



AGENDA

S86 Development Assessment Committee Meeting

Wednesday, 20 November 2019

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

Date: Wednesday, 20 November 2019

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 16 October 2019

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 PA2019136 - THREE LOT SUBDIVISION AT 14 SPENCER ROAD, BALLAN

Author: Thomas Tonkin, Statutory Planner

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

Attachments: 1. Subdivision layout  

APPLICATION SUMMARY

Permit No: PA2019136

Lodgement Date: 20 June 2019

Planning Officer: Tom Tonkin

Address of the land: 14 Spencer Road Ballan

Proposal: Three lot subdivision

Lot size: 4098sq m

Why is a permit required? Clause 32.08 General Residential Zone - Subdivision
Clause 42.01 Environmental Significance Overlay, Schedule 1 – Subdivision

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Refusal to Grant Planning Permit PA2019136 for Three (3) Lot Subdivision at Lot 2 on PS 145934Y known as 14 Spencer Road, Ballan 3342, on the following grounds:

1. The proposed subdivision is inconsistent with the relevant Planning Policy Framework and Local Planning Policy Framework.
2. The proposal is inconsistent with the purpose of the General Residential Zone.
3. The proposal does not respect the surrounding neighbourhood character.
4. The proposal is inconsistent with Council's adopted Moorabool Planning Scheme Amendment C88.

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	3.
Consultation meeting:	No. The applicant made a written reply to the objections but did not wish to have a

	consultation meeting.
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POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

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 – Tom Tonkin

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

EXECUTIVE SUMMARY

Application referred?	Yes, to Council's Infrastructure and Strategic Planning units and the relevant utility providers and water boards.
Any issues raised in referral responses?	Yes, Strategic Planning object to the proposal due to its inconsistency with Ballan Strategic Directions and Planning Scheme Amendment C88, which recommends minimum lot sizes of 1400sq m for this site, and because the proposed frontage widths of Lots 1 & 3 are too narrow to conserve the neighbourhood character.
Preliminary concerns?	Officer concerns were consistent with the Strategic Planning objection.
Any discussions with applicant regarding concerns?	Yes, the officer wrote to the applicant regarding these concerns and subsequently met with the applicant and landowner to discuss which included how the proposal could be amended to mitigate the concerns raised.
Any changes made to the application since being lodged?	Yes, the applicant amended the plan of subdivision to include building exclusion zones on Lots 1 & 3 which would limit the location of future development to the

	<p>rear sections of these lots.</p> <p>It is noted that whilst this is considered to benefit the streetscape it does not resolve the fundamental concerns regarding the lot sizes and overall lot layout.</p>
Brief history.	None applicable.
Previous applications for the site?	No.
General summary.	<p>It is proposed to subdivide the site into three lots of 1366sq m each. The existing dwelling would be contained on Lot 2, and Lots 1 and 3 would be vacant. Each lot would have direct access to Spencer Road and there would be no common property.</p> <p>Two objections were received, citing concerns including stormwater runoff, neighbourhood character and inconsistency with Council's adopted strategy for Ballan.</p> <p>Overall, the proposal is inconsistent with existing planning policy in the Moorabool Planning Scheme and incompatible with Council's adopted Amendment C88 which recommends minimum lot sizes of 1400sq m.</p>
Summary Recommendation	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, on the grounds included in this report.</p>	

SITE DESCRIPTION

The site is identified as Lot 2 on PS 145934Y and known as 14 Spencer Road, Ballan and is located on the east side of Spencer Road approximately 85m north of Berry Street. The site is roughly square shaped with a 63.76m frontage, depth of 64.3m and an area of 4098sq m and occupied by a single storey dwelling positioned towards the centre of the site and an ancillary outbuilding positioned towards the northeast corner of the site. The site is sparsely vegetated and is relatively flat with a fall generally to the south of less than 1.0m. Vehicle access is via two single crossovers leading to a semi-circular driveway in the dwelling's front setback.

The site and surrounding land is in the General Residential Zone, Schedule 1 and comprises a range of lot sizes, including smaller and larger than the subject site. Land to the west of Spencer Road has been substantially developed over the past 10-15 years for dwellings on lots generally less than 800sq m in size. This is in comparison to land east of Spencer Road, including the subject site, which generally comprises lots 4000-6000sq m in size containing single dwellings in spacious surroundings. To the east of the site is a dwelling on a lot of 4050sq m, to the north a dwelling on a lot of 4048sq m, to the south two lots of 2174sq m and 1933sq m each containing a single dwelling. To the west, across Spencer Road, is a single dwelling on a lot of approximately 1.97ha.

PROPOSAL

It is proposed to subdivide the site into three lots each with a frontage to Spencer Road. Each lot would be 1366sq m in size. Lots 1 and 3 would be vacant and irregularly shaped, with respective frontage widths of 14m and 16m and building exclusion zones imposed for the front setbacks extending for 35m as measured from the street frontages. Lot 2 would contain the existing dwelling on a roughly square shaped lot with a 33.76m frontage.

No common property is proposed. There is existing vehicle access to proposed Lots 1 and 2 whilst Lot 3 would require a new crossover.

BACKGROUND TO CURRENT PROPOSAL

The subject site is proposed to be rezoned to Neighbourhood Residential Zone, Schedule 6 (NRZ6), as part of Planning Scheme Amendment C88 to the Moorabool Planning Scheme in implement Ballan Strategic Directions (June 2018). The NRZ6 would impose a minimum lot size of 1400sq m for subdivision. Council resolved at its Ordinary Meeting of Council on 2 October 2019 to accept the Panel's recommendations, adopt the Amendment and submit the Amendment to the Minister for Planning for approval. Under Section 60(1A)(h) of the Planning and Environment Act 1987, before deciding on an application Council may consider any amendment to the planning scheme which has been adopted by Council but not yet approved by the Minister for Planning.

HISTORY

Not applicable.

PUBLIC NOTICE

Notice of the application was given to adjoining and surrounding landowners by mail and a sign erected on site from 30 July until 15 August 2019. Two objections were received.

SUMMARY OF OBJECTIONS

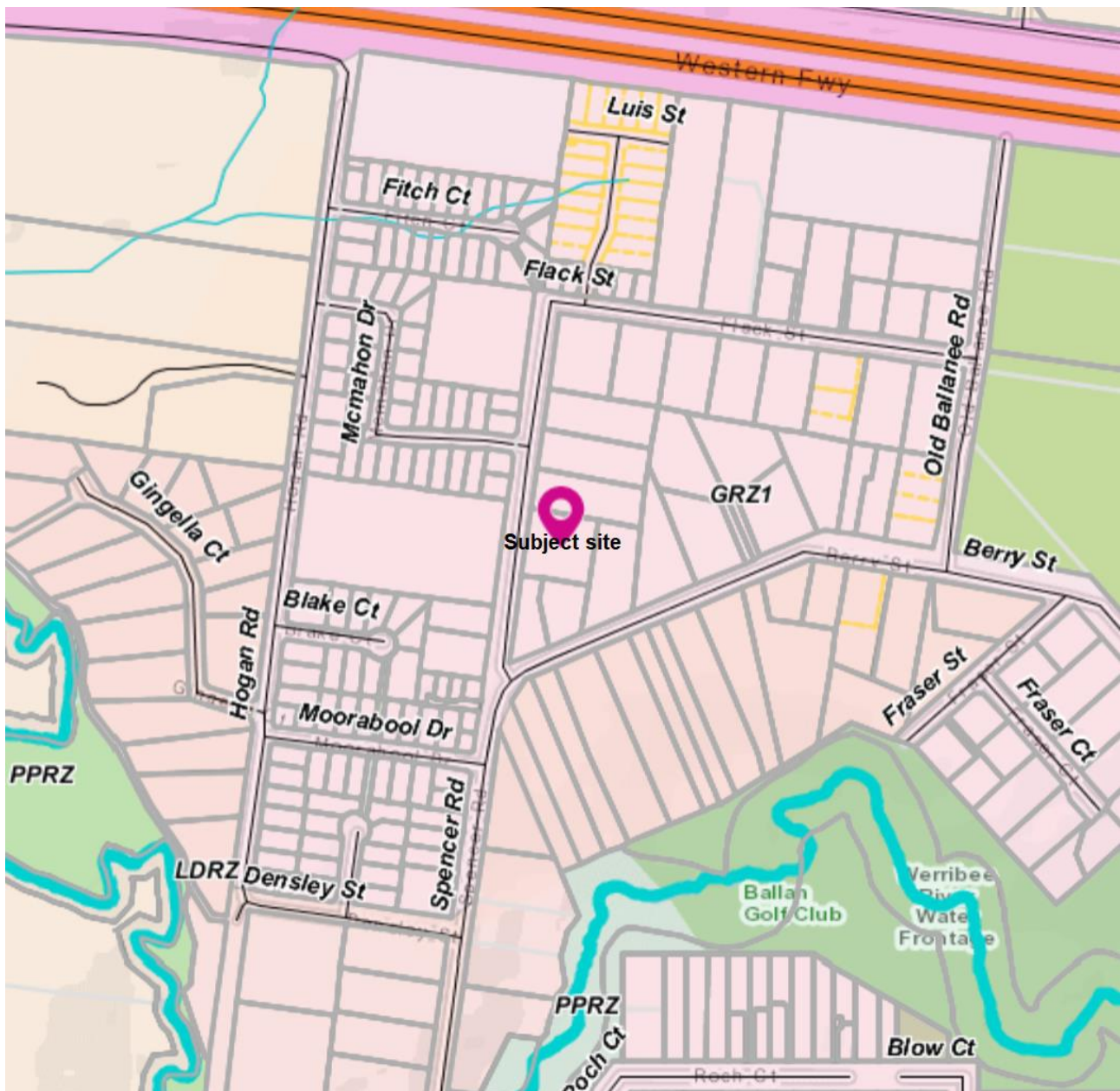
The objections received are detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirement
The lack of stormwater infrastructure in the immediate area means stormwater runoff from the subject site currently affects adjoining properties which would continue unless an appropriate drainage system is installed for the proposed development.	Clause 56.07-4.
Officer's Response: Approval of the application would be conditional on a drainage system being designed to Council requirements.	
The zoning for the site is for minimum 1400sq m lot sizes so a permit should not be granted.	Clause 32.08 and Amendment C88.

Officer's Response:	
The current zoning does not impose any minimum lot size but Council adopted Planning Scheme Amendment C88 on 2 October 2019 which would rezone the land and impose a minimum lot size requirement of 1400sq m. Relevant legislation enables Council to consider the Amendment in determining this application.	
Like unit developments in Ballan, the proposal would drastically lower the amenity and building standards in Ballan which is unwarranted, undesirable to most residents and should not be allowed.	Clause 65.
Officer's Response:	
The amenity of the area is considered in the assessment of this application.	
The proposal would result in two future dwellings on our fence line drastically changing the view and aesthetics of our yard for the worse and impacting on our privacy and living conditions.	Clause 65.
Officer's Response:	
The amenity of the area is considered in the assessment of this application.	
Concerns about the impact of two additional dwellings on the subject site's septic system.	Clauses 42.01 & 56.07-3.
Officer's Response:	
Approval of the application would be conditional on all lots being connected to sewer, to Central Highlands Water requirements.	
The proposal conflicts with Council's adopted Amendment C88 which protects the area from inappropriate development and retains the valued neighbourhood character in this part of Ballan.	Amendment C88.
Officer's Response:	
The current zoning does not impose any minimum lot size but Council adopted Planning Scheme Amendment C88 on 2 October 2019 which would rezone the land and impose a minimum lot size requirement of 1400sq m. Relevant legislation enables Council to consider the Amendment in determining this application. At the time of lodgement of the subdivision application the Amendment C88 was far advanced (seriously entertained document) and the applicant was made aware of this and that the outcome sought by this application would be inconsistent.	

LOCALITY MAP

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



Map 1: Site Context

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.

In assessing it against the relevant sections of the PPF and LPPF, the following significant non-compliances were identified:

Table 1: PPF and LPPF Assessment

PPF	Title	Response
Clause 15.01-5S	Neighbourhood character	The proposal does not respond positively to the key features of the existing or preferred neighbourhood character.
Clause 16.01-2S	Location of residential development	The proposal would facilitate residential growth in an area of Ballan where Council seeks to limit growth and encourages growth in other areas of the town with better infrastructure provision and proximity to services.
LPPF		
Clause 21.03-2	Urban Growth Management	The proposal would facilitate residential growth in an area of Ballan where Council seeks to limit growth and encourages growth in other areas of the town with better infrastructure provision and proximity to services.
Clause 21.03-4	Landscape and Neighbourhood Character	The proposal does not respond appropriately to the key features of the existing or preferred neighbourhood character.

ZONE

The subject site is in the General Residential Zone, Schedule 2 (GRZ1). The purpose of the General Residential 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. An application must meet the requirements of Clause 56.

Overall, the proposal is inconsistent with the purpose of the Zone.

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

Ballan Strategic Directions

Ballan Strategic Directions sets out objectives, strategies and actions for the long-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 D in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct D are:

- Maintain the open and spacious character through large lots that are occupied by single dwellings, wide frontages and substantial setbacks around the dwellings.
- Built form will continue to occupy a low proportion of the site and dwellings will stand in expansive grounds where openness, landscaping and vegetation will dominate.
- Development will complement and preserve the natural characteristics, including the use of muted colours and tones that blend with the existing landscape.
- Built form will generally be of a scale similar to existing development, noting that conventional residential lots in this Precinct are atypical and discouraged.
- No front fencing or otherwise low scale timber post and rail or rural wire fencing is encouraged.

To assist in achieving the above objectives, it was proposed to rezone the Precinct to the Neighbourhood Residential Zone and apply a minimum lot size of 1400sq m.

Amendment C88 to the Moorabool Planning Scheme, adopted by Council on 2 October 2019, would implement many of the Ballan Strategic Directions recommendations, in particular the rezoning of the subject site.

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, if a permit is issued, a contribution equivalent to 5% of the site value be imposed as a condition of approval.

Clause 56 Residential Subdivision

The proposal complies with ResCode (Clause 56), with the exception of the following:

Clause ResCode	Title	Response
56.03-5	Neighbourhood character	The proposal does not respond positively to the key features of the existing or preferred neighbourhood character.

DISCUSSION

Overall, the proposal is considered to be inconsistent with relevant State and local planning policy and its intent, the General Residential Zone and Clause 56 in the Moorabool Planning Scheme, and Council's adopted Planning Scheme Amendment C88.

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. However, growth must be balanced with the need for new development to respect the existing or preferred neighbourhood character and integrate with the surrounding environment.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Existing nearby development reflects the growth of Ballan over the past few decades, typified by the incremental subdivision of most land west of Spencer Road into smaller residential lots of generally 600-800sq m. Land east of Spencer Road, including the subject site, is largely unchanged since the 1980's, reflected by single dwellings on lots typically larger than 4000sq m. There is a clear distinction between the east and west sides of Spencer Road in terms of neighbourhood character, based on the variation in lot sizes.

Relevant planning policy at the State and local level requires consideration of a range of policy directions which generally seek to support the valued character of Melbourne's peri-urban settlements whilst ensuring the consolidation of growth in suitable locations to ensure no detrimental impacts to the environment or rural land uses. Local policy at Clause 21.08 of the Moorabool Planning Scheme recognizes Ballan's role in supporting residential growth as the Shire's second largest town balanced with policies which support growth in areas readily accessible to services and infrastructure and recognition of neighbourhood character. Council's adopted Amendment C88 to the Moorabool Planning Scheme strengthens existing policy by giving much clearer guidance to how growth should be managed by being directed to particular locations and discouraged in other locations.

This is reflected by rezoning some land and imposing minimum lot sizes in parts of the town, including the subject site and all surrounding land. The proposed subdivision, creating lot sizes of 1366sq m, is neither consistent with the existing neighbourhood character or the preferred neighbourhood character, as expressed in Amendment C88 which recommends rezoning and minimum lot sizes of 1400sq m. Adjoining properties on the east of Spencer Road are typified by spacious backyards enabled by the large lot sizes, providing for substantial setbacks between dwellings and space for open yards and trees. Whilst the streetscape presentation would be largely undisrupted, the proposal would create two vacant lots occupying the rear of the site, resulting in a development density inconsistent with the surrounding character. Furthermore, the property's shape and the existing dwelling's central position obstructs further subdivision of the site in a manner which would respect the neighbourhood character in terms of lot configuration and retention of the spacious backyard character of the area.

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
Melbourne Water	Consent
Central Highlands Water	Consent with conditions
Powercor	Consent with conditions
Downer Utilities	Consent with conditions
Infrastructure	Consent with conditions
Strategic Planning	Refusal

FINANCIAL IMPLICATIONS

There are no financial implications for Council in refusing the application.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The recommendation to refuse this application does not have any risk or OH&S implications for Council.

COMMUNICATIONS STRATEGY

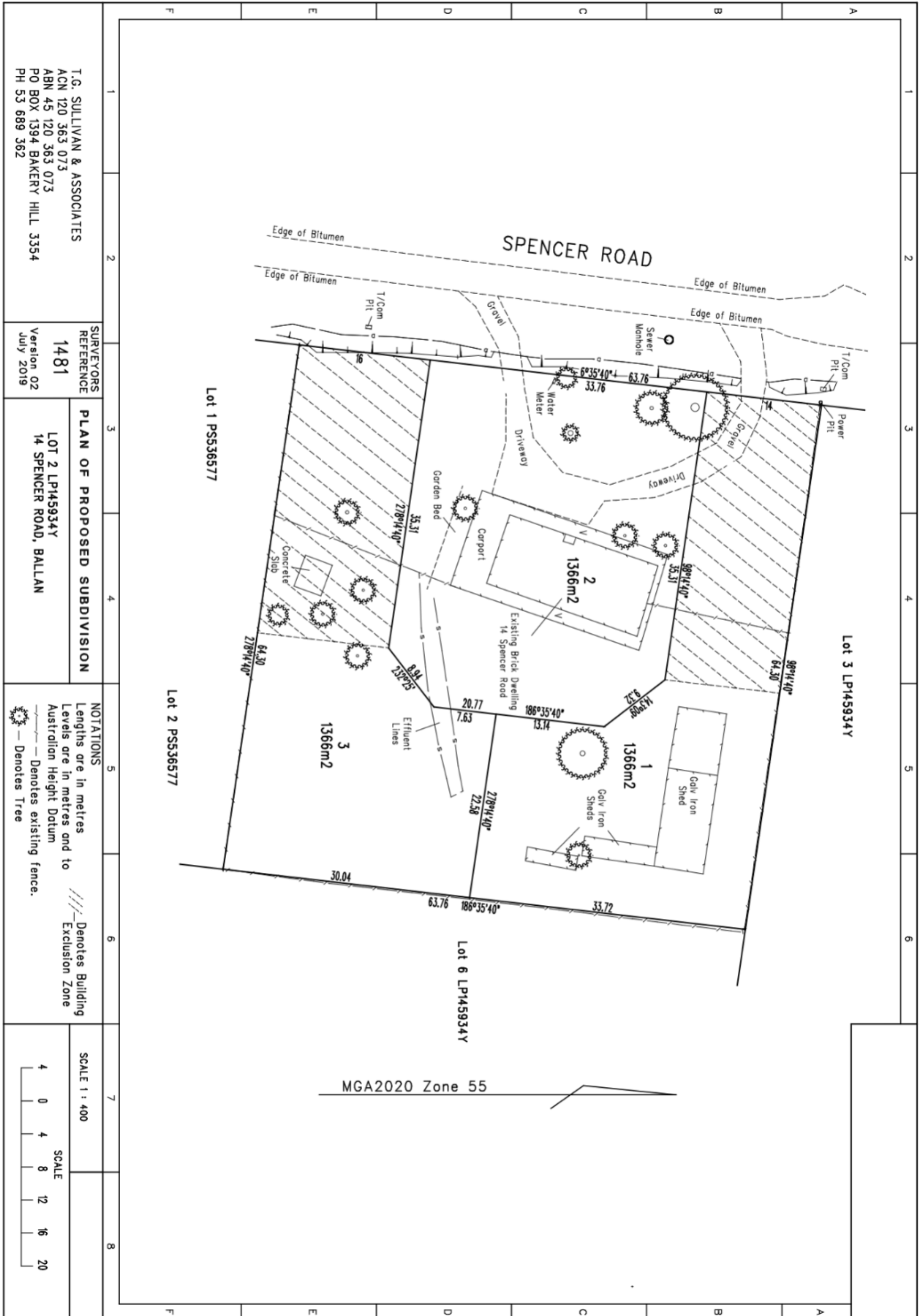
Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting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

OPTIONS

- Issue a Notice of Refusal to Grant a Permit in accordance with the grounds in the recommendation of this report;
- Issue a Notice of Refusal to Grant a Permit with amendments to the grounds in the recommendation of this report; or
- Should Council wish to support the application, issue a Notice of Decision to Grant a Permit with conditions. This option may result in the objectors appealing Council's decision at VCAT.

CONCLUSION

The proposal to subdivide the subject site into three lots of 1366sq m each is, overall, inconsistent with the existing provisions in the Moorabool Planning Scheme, particularly regarding respect for existing neighbourhood character in terms of lot layout. Furthermore, Council's adopted Planning Scheme Amendment C88 proposes rezoning the site and imposing a minimum 1400sq m lot size requirement for new subdivision. The proposal does not comply with Council's strategic intent for the site and should be refused.



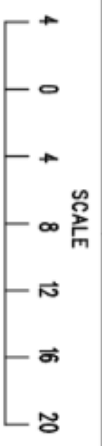
T.G. SULLIVAN & ASSOCIATES
 ACN 120 363 073
 ABN 45 120 363 073
 PO BOX 1394 BAKERY HILL 3354
 PH 53 689 362


SURVEYORS REFERENCE
 1481
 Version 02
 July 2019

PLAN OF PROPOSED SUBDIVISION
 LOT 2 LP145934Y
 14 SPENCER ROAD, BALLAN

NOTATIONS
 Lengths are in metres
 Levels are in metres and to Australian Height Datum
 --- Denotes existing fence.
 --- Denotes Tree
 --- Denotes Building Exclusion Zone

SCALE 1 : 400



7.2 PA2019100 - TWO LOT SUBDIVISION, 61 INGLISTON DRIVE, INGLISTON**Author:** Mark Lovell, Senior Statutory Planner**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**Attachments:** 1. PA2019100 - Subdivision Plan [↓](#) **APPLICATION SUMMARY****Permit No:** PA2019100.**Lodgement Date:** 29 March, 2019.**Planning Officer:** Mark Lovell**Address of the land:** Lot 2 on Plan of Subdivision LP115490. 61 Ingliston Drive, Ingliston.**Proposal:** Two lot subdivision (House excision).**Lot size:** 28.75 hectares.**Why is a permit required?** Clause 35.07-3 – Subdivide land.**RECOMMENDATION**

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Refusal to grant a permit for a two lot subdivision at Lot 2 on LP115490 otherwise known as 61 Ingliston Drive, Ingliston with the following grounds:

1. The proposed subdivision results in further fragmentation of agricultural land.
2. The proposal subdivision does not comply with Clause 22.03, House and House Lot Excisions in Rural Areas, by exceeding the maximum 2 hectares for a house lot.
3. The proposed subdivision is not directly related to the agricultural use of the land
4. The proposed subdivision does not comply with the objective of the Farming Zone, Clause 35.07 of the Moorabool Planning Scheme.

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	Two objections.
Consultation meeting:	Consultation meeting held which assisted in clarifying the proposal and alleviated to a large extent the primary concern with resident objectors which is further dwellings in the Farming Zone after the subdivision is completed.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development**Context 3A: Land Use Planning**

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 – Mark Lovell

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

EXECUTIVE SUMMARY

Application referred?	Referred to Council's Infrastructure and Council's Environmental Health.
Any issues raised in referral responses?	No.
Preliminary concerns?	The arrangement and intent of the vacant lot, Lot 1 and consistency with Clause 22.03.
Any discussions with applicant regarding concerns?	There have been a number of written correspondences and verbal discussions with the applicant.
Any changes made to the application since being lodged?	No.
Brief history.	The proposal is seeking to subdivide land to excise off a large housing lot from the remaining balance land that will be 14 hectares in area.
Previous applications for the site?	Nil.
General summary.	The proposed subdivision does create a large housing lot that exceeds the requirement of Council's local policy for a house excision.

	There is an existing covenant restricting more than one dwelling on the land and the owner has agreed for a further restriction to prevent further subdivisions, any dwelling on the vacant lot and setbacks for any future farm shed building(s) on the vacant lot. The subdivision is not designed to allow support for an existing agricultural activity and is intended to increase the sale value. The subdivision should not be supported as it does not comply with the broader objectives and the local policies of the planning scheme.
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a refusal to grant a permit for a two lot subdivision at 61 Ingliston Drive, Ingliston.	

SITE DESCRIPTION

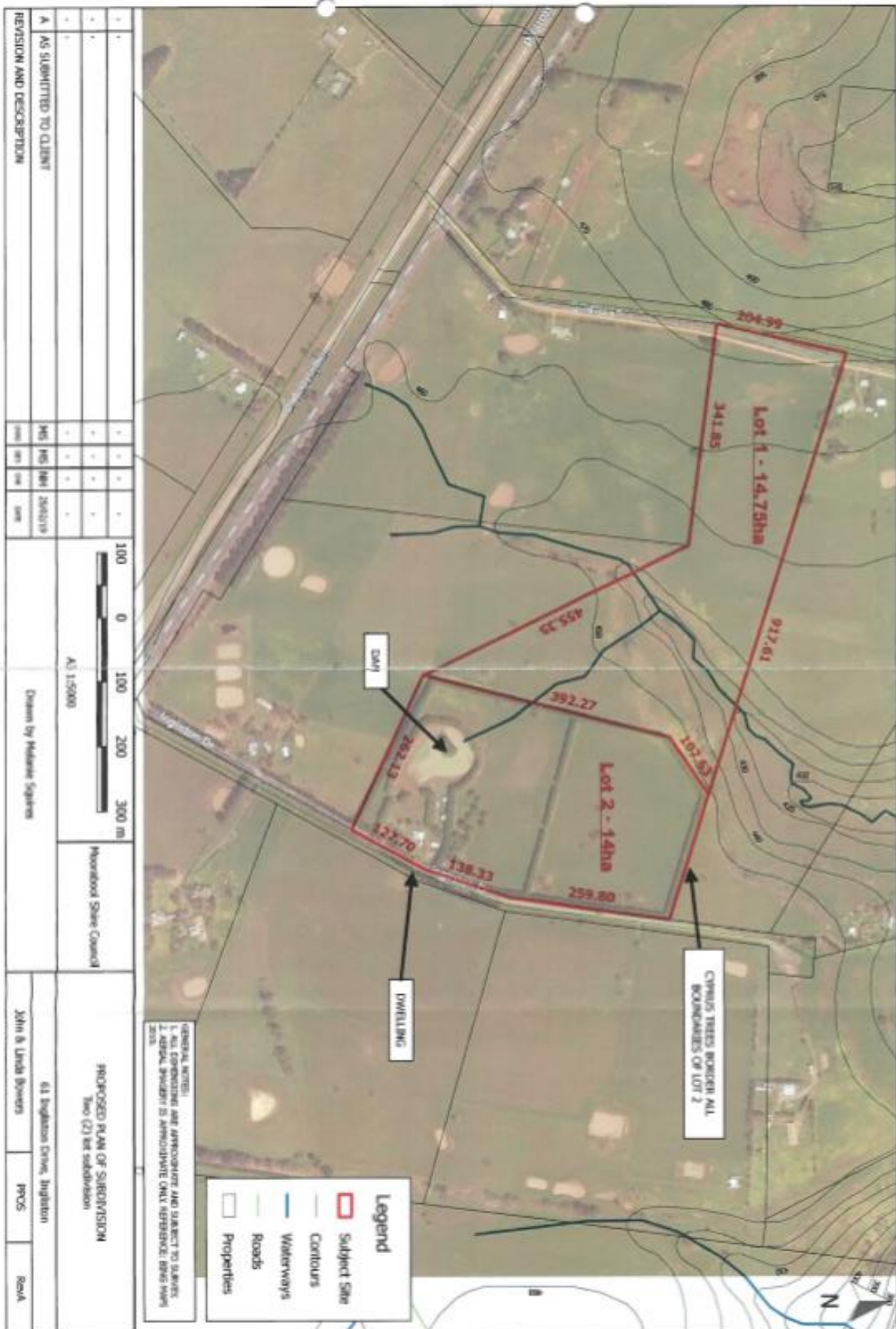
The subject site is an irregular parcel of land located on the western side of Ingliston Drive and the eastern side of Gilletts Lane, Ingliston. The lot has a total area of 28.75 hectares and there is a power supply easement that bisects the south-east corner of the Gilletts Lane frontage. There is an existing single storey detached dwelling accessing Ingliston Street and is surrounded by well-established border plantings and behind the dwelling is a large dam. The central section of land in a south to north direction has a gully and waterway which feeds into the Werribee River. The site contains sloped topography especially at the western end with a difference of 50 metres from the waterway to the western property boundary.

The surrounding area is comprised of small sized farming lots with most containing single dwellings. The small lot sizes do not support agricultural activity with most lots typically utilised as hobby farms or rural lifestyle accommodation.

Located immediately to the south is Ingliston Road which provides access to the Ballan township and is parallel to the Melbourne-Ballarat Rail line. Immediately to the west is Mount Darriwill with peak at 520 metres to Australian Height Datum.

PROPOSAL

It is proposed to subdivide the land into two lots. Lot 1 faces Gilletts Lane and is irregular in shape with a street frontage width of 204.99 metres for a total area of 14.75 hectares. Lot 1 is vacant and contains the central waterway. Lot 2 faces Ingliston Drive is rectangular in shape with a street frontage width of 525.83 metres for a total area of 14 hectares. Lot 2 contains the existing dwelling and dam.



BACKGROUND TO CURRENT PROPOSAL

HISTORY

The subject lot originated from an eight-lot subdivision undertaken in 1975 under LP115490.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
Intent to build a dwelling on the land / undermining the Farming Zone / dwellings destroy the character of the area /precedent for more dwellings	Farming Zone and existing covenant on title.
Officer's Response: During the consultation meeting, it was clarified that there will be no dwellings on the vacant lot and the intent is to sell the vacant lot. It was agreed that a Section 173 agreement could be registered on title to ensure there is no dwelling on the vacant lot and no further subdivision of the land. This primary concern of objectors was adequately addressed during the consultation meeting.	
More traffic / Gravel road condition	
Officer's Response: It is expected with one additional lot will not pose any detrimental impact with traffic flow and movement. The vacant lot will only have limited traffic movements during periods of agricultural activity.	
Land values	
Officer's Response: As previously determined by VCAT, land values are not a valid planning consideration	
Inadequate public notice/ no large sign on site.	Planning and Environment Act
Officer's Response: Evidence from objectors demonstrated that the large sign on site was not correctly displayed. The applicant was required to re-advertise and display the large notice in accordance with the Planning and Environment Act. A Statutory Declaration was received verifying the display of the sign for the full fourteen-day period.	
Fences/ Fencing costs	Fencing Act
Officer's Response: The proposal does not involve new boundary fencing with only internal fencing to separate both lots which will be paid by the current land owner of the subject land.	

LOCALITY MAP

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

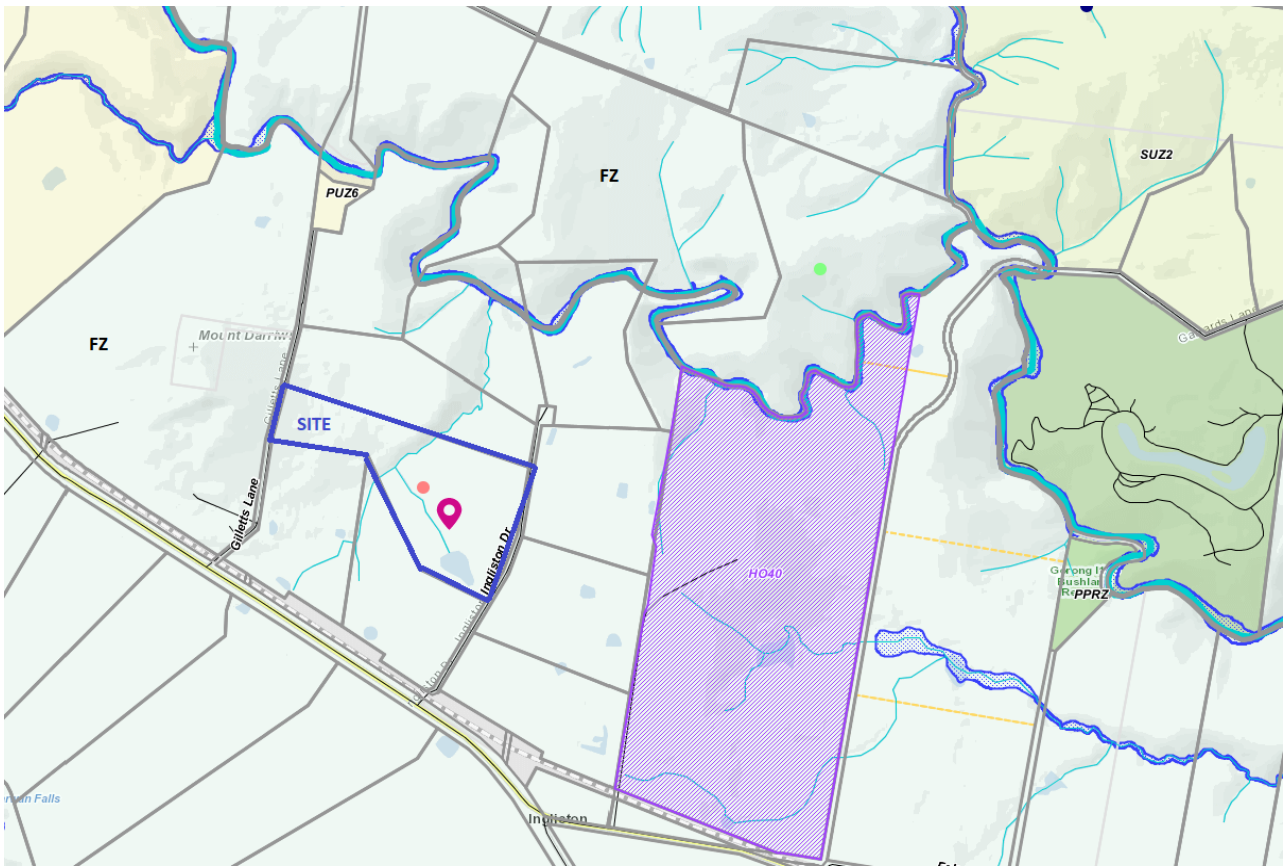


Figure 1: Zone Map



Figure 2: Aerial Photograph

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 11.03-3S Peri-Urban Areas
- Clause 11.03-5S Distinctive areas and landscapes
- Clause 12.03-1S River corridors, waterways, lakes and wetlands
- Clause 14.01-1S Protection of Agricultural Land
- Clause 14.01-2S Sustainable Agricultural Land Use
- Clause 15.01-3S Subdivision Design
- Clause 21.03-5 Objective – Rural Lifestyle Opportunities

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

PPF	Title	Response
Clause 14.01-1S	Protection of Agricultural Land	A strategy of this clause is to limit new housing development in rural areas by discouraging development of isolated small lots in the rural zone from use for dwellings or other incompatible uses. The proposal is a small lot subdivision on farming zone land with the resultant balance lot further fragmented and having limited agricultural potential.

Clause 22.03 House and House Lot Excisions in Rural Areas

The objectives of this clause

- To ensure that subdivision and dwellings in rural areas are required to increase agricultural productivity.
- To minimise the potential for adverse impacts on farm production through land use conflicts

Policy

It is policy to:

- Discourage subdivision and dwellings unless they are directly related to the agricultural use of land.

- Discourage non-agricultural use and development in areas of productive agricultural land. Encourage the consolidation of small lots.
- Ensure that lots created under Clause 35.07-3 have a maximum area of two hectares.
- Maintain the right of existing farms to continue their operations without being adversely affected or constrained by residential concerns.
- Include the following requirements on a permit to excise a lot for a dwelling where it is considered this would facilitate ongoing agricultural use of the remaining land:
 - Consolidate of the remaining land with the title of an existing farm; or
 - If the remainder land is less than 40ha, require the landowner to enter into an agreement under S173 of the Planning and Environment Act that no further applications will be made to erect a dwelling on the balance allotment.

The excised house lot exceeds 2 hectares at 14 hectares. It is considered both lots have limited agricultural potential and site and surrounds are not been used for productive agricultural uses. The remaining balance land is still too small to be used by a future owner for agricultural use. Further fragmentation of agricultural land should not be supported.

ZONE

Farming Zone

The purpose of the zone is to:

- 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 provisions.

The proposal is inconsistent with the purpose of the zone as the proposal is unable to demonstrate an outcome that will result in sustainable farming and land management practices.

Under Clause 35.07-3, a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares. A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased. The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

The proposal is a two lot subdivision with one lot containing an existing dwelling.

OVERLAYS

Design & Development Overlay Schedule 2

The land is covered by a Design & Design & Development Overlay - Schedule 2.

The purpose of the overlay is to:

- 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

A permit is not required to subdivide land under this overlay.

Relevant Policies

Council's Rural Growth Policy Statement

Council's Rural Growth Policy Statement was adopted by Council on 19 September, 2012. The document applies to all land in Farming Zone under the Moorabool Planning Scheme.

The policy states:

- Encourage dwellings in areas nominate in Map 1 of Council Rural Growth Policy Statement
- Ensure the siting of any dwellings is designed to have a minimal impact on any existing or future agricultural activities on the site and on surrounding.
- Ensure it is clear whether the dwelling is required for agricultural operation use or to maintain rural communities.
- Ensure sufficient infrastructure is available or that alternative methods are available which do not require normal infrastructure.
- Encourage development of dwellings to support communities of land which is unlikely to support agricultural land which still considering any other overlays which may impact the land. This is land which is constrained for use as agriculture by other environment factors such as vegetation, slope, soil quality, etc.
- Ensure any subdivision is undertaken in accordance with the scheme in order to discourage fragmentation of agricultural land.

The proposed subdivision is considered to further fragment agricultural land that is small in total area.

Council's Rural Housing Policy

Council's Rural Housing Policy has been developed to provide direction for how limited farming potential rural dwellings should be considered, and more broadly, rural settlement patterns. The policy seeks to articulate support for resilient and integrated rural communities and agricultural enterprises, recognising that 'State Government Planning Policy Framework does not adequately recognise or support agriculture trends and rural settlements in the Moorabool Shire'.

The principles of the policy relevant to this application include:

- Support the agriculture sector so that it can be more productive, diverse, resilient and adaptive to changing agricultural trends, including supporting agricultural activities that recognise Moorabool's advantageous proximity to market.
- Protect agricultural land use from loss and allow development that increases agricultural productivity;
- Focus growth opportunities in settlements along major transport corridors, in particular where there is physical and social infrastructure and services;
- Recognise that there is substantial existing lots under 40 hectares capable of supporting the viable operation of agricultural enterprises; and
- Promote a rural housing market that meets the needs of the Shire's rural communities
- Land parcels for the proposed on farm living dwellings are to have a minimum lot size of 8 hectares as identified in Map 1.

The proposed subdivision is not aligned with the above principles of the policy and is furthermore considered to undermine the agricultural potential of the land.

Particular Provisions

Clause 53.10 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.

An open space fee can be applied under Section 18(8)(c) of the Subdivision Act for a two lot subdivision that is likely to be further subdivided. Neither lot will be subdivided so there is no requirement for a public open space contribution.

DISCUSSION

Subdivision design

The proposed subdivision results in two irregular shaped lots reflective of the initial irregular shaped parent lot created in 1975. The two lots have the advantage of having separate street frontage access and separate water sources with the existing dwelling lot having a dam and the vacant lot having a small dam and natural waterway.

The subdivision design has been influenced by the existing internal fences and existing border plantings. The lot arrangement as demonstrated by the aerial photograph follows the planting lines.

The unusual aspect with this subdivision is the house excision lot is large at 14 hectares rather than creating a small house excision lot covering only the dwelling. The surrounding areas reflects a pattern, with exception of a couple of vacant lots, of single dwelling on parcels of land that are not been used exclusively used for agricultural production. It appears the 1975 subdivision which includes a building covenant of no more than one dwelling per lot expected the area to be used as hobby farms or providing for rural lifestyle opportunities. In consideration of the land zoned for Farming, further dwelling intensification is inappropriate in this location which does not have convenient access to services and is not designated as a township area. The remaining balance lot is still too small in total area at 14.75 hectares and does not reflect the size of a typical farming lot in the wider area. The subdivision arrangement is considered to adversely fragment the agricultural land to an unsustainable level.

Use of the vacant balance lot

The vacant lot has limited agricultural potential and does not comply with the Farming Zone provisions which seeks to encourage the retention of productive agricultural land. It is considered that due to the small size of the existing lot and the further subdivision of land will create a smaller vacant lot that will be difficult for a farmer to generate sufficient income to be viable parcel of land. The applicant has not provided a Farm Management Plan associated with this subdivision and instead the owner has been advised by his real estate agent to the sell the property as two lots rather as one lot. The subdivision has not been arranged to allow for continued agricultural production as expected by the Farming Zone provisions of the planning scheme.

Resident objectors concerns could be addressed by a Section 173 agreement to prevent future dwellings or further subdivision of land. Resident objectors concerns about the activity of a future owner of the vacant lot such as using a farm shed for accommodation without planning approval, anti social behaviour or causing nuisances to neighbours are matters that are resolved through planning enforcement, Council's Community Safety or Victoria Police.

There was also concerns that all other existing residents within the same 1975 subdivision could apply for similar house lot excisions. While each planning application needs to be assessed on its own individual merits, there would be a similar approach of preventing the fragmentation of farming land without a Farm Management Plan or a Land Management Plan and ensuring any house excision complies with the local planning policy contained at Clause 22.03.

Servicing

As this is a two lot subdivision, all servicing authorities can be notified during the certification stage in accordance with Clause 66.01 and the three mandatory conditions can be included if a permit was to issue. The mandatory telecommunication conditions under Clause 66.01-1 do not apply to subdivide land in a rural zone.

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
Infrastructure	Consent with three conditions
Environmental	Consent

FINANCIAL IMPLICATIONS

There are no financial implication with refusing of this two lot subdivision application.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

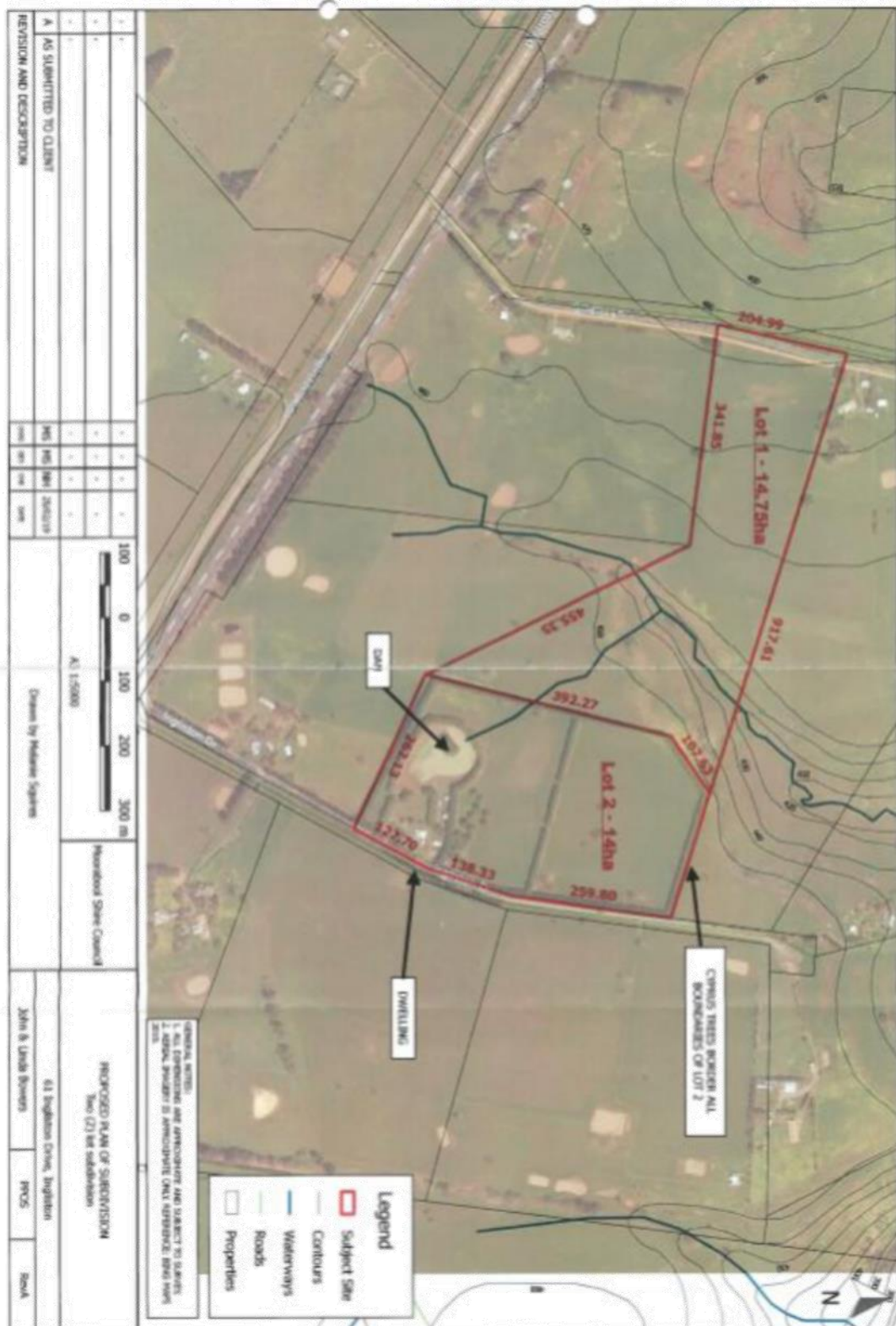
OPTIONS

Council could consider the following options:

- Issue a refusal in accordance with the recommendations of this report;
- Should Council wish to consider approving of the application and issue a Notice of Decision to grant a permit, Councillor's need to explore reasons based on the proposal complying with the Moorabool Planning Scheme.

CONCLUSION

The proposed subdivision into two lots with one containing an existing dwelling and the other to remain vacant is considered inconsistent with the planning provisions and the State and Local Planning Policy Framework. The house excision lot is larger than stipulated in Clause 22.03 and results in further fragmentation of land with the parent title having been subdivide into small lots back in 1975. While resident objector concerns could be addressed by permit conditions including a building exclusion zone for the vacant lot, the proposal do not address the fundamental concern of creating a small farming lot that will not encourage the productive agricultural use of the land. The proposal is considered inconsistent with the objectives of the Farming Zone and the proposed subdivision of land into two lots should not be supported subject to specified grounds.



7.3 PA2019182 - USE OF EXISTING SHED AS STORE, 535 BACCHUS MARSH ROAD (AVENUE OF HONOUR), BACCHUS MARSH

Author: Robert Asquith, Statutory Planner

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

Attachments: Nil

APPLICATION SUMMARY

Permit No: PA2019182

Lodgement Date: 06 July 2019

Planning Officer: Robert Asquith

Address of the land: Lot 1 on Plan of Subdivision LP067161 - 535 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh

Proposal: Use of existing shed as store

Lot size: 1.4 hectares

Why is a permit required? 35.07-1 Section 2 use of Farming Zone

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a refusal to grant a planning permit for the use of an existing shed as a store based on the following grounds:

1. The proposed use is not consistent with the purposes of the Farming Zone with regard to the use and retention of productive land for agriculture.
2. The proposed use is not consistent with the State and Local Planning Policy Framework with regard to protection of the Bacchus Marsh Irrigation District, agricultural land generally, and the Avenue of Honour as a gateway to Bacchus Marsh.

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	1
Consultation meeting:	No. The applicant did not request consultation.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development**Context 3A: Land Use Planning**

The proposal to use an existing shed as a store 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 General Manager, I have no interests to disclose in this report.

Author – Robert Asquith

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

EXECUTIVE SUMMARY

Application referred?	To Council's Strategic Planning, Infrastructure; externally to VicRoads, Heritage Victoria.
Any issues raised in referral responses?	Strategic
Preliminary concerns?	Suitability of non-agricultural use within Bacchus Marsh Irrigation District.
Any discussions with applicant regarding concerns?	No.
Any changes made to the application since being lodged?	No.
Brief history	The site contains an existing warehouse shed previously used as an agricultural store ancillary to on-site farming.
Previous applications for the site?	<ul style="list-style-type: none"> • PA2011067 Primary produce sales from warehouse. Application lapsed. • PA2006-285 Boundary realignment. Permit granted. • PA2006-332 Retail, business identification, crossover upgrade. Permit refused.

<p>General summary</p>	<p>It is proposed to use the existing shed on site for the commercial storage of vehicles, machinery, tools, and related items by external parties with 24 hour access. No development, construction, or works are proposed in this application.</p> <p>This use is defined as a <i>store</i> as per land use term definitions of Clause 73.03 and is therefore a Section 2 use requiring a planning permit under the Farming Zone Clause 35.07-1.</p>
<p>Summary Recommendation</p>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the Act, on the grounds included in this report.</p>	

SITE DESCRIPTION

The subject site is an irregular property of 8.65 hectares comprising a number of parcels of land on Bacchus Marsh Road within the Avenue of Honour. This application specifically refers to Lot 1 on LP067161 which contains the existing shed, set approximately 17 back from Bacchus Marsh Road and generally centrally within the lot. The subject lot itself comprises 1.4 hectares fronting Bacchus Marsh Road opposite Woolpack Road, while the wider property also fronts a further 230 metres of Bacchus Marsh Road and contains a rear connection to the Lederberg River. An unmade paper road connecting Bacchus Marsh Road partially bisects part of the property and adjoins Lot 1.



Figure 1 Property containing the subject site (highlighted blue) in relation to Bacchus Marsh.



Figure 2 Subject Lot 1 (outlined in blue) containing existing subject warehouse (pointed red) and paper road (marked green).

The existing shed is approximately 1115m² in area, 28m x 43m and includes separate office space. The land is flat and predominately covered by unmanaged grasses. No evidence of recent horticulture is obvious. Existing infrastructure, apart from the shed, includes gravel and dirt accesses and parking area, electricity line poles and part of an irrigation dam which spans this and the adjoining Lot in the same property.

The adjoining carriageway of Bacchus Marsh Road fronted by this land contains a number of historically significant elm trees in the Avenue of Honour. It is accessible by an existing rural standard crossover.

Notably, this land is located centrally within the Bacchus Marsh Irrigation District. Surrounding land uses, including other parcels within this property, are predominately horticultural including immediately to the east, north, and south-east opposite Bacchus Marsh Road.

PROPOSAL

It is proposed by the applicant to use the existing warehouse shed as a *store*, allowing the internal storage of goods. While it is not identified precisely who (individual or business) would be using the store and under what circumstances, it is suggested by the applicant to include commercial and rental storage space, potentially for many simultaneous users. Suggested goods to be stored include “boats, caravans, trailers and lock up facilities for tradesmen for storage of equipment and materials.”

The storage use is not proposed to be directly ancillary or related to any immediate or nearby farming, although this cannot be excluded as a future possibility.

The applicant has stated that the site is proposed to be accessible 24 hours a day.

BACKGROUND TO CURRENT PROPOSAL

While it is understood that this land parcel containing the shed has not been used for direct horticulture or farming practice for some time, its previous use as an agricultural store is readily understood as a directly ancillary to horticulture for the on-site and surrounding land.

It is believed that the shed has previously been used for a commercial hiring business in the 1990s, however no planning permit or record permitting such a use can be found.

It is noted that the property is currently listed for commercial lease as a “large factory” with “use to comply with Council requirements and be able to gain a council permit.”

HISTORY

Planning Permit No.	Permit Description	Determination	Date
PA2011067	Use of warehouse for primary produce sales (retail)	Application lapsed	03 June 2011
PA2006-332	Boundary realignment	Permit issued	18 April 2007
PA2006-285 <i>P676/2007</i>	Use and Development of Land for the purpose of Retail Premises (Rural and Trade Supplies), Business Identification Signage and Upgrade to Existing Crossover	Application approved by Council	21 February 2007
		Permit rescinded by Council during VCAT hearing	20 September 2007

VCAT Reference No.	Summary of order	Date of order
<i>P676/2007</i> <i>PA2006-285</i>	<i>Application for review withdrawn. Council gave notice of intention to rescinded permit granted 21 Feb 2007 due to introduction of C50 amendment 02 Aug 2007 which prohibited proposed use.</i>	20 June 2007

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners. Six notices were sent to adjoining and surrounding landowners/occupiers on 3 August 2019, and a sign placed on site for two weeks from 17 August 2019.

One objection was received during this period. The applicant was provided an opportunity to respond to the objection and request a consultation meeting. No response or request was made.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
The Avenue of Honour is heritage listed.	15.03-1S Heritage conservation, 21.06 Heritage, 43.01 Heritage overlay
<p>Officer's Response:</p> <p>Notwithstanding that the shed is not covered by the Heritage Overlay, the proposed land use itself does not impact the heritage value of the adjoining Avenue of Honour in regard to its historic, aesthetic, and scientific value to Victoria as recognised by Heritage Council of Victoria. Approximately 17 metres of the lot is covered by the Heritage Overlay. No works are proposed in this application within the Heritage Overlay.</p>	
Within the expectations of the community the Avenue should continue to embrace and enhance agriculture and tourism related enterprises within the precinct.	35.07 Farming Zone - purpose
<p>Officer's Response:</p> <p>Although a variety of uses other than agriculture are accommodated within the Farming Zone, it is recognised that its purposes include:</p> <ul style="list-style-type: none"> • 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 the land for agriculture <p>The substance of the objection are therefore substantiated by the provisions of the Moorabool Planning Scheme as it relates to this property.</p>	

LOCALITY MAP

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

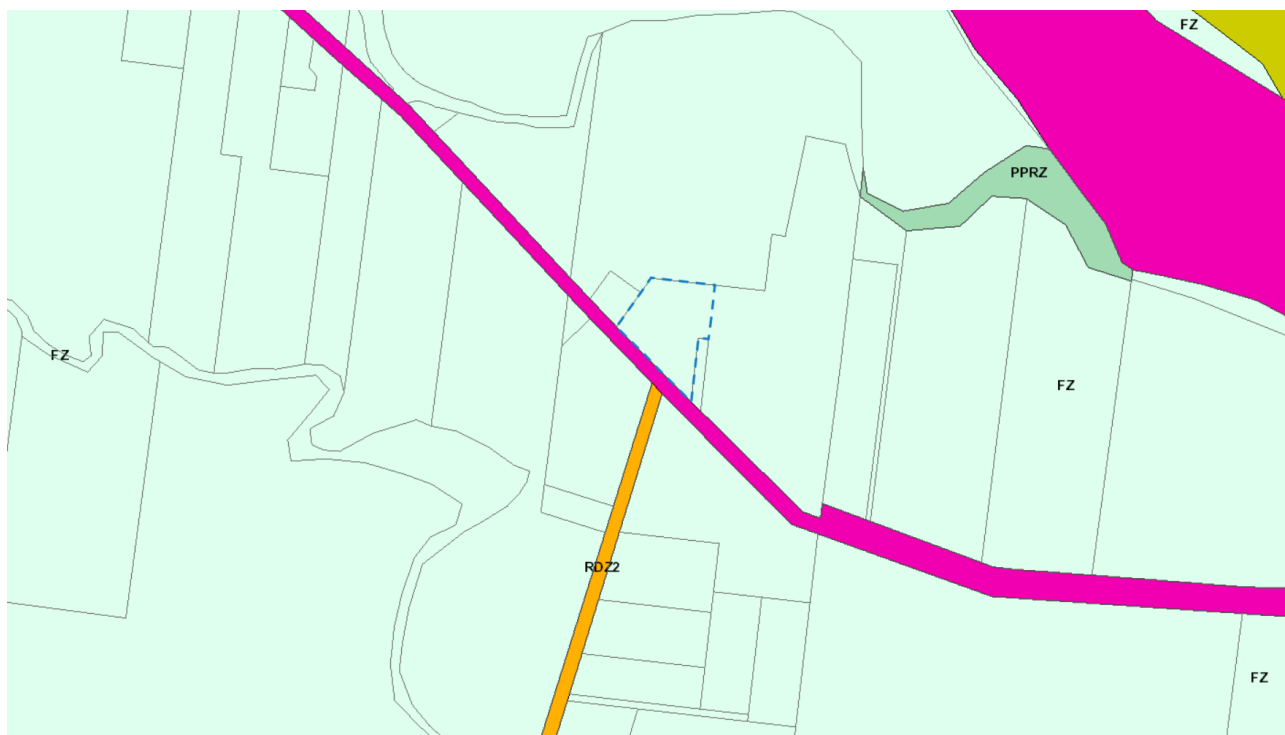


Figure 3 Zoning of the subject site and surrounds showing the predominance of farming land.

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
- 14.01-1S Protection of agricultural land
- 14.02-3S Protection of declared irrigation districts
- 21.01 Municipal context
- 21.04 Economic development & employment
- 21.07 Bacchus Marsh

The proposal does not comply with the following relevant sections of the PPF and LPPF:

Policy		Officer comments
11.03-3S Peri-urban areas		
<i>Objective</i> To manage growth in peri-urban areas to protect and enhance	<i>Strategy</i> Identify and protect areas that are strategically important for ... agriculture ...	The Bacchus Marsh Irrigation District has been recognised as a strategically important agricultural region under the Bacchus Marsh Urban Growth

their identified valued attributes.	and other natural resources.	Framework and local policies.
14.01-1S Protection of agricultural land		
<p><i>Objective</i></p> <p>To protect the state's agricultural base by preserving productive farmland.</p>	<p><i>Strategy</i></p> <p>Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.</p> <p>Protect productive farmland that is of strategic significance in the local or regional context.</p> <p>Protect strategically important agricultural and primary production land from incompatible uses.</p>	<p>The subject site is located within the recognised Bacchus marsh Irrigation District. Permitting new uses other than horticulture or those which directly support it erode to holistic value of the strategically important area and undermine Council's ability to protect it.</p>
14.02-3S Protection of declared irrigation districts		
<p><i>Objective</i></p> <p>To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989.</p>	<p><i>Strategy</i></p> <p>Protect agricultural land serviced by irrigation infrastructure to ensure the future viability of an irrigation district.</p>	<p>Although the Bacchus Marsh Irrigation District is not a declared in the Water Act, the principles of objectives are equally applicable for this locally valuable resource.</p> <p>Encroachment and use fragmentation poses a risk to future security and viability.</p>
21.04 Economic development & employment		
<p><i>Objectives—Agriculture</i></p> <p>To protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities.</p> <p>To increase productivity and investment associated with the Bacchus Marsh Irrigation District.</p>	<p><i>Strategy</i></p> <p>Maintain productive farm sizes by discouraging fragmentation of land for non-rural use and development.</p>	<p>Permitting a non-farming use on this single parcel would undermine the farming potential of the whole property.</p>
	<p><i>Strategy</i></p> <p>Require land use changes and new developments in productive agricultural areas to demonstrate that they do not impact detrimentally on existing agricultural</p>	<p>Written responses to this effect were provided in the application however are not considered to be suitable justification and demonstration.</p> <p>There is a readily understood potential for usage creep and further encroachment upon agricultural land</p>

	activities.	that may result from this proposal. In any case, the loss of land which is currently recognised to be best used as horticulture, or support thereof, detrimentally impacts existing activity by providing fewer opportunities and the risk of future constraints.
	<p><i>Strategy</i></p> <p>Ensure that incompatible land use and development does not encroach upon productive agricultural land, particularly the Bacchus Marsh Irrigation District.</p>	The proposed warehouse use, not being a rural store, is not directly compatible with agriculture. There is a risk that allowing such use gives effective indefinite permission to use valuable land in the heart of the Bacchus Marsh Irrigation District for non-farming use.
21.07 Bacchus Marsh		
<p><i>Key issues and influences</i></p> <p>The highly productive irrigated horticultural land provides a source of employment and fresh food that needs to be protected from the urban expansion of Bacchus Marsh.</p>		Suitable industrial and commercial areas service Bacchus Marsh already. There is no planning justification for allowing such urban expansion as proposed into this irrigated horticultural area.
<p><i>Objectives—Urban Design</i></p> <p>To improve the quality of urban design throughout Bacchus Marsh.</p> <p>To enhance the elements of Bacchus Marsh that contribute to the character of the town.</p> <p>To enhance the visual amenity of all key gateways to Bacchus Marsh.</p>	<p><i>Strategy</i></p> <p>Ensure a clear separation between urban development and farming activities is retained.</p>	The application proposes an urban development land use located centrally within a recognised farming area.

ZONE

Clause 35.07 Farming Zone applies to this site. A permit is required under the provisions of the zone to Section 2 use the land for a *store* (defined as a *warehouse* other than *rural store*) pursuant to clause 35.07-1 Table of uses. The purposes of the Farming Zone are listed below with officer comments.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - *Not consistent.* See previous.
- To provide for the use of land for agriculture.
 - *Not consistent.* This application proposes a land use other than agriculture.
- To encourage the retention of productive agricultural land.
 - *Not consistent.* The granting of a permit for this application would create a precedent which does not 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.
 - *Not consistent.* The proposed use would remove a well-located rural store which can support the agricultural land use from the productive Bacchus Marsh Irrigation District.
- 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.

OVERLAYS

The subject Lot 1 is directly affected by the following overlays:

- 43.02 Design and Development Overlay - Schedule 2
 - No additional works or development are proposed. The existing structure is compliant.
- 43.01 Heritage Overlay Schedule (HO47)
 - Partial coverage against southern road boundary only, not affecting shed.
- 45.01 Public Acquisition Overlay – Schedule 1
 - Partial coverage against eastern Lot boundary only.
 - Does not affecting shed and no implications

Other lots within the same property not the subject of this application are covered by the following overlays, neither of which are relevant to this application:

- 42.01 Environmental Significance Overlay – Schedule 2
- 42.01 Environmental Significance Overlay – Schedule 8

RELEVANT POLICIES

Bacchus Marsh Irrigation District Planning Study

Moorabool Shire Council has adopted the 2019/2020 Budget, as part of this budget, a new initiative from Council was approved in the form of a planning study that will be undertaken in regards to the Bacchus Marsh Irrigation District. The Planning Study will compose of a land capability assessment that determines the extent of high quality agricultural soils and

identify any land that is no longer considered to be viable farming land. The planning study is also a precondition to a number of actions defined in the Urban Growth Framework.

As of the time of writing this report, the Bacchus Marsh Irrigation District Study has commenced.

Bacchus Marsh Urban Growth Framework

The Bacchus Marsh Urban Growth Framework (UGF), which was gazetted under the C81 Planning Scheme amendment, identifies the Bacchus Marsh Irrigation District as a state significant industry and resource that makes significant employment and economic contributions to Bacchus Marsh. There are strategies that have identified both within the environment employment strategies of the UGF, these are:

- Ensure that incompatible land use and development does not encroach upon productive agricultural land, particularly the Bacchus Marsh Irrigation District.
- Ensure incompatible land use and development does not encroach on the agricultural practices of the BMID.
- Manage the interface and potential land use incompatibilities between the BMID and non-farming uses.

PARTICULAR PROVISIONS

None applicable.

- 52.29 Land adjacent to a road zone, category 1, or a public acquisition overlay for a category 1 road
 - Although the subject land abuts a Road Zone Category 1, no access alteration is proposed in this application. Clause 52.29 is therefore not applicable.

DISCUSSION

The proposal is considered to be generally inconsistent with the relevant state and local policies, Farming Zone, and key strategic documents.

The Bacchus Marsh Irrigation District (BMID) is a productive and high-value horticultural area recognised within the Bacchus Marsh Urban Growth Framework (UGF) adopted by Council on 19 September 2018 as a state-significant industry and a tourist gateway into the township of Bacchus Marsh. The UGF established numerous objectives and strategies which have been carried into local policies of the Moorabool Planning Scheme to help achieve the UGF vision, which includes that:

“The Bacchus Marsh Irrigation District is a food bowl for Victoria, and a range of other state-significant natural resources present opportunities for economic growth.”

This vision would be specifically addressed by the agriculture objectives of Clause 21.04 Economic development & employment and relate to the objectives of 21.07 Bacchus Marsh and existing state policies of 11.03-3S Peri-urban areas and 14.01-1S Protection of agricultural land. These have been outlined and discussed previously under Planning Scheme Provisions. In summary, the Moorabool Planning Scheme calls to identify and recognise the important horticultural asset of the BMID and ensure it is protected into the future through protection of existing agricultural land and irrigation infrastructure, discouraging encroachment of non-farming use, and encouraging productivity increases of the BMID.

Additionally, it is noted that the purposes of the Farming Zone include:

- 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.

Although the applicant has identified that the proposal will allow for a new use of infrastructure which is presently not fully utilised—which in many other contexts would have great merit—it has not been demonstrated that the identified protection strategies and purpose of the zone will be adequately provided for. The use of this land located centrally within the BMID, for non-farming uses necessarily results in a loss of agricultural land. The key consideration here is the fact that the shed in question has previously been an agricultural store and is located centrally within the land parcel. The former use contributed to and benefitted those surrounding farms which accessed it. Allowing a new use raises concerns of the possibility of this original use never returning and thereby permanently removing the shed and surrounding land from the valuable BMID stock.

State and local policies identify irrigation and farming land protection through measures such as discouraging fragmentation and land use incompatibility and maintaining separation between urban and farming development. Additionally, agricultural land protection is also called for in Plan Melbourne under policy 1.4.1. This proposal jeopardises Council's ability to protect the BMID by allowing an urban-style use amongst existing farms and permitting and giving rise to usage creep.

As to the question of the specifically proposed use, there are sites of similar opportunities located equally accessibly to Bacchus Marsh which are not in prime horticulture and irrigation areas. Storage as proposed is encouraged in Council policy to be directed towards existing commercial and industrial areas such as Main Street (21.04-3 Objectives—Commercial) and Maddingley (21.04-4 Objectives—Industry).

Furthermore, although this application only proposes a change in land use, it is reasonable to expect that, should the use be permitted, additional development and works may be forthcoming including access and potentially signage. Such works may be necessarily ancillary to the permitted use yet be subject to additional constraints such as access to the Bacchus Marsh Road Zone and across the Avenue of Honour heritage place. Such necessary works may further detriment the BMID horticultural value, and certainly impact the Avenue of Honour as a recognised gateway to Bacchus Marsh and promotion of farming and tourism.

Referrals

This application was referred to Council's Strategic and Sustainable Development (SSD) department which objected to the proposal on the grounds as follows. The response and concerns from SSD is considered valid, grounded, and well-considered.

"It is crucial that the agricultural integrity of the BMID is protected, due to its State-significance and its important role in delivering the vision of the UGF. There is a risk that the agricultural integrity of the BMID could be undermined by allowing land uses which do not support or enhance agricultural production."

- 1) *The proposed storage use will not support or enhance agricultural production within the State significant Bacchus Marsh Irrigation District.*
- 2) *The proposed storage use is not compatible with adjoining and nearby agricultural land uses.*

3) *The shed is substantial in size and offers potential for other uses that are related to agriculture.*

4) *The proposed storage use should be located on industrial zoned land.*

This application was referred to Heritage Victoria for comments on land use change within and adjoining the Avenue of Honour. While no object was received, the following comment was made:

“Any building, new parking infrastructure or additional crossovers within the land included on the Victorian Heritage Register would be subject to a permit from Heritage Victoria and is unlikely to be supported.”

Referral was also made to VicRoads as the responsible authority of Bacchus Marsh Road. Whilst VicRoads did not object to the proposal, the following condition was recommended:

“The crossovers and driveways are to be upgraded to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.”

Clearly, there is a conflict between the recommendations of VicRoads and the stated position of Heritage Victoria. Although no such works are proposed, this will be a future consideration between agencies should the proposed use be permitted.

Objections

One objection was also received during the public notice period. The substance of the objection included that the Avenue of Honour and farming land around has an established character of horticulture and tourism which would be detrimentally impacted by a non-farming use such as proposed. The objection is considered reasonable and identifies concerns already noted in this report in accordance with local policies.

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	No comment.
VicRoads	No objection.
Heritage Victoria	No objection. See <i>Referrals</i> previously.
Infrastructure	Consent with conditions.
Strategic Planning	Objection. See <i>Referrals</i> previously.

FINANCIAL IMPLICATIONS

There are no perceived financial implications.

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 refusal to grant a permit in accordance with the recommendations of this report; or
- Issue a permit with conditions outside of the recommendations of this report; or
- If Council wishes to consider the approval of a permit, a sunset clause on the longevity of the proposed use is recommended to prevent long-term and sustained non-preferred use in the BMID.

CONCLUSION

The proposed use of an existing shed on the land of Lot 1 on PS067161 at 535 Bacchus Marsh Road (Avenue of Honour) is not consistent with State and local planning policies, is not provided for in the purpose of the Farming Zone and raises several concerns with consideration of the decision guidelines of Clause 65.01 of the Moorabool Planning Scheme. This proposal would jeopardise Council's ability to protect the valuable Bacchus Marsh Irrigation District for future and continued horticulture and the Avenue of Honour's place as a significant gateway to Bacchus Marsh.

An alternative option than what is recommended by this report would set a precedent of non-farming use being permitted and encouraged within the BMID. It may lead to land use conversion and creep on this or other sites. It may also position Council to be encouraged to allow additional works or development associated with this shed being used a store which may further impact the Avenue of Honour and is a known point of conflict between the would-be determining referral authorities Heritage Victoria and VicRoads.

Additionally, this land has a known history of applications for non-farming use which, on at least one occasion, resulted in a VCAT application for review against Council. An alternative to the recommendation here may create a similar situation.

A permit is not recommended for the reasons outlined above.

7.4 PA2018228 - 7 ROSS STREET, DARLEY - DEVELOPMENT OF 3 DWELLINGS**Author:** Victoria Mack, Statutory Planner**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**Attachments:** 1. PA2018228 Development plans  **APPLICATION SUMMARY****Permit No:** PA2018228**Lodgement Date:** 12 September 2018**Planning Officer:** Victoria Mack**Address of the land:** 7 Ross Street, Darley**Proposal:** Development of 3 dwellings**Lot size:** 725sqm**Why is a permit required?** Development of 2 or more dwellings on a lot in the General Residential Zone**RECOMMENDATION**

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Refusal to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, for the development of 3 dwellings at 7 Ross Street, Darley on the following grounds:

1. The application does not accord with the preferred Neighbour Character of Precinct 12 of the Bacchus Marsh Housing Strategy.
2. The application does not comprehensively accord with all of the objectives of Rescode.
3. Permeability of the site is 10% well below the minimum required of 20%.
4. The double storey form extends to the rear of the lot creating excessive visual bulk and massing when viewed from the secluded private open space of adjacent properties.
5. The egress from Unit 3 car space does not allow for safe and convenient vehicle movement.
6. The application is considered an overdevelopment of the site in this location.

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	1
Notice in Moorabool Newspaper:	No
Number of objections:	3

Consultation meeting:	Yes, 8 August 2019
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POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 2A: Built Environment

The proposal to develop 3 dwellings on the site 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?	Council's Infrastructure Department.
Any issues raised in referral responses?	No.
Preliminary concerns?	Plans submitted did not comply with Rescode. Appeared an overdevelopment of the site.
Any discussions with applicant regarding concerns?	An extensive Request for Further Information was sent to the applicant.
Any changes made to the application since being lodged?	Amended plans were received by Council on 20 December 2018. The plans did not address all of the requested information. Further amendment to the plans included reducing Dwelling 3 from 3 bedrooms to 2 bedrooms thereby reducing the car space requirement to 1 car space. The turning templates for the accessway did not satisfy the requirement for common property to be functional and capable of efficient management. Amendments to the plans continued until plans suitable for advertising were received on 6 May 2019.

	<p>Advertising commenced on 24 May 2019 and three objections were received. Further errors in the garden area plan were corrected on 4 June 2019.</p> <p>In all, six sets of plans were provided across the assessment process to correct and clarify layout and other matters.</p>
Brief history.	The owner has advised that the dwellings are to be constructed for his extended family.
Previous applications for the site?	Three permits have been issued on the subject site since 2010 including for: a 3-dwelling development; a 2-dwelling development; and a two-lot subdivision. None of these have progressed. They are detailed further in this report.
General summary	<p>The application is for three double storey dwellings on a lot with an area of 725 sqm with a frontage width of 17m. Dwellings 1 and 2 would have 4 bedrooms each, with one relatively small living area. Dwelling 3 would have two bedrooms and two living spaces one on the ground floor and the other on the upper floor.</p> <p>The development has failed to meet a number of Rescode objectives and standards.</p> <p>It is considered that the design response (considering the slope of the site) and density of the development on this site (less than 10% permeable site area) does not contribute to the existing or preferred neighbourhood character of this precinct.</p> <p>The common property accessway is not designed to be functional and the movement of vehicles in this shared area would be congested.</p> <p>Objectors are concerned that this multi-unit development will exacerbate already congested on-street parking in Ross Street.</p> <p>On balance it is considered that the proposal is an overdevelopment of the site in this area of Ross Street.</p>
Summary Recommendation	
That Council, having considered all matters as prescribed by the <i>Planning and Environment Act 1987</i> , issues a Notice of Refusal to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, for the development of 3 dwellings at 7 Ross Street, Darley.	

SITE DESCRIPTION

The site has an area of 725sqm and is rectangular in shape. It has a width of 17m and length of 42.65m and is located on the west side of Ross Street. There is downward slope of approximately 7.5 metres from the north-east corner to the south-east corner.

Below is an aerial map of the site:



There is little or no vegetation on the site except for pasture grass and some small shrubs.

The surrounding area including both Ross and Fredrick Streets contains a number of double and single storey medium density developments.

The land on the southern boundary contains 9 one-bedroom dwellings. The land to the north of the site, which is a slightly larger allotment than the subject site has two double storey dwellings and one single storey dwelling at the rear. Immediately opposite the site across Ross Street to the east there are 4 double-storey dwellings.

In recent years the Ross and Fredrick Street precinct has seen a range of medium density developments completed with multiple medium density developments across the site. However, there are also a number of similar sized lots with a single dwelling and also a number of vacant lots. Some of these have development permits which have not yet been acted on.

The land is located approximately 90m north of Holts Lane and 560m west of the intersection of Holts Lane with Halletts Way where there is access to a bus service that regularly provides public transport access to the Darley and Bacchus March services and the railway station.

The land is within Moorabool 2041's Neighbourhood character precinct 12.

PROPOSAL

The application is to construct three double-storey dwellings on the site. A summary of the proposal is detailed below:

	Dwelling 1	Dwelling 2	Dwelling 3
Bedrooms	4, including one named "guest" on the ground floor	4, including one named "guest" on the ground floor	2 on the upper floor with the proposed third bedroom converted into a "retreat".
Car spaces	2	2	1
Private open space	87.14sqm	49.34sqm	78.6sqm
Secluded private open space of at least 25sqm	Complies	Complies	Complies
Total floor area including ground and upper floors, porch and garage	165.37sqm	169.05sqm	159.84sqm

The dwellings would be constructed with brick wall cladding on the ground floor and with rendering to the upper facades. They would have aluminium windows and sliding doors and concrete tiled roofing.

A common property driveway would be located on the south side of the development.

The permeability of the site would be 10%.

BACKGROUND TO CURRENT PROPOSAL

BACKGROUND

The original proposal did not satisfy a number of Rescode objectives and standards. Since it was lodged with Council the plans have been amended 5 times to address Rescode requirements and provide consistent plans.

The original proposal consisted of 2 x 4-bedroom dwellings and 1 x 3-bedroom dwelling with a common property access along the southern side of the development. Dwelling 1 would have access from Ross Street to a 2-car space garage. Dwellings 2 and 3 each required 2 car spaces (a total of 4 car spaces) accessed via a common property driveway.

- In accordance with Clause 52.06-9 where an accessway serves 4 or more car spaces the accessway must be designed so that cars can exist the site in a forward direction. The original layout did not allow vehicles to exit readily in a forward direction and the turning templates provided were not adequate.
- After discussion with the applicant 1 bedroom was removed from Dwelling 3 which was converted to a space labelled "retreat".

Other issues identified in the original plans as being required included that:

- The plan did not show natural ground levels, which is of specific importance on a sloping site.

- The Planning Report stated that 10% of the site contained permeable surfaces. This appeared to be incorrect, and the applicant was asked to check it, but the final Planning Report received did not alter a 10% permeability.
- Some upper and lower floor windows needed to be treated with obscure glazing or made highlight windows to avoid overlooking neighbouring private open space and to meet Rescode Standard B15 in relation to shared accessways. In some instances, windows were simply removed.
- Key features and elements were not shown on plan, e.g. bin and recycling enclosures, etc.
- Plans were inaccurate, e.g. elevation plans were incorrectly labelled, etc.

HISTORY

The site has been the subject of the following applications:

- PA2010091 being for the Development and Use of Three (3) Dwellings which was issued on 06/08/2010 under delegated authority.
- PA2013281 being for the Development of Two (2) Dwellings which was issued on 14/03/2014 under delegated authority.
- PA2015023 being for a Two lot subdivision which was issued on 22/09/2015 by delegated authority.

None of these permits have been acted on. A search of Council records shows that there have been no other relevant actions on the site.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners and 3 objections were received.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
Two storey dwellings will impact on our easterly view over Bacchus Marsh.	
Officer's Response: The impact of a future development on neighbouring views is not a planning consideration in the Moorabool Planning Scheme.	
Visitor on-street parking demand will add to the already congested parking situation in Ross Street and surrounding streets due to the large number of units already constructed in the immediate area and more in the pipeline.	Requirement under ResCode and Clause 52.06-5, Table 1, of the Moorabool Planning Scheme (car parking).
Officer's Response: The application has met the required number of car spaces on the site for the development being: 2 car spaces for dwellings 1 and 2 (three or more bedrooms) and 1 car space for dwelling 3 (two bedrooms).	

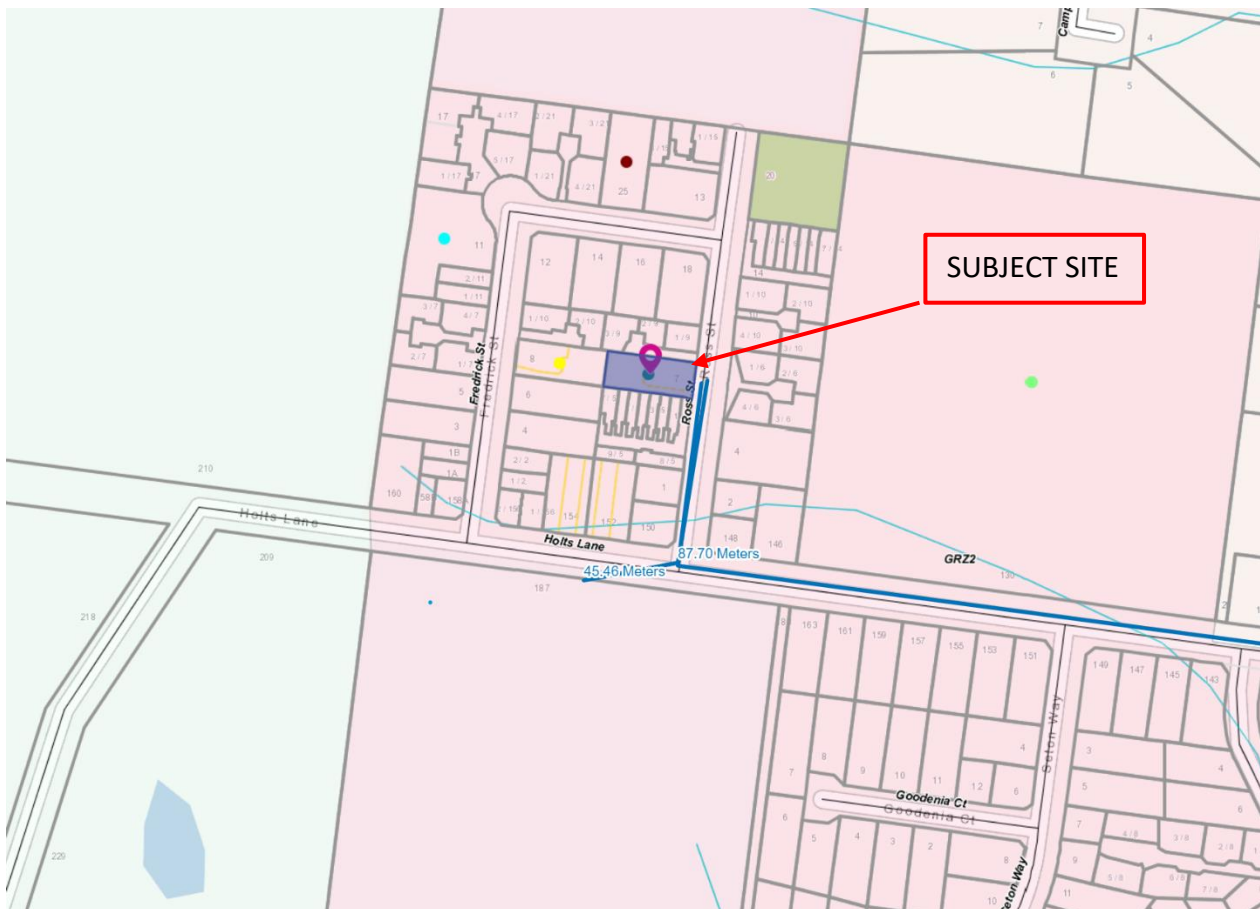
West and south side windows need to be removed or have obscure glazing to prevent overlooking the private open space on neighbouring properties	Requirement under ResCode
Officer's Response: The applicant has adjusted all windows but one in the development by either using obscure glazing or highlight windows; or the removal of some windows altogether.	
Overshadowing of garden for part of the day reducing eastern sunlight.	Requirement under ResCode
Officer's Response: The overshadowing only covers a small section of the west side property as shown on the 9am shadow diagram. Over a day it meets the standard.	
The plans contain a glaring number of inconsistencies.	
Officer's Response: The applicant was asked to correct plans on several occasions to ensure consistency across the suite of drawings. Plans were finally submitted on 4 June 2019 (after advertising) which addressed errors in previous plans.	
The car parking demand in Ross Street has not been well planned which leads to unacceptable congestion in the street. Council has not made adequate provision for car parking in an area which has limited access to public transport leaving residents reliant on motor vehicles. Also, there are no footpaths in Ross Street and poor footpaths in Holts Lane which makes walking safely to public transport more difficult.	Infrastructure Design Manual
Officer's Response: There are footpaths at the eastern end of Holts Lane, but none in Ross Street.	
I live at 3/9 Ross Street and I am very concerned that my privacy will be compromised particularly by the proposed rear entrances of units 2 and 3, with their outdoor areas potentially impacting directly onto my privacy due to the topography of the land.	Requirement under ResCode
Officer's Response: The development will be cut into the landscape and retaining walls and fencing would be constructed on the north side of the development. It is not it is considered that the privacy of the resident of 3/9 Ross Street would be impacted. The applicant has also stated that trellis fencing would be installed for additional screening if required.	
There are approximately 83 residents on 15 building lots in Ross Street with additional developments approved along the street. The narrow street creates traffic flow issues. This impacts on Council waste collection and potentially on emergency vehicles if needed	Requirement under ResCode

to access the site when all the new and proposed developments are constructed.

Officer's Response: Ross Street can experience traffic congestion when vehicles are parked on each side of the street and on the nature strips in the evenings. At other times of the day when residents are at work the street is not congested. The application was referred to Council's Infrastructure Department which stated that there was enough street space available for bin storage.

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
- 11.03-2S Growth areas
- 15.01-1S Urban design
- 15.01-5S Neighbourhood character

- 16.01-1S Integrated housing
- 16.01-2S Location of residential development
- 16.01-3S Housing diversity
- 21.03-2 Urban Growth Management
- 21.03-3 Residential Development
- 21.03-4 Landscape and Neighbourhood Character
- 21.07 Bacchus Marsh

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

PPF	Title	Response
Clause 15.01-5S	Neighbourhood character	<p>Objective: to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies are to ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.</p> <p>The proposal is considered a poor design response, which results in a poor overall development outcome for the site. The development must be appropriate and well designed for an infill development. It is considered that the layout, density and design, does not meet the preferred neighbourhood character of the precinct in this location. The bulk and scale of the proposed double storey 3 dwelling development is not in accord with the preferred Neighbourhood Character for Precinct 12 which is detailed further in the discussion section of this report</p>
LPPF	Title	Response
21.03-4	Objective—Landscape and neighbourhood character	<p>The objective of this policy is to ensure new development in all zones respects the existing character, landscape setting and amenity of the local area. The introduction of Housing Bacchus Marsh 2041's Neighbourhood character precincts has given additional tools going forward to ensure new development accords with the preferred neighbourhood character identified in all Bacchus Marsh and Darley precincts. This is discussed further in this report.</p>

ZONE

General Residential Zone, Schedule 1 - General Residential Areas

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.

Schedule 1 of the General Residential Zone does not vary any of the Clause 55 requirements.

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

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 12 of the Settlement Framework Plan, identified as a 'Natural Residential Growth Area', which "applies to residential land that has been identified for natural change over time. Appropriate well designed, infill development, including multi-unit developments that complement the preferred character of the area, while providing for a variety of housing options will be encouraged in suitable locations".

The Existing Character statement for Precinct 12 is as follows:

This precinct is a unique to Darley and is characterised by attached and semi-detached multi-unit and town house developments that range in contemporary single and double storey built form. The precinct has a modified grid street layout with a one sided footpath network. The precinct has limited accessibility with all access from Holts Lane. The streetscape is neat, with minimal street tree plantings.

Dwellings are generally constructed of brick with Colorbond or tiled roofs with integrated double or single garaging as part of the dwelling being the norm.

Front fences are non-existent and minimal front gardens exist, which is often due to the high built form site coverage within the lots and small front and side setbacks. The northern and eastern sections of this precinct are yet to be developed.

The Preferred Neighbourhood Character for Precinct 12 can be summarised as follows as it relates to this application:

The part of the precinct that has already been developed has minimal opportunities for further intensification.

New development should create a streetscape rhythm of detached dwellings with conventional front and side setbacks.

Built form to one boundary may be appropriate where the preferred and emerging character of the precinct is not compromised.

Boundary to boundary development should be avoided.

Built form will be of a modest scale, however innovative and unique built form, that enhance the precinct will be encouraged.

Open front gardens will blend into the public realm, with minimal front fencing. Built form will not dominate the lot which will allow for generous private open space and garden plantings.

Ensuring new canopy tree plantings are included as part of new subdivision design will be vital to assist in developing the urban character of the precinct and allowing for a balance between open space and built form to be achieved.

PARTICULAR PROVISIONS

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being 2 spaces for each three or more bedroom dwelling (dwelling 1 and 2) and 1 space for the 2-bedroom dwelling 3. The car spaces are provided within the garages.

Clause 52.06-9 states that: *If the accessway serves four or more car spaces ... the accessway must be designed so that cars can exit the site in a forward direction.*

As the access way would only serve 3 car spaces it is not a requirement that the cars can exist in a forward direction.

However, the ability of cars to manoeuvre within the site is very tight. The car for dwelling 3 will likely have to reverse for the full length of the driveway. If cars associated with dwelling 2 were to park outside their garage it would mean that the car associated with dwelling 3 would have difficulty exiting their property. This could be addressed if the land was subdivided by including this space as common property.

The proposed crossovers and accessway width meet the minimum requirements of 3m.

Clause 55 Two or More Dwellings on a Lot

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

The proposal complies with the objectives and standards of Rescode (Clause 55) except for the following:

Clause ResCode	Title	Response
Clause 55.03-4 Standard B9	Permeability	Original Planning Report stated the permeability was 10%. This was questioned in the further information request. However, it has not been amended. The requirement is for 20% permeability of the site and it does not meet this standard.
55.03-5 Standard B10	Energy efficiency objectives	The use of highlight windows and obscure glazing on nearly all of the windows of the upper floors has reduced the amount of solar efficiency afforded to the development. The small living areas do have northerly orientation but limited glazing to these areas. Dwelling 1 only has windows on the east side of the upper floor. The solar access that is afforded to the development is restricted and it does not meet the objective.
55.03-7 Standard B12	Safety objective	The entrance porch of dwelling 3 is recessed and obscured and does not meet this standard. The entrance porch for dwelling 2 is partly obscured.
55.05-2 Standard B26	Dwelling entry objective	The entrance porch of dwelling 3 is recessed and obscured and does not meet this standard. The entrance porch for dwelling 2 is partly obscured. The development does not meet the objective.
Clause 55.061 Standard B31	Detailed design objective	The objective is to encourage design detail that respects the existing or preferred neighbourhood character. The current layout includes the façade of dwelling 1 behind which is elongated flat roofed area being part of dwelling 1's living and kitchen area and part of dwelling 2's garage. Then dwelling 2 and 3 are further back up the lot lacking many of the design and façade details contained in Dwelling 1. The proposal appears to lack a consistent and integrated design approach.
55.06-3 Standard B33	Common property objectives	Common property, where provided, should be functional and capable of efficient management. The proposal does not meet this requirement.

DISCUSSION

The application is for three dwellings.

The application commenced with plans that needed considerable amendment. During the assessment of the application 5 additional sets of plans were provided to correct anomalies, inconsistencies and other matters.

The proposal fails to meet a number of the objectives and standards contained in Rescode at Clause 55 of the Moorabool Planning Scheme as listed above.

Of concern is the common property driveway serving dwellings 2 and 3 is not functional and capable of efficient management nor does it allow for anything but minimal garden plantings along the access way.

The entrance and sense of address for dwelling 3 is obscured from view along the access way and the entrance for dwelling 2 is partly obscured. Lighting along the access has been provided but does not overcome that the rear dwelling entrance is not visible from the street.

The permeability is recorded as being 10%. While this number appears to be incorrect, it has not been corrected in the planning report and does not meet the standard.

Solar efficiency could be improved with a better design and it is noted that the living areas particularly in dwellings 1 and 2 are very small for 4 bedroom dwellings.

During the assessment process the applicant removed one bedroom from dwelling 3 thereby removing the need for a second car space. This bedroom was replaced with a 'retreat' and while compliant it is an awkward space.

The objectors to the application were concerned that the proposal would place an additional burden on vehicle movements in the street and on-street parking for all residents in this location. It is noted that dwellings 1 and 2 both have 4 bedrooms. This may result in additional cars being owned by each household greater than the two spaces provided which will result in increased on-street parking demand.

It is considered that the layout, density and design, with an inconsistent built form, does not meet the preferred neighbourhood character of the precinct in this location.

A review of the Housing Bacchus Marsh to 2041 strategy's Neighbourhood Character brochures reveals that the subject site is within Precinct 12 which gives additional weight to assessment of the preferred neighbourhood character of new developments in this precinct, compared to when many of the existing Ross and Fredrick Street developments were previously approved. The relevant sections of the preferred neighbourhood character in Precinct 12 are that:

- *New development should create a streetscape rhythm of detached dwellings with conventional front and side setbacks.*
- *Built form to one boundary may be appropriate where the preferred and emerging character of the precinct is not compromised.*
- *Boundary to boundary development should be avoided.*

The development generally meets the above criteria.

- *Built form will be of a modest scale, however innovative and unique built form, that enhance the precinct will be encouraged.*

The development is not of modest scale nor does it present an innovative and unique built form.

- *Open front gardens will blend into the public realm, with minimal front fencing. Built form will not dominate the lot which will allow for generous private open space and garden plantings.*

The proposal does dominate the site and does not allow for generous garden plantings or canopy trees.

It is considered that the development generally does not accord with the Preferred Neighbourhood Character for Precinct 12. While it could be argued that the proposal is 'more of the same' in this area, the objective is not to repeat poor design outcomes, but rather encourage better well designed development that provides for a high level of amenity for residents. It is not considered that this proposal meets this objective.

It is noted that there are 3 dwellings on the north side boundary at 9 Ross Street, however, they are on a slightly larger lot of 770sqm, and the rear dwelling is single storey.

On the south side of the site are 9 one-bedroom dwellings which may not have received support if they were lodged today.

It is considered that the design response (including excessive bulk and scale) results in the proposed three (3) double storey townhouses on this site of 725sqm being an overdevelopment that would not afford a reasonable standard of amenity for future residents.

A number of the Rescode non compliances cannot be addressed through conditions without triggering a complete re-design.

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
Infrastructure	Consent with conditions

FINANCIAL IMPLICATIONS

It is thought that the recommendation of refusal does not represent any financial risk or 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 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:

1. Issue a refusal to the planning permit in accordance with the recommendations of this report;
2. Should Council wish to consider an approval of the application, Councillor's need to explore reasons based on the proposal complying with the Moorabool Planning Scheme, policies and consider the potential to create a precedent.

CONCLUSION

It is not considered that this application meets the requirements for orderly planning. The layout is overly compact for the site with car parking and vehicle movement to the garages of dwellings 2 and 3 being unacceptably tight.

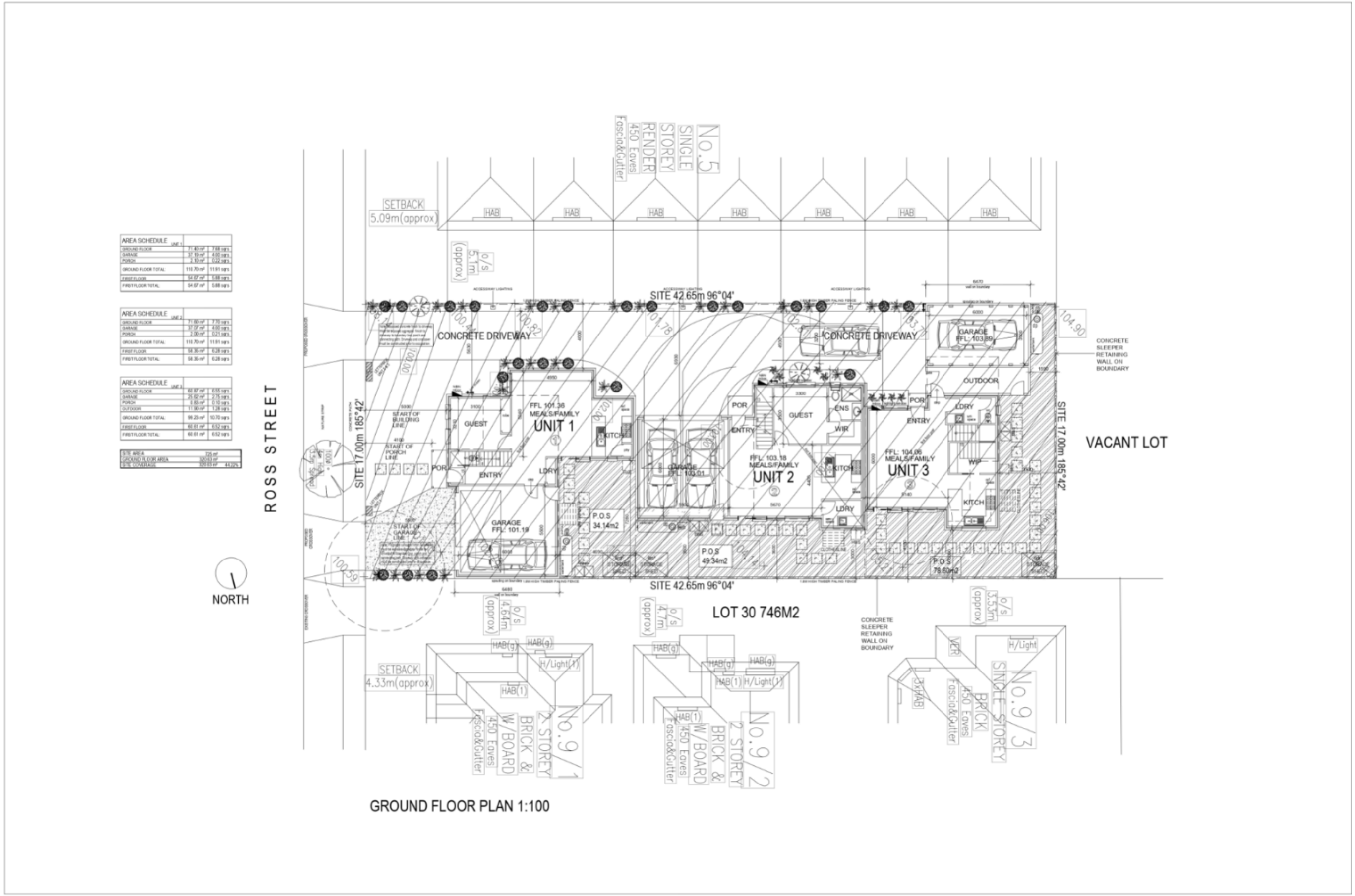
The proposal is considered to be an overdevelopment of the site. The applicant was advised of this view but has not agreed to amend the application. It is considered the application in its current form should be refused.

PROPOSED THREE, DOUBLE STORY DEVELOPMENT LOT 29, ROSS STREET, DARLEY

SCHEDULE OF DRAWINGS

1. COVER SHEET
2. GROUND FLOOR PLAN
3. FIRST FLOOR PLAN
4. PROPOSED ELEVATIONS
5. SHADOW DIAGRAM 9AM
6. SHADOW DIAGRAM 12PM
7. SHADOW DIAGRAM 3PM
8. STREETScape AND GARDEN AREA PLAN

GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789	Client :-	Site :- LOT 29 ROSS STREET, DARLEY	GENERAL NOTES	
			SCALE	SHEET 1
			DRAWING NO.	010



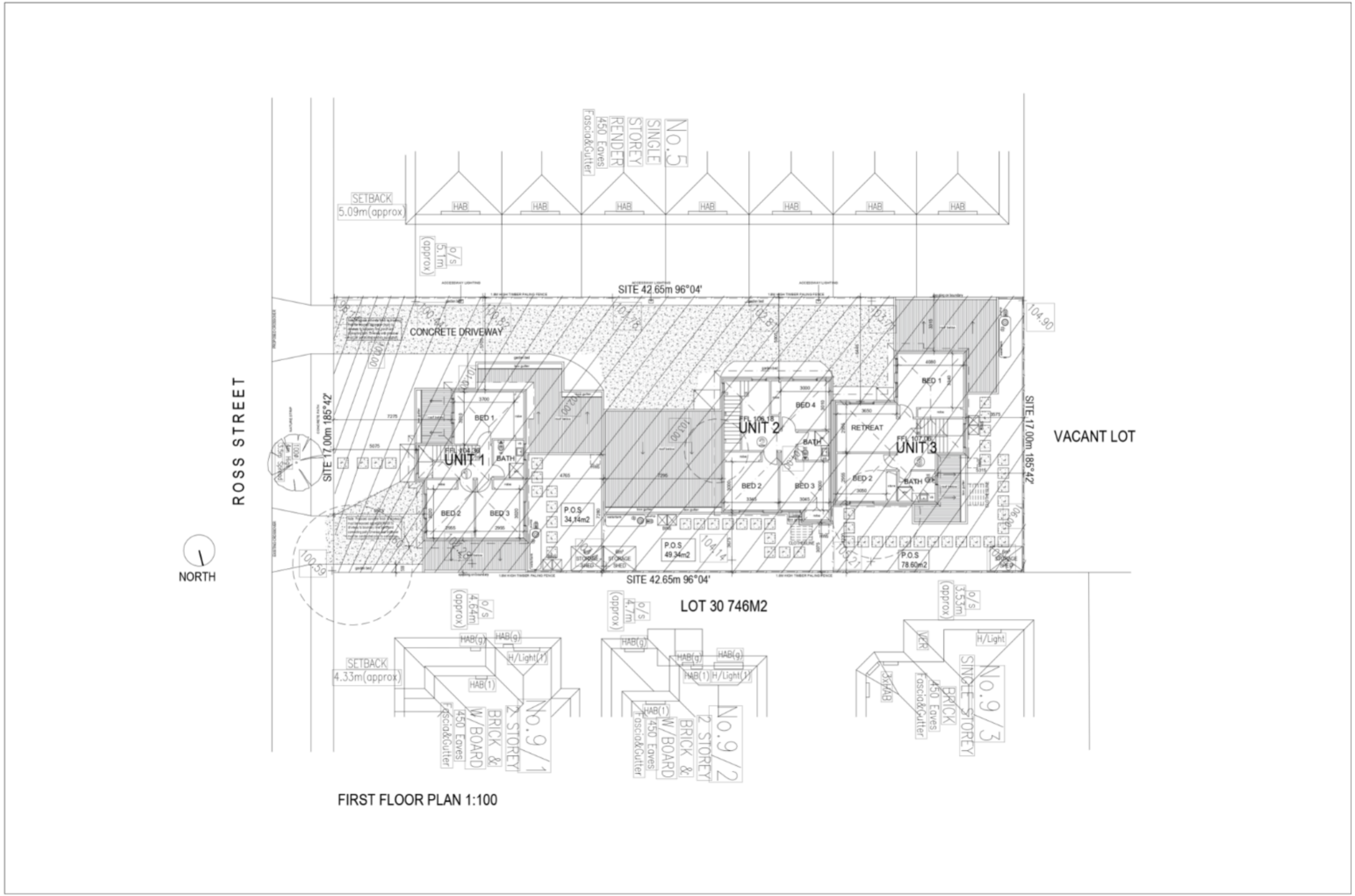
AREA SCHEDULE		UNIT 1
GROUND FLOOR	71.40 m ²	7.68 m ²
SANITARY	37.37 m ²	4.05 m ²
OUTDOOR	2.30 m ²	0.22 m ²
GROUND FLOOR TOTAL	111.07 m²	11.95 m²
FIRST FLOOR	34.87 m ²	0.88 m ²
FIRST FLOOR TOTAL	34.87 m²	0.88 m²

AREA SCHEDULE		UNIT 2
GROUND FLOOR	71.40 m ²	7.70 m ²
SANITARY	37.37 m ²	4.05 m ²
OUTDOOR	2.30 m ²	0.22 m ²
GROUND FLOOR TOTAL	111.07 m²	11.97 m²
FIRST FLOOR	34.87 m ²	0.28 m ²
FIRST FLOOR TOTAL	34.87 m²	0.28 m²

AREA SCHEDULE		UNIT 3
GROUND FLOOR	88.25 m ²	0.55 m ²
SANITARY	25.52 m ²	2.75 m ²
OUTDOOR	11.90 m ²	1.28 m ²
GROUND FLOOR TOTAL	125.67 m²	4.58 m²
FIRST FLOOR	60.81 m ²	0.52 m ²
FIRST FLOOR TOTAL	60.81 m²	0.52 m²

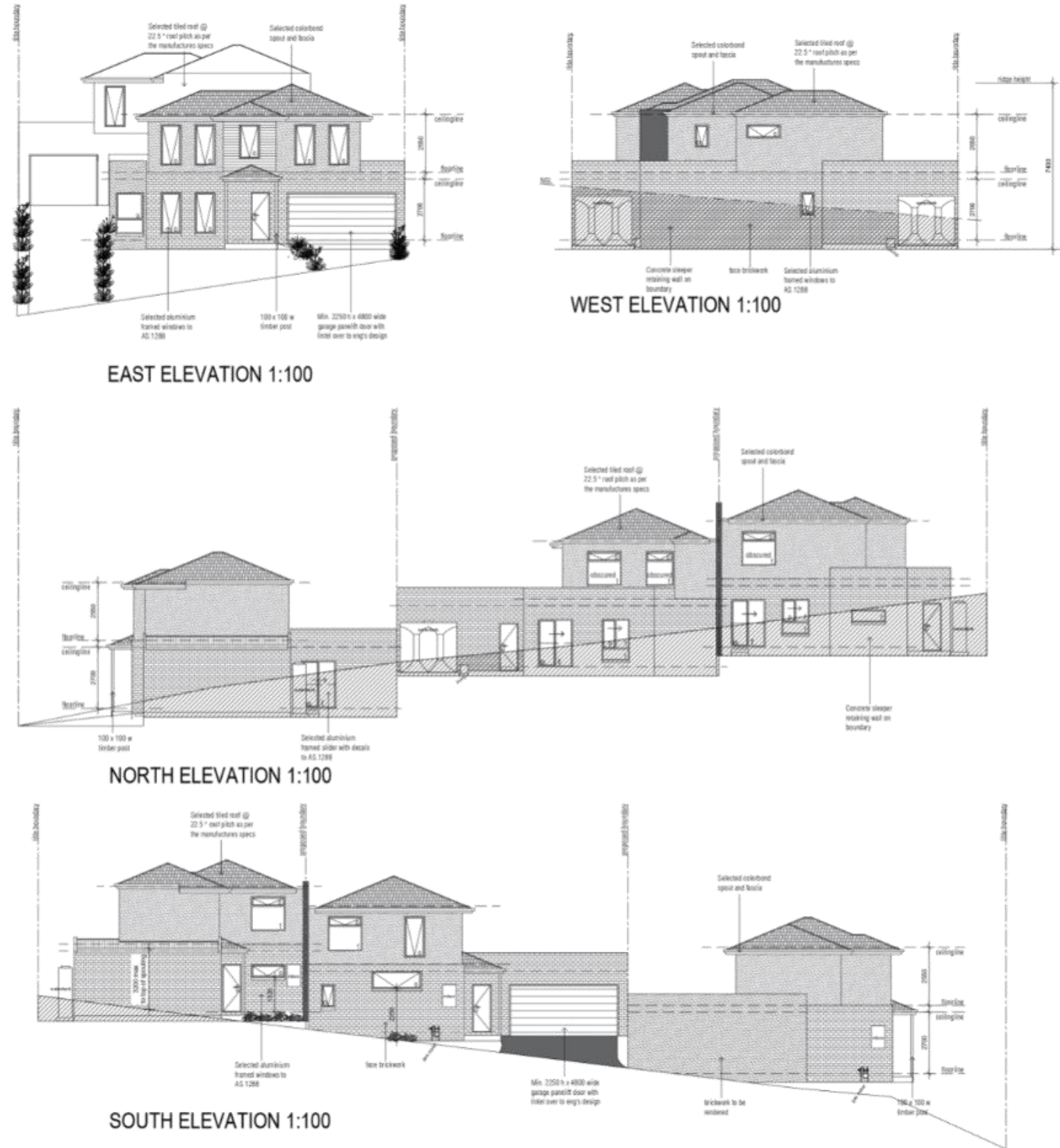
SITE AREA	2300
GROUND FLOOR AREA	300.00 m ²
FIRST FLOOR AREA	100.00 m ²
TOTAL	400.00 m²

GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789	Client :-	Site :- LOT 29 ROSS STREET, DARLEY	GROUND FLOOR PLAN	
			SCALE	SHEET 2
			DRAWING NO.	0108



FIRST FLOOR PLAN 1:100

<p>GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789</p>	<p>Client :-</p>	<p>Site :- LOT 29 ROSS STREET, DARLEY</p>	<p>FIRST FLOOR PLAN</p> <table border="1"> <tr> <td>SCALE</td> <td>SHEET 3</td> </tr> <tr> <td>DRAWING NO.</td> <td>0108</td> </tr> </table>	SCALE	SHEET 3	DRAWING NO.	0108
SCALE	SHEET 3						
DRAWING NO.	0108						



EAST ELEVATION 1:100

WEST ELEVATION 1:100

NORTH ELEVATION 1:100

SOUTH ELEVATION 1:100

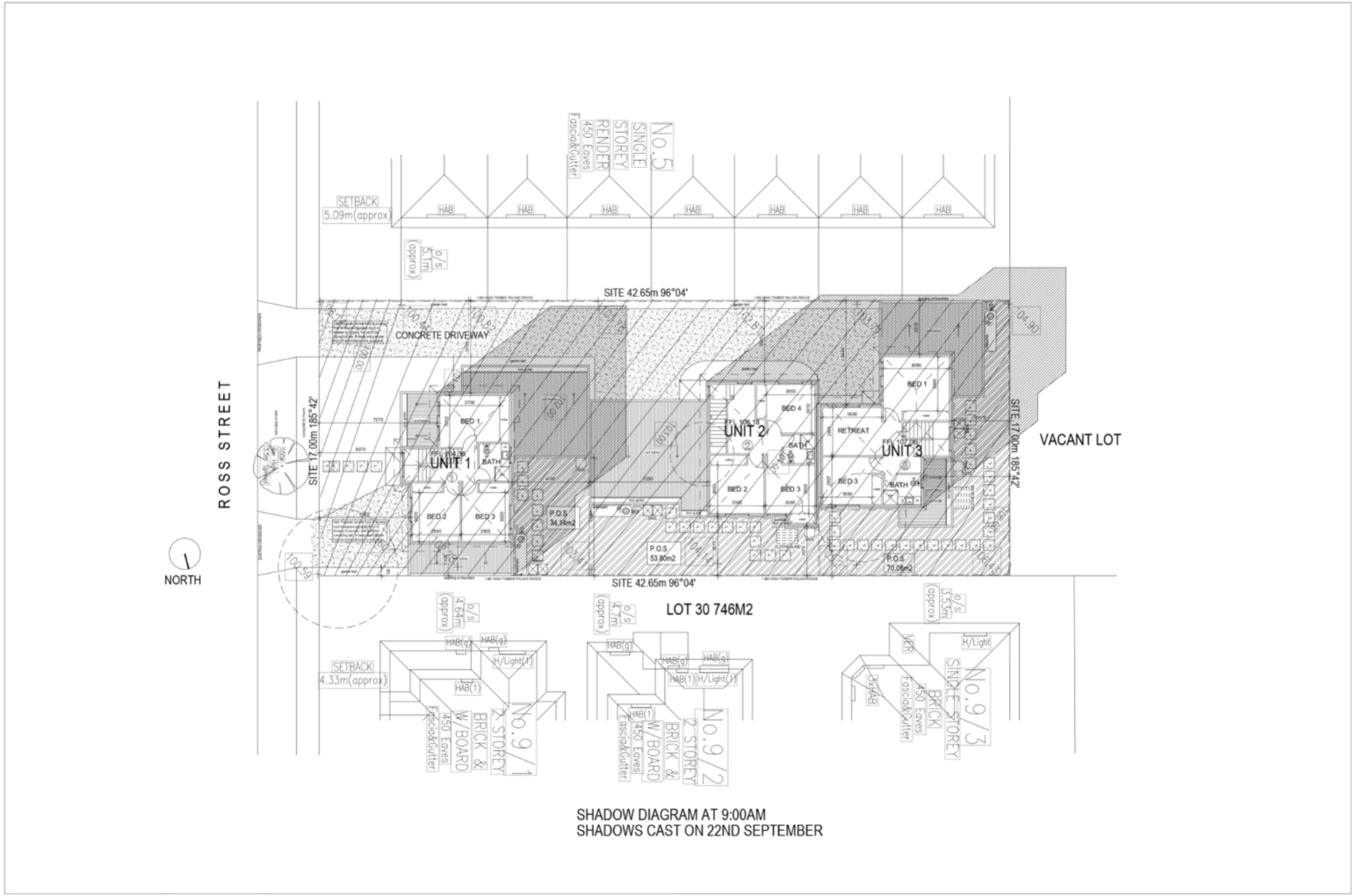
GURU BUILDING GROUP
 UNIT 7 133-143 ELGAR ROAD, DERRIMUT
 0405 402 789

Client :-

Site :-
**LOT 29 ROSS STREET,
 DARLEY**

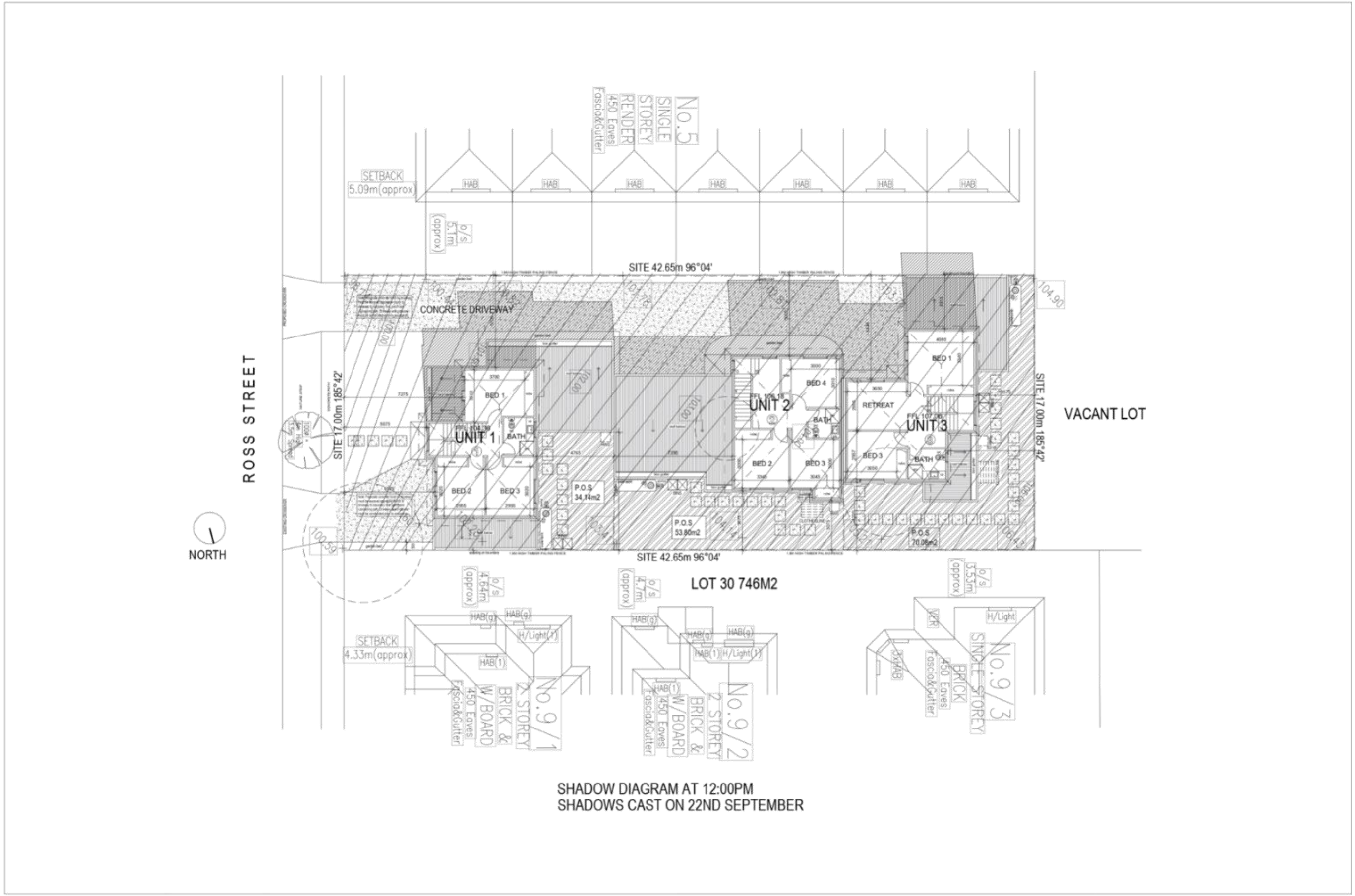
ELEVATIONS

SCALE	SHEET 4
DRAWING NO.	0100



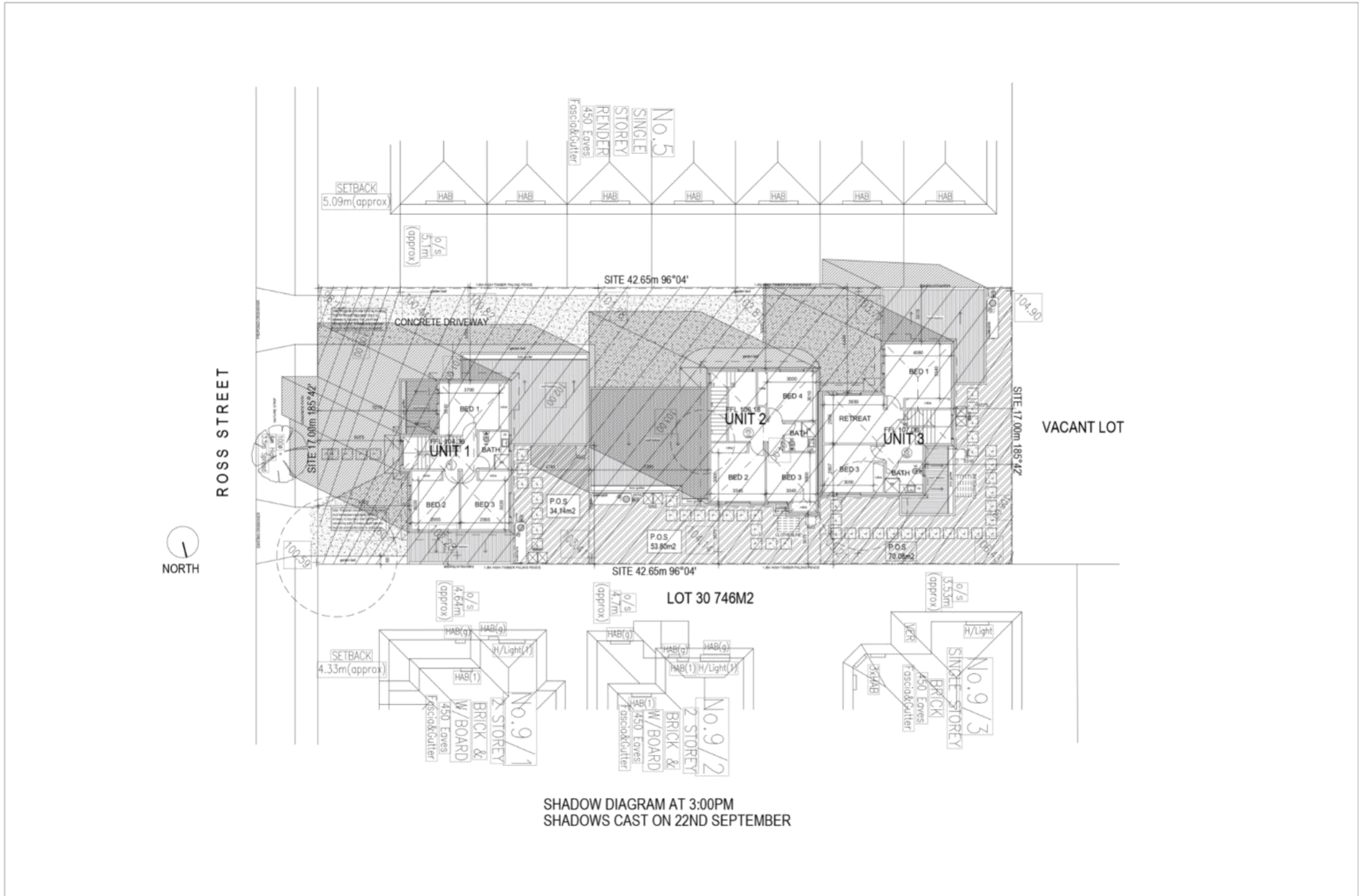
SHADOW DIAGRAM AT 9:00AM
SHADOWS CAST ON 22ND SEPTEMBER

<p>GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789</p>	<p>Client :-</p>	<p>Site :- LOT 29 ROSS STREET, DARLEY</p>	<p>SHADOWS 9AM SCALE SHEET 5 DRAWING NO. 010</p>
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SHADOW DIAGRAM AT 12:00PM
SHADOWS CAST ON 22ND SEPTEMBER

<p>GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789</p>	<p>Client :-</p>	<p>Site :- LOT 29 ROSS STREET, DARLEY</p>	<p>SHADOWS 12PM</p> <table border="1"> <tr> <td>SCALE</td> <td>SHEET 6</td> </tr> <tr> <td>DRAWING NO.</td> <td>010</td> </tr> </table>	SCALE	SHEET 6	DRAWING NO.	010
SCALE	SHEET 6						
DRAWING NO.	010						

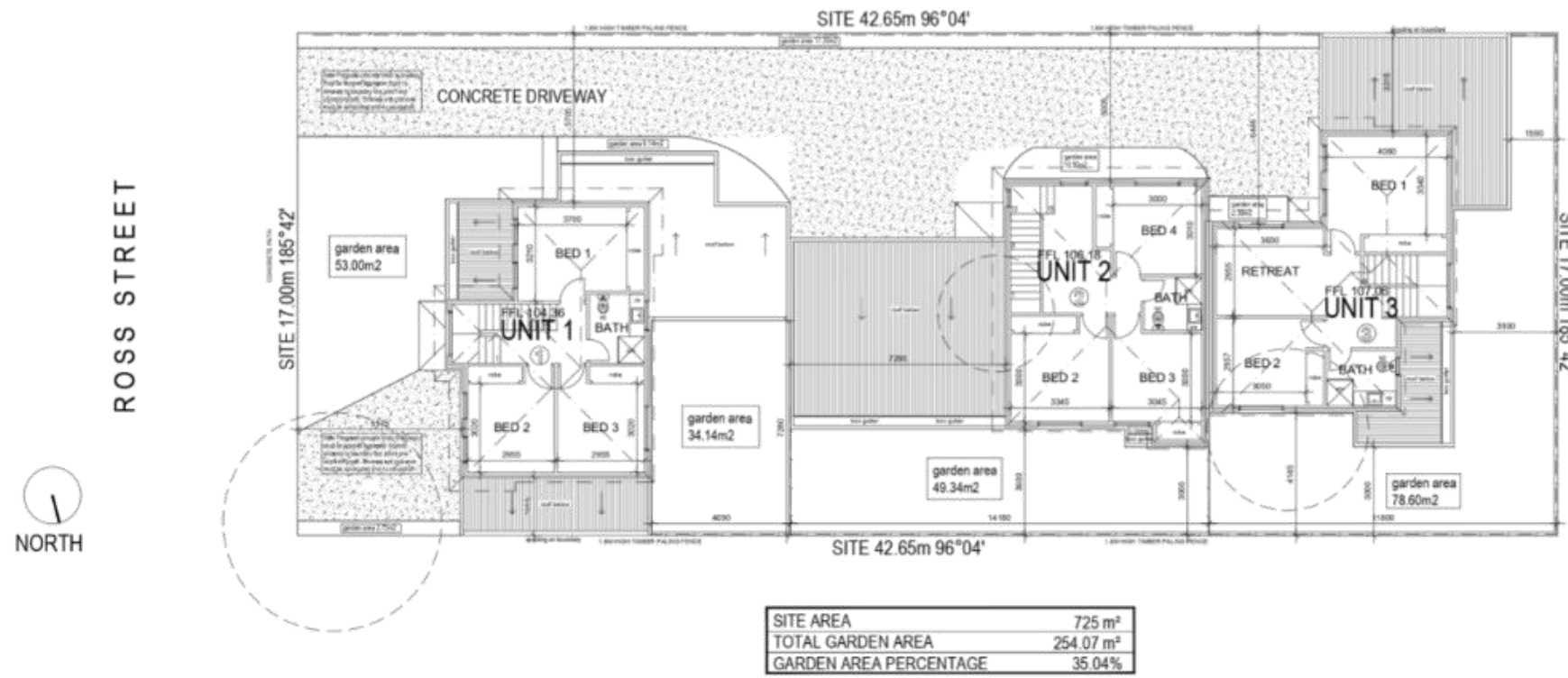


SHADOW DIAGRAM AT 3:00PM
SHADOWS CAST ON 22ND SEPTEMBER

<p>GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789</p>	<p>Client :-</p>	<p>Site :- LOT 29 ROSS STREET, DARLEY</p>	<p>SHADOWS 3PM</p> <table border="1"> <tr> <td>SCALE</td> <td>SHEET 7</td> </tr> <tr> <td>DRAWING NO.</td> <td>010</td> </tr> </table>	SCALE	SHEET 7	DRAWING NO.	010
SCALE	SHEET 7						
DRAWING NO.	010						



PROPOSED STREETScape 1:100



GARDEN AREA PLAN 1:100

<p>GURU BUILDING GROUP UNIT 7 133-143 ELGAR ROAD, DERRIMUT 0405 402 789</p>	<p>Client :-</p>	<p>Site :- LOT 29 ROSS STREET, DARLEY</p>	<p>GENERAL NOTES</p> <table border="1"> <tr> <td>SCALE</td> <td>SHEET 5</td> </tr> <tr> <td>DRAWING NO.</td> <td>0100</td> </tr> </table>	SCALE	SHEET 5	DRAWING NO.	0100
SCALE	SHEET 5						
DRAWING NO.	0100						

7.5 PA2019152 - DEVELOPMENT AND USE OF A DWELLING AT MOLESWORTH COURT, GORDON**Author:** Samuel Duff, Statutory Planner**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**Attachments:** 1. Dwelling Plans [↓](#) **APPLICATION SUMMARY****Permit No:** PA2019-152**Lodgement Date:** 4 July 2019**Planning Officer:** Samuel Duff**Address of the land:** Lot 14 on PS 208834F, located at Molesworth Court, Gordon, 3345**Proposal:** Development and Use of a Dwelling**Lot size:** 3.94 hectares**Why is a permit required?** Clause 35.03-2 Development of a Dwelling on a lot less than 6 ha in the Rural Living Zone
Clause 42.01 Buildings and works in the Environmental Significance Overlay, Schedule 1**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, subject to the following conditions:

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.

Dwelling Requirements:

2. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
3. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
5. Access to the dwelling must be provided via an all-weather road with dimensions adequate

to accommodate emergency vehicles.

Materials and Colour:

6. 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

General Conditions:

7. Unless with further planning permission from the Responsible Authority or otherwise exempt under the Moorabool Planning Scheme, native vegetation, including dead standing vegetation, is not to be removed from the site.

Infrastructure:

8. A standard rural vehicle crossing must be provided on Molesworth Court to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
9. 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
10. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
11. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
12. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
13. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Environmental Health:

14. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by South East Soil & Water are to be strictly adhered to.
15. An onsite waste water management system with the capacity to treat effluent to a minimum of 20mg/L BOD/30mg/L SS and 10org/100ml must be installed via an EPA Wastewater treatment system.
16. Effluent Disposal must be undertaken a wick trench and bed designed as recommended in the LCA by South East Soil & Water.
17. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
18. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
19. 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 and therefore option 1 is the preferred option for the location of the land application area.

20. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Barwon Water:

21. Wastewater treatment is to achieve a minimum water quality standard of 20mg/L BOD, 30mg/L SS and 10 orgs/100ml, i.e. secondary treatment, via an EPA approved all wastewater treatment system.
22. Effluent disposal must be undertaken via a wick trench and bed designed and installed by a wastewater irrigation expert as recommended in the South East Soil & Water Land Capability Assessment Report for 14 Molesworth Court, Gordon.
23. All components of the wastewater management system including the effluent disposal area must be located at least 100m from any surface waterway as identified as option 1 in the South East Soil & Water Land Capability Assessment Report for 14 Molesworth Court, Gordon.
24. An integrated drainage system must be installed to divert overland flow away from entering the effluent disposal area and roof stormwater must not be disposed to the effluent disposal area.
25. Monitoring, Operation and Maintenance must be undertaken in accordance with South East Soil & Water Land Capability Assessment Report for 14 Molesworth Court, Gordon.
26. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, and vehicles.
27. Sediment control measures as outlined in the EPA's publication No 275 Sediment Pollution Control shall be employed during the construction of the dwelling and maintained until the disturbed area has regenerated.
28. Prior to a certificate of occupancy being issued for the dwelling the owner must enter into an agreement with the Responsible Authority and Barwon Water in accordance with Section 173 of the Planning and Environment Act 1987 requiring that:
 - (a) The Owner is to enter into a service contract to have any wastewater treatment facility and effluent disposal system for the dwelling inspected and maintained in accordance with the EPA Certificate of Approval for the installed system.
 - (b) The Owner must provide to Barwon Water and the Responsible Authority an annual report on the condition and operation of the wastewater treatment system which documents the effluent quality achieved and provides laboratory, inspection and maintenance reports for the preceding 12 months.
 - (c) The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by Council's Environmental Health Officer. Evidence of this desludging shall be provided in the annual report referred to in Clause (b) here in.
 - (d) The Owner shall carry out any works considered necessary by the service contractor to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.
 - (e) The Owner will maintain all drainage lines at all times to divert surface water and

subsurface water clear of the effluent disposal field.

- (f) 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.
- (g) The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c), (d), and (e) herein and all costs of the Responsible Authority in relation to stamping and registration of this Agreement.
- (h) The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (f) herein.

Country Fire Authority:

29. The Bushfire Management Plan prepared by Regional Planning & Design Pty Ltd (Bushfire Management Statement – Lot 14 Molesworth Court, Gordon Ref No.19.178 – Report Version A, Figure 7, dated 21/05/2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Permit Expiry:

30. 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:

31. Please be advised, an application for a permit to install an onsite wastewater management system must be applied for from Councils Environmental Health department.

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	1
Consultation meeting:	None undertaken

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2A: Built Environment

The proposal to develop a dwelling in the Rural Living Zone of Gordon 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.

EXECUTIVE SUMMARY

Application referred?	The application was referred to Barwon Water and the CFA as well as Councils Environmental Health and Infrastructure Department.
Any issues raised in referral responses?	No
Preliminary concerns?	NIL
Any discussions with applicant regarding concerns?	Not necessary
Any changes made to the application since being lodged?	No
Brief history.	An application was lodged for the development of a dwelling on the 4 th of July. The application was referred to the appropriate authorities, all of whom consented to the application, subject to conditions. As part of the planning process, the application was advertised via a sign on site and letters to adjoining land owners. The result of this advertising process was that one submission was received by Council.
Previous applications for the site?	A search of Council records shows that there is no Planning permit history associated with the site.
General summary.	The application is seeking approval for the development and use of a dwelling on an approximately 4 hectare site. The dwelling would be a two storey structure with the bottom floor smaller than the upper floor, which is to help to account for the slope that the site has. The dwelling would contain 3 bedrooms, 2 bathrooms and an attached 2 car garage.

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, subject to conditions

SITE DESCRIPTION

The site is identified as Lot 14 on PS 208834F and known as Molesworth Court, Gordon, and is a roughly trapezoid shaped lot with the street frontage being approximately 95 meters and the lot being approximately 350 meters long. In total the site has an area of 3.94 ha.

The site is located north of Abbington Park road on Molesworth Court and is vacant. The site is sloping, with a high point at the north west of the site (road side), with a low point in the south east of the site. There is grazed grassland in the western portion of the site and a low density woodland towards the eastern portion of the site. There is no formal vehicle access to the site, but access could be created via the frontage to Molesworth Court.

The site and surrounding land to the west, south and north is in the Rural Living Zone, where lot sizes are of a similar size or smaller than the subject site, many of which are developed with dwellings. Land in the immediate vicinity is heavily vegetated, with most of the lots to the immediate south and west being substantially covered by vegetation.

**PROPOSAL**

It is proposed to develop the site for two storey brick veneer dwelling with garage for own use and occupation. The proposed dwelling would be sited towards the western end of the site and have two storeys. The dwelling would be set back approximately 43 meters from the road and 23 meters from the northern boundary.

The upper floor will comprise main bedroom with ensuite bathroom and walk in wardrobe, laundry, bathroom, mud room, powder room, entertainment area, open plan kitchen and dining area, living room, alfresco and attached garage. The total footprint of the proposed dwelling would be 232.74 square metres, which equates to the upper floor footprint, including the garage, and outdoor alfresco and porch areas. The lower floor is significantly smaller in area. Designed to account for the sloping site, the lower floor will be underneath the upper floor and equate to 78.17 square meters. The ground floor will be connected to upper floor via stairs and would consist of two bedrooms, bathroom, powder room, built in robes and games area. The dwelling would be of a contemporary design, with a Colorbond (colour: Ironstone) roof laid at 27.5 degree's, and heritage red brick walls. The gutters would match the roof colour, downpipes, garage door and fretworks would be of another Colorbond colour (Classic Cream) with the windows, posts and handrails being a third Colorbond colour (Night Sky).

HISTORY

There is no relevant compliance or permit history associated with the site

PUBLIC NOTICE

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

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
<p>The objector calls into question the ability of the site to be able to adequately address the effluent disposal and says that the Land Capability Assessment (LCA) is incorrect in the details and inconsistent with what was required for other properties. The objector also states that "Barwon water do not allow waste water run off within close proximity of a waterway or water reservoir..."</p>	<p>Domestic Wastewater Management Plan, Environmental Protection Act.</p>
<p>Officer's Response: The applicant has submitted an LCA which has been assessed by the relevant water authority – Barwon Water and Councils own Environmental Health Department, both of who have consented, subject to conditions being included on the planning permit.</p>	
<p>The objector is seeking consideration to be given to the stability of the public road way near the proposed crossover for this dwelling. He claims that Council garbage trucks cannot currently make a complete turn at the end of Molesworth Court due to soft edges at the boundary of this property.</p> <p>He is also seeking consideration a retaining wall to be constructed along the front of the property to support the substructure</p>	

supporting the roadway.

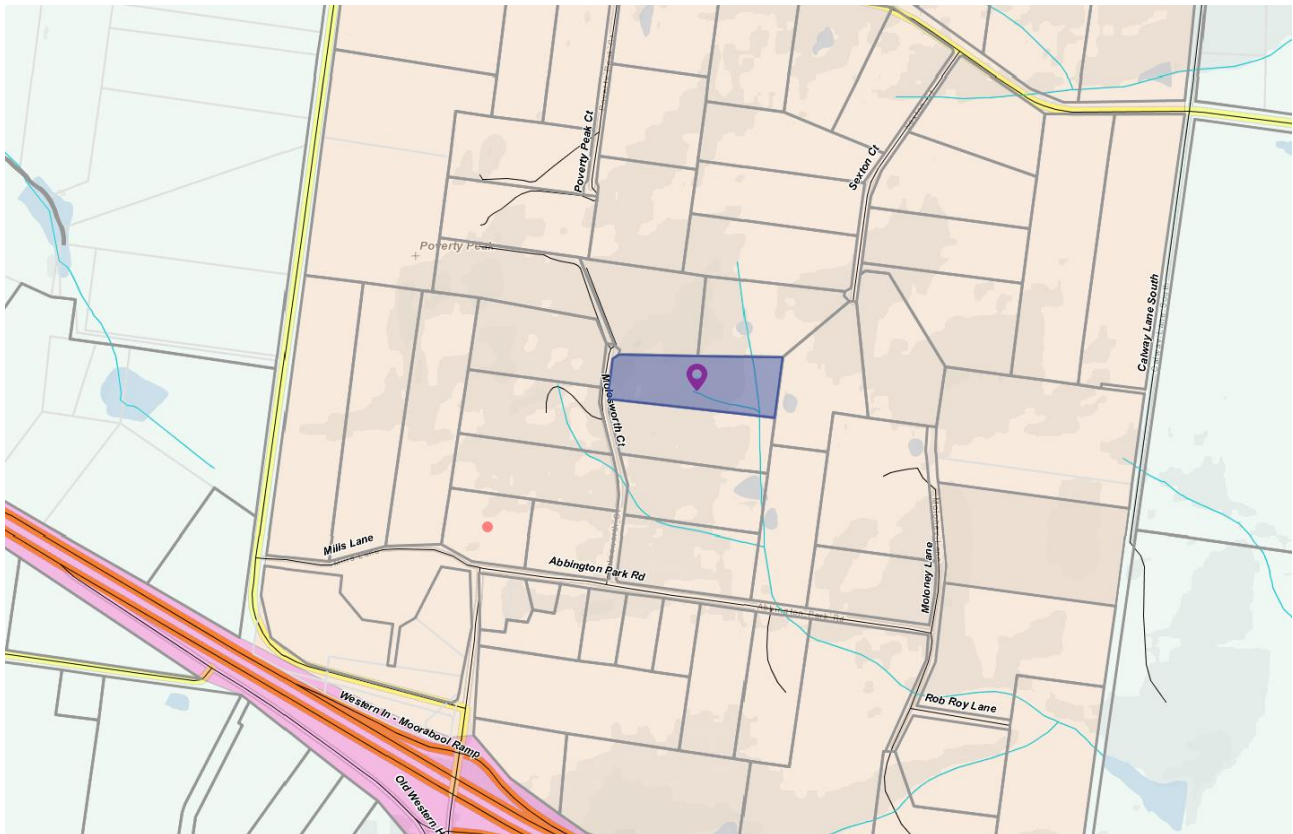
Officer's Response:

Councils Infrastructure department have consented to the application and have provided comments. There will be minor increase in traffic if the dwelling is approved.

The requirement for a retaining wall is unlikely to be necessary as the dwelling would be set back approximately 40m from the road reserve.

LOCALITY MAP

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



The map above shows the zoning controls of the area with the subject site.

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 Planning for Places
- Clause 12.01 Biodiversity
- Clause 12.05 Significant Environments and Landscapes
- Clause 13.02 Bushfire
- Clause 14.01 Agriculture
- Clause 14.02 Water

Clause 21.02	Natural Environment
Clause 21.03	Settlement and Housing
Clause 21.09	Small Towns and Settlements
Clause 22.02	Special Water Supply Catchments

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

ZONE

Clause 35.03 Rural Living Zone

The subject site is in the Rural Living Zone. Pursuant to Clause 35.03-1 and Clause 35.03-4, a permit is required for the use and development of a Dwelling. This is because the subject site is less than 6.0ha. The purpose of the Rural Living Zone is to:

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

Design and Development Overlay - Schedule 2

The site is affected by the Design and Development Overlay – Schedule 2 – Visual amenity and building design. Under Clause 43.02-2, a permit is required to construct buildings and works. Schedule 2 provides an exemption from this requirement if the external walls and roof are clad with non-reflective materials. In this instance a permit is not required. It is recommended that a permit condition be imposed to ensure that no reflective materials are used.

Environmental Significance Overlay – Schedule 1

The site is affected by the Environmental Significance Overlay – Schedule 1 – Proclaimed Water Catchment Areas. Under Clause 42.01-2, a permit is required to construct buildings and works. There are no relevant exemptions under Schedule 1.

The objectives for Schedule 1 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.

Bushfire Management Overlay

The property is affected by the Bushfire Management Overlay. Under Clause 44.06-1, a permit is required to construct buildings and works associated with Accommodation, which includes a dwelling. There are no relevant exemptions under the Overlay, however the dwelling is not in the area covered by the Bushfire Management Overlay.

The purpose of the Bushfire Management Overlays is:

- *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.*

RELEVANT POLICIES

Particular Provisions

Clause 52.17 Native Vegetation

The purpose of this particular provision is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

As well as to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

DISCUSSION

The proposed development is generally in accordance with relevant State and local planning policy, the Rural Living Zone, relevant Overlays and Particular Provisions and the decision guidelines at Clause 65.01 of the Moorabool Planning Scheme.

The site is in the Rural Living Zone and is less than 6.0ha, thus a permit is required to use and develop the site for a dwelling. The site is partially treed although the proposed dwelling's location takes advantage of a partially cleared area of the site. The area is zoned for rural residential purposes and the proposed built form will be of a contemporary design is generally in keeping with the semi-rural character of the area, where dwellings are generally not prominent in the landscape. The proposed dwelling has been designed to account for the sloping nature of the site, with a façade that would generally appear as a single storey dwelling from the street scape but would be larger in appearance to the rear of the site. The plans specify non-reflective external building cladding and it is recommended that this be reinforced by way of a permit condition. The decision guidelines under the zone generally are in support of dwellings, provided that there is not an impact on the rural land uses, the environmental and the design and siting is appropriate in context of the area. No native vegetation is to be removed as part of this application and has been conditioned appropriately

The site is unsewered and in a Special Water Supply Catchment. There appears to be a wet area or spring located to the south of the proposed wastewater field. This area appears to be a discharge point for ground water (spring). A land capability assessment was submitted with the application and the application was referred to Councils Environmental Health Departments and Barwon Water, the relevant water board, both of whom consent to the proposal subject to conditions. The proposed wastewater effluent field is to be located to the east of the house on the sloping land. The proposed location of the wastewater field is within setback distance from property boundaries approximately 70 metres away from the dwelling.

The predominantly sloping site is partially affected by a Bushfire Management Overlay and the applicant has provided a bushfire management statement, which was referred to the CFA who consent, subject to conditions. A 10,000L water tank for firefighting purposes is proposed, and access to the site would be less than 30m would need to comply with the requirements of Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme. The dwelling would be constructed to a Bushfire Attack Level (BAL) rating of 12.5, and subject to conditions the proposal is considered to be an acceptable response to the bushfire hazard.

Having considered all aspects of the site, including the bushfire hazard, the siting of the dwelling and the ability for the site to manage the expected waste water, the application is considered to be acceptable and it is recommended that the application be approved, 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
Barwon Water	Consent, subject to conditions
CFA	Consent, subject to conditions
Council's Environmental Health Department	Consent, subject to conditions
Infrastructure Department.	Consent, subject to 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. The submitter and the applicant were invited to attend this meeting and invited to address Council if required.

OPTIONS

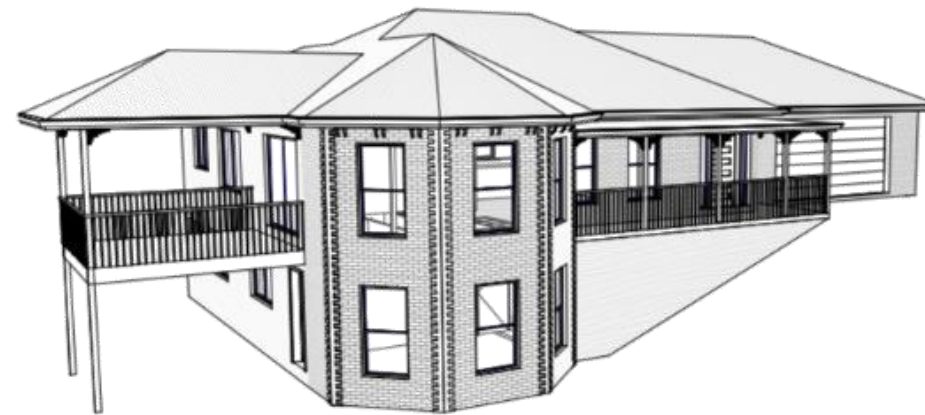
Council could consider the following options:

- Issue a Notice of Decision to grant a Planning Permit in accordance with the grounds specified within this report;
- Issue a Notice of Decision to grant 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 application for a dwelling in the Rural Living Zone is appropriate, as the proposal is in accordance with the purpose and intent of the zone – which is to provide land for rural residential purposes. The surrounding lots in the rural living zone in proximity to the subject site are of a similar scale in the built form and have also been developed in a similar way. It is recommended that the application be approved, subject to conditions.

PROPOSED: DOUBLE STOREY DWELLING
 FOR: Ms G CALLANDER
 AT: LOT 14 MOLESWORTH COURT GORDON



PERSPECTIVE VIEW



QUALITY HOME DESIGN
 & DEVELOPMENTS

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 VICTORIA

This is the plan mentioned in the contract.

No. _____ Date _____

Signed Builder _____

Signed Owner _____

Job No:


17064

Drawn: SM	Checked: S MARRIOTT	Issue Date: 24/06/19	Issue Status: TOWN PLANNING ISSUE
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GENERAL NOTES:

1. These plans have been prepared for the exclusive use by the Client of Quality Home Design and Drafting Service for the purpose expressly notified to the Designer. Any other person who uses or relies on these plans without the Designer's written consent does so at their own risk and no responsibility is accepted by the Designer for such use and/or reliance.
2. These drawings shall be read in conjunction with all relevant structural and all other consultants drawings/details and with any other written instructions issued in the course of the contract.
3. The Builder and Subcontractors shall check and verify all dimensions, setbacks, levels and specifications and all other relevant documentation prior to the commencement of any works. Report all discrepancies to this office for clarification.
4. Figured dimensions take precedence over scaled dimensions.
5. Installation of all services shall comply with the respective supply authority requirements.
6. The Builder and Subcontractors shall ensure that all stormwater drains, sewer pipes and the like are located at a sufficient distance from any buildings footing and/or slab edge beams so as to prevent general moisture penetration, dampness, weakening and undermining of any building and its footing system.
7. The Builder shall take all steps necessary to ensure the stability and general water tightness of all new and/or existing structures during all works.
8. All materials and work practices shall comply with, but not limited to the Building Regulations 2006, the National Construction Code of Australia 2019 and all relevant current Australian Standards (as amended) referred to therein.
9. All structural timber to comply with Australian Standards 1684 Light Timber Framing Code, all stress grades.
- 9a Weatherboards to be fixed in accordance with Part 3.5.3 (Figure 3.5.3.1) of the BCA
10. Provide impervious (waterproof/water resistant) surfaces to all wet areas in accordance with clause 3.8.12. of the NCC and AS3740 including floors, walls, splashbacks, holes, etc. Treat areas to a minimum height of 150mm behind sinks, trough, basins, baths, etc and also to a minimum height of 1800mm above the floor of showers.
11. Step sizes (other than for spiral stairs) to be-
Risers (R) 190mm maximum and 15mm minimum
Going (G) 355mm maximum and 240mm minimum
2R + 1G = 700mm maximum and 550mm minimum
125mm maximum gap to open treads
12. All treads, landings and the like to have non slip finish or suitable non-skid strip near edge of nosing.
13. Provide balustrades where change in level exceeds 1000mm above the surface beneath landings, ramps and/or treads. Balustrades to be-
1000mm min. above finished surface level of balconies, landings or the like, and
865mm min. above finished surface level of stair nosing or ramp, and
vertical with a 125mm maximum gap between, and
any horizontal element within the balustrade between 150mm and 760mm above the floor must not facilitate climbing where changes in level exceeds 400mm above the surface beneath landings, ramps and/or treads.
14. Hand rails to be 865mm minimum above stair nosing and landings.
15. Where the building (excludes Class 10) is located in a termite prone area the area to underside of building and perimeter is to be treated against termite attack.
16. Concrete stumps-
up to 1400mm long to be 100mm x 100mm (1 No. HD. Wire)
140mm to 1800mm long to be 100mm x 100mm (2 No. HD. Wires)
180mm to 3000mm long to be 125mm x 125mm (2 No. HD. Wires)
100mm x 100mm stumps exceeding 1200mm above ground level to be braced where no perimeter base brickwork provided.

17. Provide 250mm exhaust fan to ensuite with 6 air changes per hour.
 18.  denotes hard wired smoke detector with battery backup. All smoke detectors to be interconnected.
 19. Thermal insulation to be provided as per the energy rating report
Windows: Refer to window schedule - U-Values and SHGC as per the energy rating report.
Seal all gaps and cracks.
 20. All glazing and installation of glazing is to comply with AS 1288 & AS2017. A certificate will be required at the final inspection stage and must be supplied to the relevant Building Surveyor before an occupancy permit may be granted for the building.
- Window Schedule:
1. Safety glazing to be used in the following cases-
 - (I) All rooms - within 500 mm vertical of floor level
 - (II) Bathrooms - within 2000mm of the highest abutting level of the finished floor level and to comply with part 3.6.45 of the BCA
- within 500mm horizontal from bath/shower to shower doors, shower screens and bath enclosures
 - (III) Laundry - within 1200mm vertical from floor level and/or within 300mm vertical of trough
 - (IV) Doorway - within 300mm horizontal from all doors
 - (V) Ensuite - as for (I)
 2. Window sizes nominated are nominal only. Actual size may vary according to manufacturer.
Windows to be flashed all around.

Window Schedule					
Mark	Location	Window Style	Height	Width	Glazing
01	ENTRY	ALUMINIUM FIXED	970	600	DOUBLE GLAZED
02	ENTRY	ALUMINIUM FIXED	2065	360	DOUBLE GLAZED
03	ENTRY	ALUMINIUM FIXED	2065	360	DOUBLE GLAZED
04	MEALS	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
05	MEALS	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
06	FAMILY	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
07	FAMILY	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
08	FAMILY	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
09	BED 1	ALUMINIUM AWNING	890	2170	DOUBLE GLAZED
10	ENSUITE	ALUMINIUM AWNING	1200	870	DOUBLE GLAZED
11	KITCHEN	ALUMINIUM AWNING	1200	2170	DOUBLE GLAZED
12	WP	ALUMINIUM FIXED	600	800	DOUBLE GLAZED
13	GAMES	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
14	GAMES	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
15	GAMES	ALUMINIUM DOUBLE HUNG	1800	970	DOUBLE GLAZED
16	BED 3	ALUMINIUM SLIDING	1200	180	DOUBLE GLAZED
17	BED 2	ALUMINIUM SLIDING	1200	180	DOUBLE GLAZED
18	BATH	ALUMINIUM SLIDING	1200	870	DOUBLE GLAZED
19	DEN	ALUMINIUM SLIDING	1200	870	DOUBLE GLAZED

Door Schedule					
Mark	Location	Door Style	Height	Width	Glazing
01	FAMILY	ALUMINIUM SLIDING	2058	240	DOUBLE GLAZED



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PROPOSED: DOUBLE STOREY DWELLING
FOR: Ms G CALLANDER
AT: LOT 14 MOLESWORTH COURT GORDON

DRAWN: SM | CHECKED: S MARRIOTT | ISSUE DATE: 28/06/19 | ISSUE STATUS: TOWN PLANNING ISSUE | REVISION:

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BAL 12.5 - Construction for Bushfire Attack Level 12.5

51 GENERAL

A building assessed in Section 2 as being BAL- 12.5 shall comply with Section 3 and Clause 52 to 58.

NOTE: There are a number of Standards that specify requirements for construction; however, where this Standard does not provide construction requirements for a particular element, the other Standards apply.

Any element of construction or system that satisfies the test criteria of AS 1530.81 may be used in lieu of the applicable requirements contained in Clauses 52 to 58 (See Clause 3.8)

NOTE: BAL12.5 is primarily concerned with protection from ember attack and radiant heat up to and including 12.5 Kw/m² where the site is less than 10m from the source of bushfire attack.

52 SUBFLOOR SUPPORTS

This Standard does not provide construction requirements for subfloor support posts, columns, stumps, piers and poles.

NOTE: The exclusion of requirements for subfloor supports applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 5.7).

53 FLOORS

53.1 Concrete slabs on ground

This Standard does not provide construction requirements for concrete slabs on the ground.

53.2 Elevated Floors

This Standard does not provide construction requirements for elevated floors, including bearers, joist and flooring.

54 EXTERNAL WALLS

54.1 Walls

That part of an external wall surface that is less than 400mm from the ground or less than 400mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 10mm in width from the wall (see Figure D3, Appendix D) shall be of-

- (a) Non-combustible material; or
- (b) Fibre-cement external cladding, a minimum of 6mm in thickness; or
- (c) Bushfire-resisting timber (see Appendix F); or
- (d) A timber species as specified in Paragraph E1 and listed in Table E1, Appendix E; or
- (e) A combination of any of items (a), (b), (c), or (d) above.

There are no requirements for external wall surfaces 400mm or more from the ground or for external wall surfaces 400mm or more above decks, carport roofs, awnings and similar elements or fittings have an angle less than 18 degrees to the horizontal and extending more than 10mm in width from the wall (See Figure D3, Appendix D).

54.2 Joints

All joints in the external surface material of walls shall be covered, sealed, overlapped, backed or butt-jointed to prevent gaps greater than 3mm. Alternatively, sarking-type material may be applied over the outer face of the frame prior to fixing any external cladding.

54.3 Vents and weepholes

Vents and weepholes in external walls shall be screened with a mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium, except where the vents and weepholes are less than 3mm (see Clause 3.6), or are located in an external wall of a subfloor space.

55 EXTERNAL GLAZED ELEMENTS AND ASSEMBLIES AND EXTERNAL DOORS

55.1 Bushfire shutters

Where fitted, bushfire shutters shall comply with Clause 3.7 and be made from-

- (a) Non-combustible material; or
- (b) A timber species as specified in Paragraph E1 and listed in Table E1, Appendix E; or
- (c) Bushfire-resisting timber (see Appendix F); or
- (d) A combination of any items (a), (b), (c) above.

55.2 Windows

Window assemblies shall comply with one of the following

- (a) They shall be completely protected by a bushfire shutter that complies with Clause 55.1; or
- (b) They shall be completely protected externally by screens with a mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium; or
- (c) They shall comply with the following:
 - (i) For window assemblies less than 400mm from the ground or less than 400mm above decks, carport roofs, awnings and similar elements or fitting having angle less than 18 degrees to the horizontal and extending more than 10mm in width from the window frame (see Figure D3, Appendix D), window frames and window joinery shall be made from one of the following:
 - (A) Bushfire -resisting timber (see Appendix F); or
 - (B) A timber species specified in Paragraph E1 and listed in Table E1, Appendix E; or
 - (C) Metal; or
 - (D) Metal-reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel, or corrosion-resistant steel and the frame and sash shall satisfy the design load, performance and structural strength of the member.

- (i) Externally fitted hardware that supports the sash in its functions of opening and closing shall be metal.
- (ii) Where glazing is less than 400mm from the ground or less than 400mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 10mm in width from the window frame (see Figure D3, Appendix D), the glazing shall be Grade A safety glass minimum 4mm, or glass blocks with no restriction on glazing methods.

NOTE: Where double glazed units are used the above requirements apply to the external face of the window assembly only.

- (iv) Where glazing is other than that specified in item (ii) above, annealed glass may be used.
- (v) The operable portions of windows shall be screened with mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.

55.3 Doors- Side hung external doors (including French doors, panel fold and bi-fold doors)

Side-hung external doors, including French doors, panel fold and bi-fold doors, shall comply with one of the following:

- (a) They shall be protected by a bushfire shutter that complies with Clause 55.1; or
- (b) They shall be completely protected externally by screens with a mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium; or
- (c) They shall comply with the following:
 - (i) Doors shall be-
 - (A) Non-combustible; or
 - (B) A solid timber door, having a minimum thickness of 35mm for the first 400mm above the threshold; or
 - (C) A door, including a hollow core door, with a non-combustible kickplate on the outside for the first 400mm above the threshold; or
 - (D) A fully framed glazed door, where the framing is made from materials required for bushfire shutters (see Clause 55.1), or from a timber species specified in Paragraph E2 and listed in Table E2, Appendix E.

(i) Where doors incorporate glazing, the glazing shall comply with the glazing requirements for windows.

- (ii) Doors shall be tight-fitting to the door-frame and to an abutting door, if applicable.
- (iv) Where any part of the door assembly is less than 400mm from the ground or less than 400mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees horizontal and extending more than 10mm in width from the door (see Figure D3, Appendix D), that part of the door assembly shall be made from one of the following:
 - (A) Bushfire-resisting timber (see Appendix F); or
 - (B) A timber species specified in Paragraph E2 and listed in Table E2, Appendix E; or
 - (C) Metal; or
 - (D) Metal-reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel, or corrosion-resistant steel and the door assembly shall satisfy design load performance and structural strength of the member.

(v) Weather Strips, draught excluders or draught seals shall be installed at the base of side-hung external doors.

55.4 Doors- Sliding doors

Sliding doors shall comply with one of the following:

- (a) They shall be protected by a bushfire shutters that complies with Clause 55.1; or
- (b) They shall be completely protected externally by screens with a mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium; or
- (c) They shall comply with the following:
 - (i) Any glazing incorporated in sliding doors shall be Grade A safety glass complying with AS 1288.
 - (ii) There is no requirement to screen the operable part of the sliding door. However, if screened, the screens shall be a mesh or perforated sheet made of corrosion-resistant steel, bronze or aluminium.

NOTE: The construction of manufactured sliding doors should prevent the entry of embers when the door is closed. There is no requirement to provide screens to the operable part of these doors as it is assumed that a sliding door will be closed if occupants are not present or during a bushfire event. Screens of materials other than those specified may not resist ember attack.

(ii) Sliding doors shall be tight-fitting in the frames.

55.5 Doors- Vehicle access doors (garage doors)

The following apply to vehicle access doors:

- (a) The lower portion of a vehicle access door that is within 400mm of the ground when the door is closed (see Figure D4, Appendix D) shall be made from-
 - (i) non-combustible material; or
 - (ii) bushfire-resisting timber (see Appendix F); or
 - (iii) fibre-cement sheet, a minimum of 6mm in thickness; or
 - (iv) a timber species specified in Paragraph E1 and listed in Table E1, Appendix E; or
 - (v) a combination of any items (i), (ii), (iii), (iv) above.
- (b) Panel lift, tilt doors or side-hung doors shall be fitted with suitable weather strips, draught excluders, draught seals or guide tracks, as appropriate to the door type, with a maximum gap no greater than 3mm.
- (c) Roller doors shall have guide tracks with a maximum gap no greater than 3mm and shall be fitted with a nylon brush that is in contact with the door (see Figure D4, Appendix D).
- (d) Vehicle access doors shall not include ventilation slots.



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PROPOSED: DOUBLE STOREY DWELLING

FOR: Ms G CALLANDER

AT: LOT 14 MOLESWORTH COURT GORDON

DRAWN: SM CHECKED: SMARRIOTT ISSUE DATE: 28/06/19 ISSUE STATUS: TOWN PLANNING ISSUE REVISION:

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BAL 12.5 - Construction for Bushfire Attack Level 12.5

5.6 ROOFS (INCLUDING VERANDA AND ATTACHED CARPORT ROOFS, PENETRATIONS, EAVES, FASCIAS, GABLES, GUTTERS AND DOWNPIPES)

5.6.1 General

The following apply to all types of roofs and roofing systems:

- (a) Roof tiles, roof sheets and roof-covering accessories shall be non-combustible.
- (b) The roof/wall junction shall be sealed to prevent openings greater than 3mm, either by the use of fascia and eaves lining or by sealing between the top of the wall and the underside of the roof and between the rafters at the line if the wall.
- (c) Roof ventilation openings, such as gable and roof vents, shall be fitted with ember guards made of non-combustible material or mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.

5.6.2 Tiled Roofs

Tiled roofs shall be fully sarked. The sarking shall:

- (a) have a flammability index of not more than 5;
- (b) be directly located below the roof battens;
- (c) cover the entire roof area including the ridge; and
- (d) be installed so that there are no gaps that would allow the entry of embers where the sarking meets fascias, gutters, valleys and the like.

5.6.3 Sheet Roofs

Sheet roofs shall:

- (a) be fully sarked in accordance with Clause 5.6.2, except that foil backed insulation blankets may be installed over the battens; or
- (b) have any gaps greater than 3mm, under corrugations or ribs of sheet roofing and between roof components, sealed at the fascia or wall line and at the valleys, hips and ridges by:
 - (i) a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium; or
 - (ii) mineral wool; or
 - (iii) other non-combustible material; or
 - (iv) a combination of any of items (i), (ii), (iii) above.

5.6.4 Veranda, carport and awning roofs

The following apply to veranda, carport and awning roofs:

- (a) A veranda, carport or awning roof forming part of the main roof space (see Figure D1 (a), Appendix D) shall meet all the requirements for the main roof, as specified in Clauses 5.6.1, 5.6.2, 5.6.3, 5.6.5, 5.6.6.
- (b) A veranda, carport or awning roof separated from the main roof space by an external wall (see Figure D1 (b) and D1 (c), Appendix D) complying with Clause 5.4 shall have a non-combustible roof covering.

NOTE: There is no requirement to line the underside of a veranda, carport or awning roof that is separated from the main roof space.

5.6.5 Roof Penetrations

The following apply to roof penetrations:

- (a) Roof penetrations, including roof lights, roof ventilators, roof-mounted evaporative cooling units, aerials, vent pipes and supports for solar collectors, shall be adequately sealed at the roof to prevent gaps greater than 3mm. The material used to seal the penetration shall be non-combustible.
- (b) Openings in vented roof lights, roof ventilators or vent pipes shall be fitted with ember guards made from a mesh or perforated sheets with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.
- (c) All overhead glazing shall be Grade A laminated safety glass complying with AS 1288.
- (d) Glazed elements in roof lights and skylights may be a polymer provided a Grade A safety glass diffuser, complying with AS 1288, is installed under the glazing. Where glazing is an insulating glazing unit (IGU), Grade A toughened safety glass, minimum 4mm, shall be used in the outer pane of the IGU.
- (e) Flashing elements of tubular skylights may be of a fire-retardant material, provided the roof integrity is maintained by an under-flashing of a material having a flammability index no greater than 5.
- (f) Evaporative cooling units shall be fitted with butterfly closers at or near the ceiling level or, the unit shall be fitted with non-combustible covers with a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.
- (g) Vent pipes made from PVC are permitted.

5.6.6 Eaves linings, fascias and gables

The following apply to eaves linings, fascias and gables:

- (a) Gables shall comply with Clause 5.4.
- (b) Eaves penetrations shall be protected the same as for roof penetrations, as specified in Clause 5.6.5.
- (c) Eaves ventilation openings greater than 3mm shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.

Joints in eaves linings, fascias and gables may be sealed with plastic joining strips or timber storm moulds.

This standard does not provide construction requirements for fascias, bargeboards and eaves linings.

5.6.7 Gutters and downpipes

This standard does not provide material requirements for:

- (a) gutters, with the exception of box gutters; and
- (b) downpipes.

If installed, gutter and valley leaf guards shall be non-combustible.

Box gutters shall be non-combustible and flashed at the junction with the roof with non-combustible material.

5.7 VERANDAS, DECKS, STEPS, RAMPS AND LANDINGS

5.7.1 General

Decking shall be either spaced or continuous (ie, without spacing).

There is no requirement to enclose the sub-floor spaces of verandas, decks, steps, ramps or landings.

5.7.2 Enclosed sub-floor spaces of verandas, decks, steps, ramps and landings

5.7.2.1 Materials to enclose a sub-floor space

This Standard does not provide construction requirements for the material used to enclose a sub-floor space except where those materials are less than 400mm from the ground.

Where the materials used to enclose a sub-floor space are less than 400mm from the ground, they shall comply with Clause 5.4.

5.7.2.2 Supports

This Standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.

5.7.2.3 Framing

This Standard does not provide construction requirements for the framing of verandas, decks, ramps or landings (ie, bearers and joists).

5.7.2.4 Decking

This Standard does not provide construction requirements for decking that is more than 300mm from a glazed element.

Decking less than 300mm (measured horizontally at deck level) from glazed elements that are less than 400mm (measured vertically) from the surface of the deck (see Figure D2, Appendix D) shall be made from:

- (a) non-combustible material; or
- (b) bushfire-resisting timber (see Appendix F); or
- (c) a timber species, as specified in Paragraph E1 and listed in Table E1 of Appendix E;
- (d) PVC-U; or
- (e) a combination of any of items (a), (b), (c), or (d) above.

5.7.3 Unenclosed sub-floor spaces of verandas, decks, steps, ramps and landings

5.7.3.1 Supports

This Standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.

5.7.3.2 Framing

This Standard does not provide construction requirements for the framing of verandas, decks, ramps or landings (ie, bearing and joists).

5.7.3.3 Decking

This Standard does not provide construction requirements for decking unless it is less than 300mm from a glazed element.

Decking less than 300mm (measured horizontally at deck level) from glazed elements that are less than 400mm (measured vertically) from the surface of the deck (see Figure D2, Appendix D) shall be made from:

- (a) non-combustible material; or
- (b) bushfire-resisting timber (see Appendix F); or
- (c) a timber species, as specified in Paragraph E1 and listed in Table E1, Appendix E; or
- (d) and combination of any of items (a), (b), (c) above.

5.7.4 Balustrades, handrails or other barriers

This Standard does not provide construction requirements for balustrades, handrails and other barriers.

5.8 WATER AND GAS SUPPLY PIPES

Above-ground, exposed water and gas supply pipes shall be metal.



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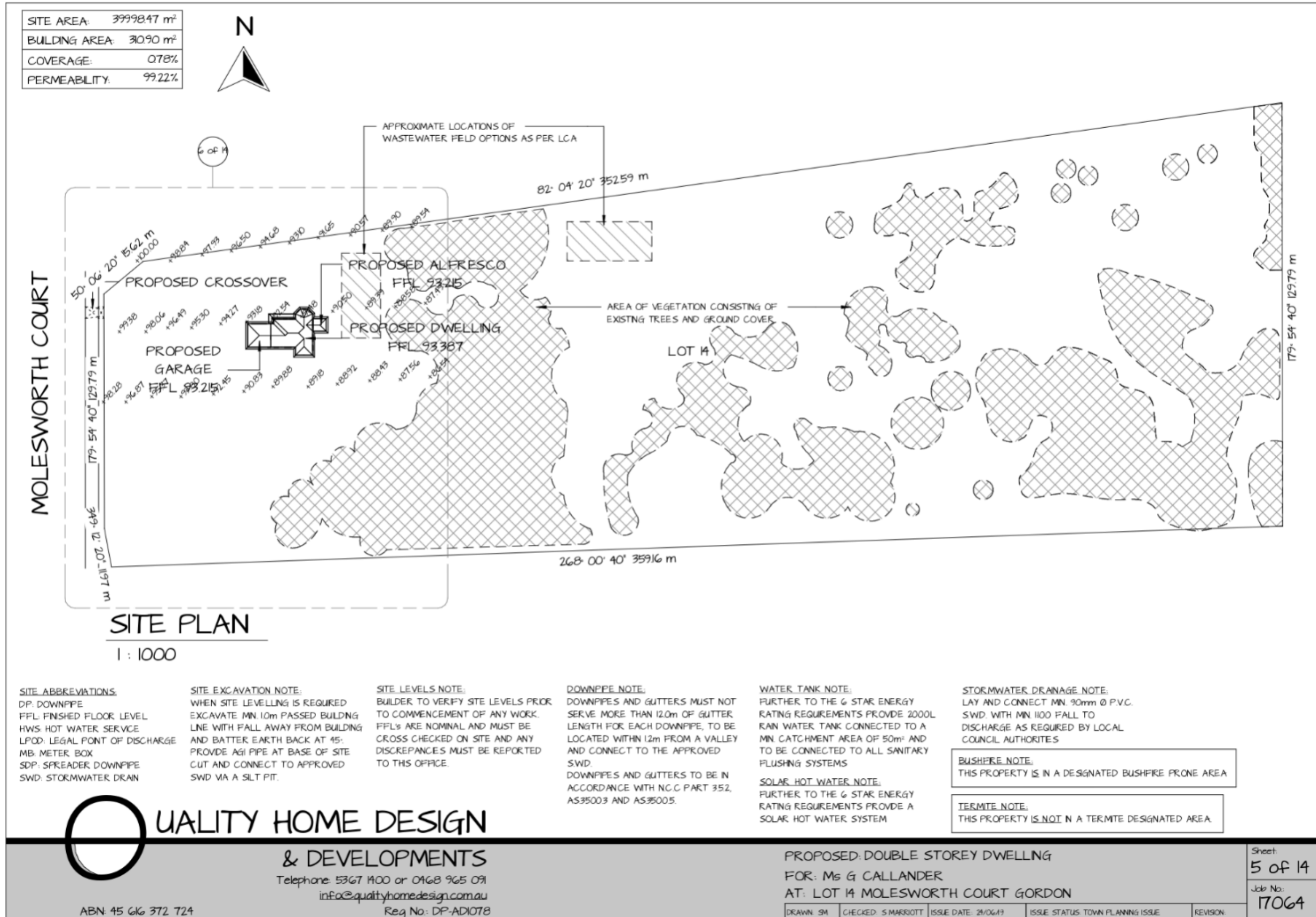
AT: LOT 14 MOLESWORTH COURT GORDON

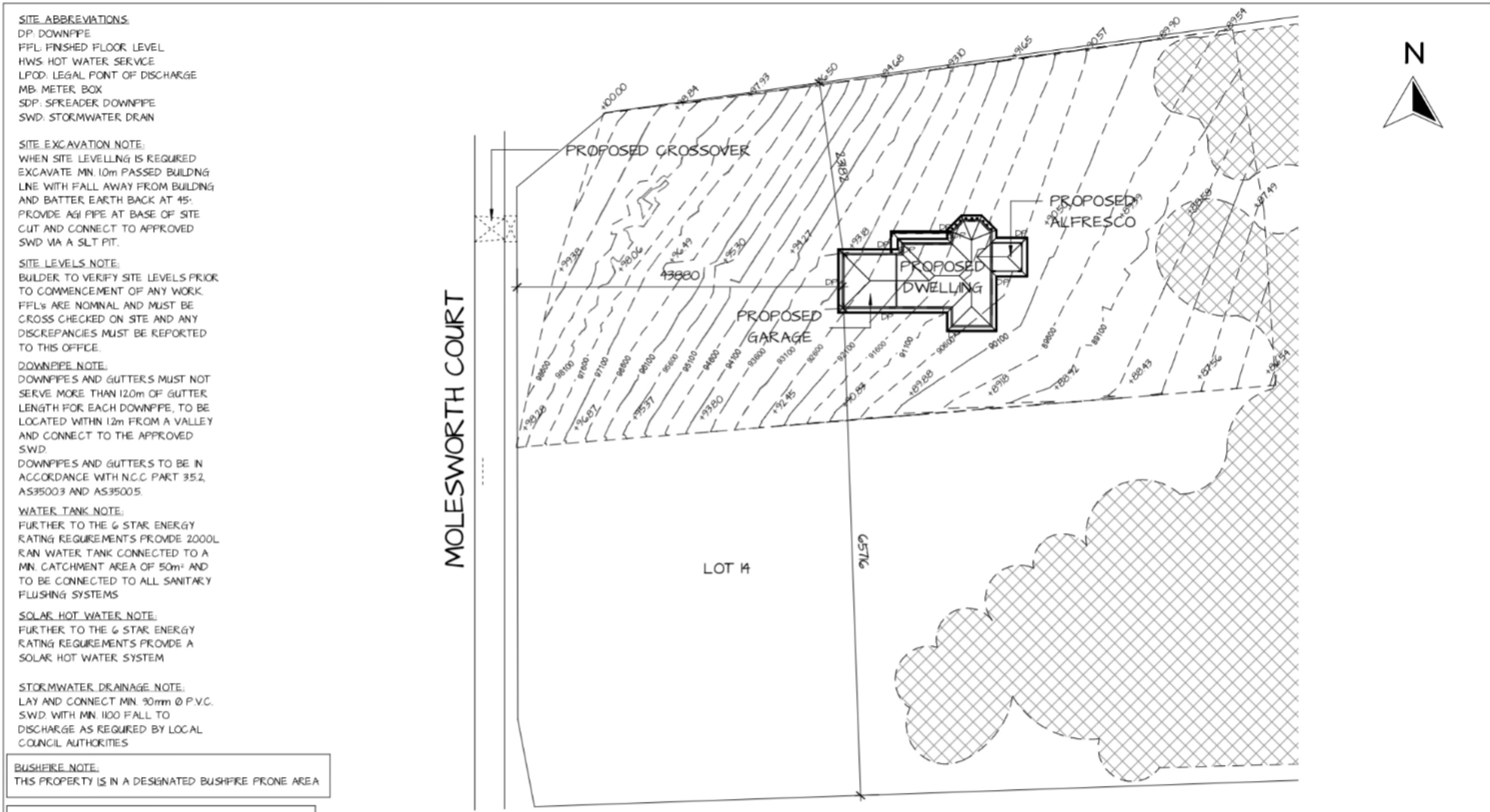
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SITE ABBREVIATIONS:
 DP: DOWNPIPE
 FFL: FINISHED FLOOR LEVEL
 HWS: HOT WATER SERVICE
 LPOD: LEGAL POINT OF DISCHARGE
 MB: METER BOX
 SDP: SPREADER DOWNPIPE
 SWD: STORMWATER DRAIN

SITE EXCAVATION NOTE:
 WHEN SITE LEVELLING IS REQUIRED EXCAVATE MIN. 10m PASSED BUILDING LINE WITH FALL AWAY FROM BUILDING AND BATTER EARTH BACK AT 45°. PROVIDE AGI PIPE AT BASE OF SITE CUT AND CONNECT TO APPROVED SWD VIA A SILT PIT.

SITE LEVELS NOTE:
 BUILDER TO VERIFY SITE LEVELS PRIOR TO COMMENCEMENT OF ANY WORK. FFLs ARE NOMINAL AND MUST BE CROSS CHECKED ON SITE AND ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE.

DOWNPIPE NOTE:
 DOWNPIPES AND GUTTERS MUST NOT SERVE MORE THAN 120m OF GUTTER LENGTH FOR EACH DOWNPIPE, TO BE LOCATED WITHIN 12m FROM A VALLEY AND CONNECT TO THE APPROVED SWD.
 DOWNPIPES AND GUTTERS TO BE IN ACCORDANCE WITH N.C.C. PART 35.2, AS3500.3 AND AS3500.5.

WATER TANK NOTE:
 FURTHER TO THE 6 STAR ENERGY RATING REQUIREMENTS PROVIDE 2000L RAIN WATER TANK CONNECTED TO A MIN. CATCHMENT AREA OF 50m² AND TO BE CONNECTED TO ALL SANITARY FLUSHING SYSTEMS

SOLAR HOT WATER NOTE:
 FURTHER TO THE 6 STAR ENERGY RATING REQUIREMENTS PROVIDE A SOLAR HOT WATER SYSTEM

STORMWATER DRAINAGE NOTE:
 LAY AND CONNECT MIN. 90mm Ø P.V.C. SWD WITH MIN. 100 FALL TO DISCHARGE AS REQUIRED BY LOCAL COUNCIL AUTHORITIES

BUSHFIRE NOTE:
 THIS PROPERTY IS IN A DESIGNATED BUSHFIRE PRONE AREA

TERMITE NOTE:
 THIS PROPERTY IS NOT IN A TERMITE DESIGNATED AREA

SITE PLAN - CALLOUT
 1 : 500

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PROPOSED: DOUBLE STOREY DWELLING
 FOR: Ms G CALLANDER
 AT: LOT 14 MOLESWORTH COURT GORDON

Sheet:
6 of 14
 Job No:
17064

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- ABBREVIATIONS**
- B BENCH
 - BH BULKHEAD
 - BRM BRROOM
 - CJ CONSTRUCTION JOINT
 - DP DOWNPIPE
 - DR DRYER
 - DW DISHWASHER
 - ENS ENSUITE
 - FPL FINISHED FLOOR LEVEL
 - HP HOT PLATE
 - HWS HOT WATER SERVICE
 - LPOD LEGAL POINT OF DISCHARGE
 - MB METRE BOX
 - MH MAN HOLE
 - OHC OVERHEAD CUPBOARDS
 - PDR POWDER ROOM
 - R/A RETURN AIR
 - REP REFRIGERATOR
 - R/H RANGEHOOD
 - S/D SLIDING DOOR
 - SD SMOKE DETECTOR
 - SDP SPREADER DOWNPIPE
 - SHR SHOWER
 - SS SERVICE STACK
 - SWD STORMWATER DRAIN
 - T TROUGH
 - UBO UNDER BENCH OVEN
 - VEE VERANDAH
 - WM WASHING MACHINE
 - WO WALL OVEN

WC DOOR NOTE
 PROVIDE LIFT OFF HINGES ON WC DOOR WHERE THERE IS LESS THAN 1200mm CLEAR SPACE FROM THE PAN TO THE DOORWAY UNLESS THE DOOR IS SLIDING OR OPENING OUTWARDS

SMOKE DETECTOR NOTE
 HARD WIRED SMOKE DETECTORS WITH BATTERY BACKUP TO BE POSITIONED NOT MORE THAN 15m FROM BEDROOMS DOORS. ENSURE EXISTING DWELLING COMPLIES WITH THE ABOVE. ALL SMOKE DETECTORS TO BE INTERCONNECTED.
 ⊙ DENOTES SMOKE ALARM

RANGEHOOD NOTE
 RANGE HOOD TO BE VENTED TO EXTERNAL AIR

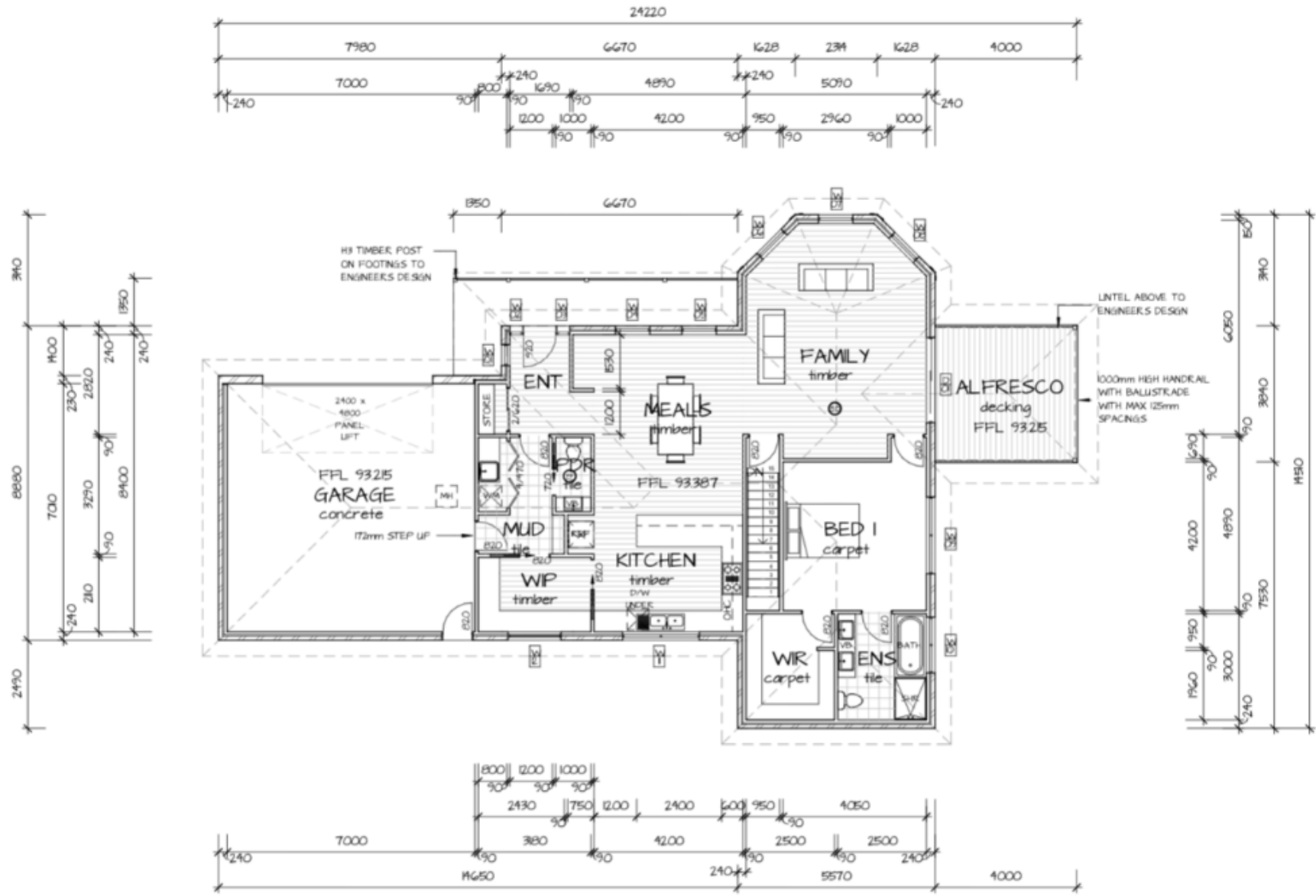
VENTILATION NOTE
 IN ACCORDANCE WITH N.C.C PART 9B52 MECHANICAL VENTILATION TO BE VENTED TO EXTERNAL AIR IN SANITARY COMPARTMENT, LAUNDRY OR BATHROOM
 ⊙ DENOTES EXHAUST FAN

WINDOW FALL PROTECTION NOTE
 WINDOWS TO FIRST FLOOR FITTED WITH DEVICE THAT RESTRICTS OPENING TO MAX 125mm OR ALTERNATIVELY OPENABLE PANEL TO BE FIXED WITH A NON-REMOVABLE ROBUST SCREEN TO COMPLY WITH N.C.C 9.9.25

WATERPROOF MEMBRANE NOTE
 PROVIDE IMPERVIOUS (WATERPROOF/WATER RESISTANT) SURFACES TO ALL WET AREAS IN ACCORDANCE WITH CLAUSE 9.8.2 OF THE BCA AND AS1150 INCLUDING FLOORS, WALLS, SPLASHBACKS, HOBBS, ETC. TREAT AREAS TO A MINIMUM HEIGHT OF 80mm BEHIND SINKS, TROUGHES, BASINS, BATHS, ETC AND ALSO TO A MINIMUM HEIGHT 1800mm ABOVE THE FLOORS OF SHOWERS

TILE EXPANSION NOTE
 TILE EXPANSION JOINTS ARE TO BE IN ACCORDANCE WITH AS3956

Area Schedule		
Name	Area	Squares
UPPER FLOOR	42.94 m ²	15.93
LOWER FLOOR	7.817 m ²	2.81
GARAGE	54.16 m ²	5.83
PORCH	12.72 m ²	1.37
ALFRESCO	22.92 m ²	2.47
Grand total	110.57 m ²	38.47



UPPER FLOOR PLAN
 1 : 100

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PROPOSED DOUBLE STOREY DWELLING
 FOR: Ms G CALLANDER
 AT: LOT 4 MOLESWORTH COURT GORDON

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 Job No: 17064

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- ABBREVIATIONS:**
 B: BENCH
 BH: BULKHEAD
 BR.M: BROOM
 C.J: CONSTRUCTION JOINT
 DP: DOWNPIPE
 DR: DRYER
 DW: DISHWASHER
 ENS: ENSUITE
 FFL: FINISHED FLOOR LEVEL
 HP: HOT PLATE
 HWS: HOT WATER SERVICE
 LPOD: LEGAL POINT OF DISCHARGE
 MB: METER BOX
 MH: MAN HOLE
 OHC: OVERHEAD CUPBOARDS
 PDR: POWDER ROOM
 R/A: RETURN AIR
 REF: REFRIDGERATOR
 R/H: RANGEHOOD
 S/D: SLIDING DOOR
 SD: SMOKE DETECTOR
 SDP: SPREADER DOWNPIPE
 SHR: SHOWER
 SS: SERVICE STACK
 SWD: STORMWATER DRAIN
 T: TROUGH
 UBO: UNDER BENCH OVEN
 VER: VERANDAH
 WM: WASHING MACHINE
 WO: WALL OVEN

WATERPROOF MEMBRANE NOTE
 PROVIDE IMPERVIOUS (WATERPROOF/WATER RESISTANT) SURFACES TO ALL WET AREAS IN ACCORDANCE WITH CLAUSE 3812 OF THE BCA AND AS3740 INCLUDING FLOORS, WALLS, SPLASHBACKS, HOBS, ETC. TREAT AREAS TO A MINIMUM HEIGHT OF 150mm BEHIND SINKS, TROUGHES, BASINS, BATHS, ETC AND ALSO TO A MINIMUM HEIGHT 1800mm ABOVE THE FLOORS OF SHOWERS

WC DOOR NOTE:
 PROVIDE LIFT OFF HINGES ON WC DOOR WHERE THERE IS LESS THAN 1200mm CLEAR SPACE FROM THE PAN TO THE DOORWAY, UNLESS THE DOOR IS SLIDING OR OPENING OUTWARDS

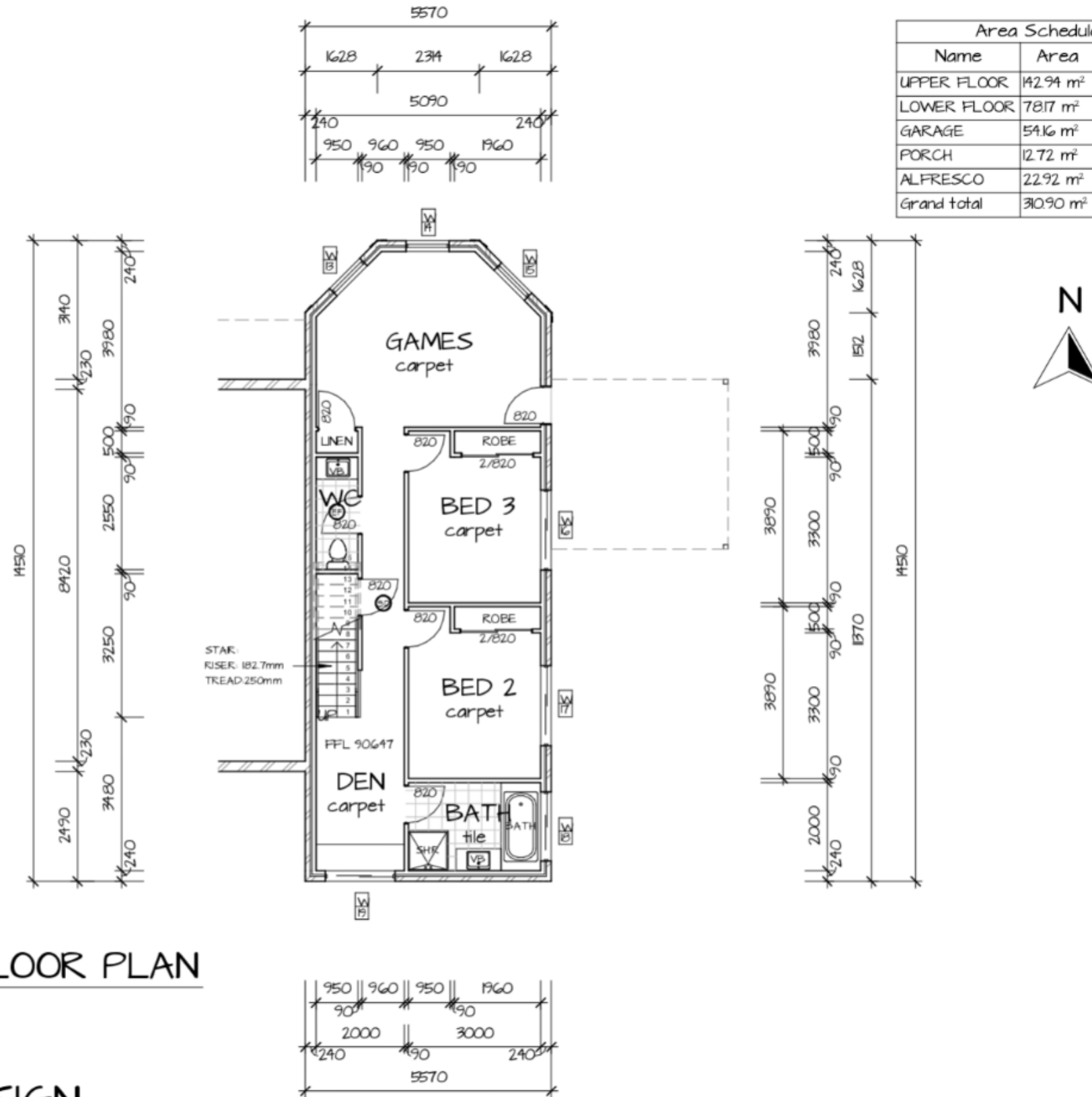
SMOKE DETECTOR NOTE:
 HARD WIRED SMOKE DETECTORS WITH BATTERY BACKUP TO BE POSITIONED NOT MORE THAN 15m FROM BEDROOMS DOORS. ENSURE EXISTING DWELLING COMPLES WITH THE ABOVE. ALL SMOKE DETECTORS TO BE INTERCONNECTED.
 Ⓢ DENOTES SMOKE ALARM

RANGEHOOD NOTE:
 RANGE HOOD TO BE VENTED TO EXTERNAL AIR

VENTILATION NOTE:
 IN ACCORDANCE WITH NCC PART 3852 MECHANICAL VENTILATION TO BE VENTED TO EXTERNAL AIR IN SANITARY COMPARTMENT, LAUNDRY OR BATHROOM
 Ⓢ DENOTES EXHAUST FAN

TILE EXPANSION NOTE:
 TILE EXPANSION JOINTS ARE TO BE IN ACCORDANCE WITH AS39561

Area Schedule		
Name	Area	Squares
UPPER FLOOR	142.94 m ²	1539
LOWER FLOOR	7817 m ²	841
GARAGE	54.16 m ²	5.83
PORCH	12.72 m ²	137
ALFRESCO	22.92 m ²	247
Grand total	310.90 m ²	3347



LOWER FLOOR PLAN

1 : 100



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 AT: LOT 14 MOLESWORTH COURT GORDON

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ELEVATION ABBREVIATIONS:
 C.J. CONSTRUCTION JOINT
 D.P. DOWNPIPE
 F. FIXED
 F.F.L. FINISHED FLOOR LEVEL
 M.B. METER BOX
 N.G.L. NATURAL GROUND LEVEL
 O. OPENABLE
 S/D. SLIDING DOOR
 S.D.P. SPREADER DOWNPIPE
 S.W.D. STORMWATER DRAIN

WINDOW FALL PROTECTION NOTE:
 WINDOWS TO FIRST FLOOR FITTED WITH DEVICE THAT RESTRICTS OPENING TO MAX 125mm OR ALTERNATIVELY OPENABLE PANEL TO BE FIXED WITH A NON-REMOVABLE ROBUST SCREEN TO COMPLY WITH N.C.C. 3.9.25

NORTH ELEVATION
 1 : 100

SOUTH ELEVATION
 1 : 100

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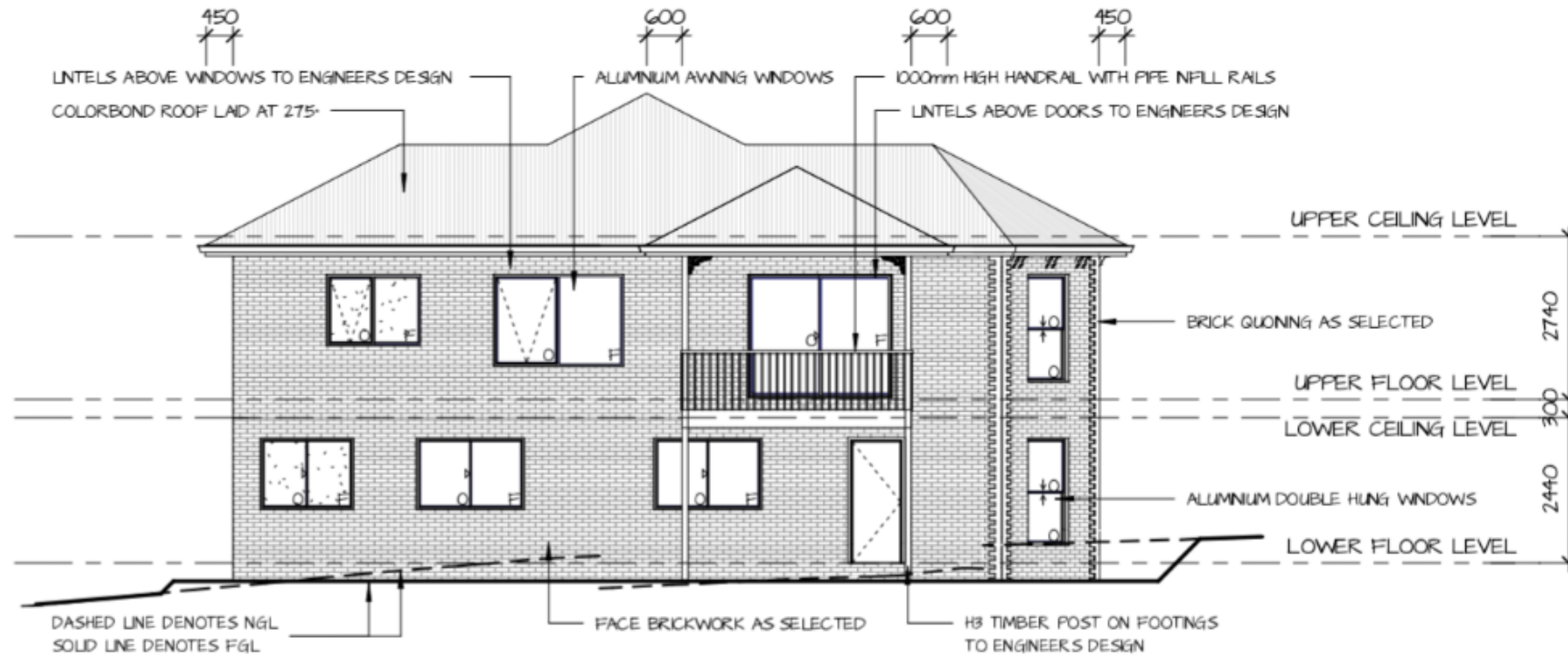
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ELEVATION ABBREVIATIONS:
 C.J. CONSTRUCTION JOINT
 DP: DOWNPIPE
 F: FIXED
 FFL: FINISHED FLOOR LEVEL
 MB: METER BOX
 NGL: NATURAL GROUND LEVEL
 O: OPENABLE
 S/D: SLIDING DOOR
 SDP: SPREADER DOWNPIPE
 SWD: STORMWATER DRAIN

WINDOW FALL PROTECTION NOTE:
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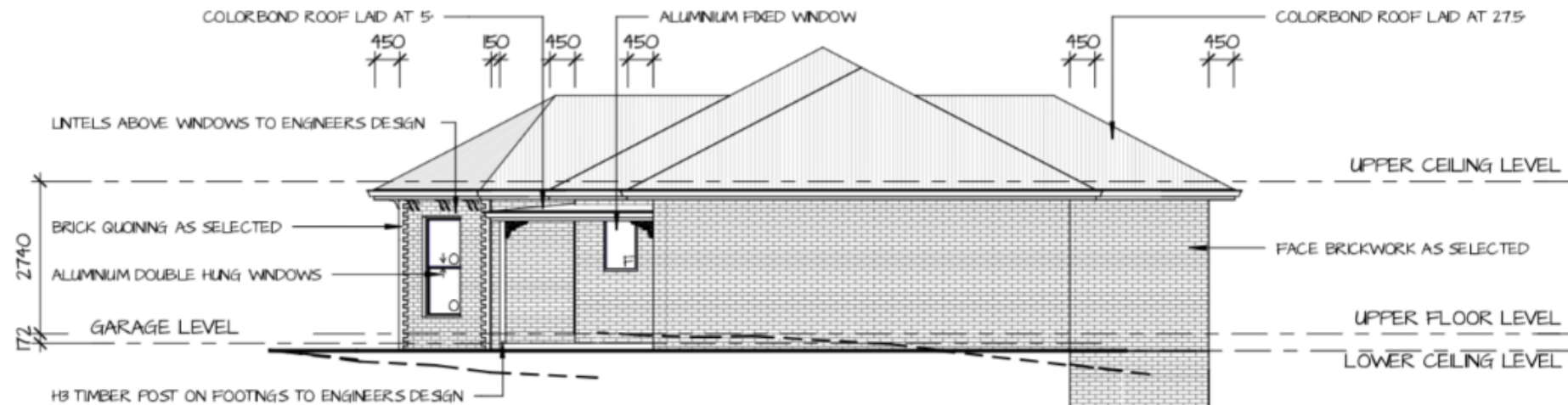
COLOUR SCHEDULE

BRICKS	HERITAGE RED BRICKS
ROOF	COLORBOND IRONSTONE
GUTTER	COLORBOND IRONSTONE
FASCIA	COLORBOND CLASSIC CREAM
DOWNPIPES	COLORBOND CLASSIC CREAM
FRETWORK	COLORBOND CLASSIC CREAM
WINDOWS	COLORBOND NIGHT SKY
POST & HANDRAILS	COLORBOND NIGHT SKY
BALUSTRADE	COLORBOND CLASSIC CREAM
GARAGE	COLORBOND CLASSIC CREAM
DRIVEWAY	TOPPING



EAST ELEVATION

1 : 100



WEST ELEVATION

1 : 100



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FOR: Ms G CALLANDER

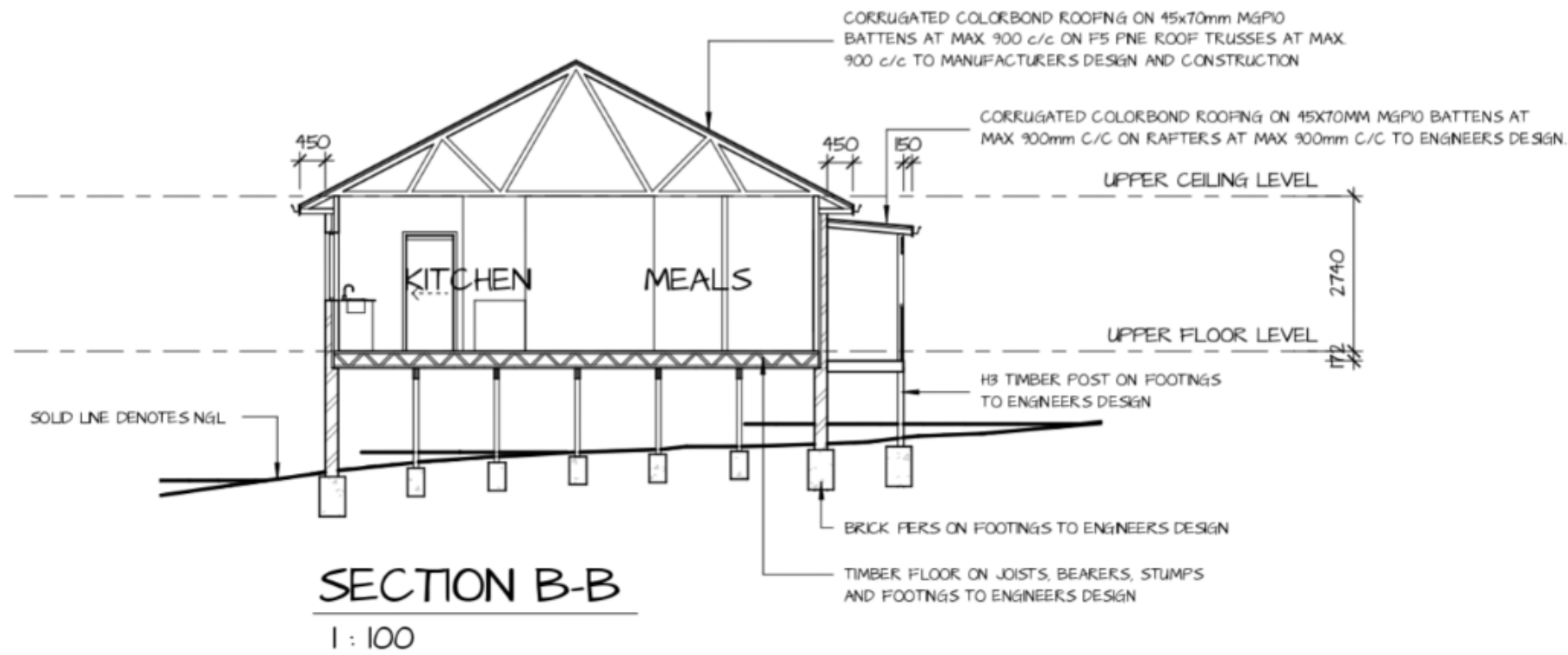
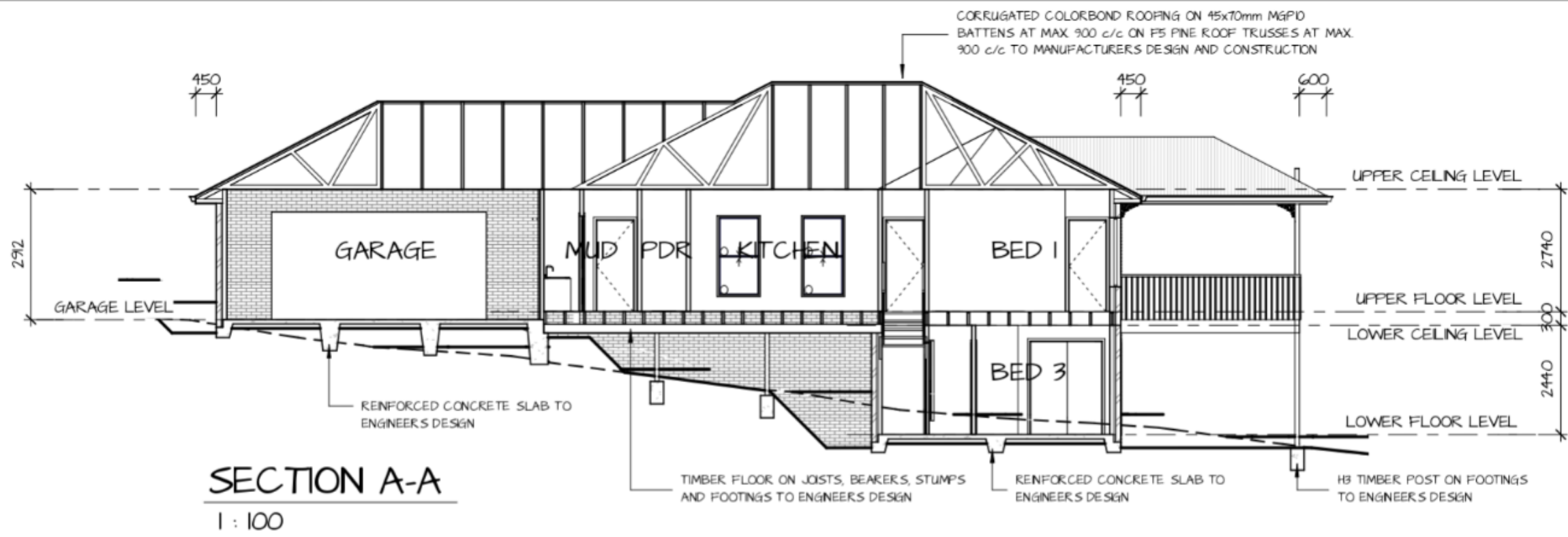
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CONSTRUCTION JOINT DETAIL REFERENCE IN ACCORDANCE WITH AS 4773.2 2015

FIGURE 71 - CONTROL JOINT DETAILS FOR MASONRY WITHOUT A REINFORCED BOND BEAM

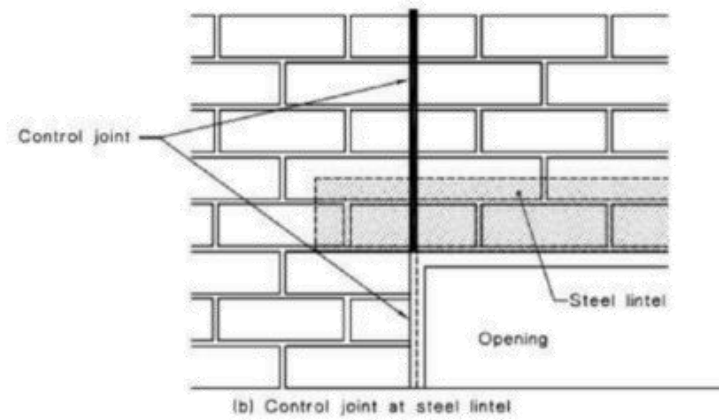
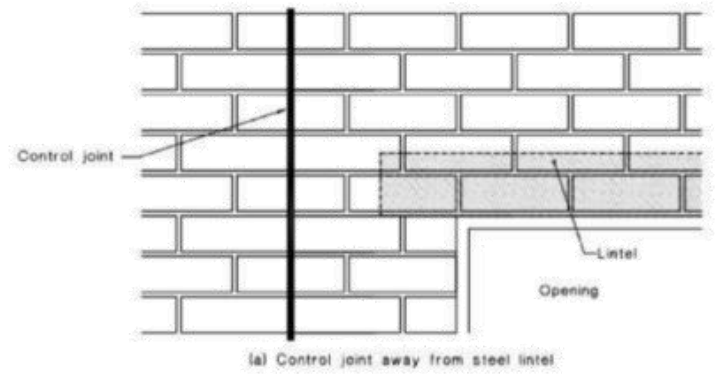


FIGURE 71 - CONTROL JOINT DETAILS FOR MASONRY WITHOUT A REINFORCED BOND BEAM (cont)

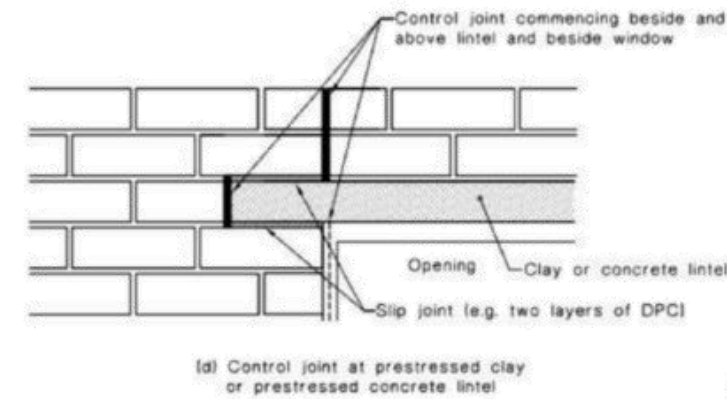
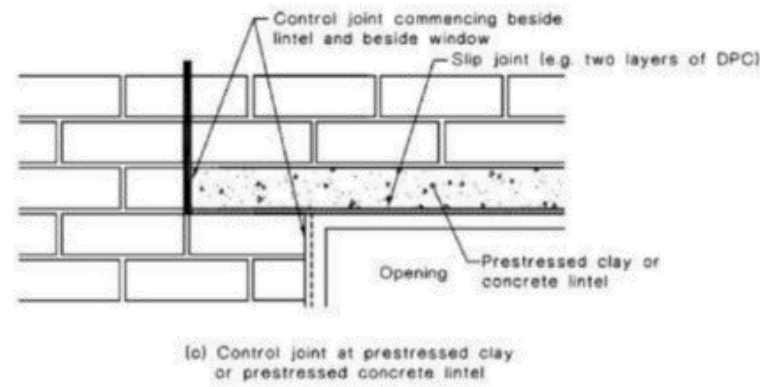


FIGURE 72 - CONTROL JOINT DETAILS FOR MASONRY WITH A REINFORCED BOND BEAM

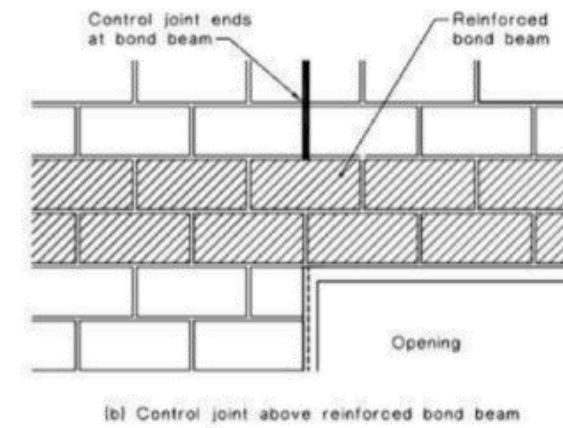
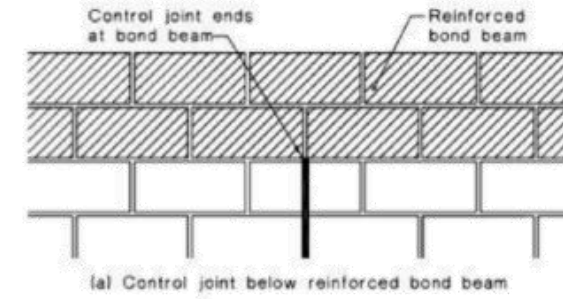
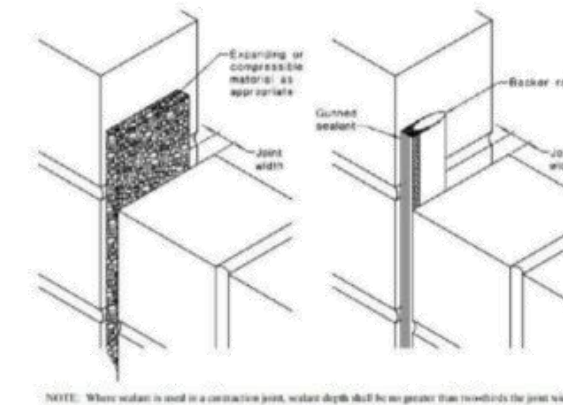


FIGURE 73 - CONTROL JOINT NFILL



CONSTRUCTION JOINTS

1:10



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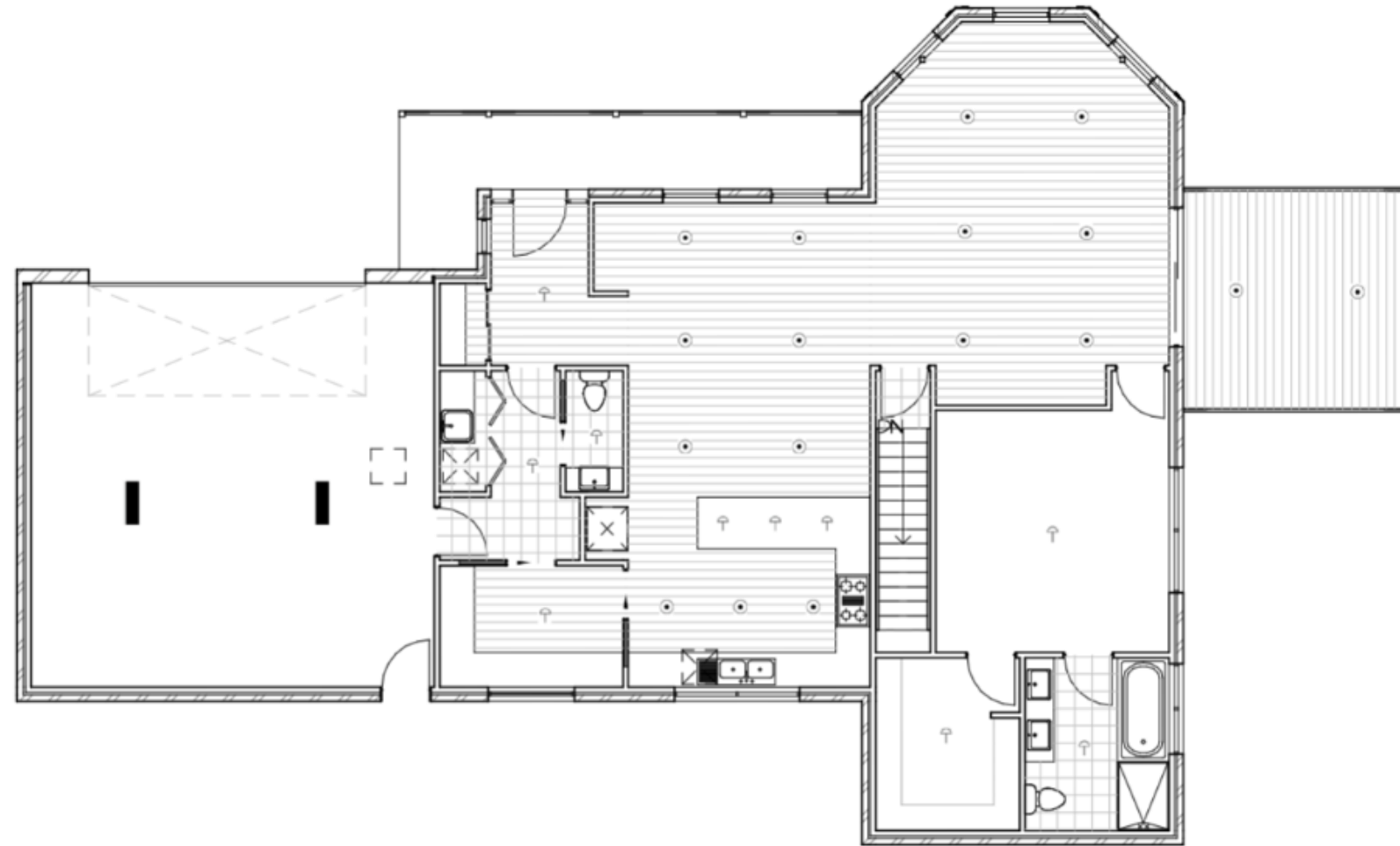
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DWELLING max 5w/m²
 GARAGE max 3w/m²
 PORCH/ OUTDOOR LIVING/ CARPORTS max 4w/m²

NOTE:
 - HEAT LAMPS ARE EXEMPT
 - ARTIFICIAL LIGHTING TO COMPLY WITH NCC 31255
 - ARTIFICIAL LIGHTING AROUND THE PERIMETER OF A BUILDING MUST:
 (i) BE CONTROLLED BY A DAYLIGHT SENSOR
 or
 (ii) HAVE AN AVERAGE LIGHT SOURCE EFFICACY OF NOT LESS THAN 40 lumens/w
 - ALL DOWNLIGHTS TO BE FITTED WITH DOWNLIGHT COVERS TO MANUFACTURERS REQUIREMENTS

- FLUORESCENT DOWNLIGHT
- LED DOWNLIGHT
- ⊗ CEILING FAN WITH LIGHT
- ⌞ BATTEN LIGHT/FENDANT LIGHT
- ☐ WEATHER-PROOF BATTEN LIGHT
- ☑ FLOOD LIGHT
- ▬ FLUORESCENT LIGHT SINGLE
- ▭ FLUORESCENT LIGHT DOUBLE
- ☉ HEAT LAMP 3 IN 1
- ☉ HEAT LAMP 4 IN 1



UPPER FLOOR LIGHTING LAYOUT
 1 : 100



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 AT: LOT 14 MOLESWORTH COURT GORDON

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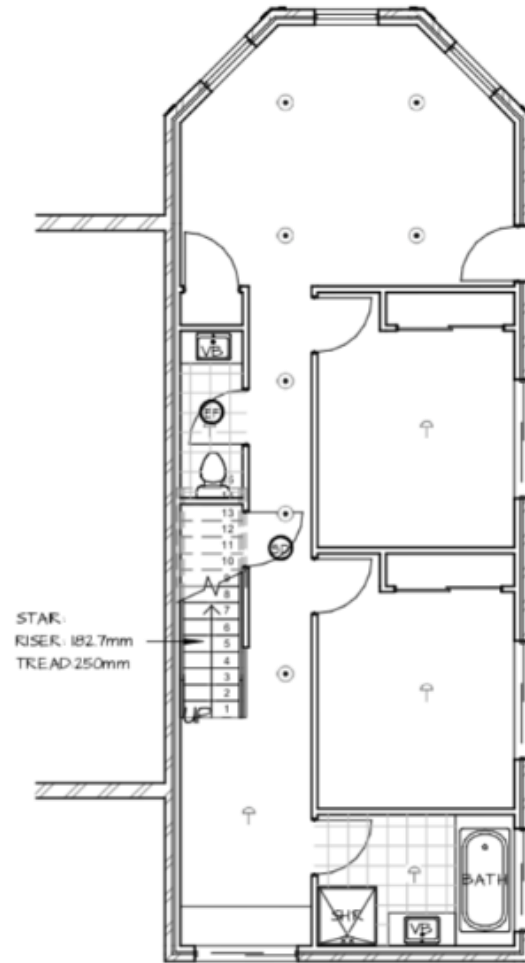
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DWELLING max 5w/m²
 GARAGE max 3w/m²
 PORCH/ OUTDOOR LIVING/ CARPORTS max 4w/m²

NOTE:
 - HEAT LAMPS ARE EXEMPT
 - ARTIFICIAL LIGHTING TO COMPLY WITH NCC 31255
 - ARTIFICIAL LIGHTING AROUND THE PERIMETER OF A BUILDING MUST:
 (i) BE CONTROLLED BY A DAYLIGHT SENSOR
 or
 (ii) HAVE AN AVERAGE LIGHT SOURCE EFFICACY
 OF NOT LESS THAN 40 lumens/w
 - ALL DOWNLIGHTS TO BE FITTED WITH DOWNLIGHT COVERS TO MANUFACTURERS REQUIREMENTS

- FLUORESCENT DOWNLIGHT
- LED DOWNLIGHT
- ⊗ CEILING FAN WITH LIGHT
- ⊖ BATTEN LIGHT/FENDANT LIGHT
- ☾ WEATHERPROOF BATTEN LIGHT
- ☼ FLOOD LIGHT
- ▬ FLUORESCENT LIGHT SINGLE
- ▭ FLUORESCENT LIGHT DOUBLE
- ⊙ HEAT LAMP 3 IN 1
- ⊚ HEAT LAMP 4 IN 1



LOWER FLOOR LIGHTING LAYOUT

1 : 100



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FOR: Ms G CALLANDER

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