



AGENDA

S86 Development Assessment Committee Meeting

Wednesday, 18 March 2020

I hereby give notice that a S86 Development Assessment Committee Meeting will be held on:

Date: Wednesday, 18 March 2020

Time: 6.00pm

Location: North Wing Meeting Room 2 & 3, Darley Civic Hub

**Derek Madden
Chief Executive Officer**

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1 OPENING**2 PRESENT AND APOLOGIES****3 RECORDING OF MEETING**

As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting:

- The Moorabool News; and
- The Star Weekly.

4 CONFIRMATION OF MINUTES

S86 Development Assessment Committee Meeting - Wednesday 19 February 2020

5 MATTERS ARISING FROM PREVIOUS MINUTES**6 DISCLOSURE OF CONFLICTS OF INTERESTS**

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- A direct interest (section 77A, 77B)
- An indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)
 - indirect interest because of impact on residential amenity (section 78E)

Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) Leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) Remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

7 COMMUNITY PLANNING REPORTS

7.1 PA2019217 - DEVELOPMENT OF TWO (2) DWELLINGS - 154 GISBORNE ROAD, DARLEY

Author: Mark Lovell, Acting Coordinator Statutory Planning

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Economic Development

Attachments: 1. Complete set of development plans

APPLICATION SUMMARY

Permit No: PA2019217

Lodgement Date: 12 September 2019. Amended plans lodged 24 October 2019

Planning Officer: Victoria Mack

Address of the land: 154 Gisborne Road, Darley

Proposal: Development of two (2) dwellings

Lot size: 650.12sqm

Why is a permit required? General Residential Zone, Schedule 3 - Development of two or more dwellings on a lot.

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to grant a Planning permit at 154 Gisborne Road, Darley, otherwise known as Lot 18 on PS114129 subject to the following conditions:

Endorsed Plans:

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

Infrastructure:

2. Standard urban residential vehicle crossings must be provided on Gisborne Road Service Lane to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
3. The property driveway to Unit 2 must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
4. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority and must ensure that:
 - i. the development as a whole is self-draining;
 - ii. 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 using a detention system located and constructed to the satisfaction of the Responsible Authority; and

- iii. all units must be provided with a storm water legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
5. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
6. Stormwater drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
7. 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.
8. Unless otherwise approved by the Responsible Authority, there must not be any buildings, structures or improvements located over proposed drainage pipes and easements on the property.
9. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
10. 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:
 - i. location of vehicle crossings
 - ii. details of the underground drainage
 - iii. location of drainage legal points of discharge
 - iv. standard details for vehicle crossings and legal points of discharge
 - v. civil notes as required to ensure the proper construction of the works to the infrastructure design manual

Amenity:

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

Landscape Plans:

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

Permit Expiry:

14. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit.

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	One.
Notice in Moorabool Newspaper:	Not required
Number of objections:	1
Consultation meeting:	Not held, the objector is overseas.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 2A: Built Environment

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Henry Bezuidenhout

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

Author – Victoria Mack

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

EXECUTIVE SUMMARY

Application referred?	Yes, Council's Infrastructure and the Department of Transport
Any issues raised in referral responses?	No.
Preliminary concerns?	Layout concerns.
Any discussions with applicant regarding concerns?	Yes, and a further information request was provided.
Any changes made to the application since being lodged?	Yes, the layout concerns were addressed.
Brief history.	The land is now vacant. A dwelling on the land was removed between January and March 2017.

Previous applications for the site?	No previous applications are recorded in Council records.
General summary.	<p>The application is for two single storey dwellings on a lot of 650.12sqm.</p> <p>The application has been assessed against:</p> <ul style="list-style-type: none"> • ResCode objectives and standards; • Schedule 3 to the General Residential Zone relating to increased residential growth areas; • The preferred neighbourhood character of Precinct 14 of Housing Bacchus Marsh 2041; <p>which has been developed to address how growth pressures will be managed while preserving important neighbourhood character into the future.</p> <p>This proposal accords with the intent of these policies.</p> <p>The layout of the dwellings allows adequate areas for gardens and canopy trees.</p>
Summary Recommendation	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, subject to the conditions included in this report.</p>	

SITE DESCRIPTION

The site is 650.12sqm and is flat. The lot is rectangular in shape with a width of 16.77m and length of 38.79m.

It is located on the eastern side of Gisborne Road. Access to the site is via the service road that runs parallel to Gisborne Road.

A dwelling was removed from the lot from between January and March 2017.

Directly opposite the site is the Darley Plaza shopping centre including retail outlets, a supermarket, petrol sales and other services including access to public transport.

The surrounding area is a fully developed residential precinct with relatively large lots and the potential for redevelopment even though there are no multi-dwelling lots in this section of Gisborne Road.

Below is an aerial photo of the site and surrounding area.



PROPOSAL

The application is for two single storey three-bedroom dwellings.

Dwelling 1 would face Gisborne Road and would have a dedicated vehicle crossover. There would be an attached single car space garage and a tandem car space in front of the garage. Dwelling 1 would have a total floor area of 156.56sqm including living, garage porch and alfresco.

Dwelling 2 would be behind Dwelling 1 and accessed via a separate crossover with a driveway leading to the rear. There would be an attached single car space garage and a tandem car space in front of the garage. Dwelling 2 would have a total floor area of 155.91sqm including living, garage porch and alfresco.

The dwellings would be constructed with face brick walls and would have tiled roofing. The garden area requirements would be met with 36.6% of the site available for garden.

A landscape plan was provided with the application showing a mix of native and exotic species.

HISTORY

A search of Council records revealed no relevant history in relation to this property.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners. One objection was received.

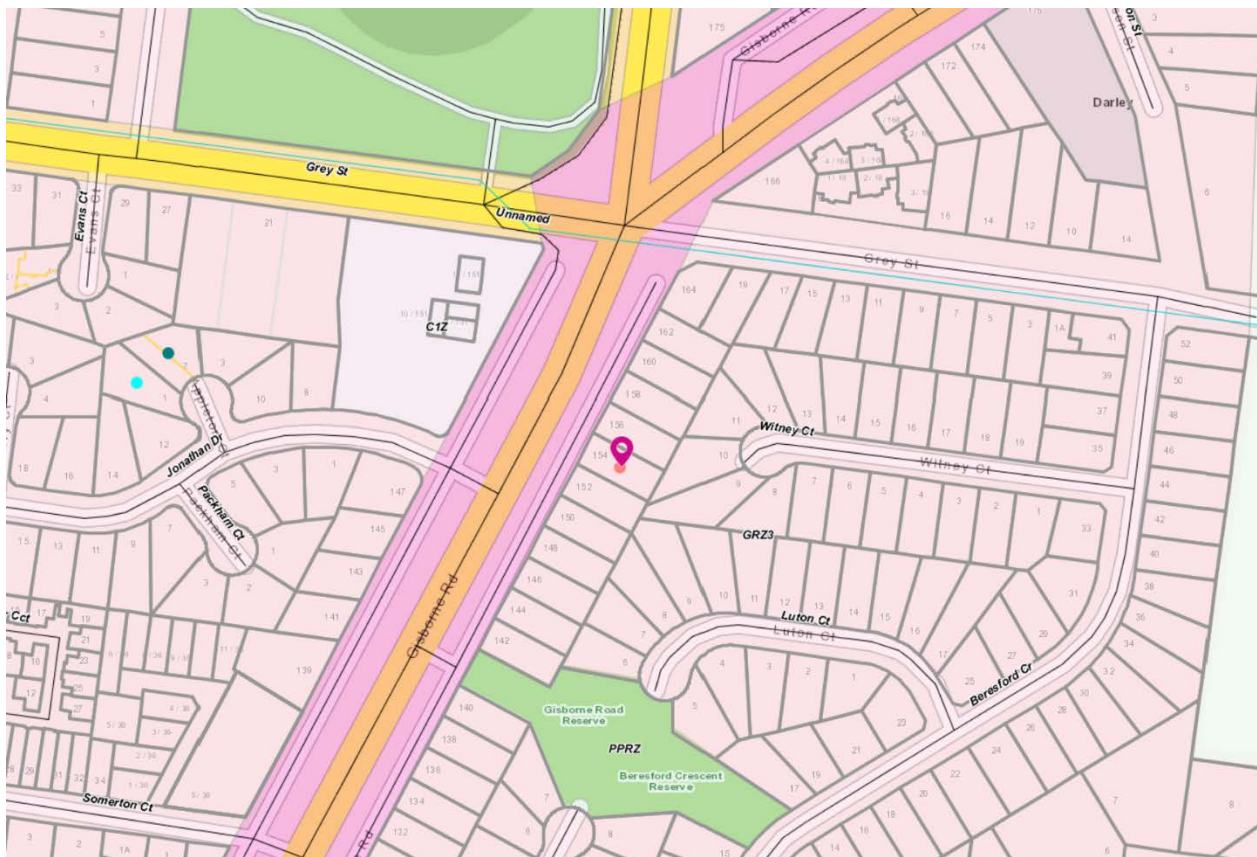
SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
Concern that there would be two houses on this property which is only meant for one house. There are no dual or multi-dwelling developments along this section of Gisborne Road.	Schedule 3 to the General Residential Zone; Preferred neighbourhood character Precinct 14.
Officer's Response: It is correct that there are no multi-dwelling developments along this section of Gisborne Road. However, Precinct 14 has nominated this area for increased residential growth. Due to the area's proximity to services and facilities the intent is to allow for increased housing choice and site coverage over time while aiming for appropriate dwelling design within garden settings.	
Two dwellings will break the uniformity of all the established homes in the street and make the land appear cramped compared to the current neighbourhood character of single dwellings on more spacious allotments.	Schedule 3 to the General Residential Zone; Preferred neighbourhood character precinct 14; and ResCode.
Officer's Response: Precinct 14 has been nominated as an area for increased residential growth. Precinct 14 is discussed further in this report. Schedule 3 to the General Residential Zone also applies to land deemed to be suitable for increased residential growth. The development would present as a single dwelling when viewed from the street with no adverse visual impact, being of similar bulk and scale.	
The units are too cramped on the lot with very little private space especially for children. The density will negatively impact on the private amenity of neighbours.	ResCode
Officer's Response: The proposed development meets the minimum requirements under ResCode, in terms of street setback, private open space, access and car parking on site. This is addressed further in this report.	
If the properties are rented there is likely to be more noise and insufficient parking spaces for more cars.	ResCode
Officer's Response: The proposed development meets the minimum requirements under ResCode, which is addressed further in this report. The rental of dwellings is not a planning scheme consideration.	

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 State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

Clause 11.03-3S	Peri-urban areas
Clause 11.03-2S	Growth areas
Clause 15.01-1S	Urban design
Clause 15.01-5S	Neighbourhood character
Clause 16.01-1S	Integrated housing
Clause 16.01-2S	Location of residential development
Clause 16.01-3S	Housing diversity
Clause 21.03-2	Urban Growth Management
Clause 21.03-3	Residential Development
Clause 21.03-4	Landscape and Neighbourhood Character
Clause 21.07	Bacchus Marsh

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

ZONE

Clause 32.08 General Residential Zone

The purposes of the General Residential Zone include to:

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

Under Clause 32.08-6 a permit is required for the development of two or more dwellings on a lot. A development must meet the requirements of Clause 55, ResCode.

Garden area

A lot with an area greater than 650sqm must provide for a minimum of 35% of the lot as garden area.

Schedule 3 to the General Residential Zone - Increased Residential Growth Areas

Schedule 3 has the following neighbourhood character objectives:

- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.
- To encourage sufficient front setbacks to allow for enhancement of the front garden character including increasing canopy tree plantings.
- To encourage new development to have minimal or low scale front fencing.
- To ensure new garages and carports do not dominate dwellings or streetscapes.

Schedule 3 allows for the following changes to Clause 55 – ResCode:

- Minimum street setback ResCode B6 5 metres
- Site coverage ResCode B8 70%

OVERLAYS

No overlays cover the subject site.

RELEVANT POLICIES

Planning Scheme Amendment C79 - Bacchus Marsh Housing Strategy

One of the objectives of the strategy is to:

Provide a clear direction and policy guidance to enable orderly growth, managed change and retention of key elements of character including Neighbourhood Character mapping and character precinct brochures.

The site is located in Precinct 14 of the Settlement Framework Plan, identified as for 'Increased Residential Growth', which "generally applies to residential land that is well located to services and facilities and has been identified as suitable for infill and increased densities of development. This will include a range of multi units, townhouses and alternative housing options within a walkable catchment of residents daily needs."

The Existing Character statement for Precinct 14 is as follows:

- This precinct covers an older area of Darley that is within close proximity to numerous services and facilities, including Darley Plaza. The precinct is generally dominated by a flat topography with other areas having some slope. The precinct is dominated by wide road reserves in a curvilinear pattern with a disconnected street layout and no footpaths.
- Traditional front setbacks, relatively low levels of site coverage and established gardens contribute to a sense of openness within the precinct. Minimal front fencing exists and where fencing does exist it is of a low scale.
- Dwellings exhibit varied styles and materials with 1980s brick veneer dwellings being the most common style represented. The dwellings are almost uniformly single storey and generally detached in form with off street car parking ranging from carports and single garaging to the side of the dwelling being dominant.
- There is evidence of some change occurring within the precinct with single storey multi-dwelling developments present. The multi dwelling developments are often attached, which is notably atypical to the character of the precinct.

The Preferred Neighbourhood Character for Precinct 14 can be summarised as follows as it relates to this application:

- The precinct has mostly been identified for Increased Residential Growth, however the south-eastern portion has been identified for Natural Residential Growth.
- In regard to the areas identified for Increased Residential Growth, these areas will allow for increased housing choice over time in a proximate location to several services and facilities. Site coverage will be increased, however new development, including multi dwelling developments will need to ensure adequate private open space and garden plantings are provided.
- Front setbacks will be sufficient to allow for enhancement of the front garden character, including increasing canopy tree plantings. Front fences will be low or absent, allowing for views into front gardens.
- New developments will minimise the need for additional crossovers to the street and have a positive street interface to ensure strong passive surveillance is achieved. Building to both side boundaries will generally be avoided, however may be considered where the preferred character of the precinct is not compromised. Garages and carports that do not visually dominate dwellings or streetscapes are encouraged and should be recessed from the front building line or located to the side or rear of the dwelling.
- Innovative and unique development that enhances the character of the precinct is desirable.

Particular Provisions

Clause 55 ResCode

The initial site layout provided did not meet a number of ResCode requirements. There was insufficient scope for any landscaping along the driveway to Dwelling 2. The garage to dwelling 2 was too close to the neighbour's boundary to the south, directly opposite a swimming pool in the neighbour's rear garden area. A very limited landscape plan was provided.

The application was amended to provide for increased landscaping along the south side of the driveway to Dwelling 2; and the garage for Dwelling 2 was setback from the south boundary by one metre. The footprints of the dwelling were adjusted which improved the overall layout of the development.

The proposal has now been amended so that it generally complies with ResCode (Clause 55) with the following comments:

Clause ResCode	Title	Response
Clause 55.03-1 Standard B6 Schedule 3 to the GRZ	Street setback objective	Schedule 3 to the General Residential Zone states the minimum street setback should be 5m. The setback in this development is 5.2m. The setback meets this standard in Schedule 3.
Clause 55.03-9 Standard B14	Access objective	If the width of the street frontage is less than 20 m, the width of accessways should not exceed 40% of the street frontage. In this proposal there are two accessways that take up 35% of the street frontage. The two crossovers to the street, while not encouraged, meet the requirements of this standard. There is separation between the crossovers to allow for street trees.

Clause 52.29 Land Adjacent to a Road Zone Category 1

Access is to the service road and no new access is proposed directly to Gisborne Road. The application was referred to the Department of Transport (Regional Roads) which had no objection.

DISCUSSION

The proposal is for two dwellings on a lot. The area is earmarked for increased density and housing diversity in accordance with Moorabool's housing strategy called Housing Bacchus Marsh to 2041 and the Moorabool Planning Scheme both give direction for the future development of this Precinct.

Housing Bacchus Marsh to 2041 has developed Neighbourhood Character precincts of which this development is within Precinct 14. Precinct 14 allows for increased residential growth. This will permit increased housing choice over time close to services and facilities. Site coverage will be increased, however new development, including multi dwelling developments, will need to ensure adequate private open space and garden plantings are provided. This development demonstrates a high level of compliance/consistency with this policy.

The General Residential Zone, Schedule 3, of the Moorabool Planning Scheme relates to increased residential growth areas. While accepting increased development over time the neighbourhood character objectives encourage good design, front setbacks that allow for increased canopy planting, minimal or low scale front fencing and that garages or carports do not dominate dwellings or streetscapes.

This proposal is aligned with the proposed policy directives by encouraging increased density and dwelling diversity, and furthermore being close to a range of increased services and amenities.

The design of the dwelling and single storey building form will readily blend with the existing housing stock. The internal layout with generous private open spaces and good solar orientation will provide sufficient internal amenity.

The layout of the dwellings in this proposal are generally in accordance with the planning scheme and Council policies and it is considered that the application should be supported.

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
Department of Transport	Consent, no conditions
Infrastructure	Consent with conditions

FINANCIAL IMPLICATIONS

It is not thought that there are any financial implications for Council in approving the application.

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

OPTIONS

Council could consider the following options:

- Issue a Notice of Decision to Grant a Planning Permit in accordance with the conditions contained within this report;
- Issue a Notice of Decision to Grant a Planning Permit with amendment to the recommendation of this report; or
- Issue a Notice of Refusal to Grant a Permit with grounds.

CONCLUSION

The application for two dwellings in the General Residential Zone, Schedule 3, is appropriate, as the proposal is in accordance with the purpose and intent of the zone, and Schedule 3 to the zone allowing for increased residential growth. The proposal also accords with Council policy in relation to neighbourhood character precincts where land in precinct 14 also allows for increased residential growth. The layout, design and form of the dwellings accords with ResCode objective and standards and will make a positive contribution to the streetscape. It is recommended that the application be approved, subject to conditions.

PROPOSED: UNIT DEVELOPEMENT

FOR: Mr R TAYLOR

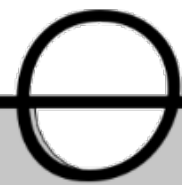
AT: No 154 (LOT 18) GISBORNE ROAD DARLEY 3340



PERSPECTIVE VIEW - UNIT 1



PERSPECTIVE VIEW - UNIT 2



QUALITY HOME DESIGN

& DEVELOPMENTS

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Reg No: DP-AD1078

ABN: 45 616 372 724



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This is the plan mentioned in the contract.

No. _____ Date: _____

Signed Builder: _____

Signed Owner: _____

Job No:

16009

Drawn: AM | Checked: S MARRIOTT | Issue Date: 10/10/19 | Issue Status: TOWN PLANNING ISSUE

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GISBORNE ROAD (SERVICE LANE)



GISBORNE ROAD (SERVICE LANE)



EXISTING SITE

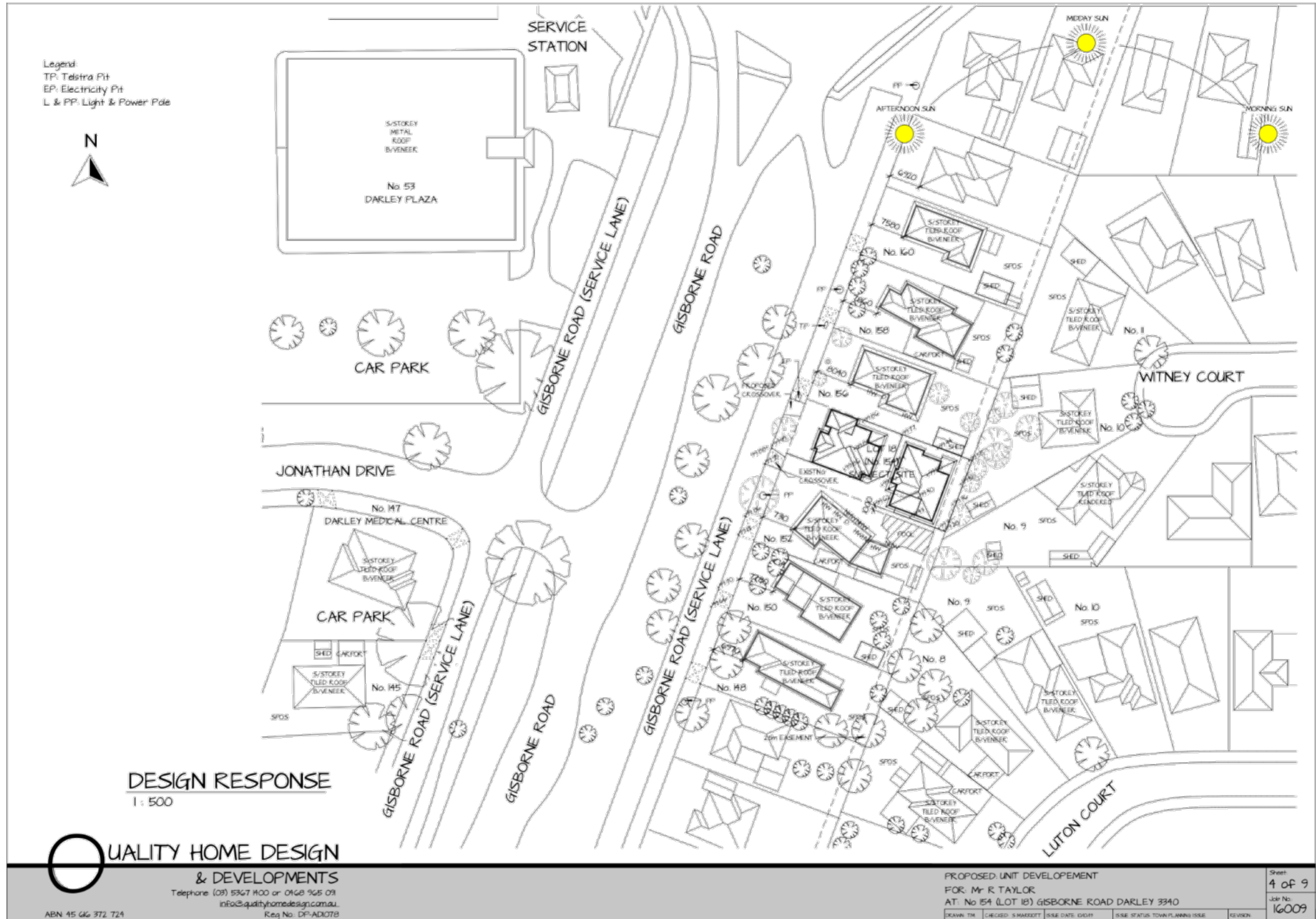
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 Reg No: DP-AD078
 ABN 45 66 372 724

PROPOSED UNIT DEVELOPMENT
 FOR: Mr R TAYLOR
 AT: No 154 (LOT 1B) GISBORNE ROAD DARLEY 3340

DRAWN: TM	CHECKED: S MACKAY	ISSUE DATE: 10/07	ISSUE STATUS: TOWN PLANNING 04/18	REVISION:
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 Job No.
16009

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- Concrete
- Garage
- Living
- POS
- SPOS



FLOOR PLAN
1:100

Area Schedule - Dwelling 1		
Name	Area	Squares
LIVING	22.95 m ²	823
GARAGE	23.99 m ²	258
PORCH	17.6 m ²	09
ALFRESCO	7.87 m ²	085
Grand total	56.56 m ²	1605

Area Schedule - Dwelling 2		
Name	Area	Squares
LIVING	12.05 m ²	293
GARAGE	23.34 m ²	251
PORCH	2.05 m ²	022
ALFRESCO	8.37 m ²	090
Grand total	53.9 m ²	1657

SITE AREA:	6502 m ²
BUILDING AREA:	3047 m ²
COVERAGE:	47.76%
PERMEABILITY:	25.70%
POS AREA:	23395 m ²
SPOS AREA:	17.69 m ²
GARDEN ZONE:	36.6%

POS Schedule - Dwelling 1		
Name	Area	Squares
SPOS	46.91 m ²	501
POS (1)	73.07 m ²	786
POS (2)	5.98 m ²	064
Grand total	125.96 m ²	1352

POS Schedule - Dwelling 2		
Name	Area	Squares
SPOS	71.8 m ²	766
POS (1)	54.50 m ²	1663
Grand total	126.3 m ²	2429

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Reg No: DP-AD1078
ABN 45 646 372 724

PROPOSED UNIT DEVELOPMENT
FOR: Mr R TAYLOR
AT: No 154 (LOT 18) GISBORNE ROAD DARLEY 3340

DRAWN BY	CHECKED: S MADDITT	ISSUE DATE: 10/01	ISSUE STATUS: TOWN PLANNING ISSUE	REVISION
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WEST ELEVATION - UNIT 1
1:100

WEST ELEVATION - UNIT 2
1:100

NORTH ELEVATION
1:100

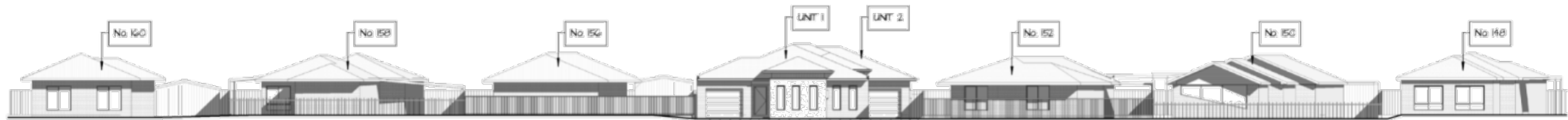
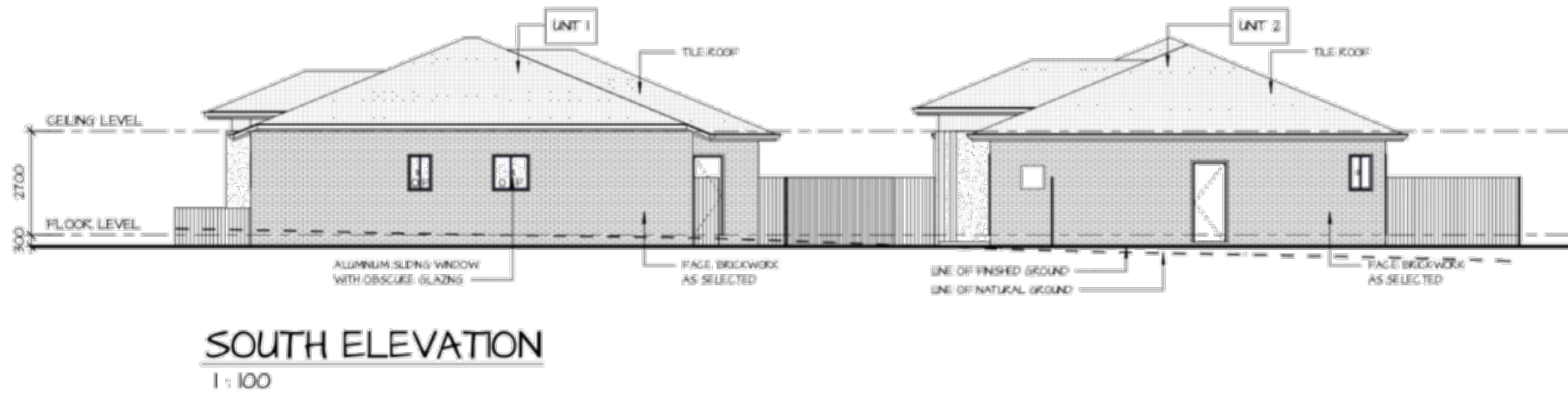
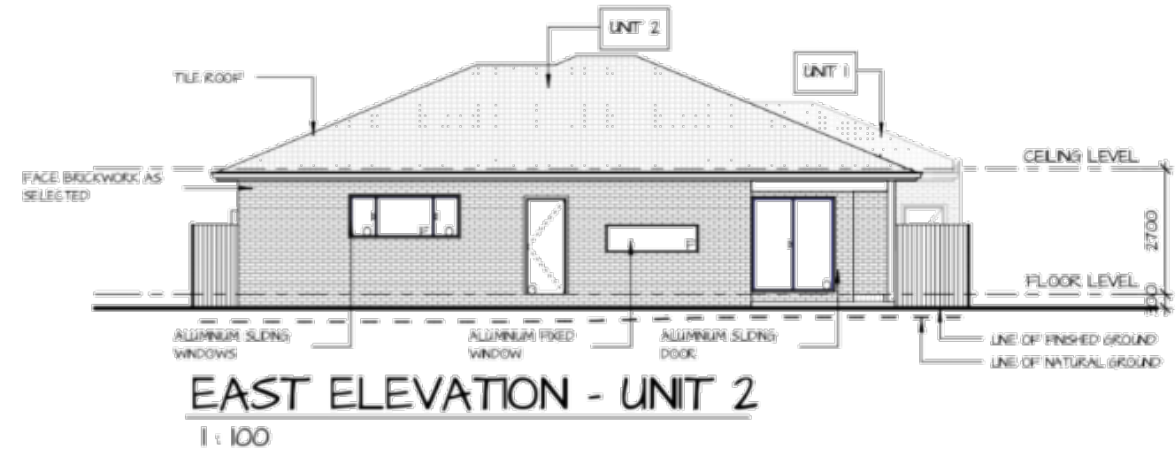
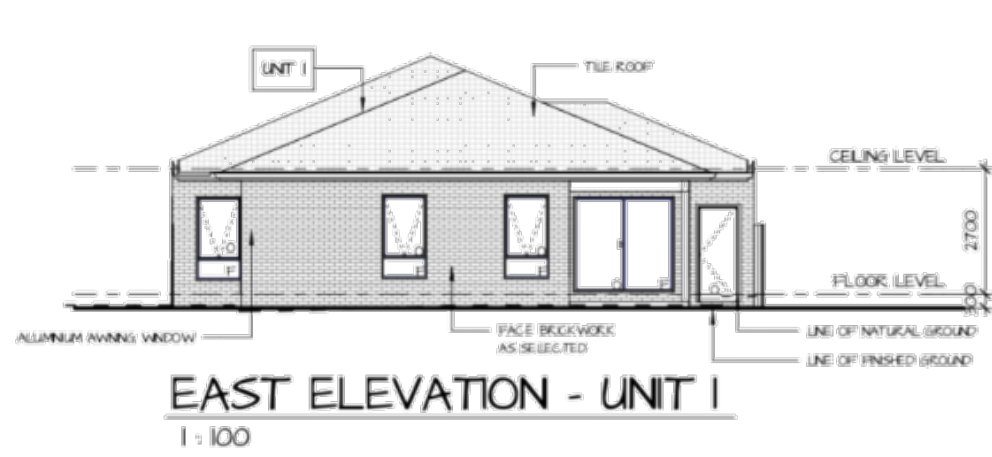
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PROPOSED UNIT DEVELOPMENT
 FOR: Mr R TAYLOR
 AT: No 154 (LOT 18) GISBORNE ROAD DARLEY 3340

Sheet: 6 of 9
 Job No: 16009

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STREETSCAPE ELEVATION
1 : 200

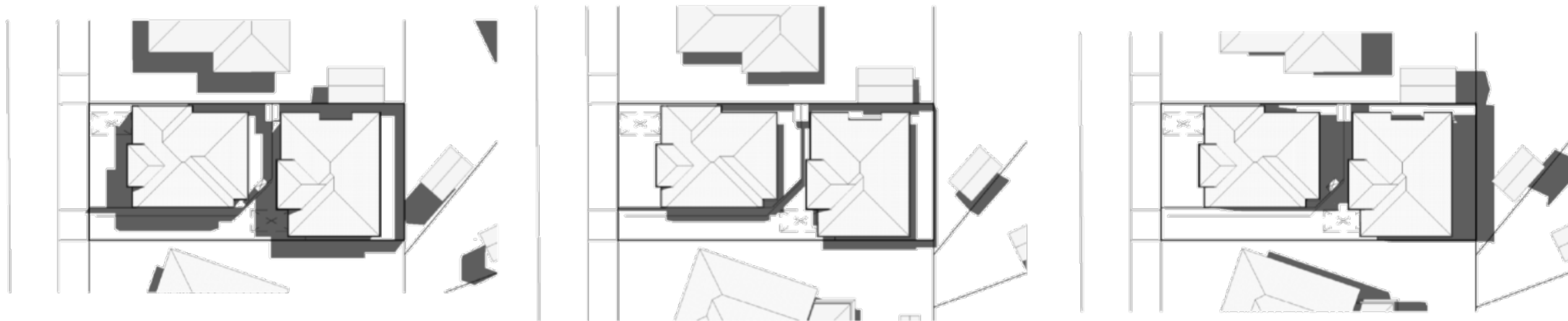
QUALITY HOME DESIGN
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Telephone (08) 5367 1100 or 0168 965 091
info@qualityhomedesign.com.au
Reg No: DP-AD1078
ABN 45 646 372 724

PROPOSED UNIT DEVELOPMENT
FOR: Mr R TAYLOR
AT: No 154 (LOT 1B) GISBORNE ROAD DARLEY 3340

DRAWN: TM	CHECKED: S MADDITT	ISSUE DATE: 01/01	ISSUE STATUS: TOWN PLANNING ISSUE	REVISION:
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Sheet
7 of 9
Job No:
16009

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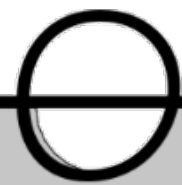


9am
1:500

12pm
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3pm
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SHADOW DIAGRAMS - SEPTEMBER 22



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Reg No: DP-ADI078

ABN: 45 616 372 724

PROPOSED: UNIT DEVELOPEMENT

FOR: Mr R TAYLOR

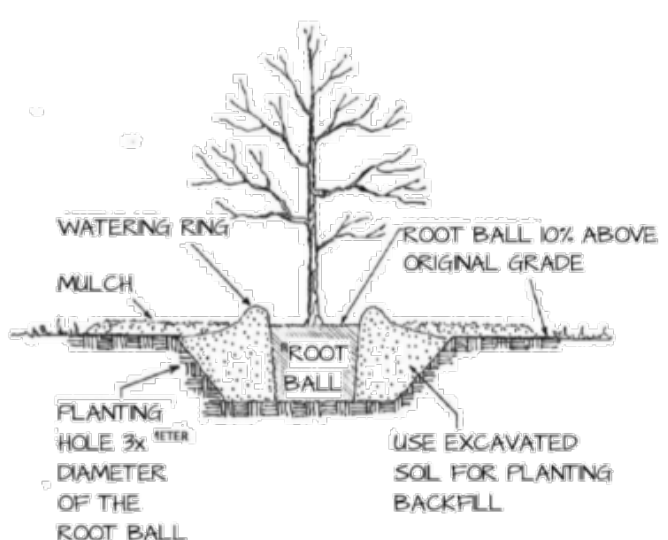
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Sheet
8 of 9

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TREE PLANTING DETAIL
NTS

TAG	BOTANICAL NAME	COMMON NAME	MATURE SIZE	POT SIZE	QTY
1	CROWEA EXALTA	SOUTHER STARS	1.0m HIGH x 1.0m WIDE	50cm	8
2	BETULA PENDULA FASTIGATA	UPRIGHT SILVER BIRCH	8-10m HIGH x 2-4m WIDE	100L	26
3	BETULA NIGRA	DURA HEAT	10m HIGH x 6.0m WIDE	33cm	1
4	LOMANDRA LONGIFOLIA	SPINY HEAD MAT RUSH	1.2m HIGH x 1.0m WIDE	42cm	20
5	ANGOPHORA HISPIDA	DWARF APPLE	5-7m HIGH x 3-5m WIDE	40cm	1

ASSORTMENT OF GROUND COVERS WHERE SHOWN TO BE MADE UP OF GREVILLEA LANGERA, LIPKROPE, HEBE BUXIFOLIA, PITTOSPORUM TOBIRA, CORREA AUTUMN BLAZE

LANDSCAPE PLAN
1 : 100



TREE PLANTING LEGEND
NTS

QUALITY HOME DESIGN
& DEVELOPMENTS
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Reg No: DP-AD1078

PROPOSED UNIT DEVELOPEMENT
FOR: Mr R TAYLOR
AT: No 154 (LOT 18) GISBORNE ROAD DARLEY 3340

Sheet: 9 of 9
Job No: 16009

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7.2 PA2019264 - REMOVAL OF NON-NATIVE VEGETATION AT 102 LYNDHURST STREET AND 19 FAHEYS ROAD, GORDON

Author: Mark Lovell, Acting Coordinator Statutory Planning
Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Economic Development
Attachments: Nil

APPLICATION SUMMARY

Permit No: PA2019-264
Lodgement Date: 11 November, 2019
Planning Officer: Samuel Duff
Address of the land: Crown Allotment 3, Section 11A, Parish of Kerrit Bareet & Lot 2 on PS 448293H, located at 19 Faheys Road, Gordon
Proposal: Removal of Non-Native Vegetation (29 trees)
Lot size: 7.3 Hectare
Why is a permit required? Removal of Non-Native Vegetation under the Environmental Significance Overlay, Schedule 1
Removal of Non-Native Vegetation under the Significant Landscape Overlay, Schedule 2

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Planning Permit for the Removal of Non-Native Vegetation at 102 Lyndhurst Street and 19 Faheys Road Gordon:

Endorsed Plans:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the Relevant Authority.

General Conditions:

2. Native vegetation including dead standing native vegetation is not to be removed from the land without the written consent of the Responsible Authority.
3. The removal of the Nominated Cypress trees must be conducted in a manner which does not result in the removal destruction or lopping of any other vegetation without the written consent of the Responsible Authority.

Infrastructure:

4. 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).

5. 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.

Barwon Water:

6. Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and revegetated as detailed in the application for a planning permit.

Permit Expiry:

7. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit.

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	No objections.
Consultation meeting:	None required.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2B: Natural Environment

The proposal to remove non-native vegetation is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Henry Bezuidenhout

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

Author – Samuel Duff

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

A member of the Statutory Planning, **Victoria Mack**, declared a Direct Conflict of Interest in relation to **the proposed Removal of Non-Native Vegetation** due to her relationship with the land owner and applicant. As a consequence, she was not involved in any preparation or deliberations of this report for Council's consideration.

EXECUTIVE SUMMARY

Application referred?	Yes – the application was referred to Council's Environmental Planning Department and the relevant catchment authority, Barwon Water.
Any issues raised in referral responses?	No.
Preliminary concerns?	There are no concerns for the application.
Any discussions with applicant regarding concerns?	No.
Any changes made to the application since being lodged?	No.
Brief history.	The application was lodged on 11 November 2019.
Previous applications for the site?	There are previous applications for the site, however they do not impact on the decision.
General summary.	The application is seeking approval for the removal of non-native vegetation. The application was advertised, and no objections were received. The proposal is acceptable subject to standard sediment control measures and conditions preventing the removal of native vegetation.
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Planning Permit for the removal of Non-Native Vegetation (29 Cypress Trees) at 19 Faheys Road and 102 Lyndhurst Street, Gordon.	

SITE DESCRIPTION

The land subject to the planning application are two properties, 19 Faheys Road and 102 Lyndhurst Street, Gordon.



The sites are largely cleared of vegetation, with scattered trees around the site, especially on 102 Lyndhurst Street, where the majority of the vegetation removal would take place. There are two dams and a seasonal waterway over the two properties. The land is gently sloping with a low point that corresponds with the seasonal waterway. 38 Gleeson Street is also owned by the owners of 102 Lyndhurst Street.

Both sites are developed with a dwelling and an outbuilding.

PROPOSAL

It is proposed to remove 29 cypress pine trees from the two sites. The applicants are contending that the removal of the vegetation is part of proposed 'rehabilitation' of the site, which includes the removal of the Cypress pines and other species, such as black berry bushes that do not require a permit to remove under the *Catchment and Land Protection Act of 1994*. There are rabbit warrens that run underneath the cypress trees that are to be interrupted as part of the rehabilitation works.

The majority of the trees are on the 102 Lyndhurst Street site (26 trees) with the remaining being on the 19 Faheys Road site (three trees) for a total removal of 29 trees. The cypress pines are approximately 70 – 90 years old and the trees are towards the end of the typical lifespan.

While not part of this application, it is proposed to also revegetate the site with a range of native trees, shrubs, grasses and other under storey species to enhance the biodiversity of plant species across the two sites and encourage a range of habitats for local fauna.

BACKGROUND TO CURRENT PROPOSAL

The owners of 102 Lyndhurst Street and 38 Gleeson Court have received a grant from the Corangamite Catchment Management Authority (CCMA) to rehabilitate and improve the health of the waterway, which includes 1,600 plants to be instated at both sites. A representative from CCMA has discussed an extension to the revegetation plan.



HISTORY

The following planning permits are associated with 19 Faheys Road, Gordon:

PA2003-008 Development and Use of a Dam. This application was approved, subject to conditions.

The following planning permits are associated with 102 Lyndhurst Street, Gordon

PA2002-346 Development and Use of a Farm Shed. This application was approved, subject to conditions.

PA2004-116 Development and Use of a Dwelling. This application was approved, subject to conditions.

PA2008-148 Development and Use of a Carport. This application was approved, subject to conditions.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners and by placing a large notice on site.

There were no objections received as a result of the advertising.

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	Planning for Places
Clause 12.01	Biodiversity
Clause 12.05	Significant Environment and Landscapes
Clause 13.02	Bushfire
Clause 14.02	Water
Clause 21.02	Natural Environment
Clause 21.03	Settlement and Housing
Clause 21.09	Small Towns and Settlements

ZONE

The land is within the Rural Living Zone, the purpose of this zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

OVERLAYS

Clause 42.01 Environmental Significance Overlay, Schedule 1 (ESO1)

The environmental objectives to be achieved under the provisions of this overlay are:

- To protect the quality and quantity of water produced within proclaimed water catchments.
- To provide for appropriate development of land within proclaimed water catchments.

This overlay is a permit trigger for this application.

Clause 42.03 Significant Landscape Overlay, Schedule 2 (SLO2)

The landscape objectives to be achieved under the provisions of this overlay are:

- To retain and protect significant trees, vegetation and windbreaks that are significant component of local identity and landscape of the township character of Gordon.
- To protect vegetation and trees of special significance, natural beauty, interest and importance.
- To retain trees where they have high amenity value, unless identified as an environmental weed.
- To support the retention and planting of further exotic and indigenous trees.

This overlay is a permit trigger for this application.

Clause 43.02 Design and Development Overlay, Schedule 2

The design objectives to be achieved under the provisions of this overlay are:

- To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.
- To encourage the use of external cladding, such as non-reflective materials for building construction.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

This overlay is not a permit trigger for this application.

Clause 43.02 Design and Development Overlay, Schedule 5

The design objectives to be achieved under the provisions of this overlay are:

- To reinforce and strengthen the distinctive character of the Gordon town centre.
- To maintain the pedestrian scale of the existing town centre.
- To maintain the low-rise character of the town centre.
- To provide for commercial development with retail uses and active frontages. To allow some opportunity for medium density residential development.
- To provide for advertising signs that are in character with the town centre.

This overlay is not a permit trigger for this application.

Clause 44.06 Bushfire Management Overlay (Part)

Part of the site is within the Bushfire Management, with the purpose of this overlay being:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

This overlay is not a permit trigger for this application.

RELEVANT POLICIES

There are no relevant local policies that have impact on the recommendation.

PARTICULAR PROVISIONS

There are no relevant particular provisions that have impact on the recommendation.

DISCUSSION

The application proposes to remove non-native vegetation is one part of an ongoing commitment from the landowners for land improvements. As part of this, the applicants are requiring removal of the cypress pines to reduce the number of rabbits that are on the site.

There are two permit triggers for this application. These are the Environmental Significance Overlay, Schedule 1 (ESO1) and the Significant Landscape Overlay, schedule 2 (SLO2). The ESO1 that applies to the site is concerned with the health of the catchment, including waterways and runoff. A referral was required to go to the relevant catchment authority of the area, Barwon Water, who consented to the application being approved, subject to conditions. The second permit trigger, the SLO2, has the following relevant decision guidelines that the Responsible Authority is to consider:

- Whether the application provides for the long-term management of the tree or trees to be lopped.
- Whether it is possible to provide compensatory habitat for native fauna. Such habitat should be of a similar value to that removed or destroyed and must be planted within the vicinity.
- The impact of the tree removal, destruction or lopping on visual amenity both from adjoining properties and from within the township of Gordon.

The application does provide for long term management of the site and does allow for greater compensatory revegetation along the waterway corridor and the rest of the site to improve the flora of the area to provide habitat for fauna. The final relevant decision guideline questions if the proposed vegetation removal has an impact on the visual amenity. While there would be an impact, it is considered to be minor from adjoining properties, particularly from the Gordon township. The visual amenity for the adjoining landowners would be impacted, however the proposed revegetation works will reinstate trees, shrubs and bushes as well as understorey vegetation will mean that the visual amenity will be reinstated once the cypress pine trees are removed and rabbit warrens destroyed.

Given that the proposed trees to be removed are not native species that do not have a positive contribution to the biodiversity of the local area and the trees themselves are towards the end of their useful lifestyle, it is recommended that the application be approved.

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
Barwon Water	Consent with Conditions
Environmental Planning	Consent

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

- Issue a Planning Permit in accordance with the grounds specified within this report;
- Issue a Planning Permit with amendments to the recommendation of this report; or
- Issue a Notice of Refusal to Grant a Permit outside the recommendations of this report.

CONCLUSION

The proposed removal of non-native vegetation is considered to be acceptable and that the removal of vegetation would not have a significant impact on the visual amenity of the immediate surrounding properties, especially once the revegetation works have been completed. The impact of the vegetation removal would have from the main township of Gordon is minimal, partially due to the terrain and existing vegetation.

The risk to the quality of the water catchment under the Environmental Significance Overlay is addressed by standard permit conditions.

- 8 UPDATE ON TRENDS, ISSUES AND OTHER MATTERS**
- 9 PROCESS FORWARD AND WORK PROGRAM**
- 10 UPDATE ON VCAT DECISIONS**
- 11 OTHER BUSINESS**
- 12 DATE OF NEXT MEETING**
- 13 MEETING CLOSE**