ago there should be a 5 parking spaces for the first surgery and a minimum of 2 for each additional surgery (minimum 11 car parks plus an emergency services car park) available at all times. There is no waive carpark included in the permit.</p>	<p>Clause 52.06</p>
<p><b>Officer's Response:</b> The application complies with the provisions of Clause 52.06. The rate of car parking specifies that five (5) car parks are to be provided for the first medical practitioner and then three (3) for every additional practitioner. The total number of car parks equates to nine (9), including accessible car space, which is sufficient for the two (2) practitioners that are proposed to be on the site.</p>	
<p>The building Set Back is very close to the footpath and Gisborne Road. The Building is forward on the block and dwellings on Gisborne Road in this area are all set back away from the main road and footpath. This is not in line with the character of the neighbourhood.</p>	<p>Clause 32.08</p>
<p><b>Officer's Response:</b> While the setback on the street generally is further back the 4.7 (approx.) setback that is proposed, there are exceptions to that general rule the dwelling at 87 Gisborne Road and the dwelling at 81 Gisborne Road are both approximately in line with the proposed</p>	

Objection	Any Relevant Requirements
medical centre. This application was referred internally to our infrastructure team who did not raise any site line concerns.	
In the event of the car park being full any additional vehicle entering the premises will not be able to turn around to exit the driveway in a forward motion. They will need to reverse onto Gisborne Road.	Clause 65.01 Clause 52.29
<b>Officer's Response:</b> Noted, however it is considered that sufficient car parking has been provided to avoid this issue.	
The location of the buildings driveway will contribute to traffic congestion and increase traffic flow due to its proximity to the traffic light intersection on Gisborne Road and Clifton Drive which already has significant traffic congestion on a daily basis.	Clause 52.29
<b>Officer's Response:</b> VicRoads have consented, subject to conditions. As the public road manager, that organisation has a vested interest in maintaining Gisborne Road as efficient as possible. It is also recommended that any granted planning permit be conditional on the egress being left turn only onto Gisborne Road.	

### Locality Map

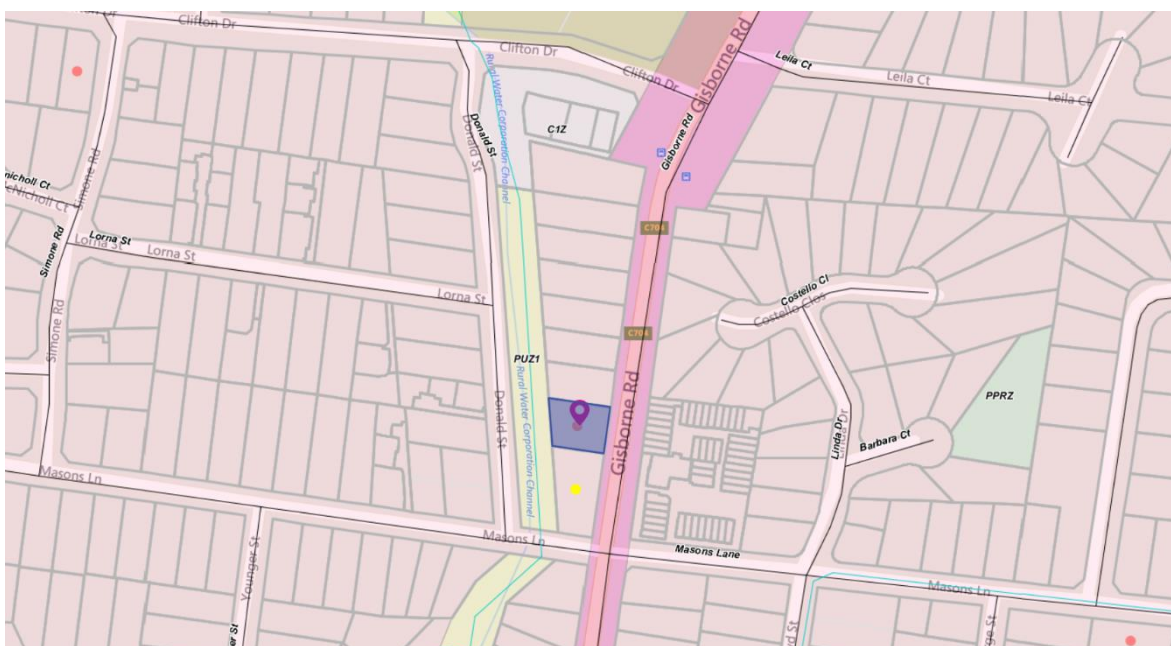


Figure 6 Zoning Map

The map above indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.02 Managing Growth.
- Clause 11.03 Planning for Places.
- Clause 15.01 Built Environment.
- Clause 17.01 Employment.
- Clause 17.02 Commercial.
- Clause 18.02 Movements Networks.
- Clause 21.04 Economic Development and Employment.
- Clause 21.07 Bacchus Marsh.

The proposal complies with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

LPPF		
Clause 17.02	Out of Centre Development	While the subject site is out of the commercial and retail hub of Bacchus Marsh, it is on the periphery of the township. Further to this, the purpose of the zone is to provide is to allow some non-residential uses that would serve local community needs in appropriate locations.

## Zone

The land is within the General Residential Zone, where the purpose of the zone, amongst other residential based uses is *'to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.'*

The proposed development and use is thought to be consistent with the before-mentioned purpose of the zone.

A medical centre in the general residential zone is a section 1 use provided that the building is less than 250 square meters, doesn't require a permit under 52.06 and adjoins or has access to a road in a road zone. This proposal meets the latter two (2) criteria but is not exempt from planning approval as it exceeds 250sq meters in area.

## Overlays

The site is not affected by any overlays.

## Relevant Policies

Bacchus Marsh Urban Growth Framework, specifically pages 51 and 83-84.

## Particular Provisions

There are 5 relevant particular provisions to this application:

- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development

### Clause 52.05 Signs

The General Residential Zone is identified as Category Three (3) in relation to signage, meaning it is within a High Amenity Area, the purpose of which is 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*'. Business identification signage is within Section 2 under Clause 52.05, therefore requires a planning permit to develop and display.

The signage that is associated with the medical clinic are two backlit, i.e. internally illuminated, acrylic signs. The first sign would be 3400 x 350mm, which would be located on a small front wall, that, if approved would partially separate the public footpath and the carpark for the medical clinic. The second sign would be located on the front façade of the medical clinic and would measure 400 x 3 400 mm. In total, it is proposed to have 2.55 sq. meter of signage. The signage is considered appropriate in context of the proposed use and is worthy of support.

### Clause 52.06 Car Parking

The proposal is compliant with the provisions of Clause 52.06, providing a total of nine (9) car parks, including one DDA compliant bay. The rate of car parking for a medical centre is five (5) for the first person providing health services, plus three (3) to every other person providing health services.

### Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

A permit is required to create or alter access to a road in a Road Zone Category 1, this Particular Provision also triggers a referral to the VicRoads. VicRoads have asked for a Functional Layout plan, that shows details of the conversion of the existing parking space into a Left Turn Lane going into the medical clinic, removal of the on street parking space, including any signs and line-marking required.

While not specifically required by VicRoads, given the heavily trafficked nature of the Road Zone, Category 1 – Gisborne Road. It is recommended to have a left turn only 'egress' for exiting the site to reduce the congestion caused by customers leaving the site is implemented. This has been included as a permit note.

### Clause 52.34 Bicycle Facilities

It is proposed to have a total of 4 bicycle space, which complies with the provisions of Clause 52.24. Showering facilities are not required as less than five (5) spaces are required under this Particular Provision.

### Clause 53.18 Stormwater Management

Some of the conditions imposed by Councils Infrastructure department include the management of stormwater.

## **Discussion**

It is proposed to develop a Medical Centre (dental clinic) on the land known as 83 Gisborne Road, Bacchus Marsh. The land is within the General Residential Zone, which is one of the planning permit triggers. There are a total of five (5) relevant particular provisions that affect this application for a planning permit, two of which triggers a planning permit, being Clause 52.05 and Clause 52.29. The application for a planning permit was advertised and received an objection, which is the reason as to why the item is going to a S86 Development Assessment Committee.

A Medical Centre is typically a Section 1 use in the General Residential Zone, provided that certain criteria are met, most of which are in this instance. However, the proposed Medical Centre is over the exempt 250 square meters. The commercial core of Bacchus Marsh is approximately 1 km to the south of the subject site. It is considered that the development of a Medical Centre is in line with the purpose and objective of the zone. The specific purpose is of the zone that is to allow ‘...educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.’

The neighbourhood character of the area would be slightly impacted, but it is considered that this development is in an area of changing character, where infrastructure that provides to the growing communities needs should be supported encouraging local services within walking distance. While it would be ideal for the proposed development to provide more garden area to be provided on site to keep the character more in-tact, unless it is a green wall, i.e. a vertical garden or creeping plants or a green roof, i.e. planting vegetation on the roof of the building. There simply is not the land area to provide for the landscaping, aside from the token landscaping around the peripheries unless the building area is to be reduced. If the applicant was to reduce the size of the building to 250sq meters or less, then a planning permit would not be required. The lack of vegetation may have an undue, or higher than average contribution to the urban heat island effect. There is a condition that is recommended to be placed on any given permit for a landscaping plan to be developed and submitted to Council officers for endorsement. This is also recommended as the floor and site plans vary in the amount of vegetation that is to be planted, should the application be approved.

Furthermore, the Growth Framework highlights the growing nature of Bacchus Marsh and the facilities that would be required to supply to the growing population. It should also be noted that the key objectives for the urban design framework for Bacchus Marsh state that it is to minimise out-of-centre development that, “will compete with the town centre, with the exception of bulky goods retailing, which should be strategically located to meet longer term needs and avoid fragmented offer”. While the site is further out of the commercial hub of town and may be in contradiction to the objectives of Clause 17.02-2S. However, given that the site is approximately 1km from the Main Street precinct, it is considered appropriate to support development out of centre, particularly since it would be for a medical clinic, rather than a retail or commercial undertaking. Providing services closer to a population base helps to reduce automobile dependency and incentivise alternate modes of transportation, such as walking and cycling although this may not be necessarily being the case for a medical centre such as a dental clinic.

It is recommended to condition any granted permit to only allow two (2) medical practitioners to operate on site. This would provide Council the opportunity to make a determination in the future if there is an increase in practitioners so that an amendment would be necessary to waive the increase in car parking that the medical centre would be required to provide under Clause 52.06.

## **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

Authority	Response
VicRoads	Consent subject to conditions
Infrastructure CFA (for info referral)	Consent, subject to conditions.

## Financial Implications

The recommendation of approval for this development is not thought to have any financial implications to Council.

## Risk & Occupational Health & 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 Section 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 required.

## Options

Council could consider the following options:

- Issue a permit in accordance with the recommendations of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusal of the application, Councillor's need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

## Conclusion

Overall, the proposal is consistent with the relevant Moorabool Planning Scheme provisions. The development of the Medical Centre (dental clinic) would generally satisfy the State and Local planning policies and is generally consistent with the purpose of the zone. The alteration to the neighbourhood character is not thought to be sufficient justification to refuse the application to develop a medical centre.



## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning PA2018267 for the Development and Use of a Medical Centre (Dental Practice), Business Identification Signage and Variation of Access to a Road Zone, Category 1 (RDZ1) at Lot 2 on PS 008499, 83 Gisborne Road, Bacchus Marsh, subject to the following conditions:**

### **Endorsed 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) A functional Layout plan showing conversion of the existing parking space into a Left Turn Lane and removal of redundant parking space, including any signs and line-marking required;**
  - b) Drainage Plans, in accordance with Condition 14 of this planning permit;**
  - c) Landscaping plan in accordance with condition 11.**

**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.**

### **General Conditions:**

- 2. A maximum number of two (2) practitioners may operate from the premises at any one time, except with the prior written consent of the Responsible Authority.**
- 3. The use may operate only between the hours of Monday to Friday, 8.30am to 5.30pm, and Saturday, 9.00am to 4.00pm, unless with the written consent of the Responsible Authority.**
- 4. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.**
- 5. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.**
- 6. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.**
- 7. Other than the two (2) backlit acrylic signs shown on the endorsed plans, no further advertising signs are to be constructed, painted or installed, unless with the prior written consent of the Responsible Authority.**

8. 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.
9. The back-lit signs must be turned off outside of business hours.

#### Materials and Colour:

10. 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.

#### Landscaping

11. 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 be generally in accordance with the Site Ground Floor plan dated (28 August, 2018 prepared by Architecton, except that 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) a minimum of four (4) canopy trees in the following areas: front berm to the east of the medical clinic and car park as well as a minimum of one (1) canopy tree at the rear of the car park, the trees are to be a minimum two (2) metres tall when planted. All species selected must be to the satisfaction of the responsible authority.
  - e) Due to the high amount of hardstand area, it is recommended that alternative modes of greening the site be considered, including vertical gardening such as creeping plants, or the inclusion of a vegetated rooftop garden.
  - f) It is recommended and preferred that any planted vegetation are native species. On the Moorabool Shire Council website, there is a list of species that are indigenous to the area. This is a link to that list:  
<https://www.moorabool.vic.gov.au/sites/default/files/Bacchus-Marsh-Native-Plant-List.pdf>.

12. The landscaping must be maintained to the satisfaction of the responsible authority

#### Infrastructure:

13. An urban standard industrial 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) 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.
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 Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
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.

**VicRoads:**

21. 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.
22. The redundant vehicle crossing must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.

23. Prior to the commencement of works a Functional Layout plan showing conversion of the existing parking space into a Left Turn Lane and removal of redundant parking space, including any signs and line-marking required, is to be submitted to and to the satisfaction of VicRoads and at no cost to the Roads Corporation.

Permit Expiry:

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

- a) The development and the use are not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.

Permit Note:

25. It is highly recommended that egress is by left turn only onto Gisborne Road.

---

**Report Authorisation**

Authorised by: 

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 29 January, 2019

# 83 GISBORNE ROAD, BACCCHUS MARSH

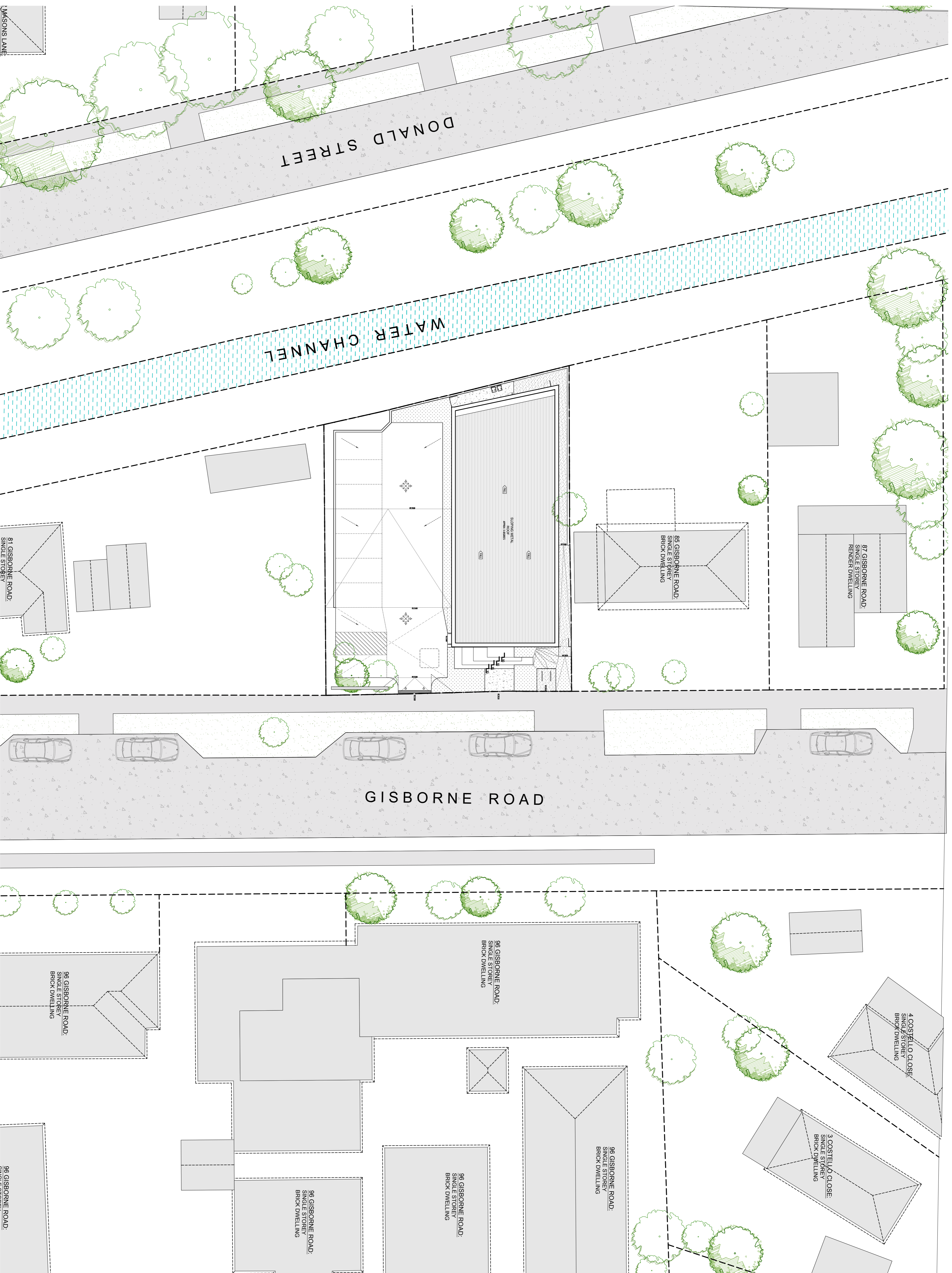
## PROPOSED NEW DENTAL HEALTH CLINIC



28 August 2018  
Town Planning Submission

83 Gisborne Road, Bacchus Marsh  
DENTAL HEALTH CLINIC

Architecton [ 0.00 ]

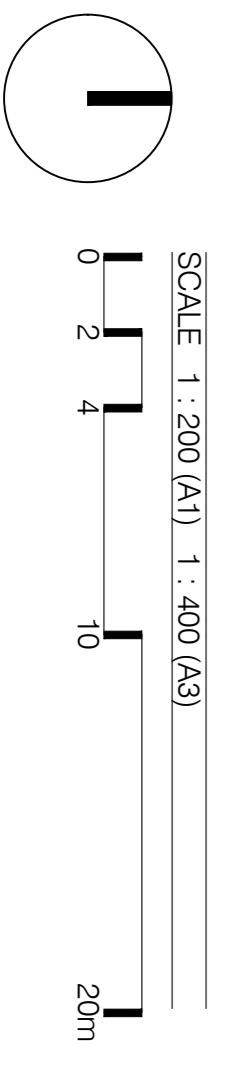


Notes

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Revision

Date	Issue	AA No.	Description
08.08.18	A	01	Issued for Review
17.08.18	A	01	Issued for Town Planning Submission
28.08.18	B	01	Issued for Town Planning Submission



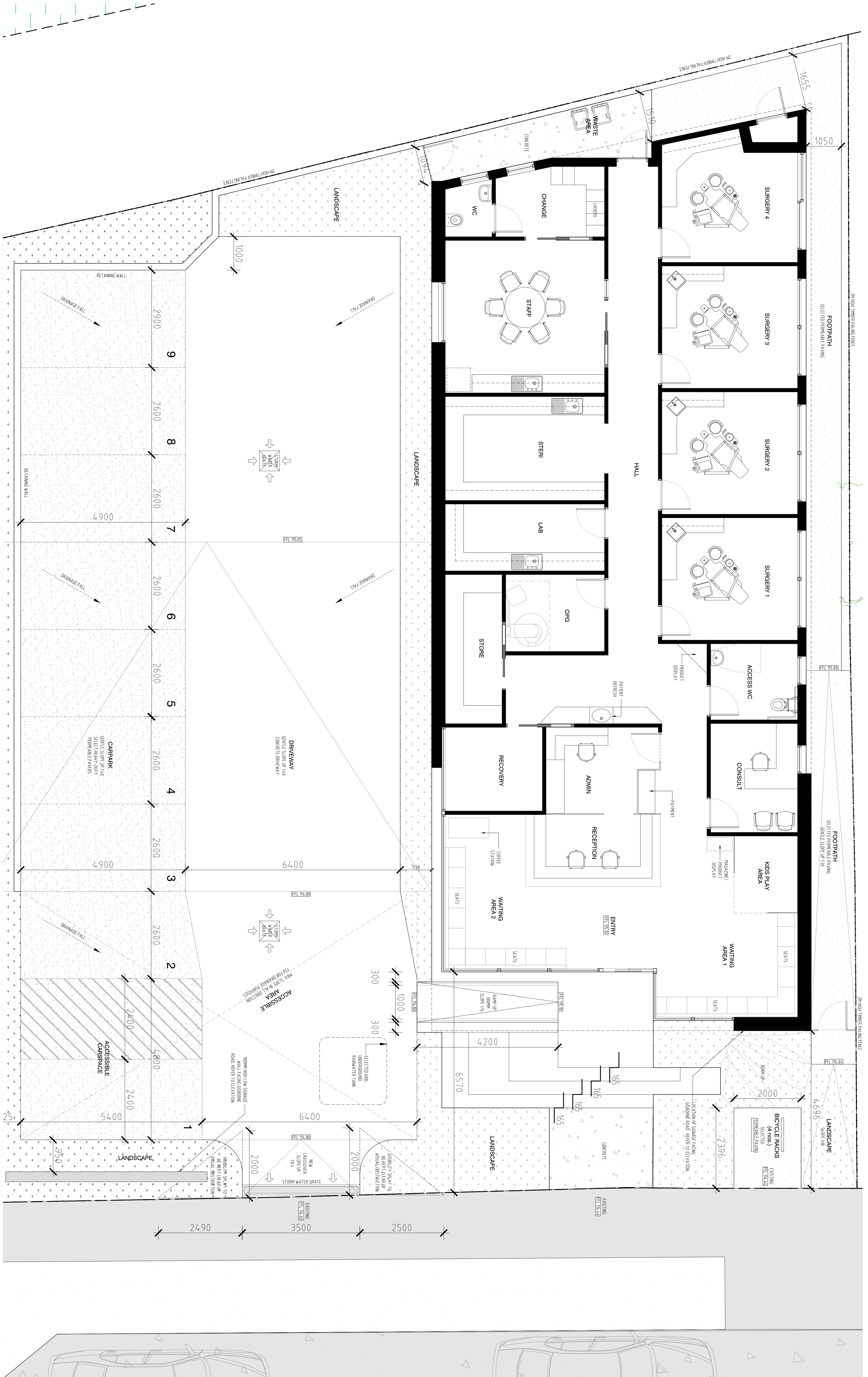
83 Gisborne Road, Bacchus Marsh

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Job No. 1805376  
 Scale: 1:200@A1  
 Dwg No. TP1-001  
 Rev. B

Site Context Plan

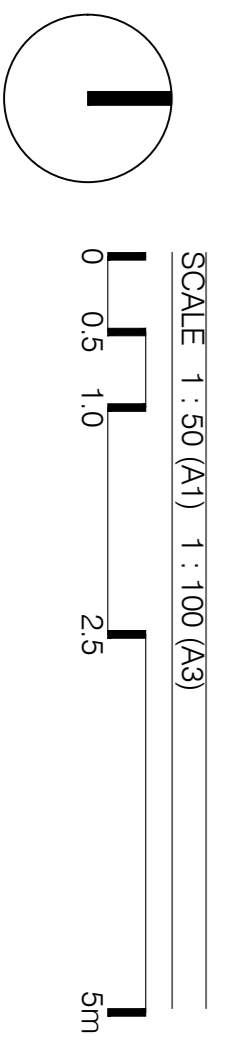


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Job No. 1805376

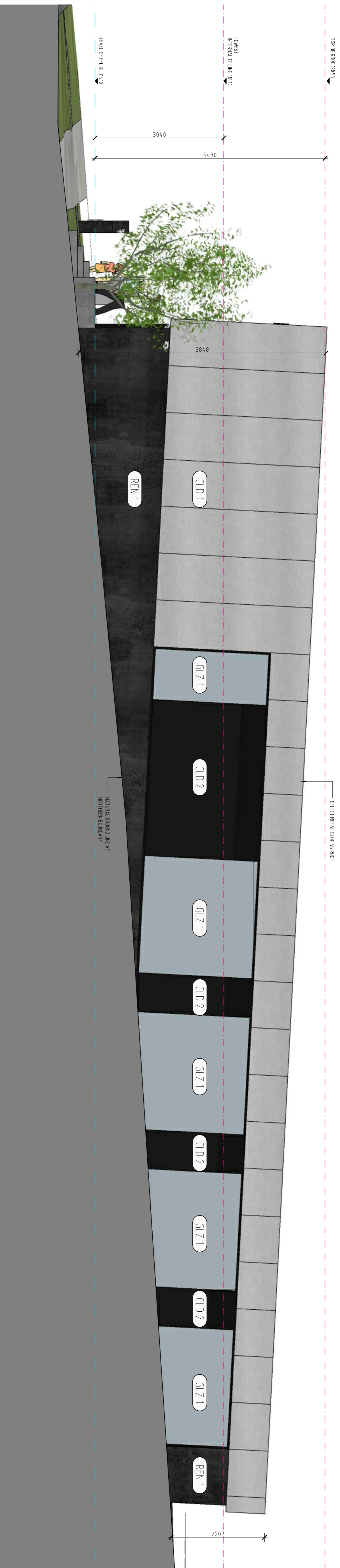
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1:100@A3

Dwg No. TP2-001

Rev. B

83 Gisborne Road, Bacchus Marsh

**Ground Floor Plan**



A5.001 - NORTH ELEVATION



A5.001 - EAST ELEVATION

**(REN 1)**  
SMOOTH FINISH  
CONCRETE RENDER  
BLACK

**(GLZ 1)**  
ALUMINIUM FRAMED  
CLEAR GLAZING

**(GLZ 2)**  
ALUM CLADDING IN WARM  
GRAY COLOUR

**(CLD 1)**  
ALUM CLADDING IN WARM  
GRAY COLOUR

**(CLD 2)**  
ALUM CLADDING IN  
CHARCOAL COLOUR

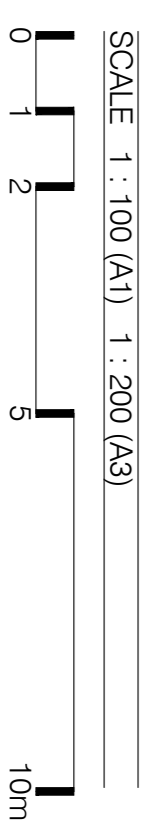
**(TM 1)**  
TIMBER BOARDS  
STAIN FINISH

**Notes**

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**Revision**

Date	Issue	AA No.	Description
08.08.18	A	01	Issued for Review
17.08.18	B	01	Issued for Town Planning Submission
28.08.18	C	01	Issued for Town Planning Submission



83 Gisborne Road, Bacchus Marsh

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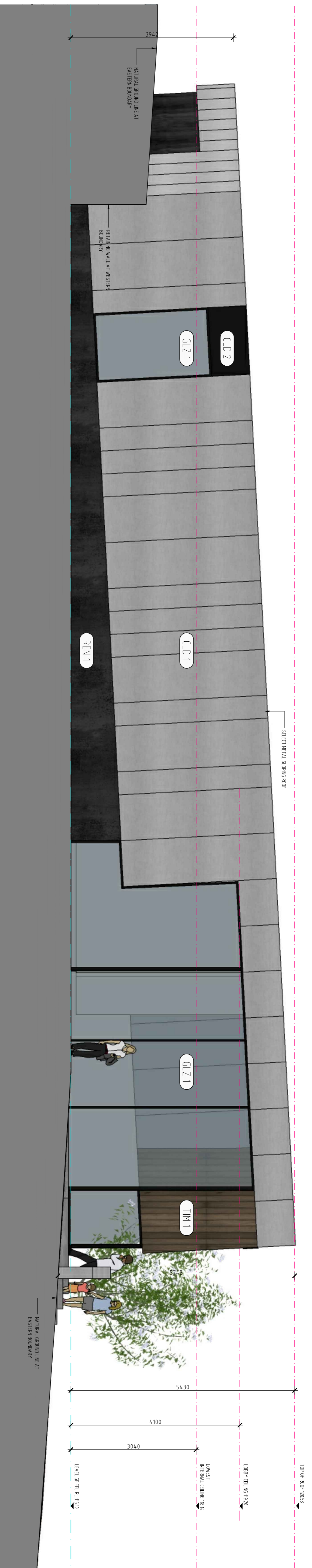
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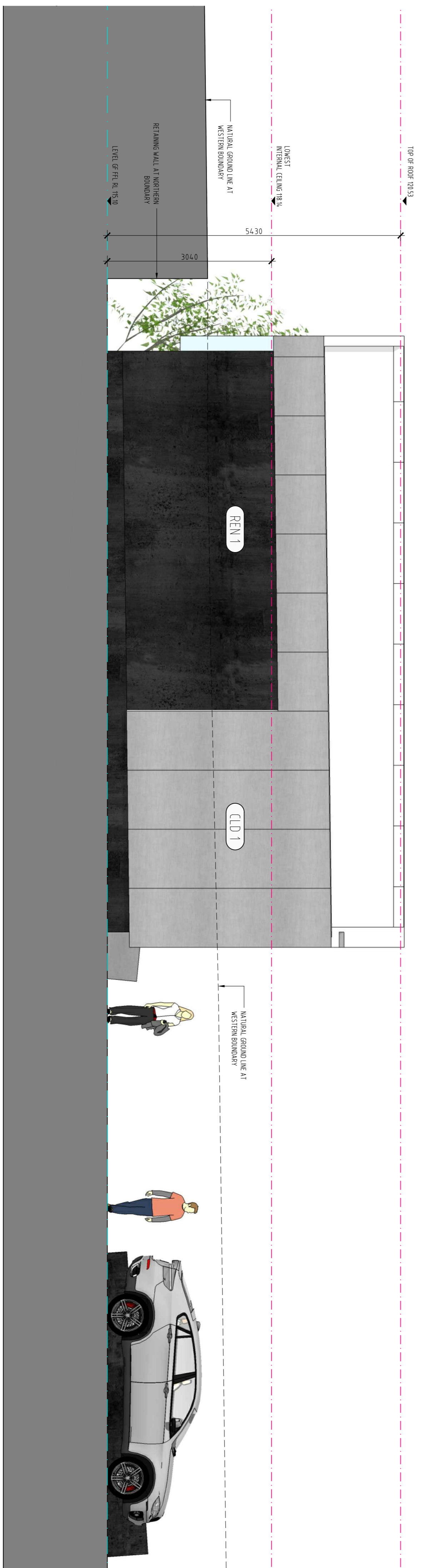
**Elevations**

Job No.	Scale:	Dwg No.	Rev.
1805376	1:100@A1 1:200@A3	TP5-001	C





A5.002 - SOUTH ELEVATION



A5.002 - WEST ELEVATION

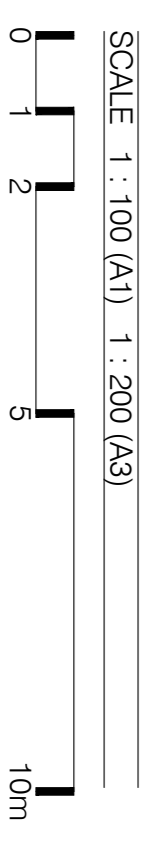
- (REN 1)** SMOOTH FINISH CONCRENDER BLACK
- (GLZ 1)** ALUMINIUM FRAMED CLEAR GLAZING
- (GLD 1)** ALUM CLADDING IN WARM GRAY COLOUR
- (GLD 2)** ALUM CLADDING IN CHARCOAL COLOUR
- (TIM 1)** TIMBER BOARDS STAIN FINISH

Notes

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83 Gisborne Road, Bacchus Marsh

Elevations

Job No.	Scale:	Dwg No.	Rev.
1805376	1:100@A1	TP5-002	B
	1:200@A3		

**Item 5.7 Planning Permit Number – PA2018264 Development and Use of a Dwelling at Lot 20 Myrniong-Korobeit Road, Greendale.**

<b>Application Summary:</b>	
Permit No:	PA2018264
Lodgement Date:	11 October, 2018
Planning Officer:	Bronwyn Southee
Address of the land:	Lot 20 on PS 335983L Myrniong-Korobeit Road, Greendale.
Proposal:	Development and Use of a Dwelling
Lot size:	34.76ha
Why is a permit required?	35.07 – a dwelling is a Section 2 use in the Farming Zone
Reason for being presented to S86 Development Assessment Committee.	One (1) objection received
<b>Public Consultation</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	One (1)
Consultation Meeting:	There was a consultation meeting offered however, the objector did not respond, therefore the item is being presented to Council for consideration.
<b>Policy Implications</b>	
Strategy Objective 2:	Minimising Environmental Impact
Context 3A:	Land Use Planning
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	

<b>Officer's Declaration of Conflict of Interests</b>	
<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</i> – Rob Fillisch</p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author</i> – Bronwyn Southee</p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
<b>Executive Summary</b>	
Application Referred?	The application was referred to Southern Rural Water, Western Water, Environmental Planning, Infrastructure, Environmental Health and CFA.
Any issues raised in referral responses?	No.
Preliminary concerns?	Whether this dwelling proposal is appropriate for a Farming Zoned property.
Any discussions with applicant regarding concerns?	Nil.
Any changes made to the application since being lodged?	No.
Brief history	The applicant is seeking approval for the development of a single dwelling on a Farming Zoned site in Greendale.
Previous applications for the site?	Nil.
General Summary	The subject property is 34.76ha with 2/3 covered by native vegetation of various qualities. The applicant has demonstrated that the soil is of poor quality to farm therefore, it has paired the proposal with a land management plan to help stabilise and improve the land. The proposed dwelling would be in a cleared section of the site which would require minimal further clearing as a result Bushfire Management Statement with a recommended BAL of 19.
<b>Summary Recommendation</b>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.</p>	

## Site Description

The subject site is 34.76 Hectares in area, with approximately 23 hectares covered by remnant native vegetation. The balance of the land is timbered and open grassland. A portion of this land (approximately 11ha) is used for cattle grazing. The site falls to the east and south. There is currently no development on the subject site. Abutting the site on the north-west boundary is an old rural residential subdivision with average lot sizes of 2ha and farming land surrounding all other boundaries of the site. Access would be gained via Lawsons road which is a poorly maintained paper road.



## Proposal

The applicant is proposing to construct a three (3) bedroom two (2) bathroom single storey dwelling on the site, with a floor area of approximately 174.46m<sup>2</sup>. Its proposed to be located 85m east of Lawson Lane and 210m north of Myrniong Korobeit Road, on a cleared area of the site. The appearance of the dwelling is modest with brick walls and a colour bond roof.

The applicant has not demonstrated any agricultural use for the land, but rather has submitted a plan to further rehabilitate/improve the native vegetation values on the site which was supported by a comprehensive Land Management Plan.

The Land Management Plan details a three-part approach, weed eradication, revegetation and improvement of riparian creek zone.

A copy of the proposed dwelling plans has been included below:

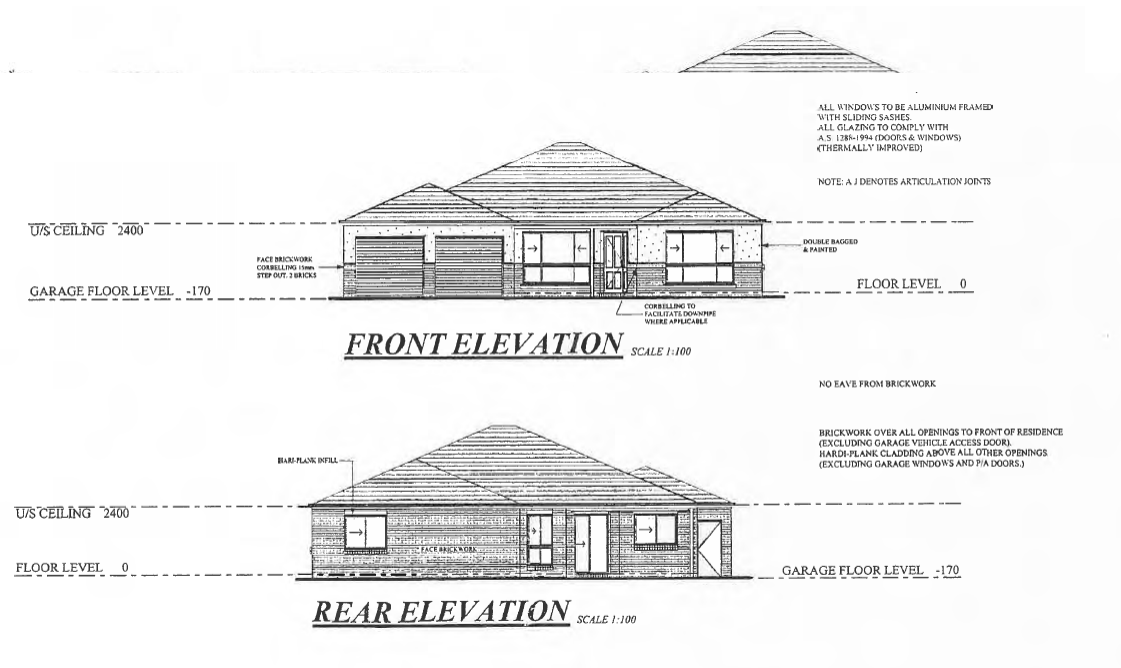


Figure 6 Front and rear elevation plans

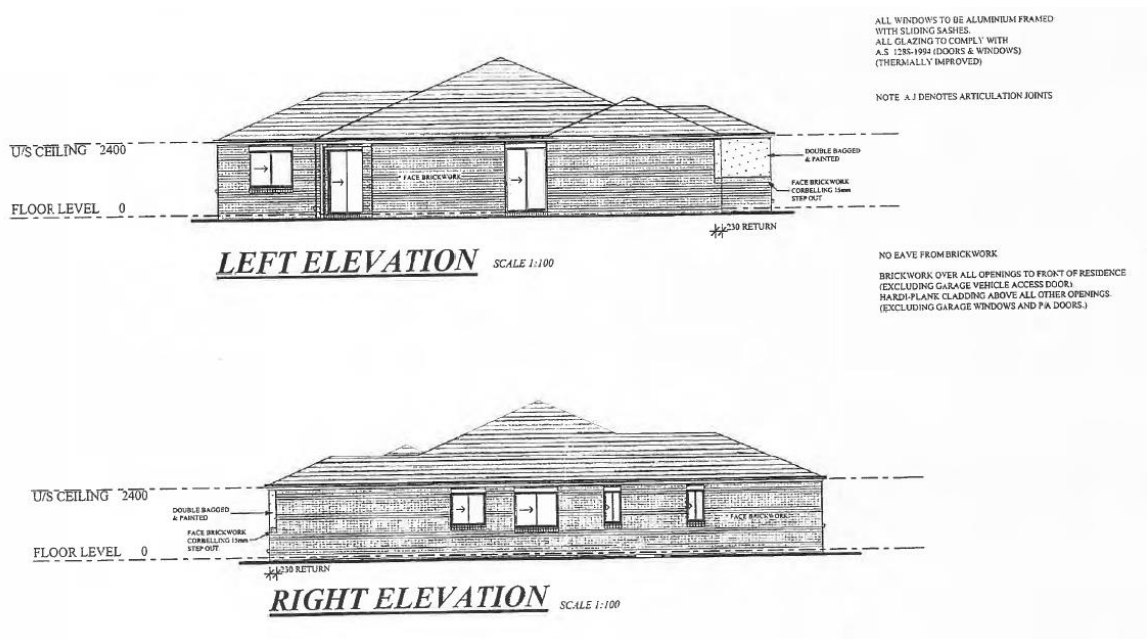


Figure 5 Left and right elevation plans

## History

A search of Council Records has revealed that there are no previous planning permits linked to this site, however the applicant has advised this is the remaining balanced lot from a rural residential subdivision created in the early 1990's.

## Public Notice

The application was notified to adjoining and surrounding landowners by letters and a sign on site for 14 days, 15 November, 2018 to 29 November, 2018. As a result of the advertising process, one (1) objection was received by Council.

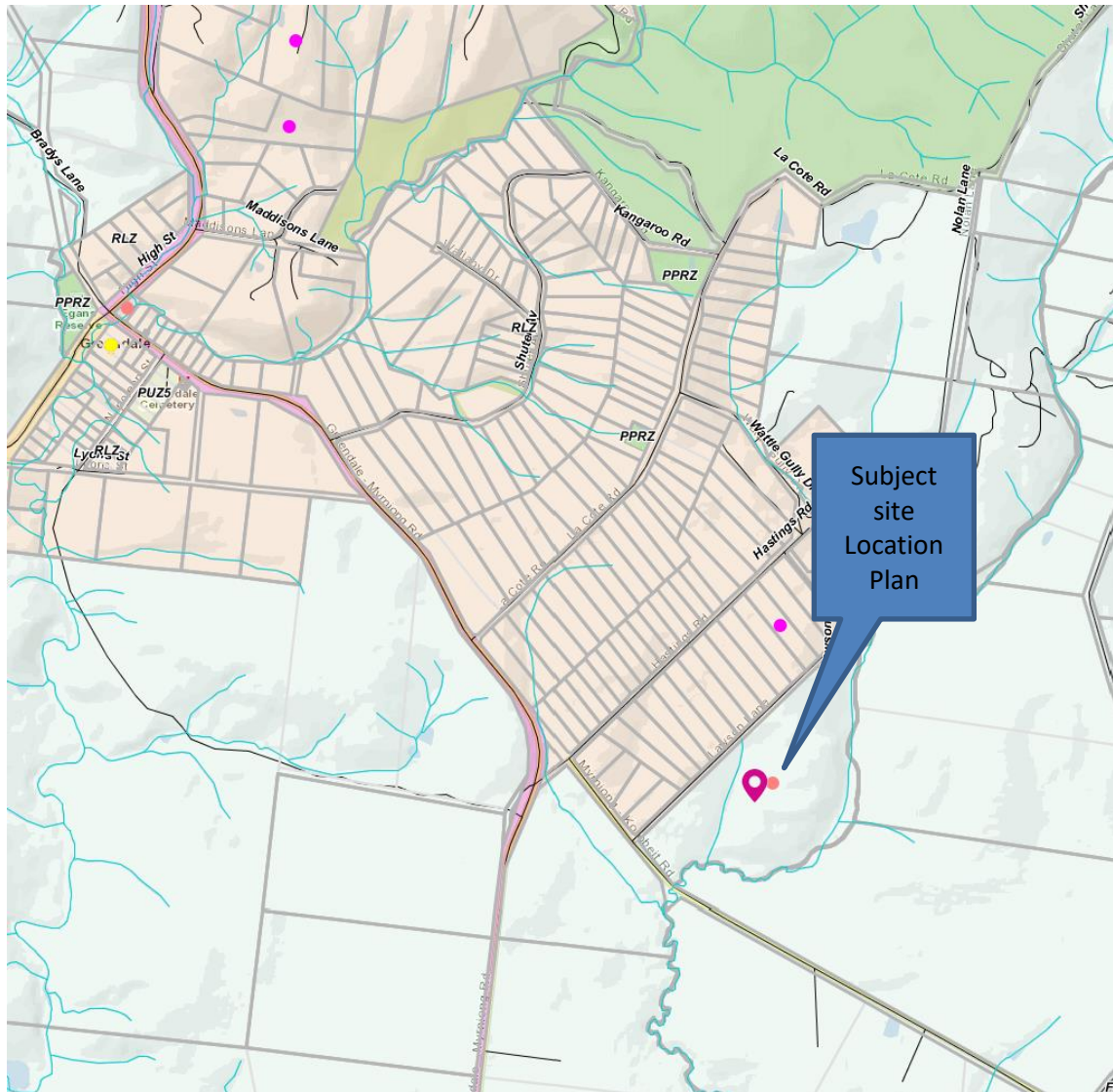
## Summary of Objections

The grounds of objection are detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirements
The proposed development would result in Lawsons Lane, a poor quality local road, being more frequently used.	Decision guidelines under Clause 35.07-2
<p><b>Officer's Response:</b> In accordance with clause 35.07-2 of Moorabool Planning Scheme – access to dwellings must be provided via an all-weather road with dimensions to adequately accommodate emergency vehicles. The subject road is classified as a Level 2 Unsealed Rural Road, servicing only local properties. The current dimensions of the carriageway satisfy the minimum requirements of the Road Management Program, and the requirements of the CFA. This road is managed in accordance with the Moorabool Shire Council Road Management Plan 2017-2021. It is considered that this road is in poor condition and should be upgraded by the permit holder should it wish to access the site from Lawson's Lane. It is recommended that should Council approve to grant this permit that a condition be imposed requiring the upgrade of Lawsons road from the intersection of Myrniong-Korobeit Road and Lawsons Lane to the crossover/driveway access point to the site. Your concerns regarding the standard of this road have also been forwarded onto our operations department.</p>	
The proposal is contrary to the Rural Housing Policy 2014, this site is under 40ha and is not low quality agricultural land.	Council's Rural Housing Policy
<p><b>Officer's Response:</b> Councils Rural Housing Policy is intended to provide guidance on best practice to guide the development of dwelling proposals on farming land without inhibiting agricultural value of the site and surrounding areas. It is considered that this proposal would not conflict nor impact surrounding agricultural land. The applicant has supplied a Land Management Plan which provides details of how existing vegetation will be managed on the site on the site and future rehabilitation plans. The application complies with the specifications for dwellings proposed between 20-40ha within this policy. It is considered should Council support this proposal, the land management requirements as stipulated in the Land Management Plan, make a condition on the Planning Permit.</p>	

## Locality Map

The map below indicates 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 Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.03-6S Regional and local places.
- Clause 12.01-01S Protection of biodiversity.
- Clause 15.01 Built Environment.
- Clause 13.02 Bushfire Planning.
- Clause 14.01-1S Protection of agricultural land.
- Clause 15.01-6S Design for rural areas.
- Clause 22.02 Special Water Supply Catchments.
- Clause 22.03 Houses and House Lot Excisions in Rural Areas.

The proposal complies with the relevant sections of the PPF and LPPF, with consideration of the clause outlined in the table below:

<b>LPPF</b>		
Clause 22.03	Houses and House Lot Excisions in Rural Areas	While the subject site is not proposing further agricultural use of the site, it is considered that the proposed Land Management Plan will further improve existing native vegetation on site as well as the grazing land.

## Zone

The land is within the Farming Zone which stipulates the following purposes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

It is considered that the proposed dwelling would not conflict nor inhibit future agricultural practices surrounding the site. It is also considered that the land management practices proposed should improve the quality of the native vegetation on site.

## Overlays

The site is affected by the following Overlays:

- Environmental Significance Overlay, Schedule 1 (ESO1);
- Design and Development Overlay, Schedule 2 (DDO2); and
- Bushfire Management Overlay (BMO).

Under Clause 42.01-3 (ESO) a permit is required for Buildings and Works for a dwelling. There are no relevant exemptions under Schedule 1.

Under Clause 43.02 (DDO), a permit is required for proposals which include the use of reflective materials. As the proposed dwelling would be constructed of masonry materials, with a Colorbond® roof, it is exempt from needing a permit under this Overlay.

Under Clause 44.06-2 (BMO) a permit is required for Buildings and Works in association with the use of land for accommodation.

The applicant provided a Bushfire Management Statement which determined that the proposed dwelling could be constructed to a BAL19 standard. It is considered that the proposal does not impose an unreasonable risk to life by this rating.

Subject to conditions, the proposal is generally consistent with the overlay provisions.



## Relevant Policies

Councils Rural Housing Policy.

The subject site was assessed in accordance with the assessment principles for lots sizes between 20 and 40 hectares. The subject dwelling would be located approximately 85m from the street frontage and would be located in an already cleared area. This proposal is subject to the implementation of a Land Management Plan which details the rectification measures proposed to improve the environmental characteristics of this lot.

## Particular Provisions

53.02 Bushfire Planning.

It is considered that the proposed dwelling adequately addresses the requirements of bushfire management for the site.

## Discussion

It is proposed to develop a single dwelling in association with a comprehensive Land Management Plan. It is considered that there are no major concerns raised by this proposal.

The site is predominantly vegetated therefore, its farming potential is limited. The applicant has proposed the dwelling is located in an already cleared area proposing minimal further clearing (inclusive of defendable space). It is considered that this dwelling would not cause detriment to surrounding Farming zoned land as it is sufficiently setback from adjoining farming land and it is also screened by the native vegetation on site.

The application has sufficiently addressed how the site is to be serviced and the referral authorities have raised no concerns with the proposal.

In relation to the bushfire risk for this site a Bushfire Management Statement was submitted proposing the dwelling would have a BAL rating 19. It is considered that this does not propose unacceptable risk to human life and safety.

## 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

Authority	Response
Southern Rural Water Western Water CFA Ballarat	Consent subject to conditions. Consent subject to conditions. Consent subject to conditions.
Infrastructure Environmental Health Environmental Planning	Consent, subject to conditions. Consent subject to conditions. Consent subject to conditions.

## **Financial Implications**

The recommendation of approval for this development is not thought to have any financial implications to Council.

## **Risk & Occupational Health & 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 Section 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 required.

## **Options**

Council could consider the following options:

- Issue a permit in accordance with the recommendations of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusal of the application, Councillor's need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

## **Conclusion**

Overall, the proposal is consistent with the relevant provisions of the Moorabool Planning Scheme. The applicant has identified that the soil quality of the land isn't sufficient to effectively farm and in support for the proposal for a single dwelling the applicant has provided a detailed Land Management Plan which is considered will help rehabilitate and restore the environmental values of the land to a higher standard.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018264 for Development and Use of a Dwelling at Lot 20 on PS335983L Myrniong-Korobeit Road, Greendale. subject to the following conditions:**

### **Endorsed Plans:**

- 1. Before the use and/or development starts, 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 two copies must be provided. The plans must show:**
  - a) The Land Management Plan submitted with the application is to be updated with the following information and resubmitted to the responsible authority for endorsement:**
    - I. must be updated to clearly state the life span of the document (e.g. 10 years).**

**II. Action tables for each of the zones must be updated to clearly outline required works to be undertaken in each of the zones over the life of the document the Pest, Plant and Animal control programs must be updated to include monitoring and control of species likely to invade the property including:**

- Serrated tussock.
- Chilean Needle Grass.
- Gorse.
- Broom.
- Blackberry.

**III. Management actions required in Zone C to ensure the retention of trees along northern edge and compliance with bushfire management mitigation actions.**

- b) 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.

**CFA:**

2. The Bushfire Management Plan prepared by Southern Cross Town Planning Pty Ltd (Bushfire Management Statement for Lot 20 on PS335983 Myrniong-Korobeit Road, Greendale – Revision B, Attachment 5, dated 30 August 2018) 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.
3. 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.
4. Vegetation on the land must be maintained to at least the following standard:

**Inner Zone:**

- a) Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.
- b) Trees must not overhang the roofline of the building, touch walls or other elements of the dwelling.
- c) Grass must be no more than five (5) centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.
- d) Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.
- e) Plants greater than 10 centimetres in height at maturity must not be placed directly in front of a window or other glass feature.
- f) Tree canopy separation of two (2) metres and the overall canopy cover of no more than 15 per cent at maturity.
- g) Tree branches below two (2) metres from ground level must be removed.

#### **Infrastructure:**

- 5. A standard rural vehicle crossing must be provided on Lawsons Lane 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 Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.**
- 7. Prior to occupying the site, Lawsons Lane must be upgraded to an all weather standard, with a minimum 100mm depth approved material, from the intersection of Myrniong-Korobeit Road and Lawsons Lane Greendale to the crossover/driveway point of access to the site. These works must be approved by and completed to the satisfaction of the responsible authority.**
- 8. these works must be approved by and completed to the satisfaction of the responsible authority.**
- 9. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundarie 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.**
- 10. 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). Moorabool Shire Council Engineering Services.**
- 11. 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.**
- 12. 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.**

#### **Environmental Health:**

- 13. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd, ref number 11026H dated 28 August, 2018 or any approved amendment are to be strictly adhered to.**
- 14. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
- 15. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.**
- 16. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4**
- 17. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.**

#### **Environmental Planning:**

- 18. The Land Management Plan must be updated to clearly state the life span of the document (e.g. 10 years).**
- 19. Action tables for each of the zones must be updated to clearly outline required works to be undertaken in each of the zones over the life of the document the Pest, Plant and Animal control programs must be updated to include monitoring and control of species likely to invade the property including:**
  - a) Serrated tussock.**
  - b) Chilean Needle Grass.**
  - c) Gorse.**
  - d) Broom.**
  - e) Blackberry.**
- 20. Management actions required in Zone C to ensure the retention of trees along northern edge and compliance with bushfire management mitigation actions.**

#### **Western Water:**

- 21. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:**
  - a) A wastewater treatment system that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.**
  - b) Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.**
  - c) The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.**
  - d) The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30 standard.**
  - e) Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.**
  - f) The Owner shall meet the costs of the inspections and reports referred to in Condition 19 e).**
  - g) The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.**
  - h) If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.**
  - i) The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition 19 e).**
  - j) The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.**

- k) The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 28 August 2018 Reference No 11026H and the accompanying management plan followed and implemented.
  - l) The land must not be further subdivided.
  - m) No other building works shall be undertaken on the subject land without written approval of Western Water.
  - n) Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
  - o) Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
  - p) The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
  - q) Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields
  - r) Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
  - s) All recommendations, requirements and timelines contained within the Land Management Plan prepared by Central Highlands Environmental Consultancy dated August 2018 must be followed and implemented to the satisfaction of the Council and Western Water
  - t) The obligations under this agreement shall run with the land.
22. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.
  23. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.
  24. Wastewater must be treated to a secondary standard prior to dispersal (20/30 BOD/SS Standard)
  25. Secondary-treated wastewater must be dispersed via an appropriate method to a land application area (LAA) in line with the Land Capability Assessment undertaken by Provincial Geotechnical (Report #11026H)
  26. The LAA must meet minimum setback distances to the satisfaction of Council's Health Officer. Please note that the setback distances must consider waterways as potable as they supply water to Pykes Creek Reservoir
  27. The Land Application Area (LAA) must meet the minimum area required and calculated according to the proposed number of rooms in the new dwelling as per the recommendations of the LCA
  28. Gypsum should be applied to the base of the Land Application Area to ameliorate soil conditions
  29. The wastewater disposal system must be installed by a suitably qualified contractor to the satisfaction of Council's Health Officer
  30. A maintenance contract should be entered into with a suitable qualified contractor for maintenance of the wastewater disposal system. Reports or receipts demonstrating maintenance must be made available to Council or Southern Rural Water on request
  31. Cut off drains should be installed as per the Land Capability Assessment above and below the LAA in order to prevent storm water run-on entering the LAA

32. Grass cover or vegetation must be maintained on the LAA to promote uptake of nutrients and evapotranspiration
33. Any failure of the LAA or wastewater treatment system must be immediately reported to Council's Health Officer and rectified to the satisfaction of Council
34. No building, stock access or vehicle access must be allowed on the LAA to prevent damage to the system. If required, fencing should be installed in order to prevent stock or vehicle access

**Materials and Colour:**

35. 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.

**Permit Expiry:**

36. 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.

**Permit Note:**

37. A permit to install an onsite wastewater management system must be submitted to Environment Health
- 

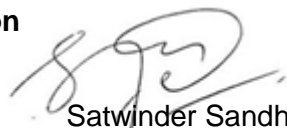
**Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

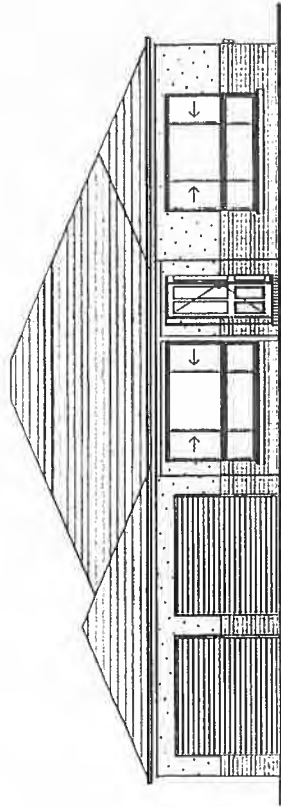
**Date:**



Satwinder Sandhu

General Manager Growth and Development

29 January, 2019



# FRONT ELEVATION

SCALE 1:100

DRAWN WITH 2400 CEILING HEIGHT

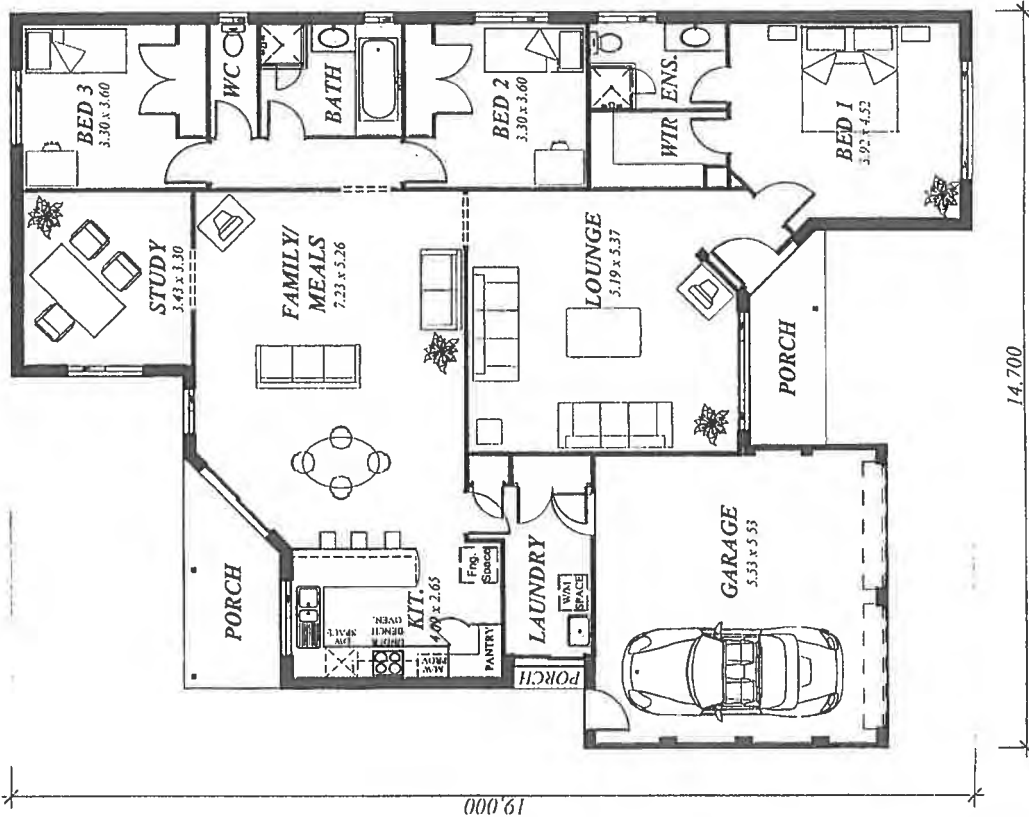
# KALLISTA 175

## AREAS:

GROUND FLOOR: 174.46m<sup>2</sup> (18.78 sqs)

GARAGE: 34.40m<sup>2</sup> (3.70sqsq)

PORCH: 13.10m<sup>2</sup> (1.41sqsq)

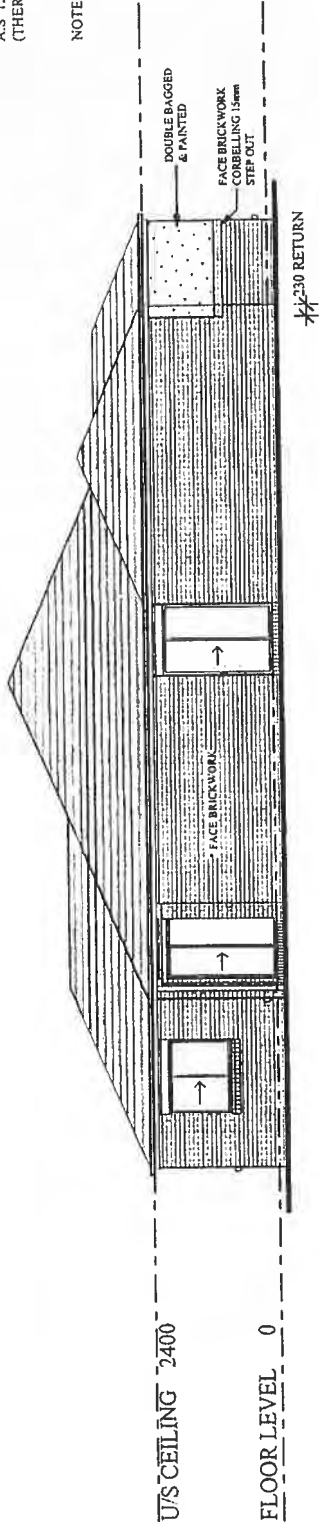


 <b>JG King Homes</b> <i>Building with Integrity</i>	 <b>5 Star Standard Plan</b>	<small>ALL EXTERNAL WALLS 240mm UNLESS OTHERWISE SPECIFIED. ALL INTERNAL WALLS 90mm UNLESS OTHERWISE SPECIFIED</small>		AREA RESIDENCE: 174.46m <sup>2</sup> GARAGE: 34.40m <sup>2</sup> PORCH: 13.10m <sup>2</sup> <b>TOTAL: 221.96m<sup>2</sup></b>	DATE 15.10.03	AMENDMENTS STANDARD PLAN COMPLETED	COPIES 1 TO SALES
		<small>PLEASE VISIT US AT www.jgkinghomes.com.au</small>		DRAWN: RKA CHECKED: ED	LAST RELEASED DATE: 15.10.03	SHEET No: 1 of 6	



ALL WINDOWS TO BE ALUMINIUM FRAMED WITH SLIDING SASHES.  
 ALL GLAZING TO COMPLY WITH A.S. 1288-1994 (DOORS & WINDOWS) (THERMALLY IMPROVED)

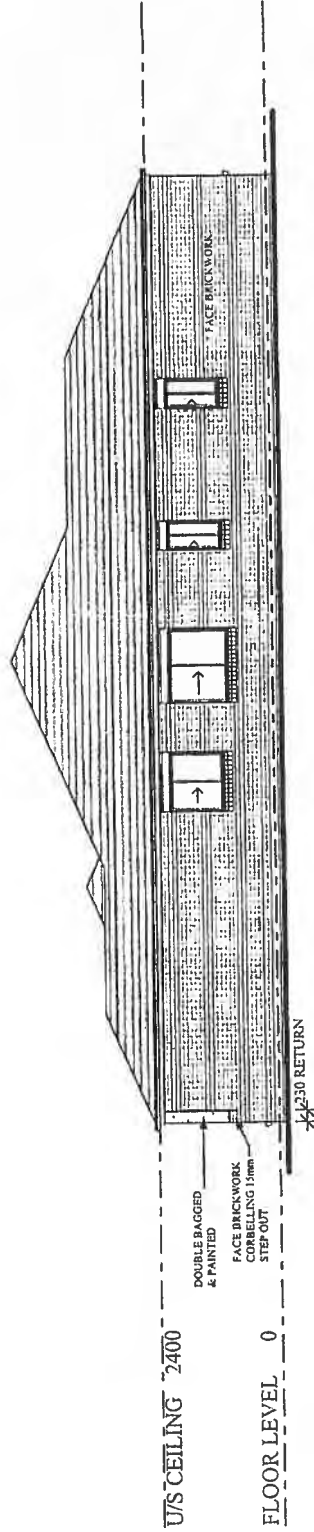
NOTE A.J. DENOTES ARTICULATION JOINTS



# LEFT ELEVATION



SCALE 1:100

NO EAVE FROM BRICKWORK  
 BRICKWORK OVER ALL OPENINGS TO FRONT OF RESIDENCE (EXCLUDING GARAGE VEHICLE ACCESS DOOR)  
 HARD-PLANK CLADDING ABOVE ALL OTHER OPENINGS. (EXCLUDING GARAGE WINDOWS AND P/A DOORS.)



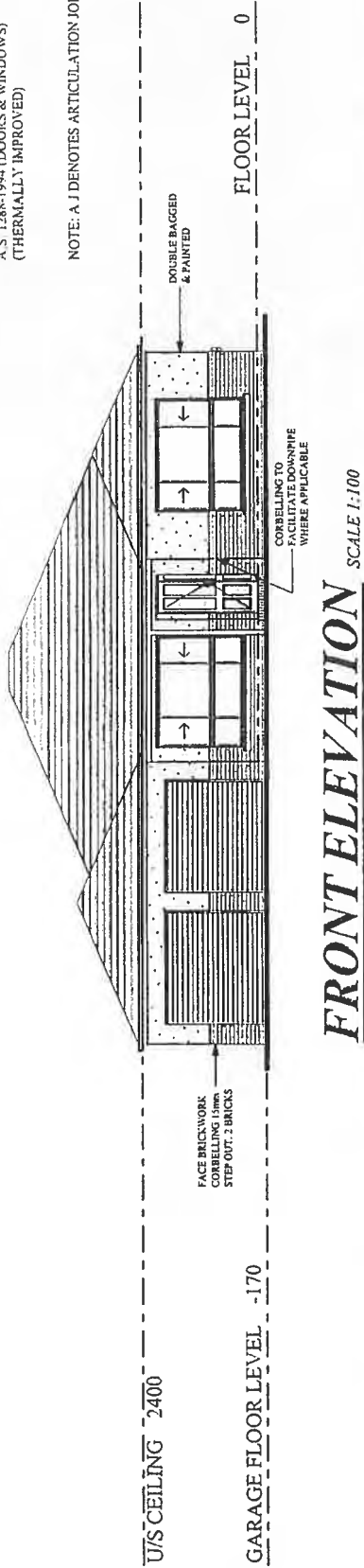
# RIGHT ELEVATION

SCALE 1:100

 <b>JG King Homes</b> <i>Building with Integrity</i>	 <b>Quality Standard</b> <small>Quality Standard</small>	5 Star Standard Plan		AREA: 174.46m <sup>2</sup> RESIDENCE: 34.40m <sup>2</sup> GARAGE: 13.10m <sup>2</sup> TOTAL: 221.96m <sup>2</sup>		KALLISTA 175 SP 1001		DATE: 15.10.03 AMENDMENTS: STANDARD PLAN COMPLETED COPIES: 1 TO SALES	
		PLEASE VISIT US AT <a href="http://www.jgkinghomes.com.au">www.jgkinghomes.com.au</a>		DRAWN: RKA CHECKED: ED	LAST RELEASED DATE: 15.10.03 SHEET No 4 of 6				

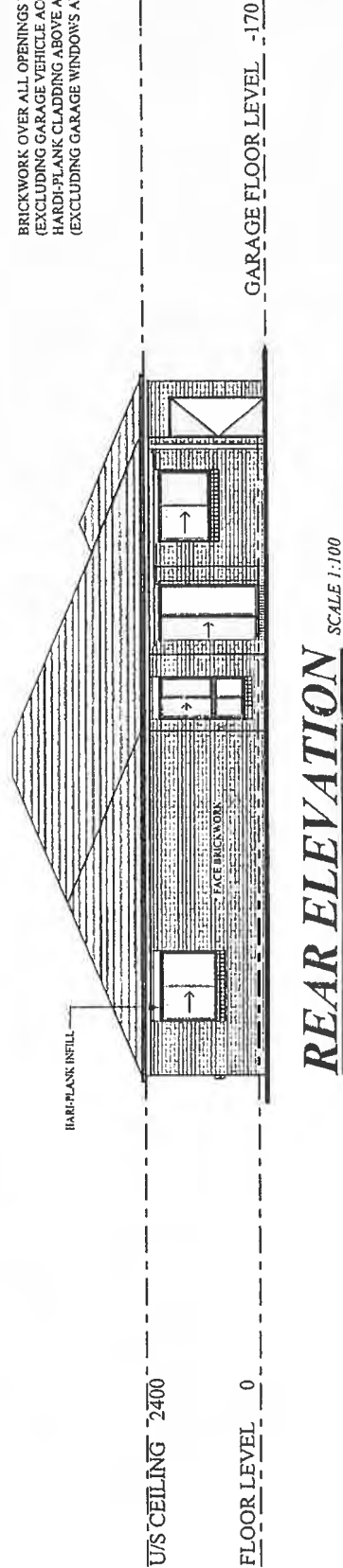
ALL WINDOWS TO BE ALUMINIUM FRAMED WITH SLIDING SASHES.  
 ALL GLAZING TO COMPLY WITH A.S. 1286-1994 (DOORS & WINDOWS) (THERMALLY IMPROVED)



NOTE: A / J DENOTES ARTICULATION JOINTS



NO EAVE FROM BRICKWORK

BRICKWORK OVER ALL OPENINGS TO FRONT OF RESIDENCE (EXCLUDING GARAGE VEHICLE ACCESS DOOR).  
 HARD-PLANK CLADDING ABOVE ALL OTHER OPENINGS (EXCLUDING GARAGE WINDOWS AND P/A DOORS.)



 <b>JG King Homes</b> <i>Building with Integrity</i>	 <b>5 Star Standard Plan</b>	ALL EXTERNAL WALLS 240mm UNLESS OTHERWISE SPECIFIED ALL INTERNAL WALLS 90mm UNLESS OTHERWISE SPECIFIED PLEASE VISIT US AT: <a href="http://www.jgkinghomes.com.au">www.jgkinghomes.com.au</a>		AREA RESIDENCE 174.46m <sup>2</sup> GARAGE 34.40m <sup>2</sup> PORCH 13.10m <sup>2</sup> <b>TOTAL 221.96m<sup>2</sup></b>	<b>KALLISTA 175</b> <b>SP 1001</b> DRAWN RKA CHECKED ED	DATE 15.10.03 AMENDMENTS STANDARD PLAN COMPLETED COPIES 1 TO SALES
		© - Copyright 2003 JG King Pty. Ltd		LAST RELEASED DATE 15.10.03 SHEET No. 3 of 6		