

AGENDA

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 19 June, 2019
North Wing Room 2 & 3
Darley Civic and Community Hub
182 Halletts Way, Darley
6.00pm

MEMBERS

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

OFFICERS

Mr. Derek Madden	CEO
Mr. Satwinder Sandhu	General Manager Community Planning
Mr. Rob Fillisch	Manager Statutory Planning and Community Safety
Mr. Ewen Nevett	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Executive Assistant to General Manager Community Planning and Minute Taker

Item	Title	Responsibility	Page No.	Action
1.	Welcome, Present and Apologies	Chair		Noting
2.	Recording of Meeting	Chair		Noting
3.	Meeting Minutes	Chair		Noting
3.1	Confirmation of previous minutes Wednesday 15 May, 2019.			Resolution
4.	Conflict of Interest	Chair		Noting
5.	Growth & Development Reports	S. Sandhu		Discussion
5.1	Planning Permit Application PA2018 284 – Development of two (2) dwellings and two (2) lot subdivision at 2A Standfield Street, Bacchus Marsh.	V. Mack	Page 3	Resolution

5.2	Planning Permit Application PA2019058 - Development and Use of a Storage Shed using Zincalume and Removal of Vegetation at Elaine-Morrisons Road, Morrisons.	N. Begum	Page 31	Resolution
5.3	Planning Permit Application PA2018270 – Use and Development of a Warehouse and a Reduction of Car Parking (One Space) at 21 Osborne Street, Maddingley.	T. Tonkin	Page 44	Resolution
5.4	Planning Permit Application PA2018310 – Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at 35 Fiskens Street and 32 Park Street, Maddingley.	T. Tonkin	Page 63	Resolution
5.5	Planning Permit Application PA2018038 – Thirty Five (35) lot subdivision at 10 McCormacks Road, Maddingley.	M. Lovell	Page 74	Resolution

6.	Other Reports	S. Sandhu		Discussion
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6.1	Planning Application PA2014010 – Five (5) Lot Subdivision, Creation of a Carriageway Easement and Reduction in Car Parking (10 spaces). Update on process for creation of a carriageway easement.	R. Fillisch	Page 94	Resolution
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7.	Update on Trends, Issues and Other Matters	S. Sandhu		Discussion
8.	Update of VCAT Decisions	Chair		Resolution
9.	Date of Next Meeting	Chair		Noting

9.1 Wednesday 19 June, 2019
6.00pm
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley

10.	Meeting Close	Chair		Noting
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GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2018 284 – Development of two (2) dwellings and two (2) lot subdivision at 2A Standfield Street, Bacchus Marsh.

Application Summary:	
Permit No:	PA2018284
Lodgement Date:	25 October, 2018
Planning Officer:	Victoria Mack
Address of the land:	2A Standfield Street, Bacchus Marsh Lot 2 on PS 060466
Proposal:	Development of two (2) dwellings and two (2) lot subdivision
Lot size:	610sqm
Why is a permit required?	Development of two or more dwellings on a lot
Reason for being presented to S86 Development Assessment Committee	One objection received
Public Consultation	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	One
Consultation Meeting:	Not held as it was considered it was unlikely to change the objectors view.
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Victoria Mack</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary	
Application Referred?	Yes, Melbourne Water and Council's Infrastructure
Any issues raised in referral responses?	No
Preliminary concerns?	Plans did not comply with Rescode
Any discussions with applicant regarding concerns?	Yes, worked with applicant to make changes to the plans to meet Rescode requirements
Any changes made to the application since being lodged?	Amended plans received
Brief history	The land currently has a modest older style single storey dwelling.
Previous applications for the site?	Nil
General Summary	<p>The application is for two dwellings and a two-lot subdivision. The original application did not meet all the required Rescode requirements and the applicant was asked to amend the plans until these were satisfied.</p> <p>It is considered that the application generally accords with the requirements of the Moorabool Planning Scheme including Victoria Planning Policy, Local Planning Policy, the zones and overlays and the particular provisions.</p> <p>The objector to the application is concerned that the neighbourhood will change its character if more medium density town house developments are approved. While the concern is understandable, the proposal generally accords with the Preferred Neighbourhood Character statement for Precinct 22 of the Bacchus Marsh Housing Strategy in which the site is located.</p>

	The precinct is typified by older housing stock, in part, and it is considered that the area would benefit from well-planned renewal with new dwellings that meet a variety of housing needs.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Planning Permit for the Development of two (2) dwellings and a two (2) lot subdivision at 2A Standfield Street, otherwise known as Lot 2 on PS 060466.	

Site Description

The site is located on the east side of Standfield Street, approximately 27m south of the intersection of Standfield Street with Waddell Street to the north.

The site is approximately 170m south-east of the intersection of Waddell Street with Grant Street and approximately 400m south-east of the intersection of Grant Street with Main Street in the centre of the Bacchus Marsh township.

The site is flat and rectangular and has an area of 610sqm.

There is an existing older style single storey fibro clad dwelling on the site with a detached garage and garden shed. The age of the dwelling is unknown but is likely to have been built in approximately 1950s or 1960's. There are three shrubs or small trees at the rear of the site and four medium shrubs in the front setback with one being close to the dwelling. These are garden plantings. There is no established garden on the site.

There is an existing crossover towards the northern side of the frontage.

The immediate surrounds include on the northern boundary of the site a cluster of 4 town houses facing Waddell Street. These dwellings are a mix of double storey at the front and single storey at the rear, which abut the subject site.

On the southern boundary of the site is a large double storey dwelling. On the eastern boundary is the rear yard of 13-15 Waddell Street which is a large lot with an area of approximately 1200sqm.

The wider locality generally comprises single storey dwellings on similar or larger sized allotments. The site is close to Main Street retail shops and services. The site is also approximately 1.4km north of the Bacchus Marsh railway station.

Below is an aerial photo of the site.



Proposal

The existing dwelling on the site would be demolished, and it is proposed to construct two dwellings on the land. The front of the dwellings would be double storey and the rear of the dwellings would be single storey.

The original plans did not meet Rescode requirements in several areas. The planning Department worked with the applicant to ensure that the proposal that was advertised generally accorded with Rescode objectives and standards.

The dwellings would be attached with each facing Standfield Street. Two new crossovers would be constructed.

The dwellings would be set back 4.93m and 4.83m respectively from the street. The maximum building height would be 6.2m.

No front fences are proposed.

The dwellings would be similar and have the following rooms:

- Ground floor: an entrance hallway leading to an open plan kitchen, meals and living room including a small study. The kitchen would have a walk-in-pantry. There would be a separate laundry, a powder room and a Master bedroom with an ensuite and walk-in-robe. An attached single car space garage would be located with doorway to the hallway. A stairway would lead to the upper floor.

The north side kitchen would have an additional window, and both dwellings would have skylights in the kitchen, meals and living room area as well a substantial glass sliding doors and windows to the rear private open space.

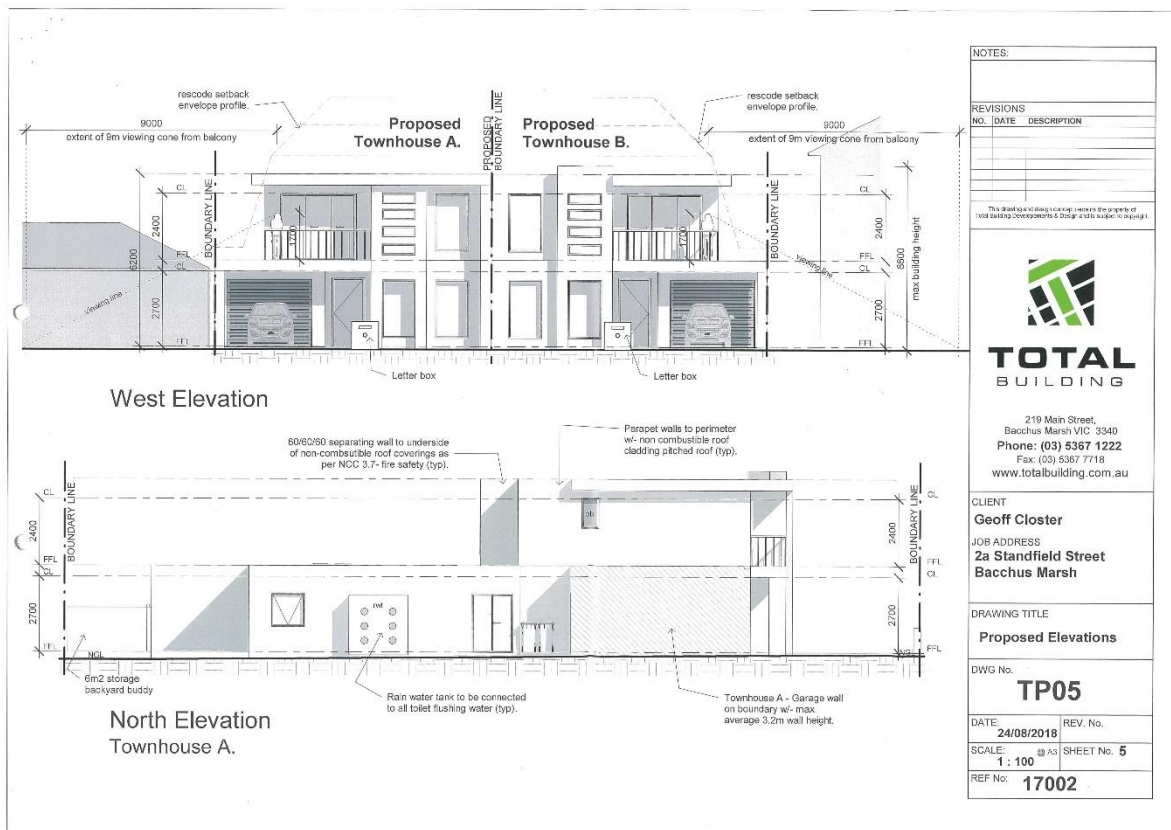
- Upper floor: The upper floor would have two bedrooms with built in robes, a family bathroom, a separate WC and a rumpus room. There would be a small deck from the rumpus room overlooking Standfield Street which would have an area of 4.86sqm. The upper floor would cover approximately the front half of the dwelling with the kitchen, meals and living room areas at the rear being single storey only.

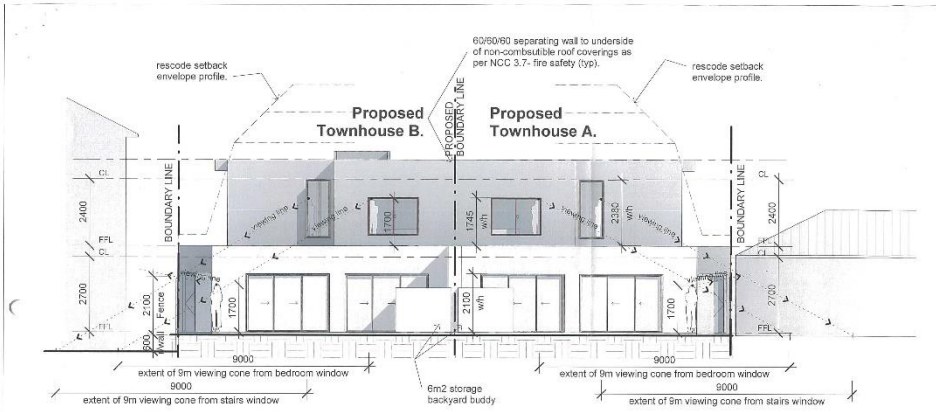
Each dwelling would have 60.8sqm of private open space at the rear with northerly orientation Each would have an external bin storage area at the rear of the garage, an outdoor storage shed in the rear private open space and a rainwater tank to be connected to the toilet' flushing systems.

For a lot with an area of 610sqm the garden area requirement of 30%, with a minimum dimension of 1 metre, can be met. In fact, the proposal provides for 35% of the lot being available for garden area, excluding the driveway and the area set aside for car parking.

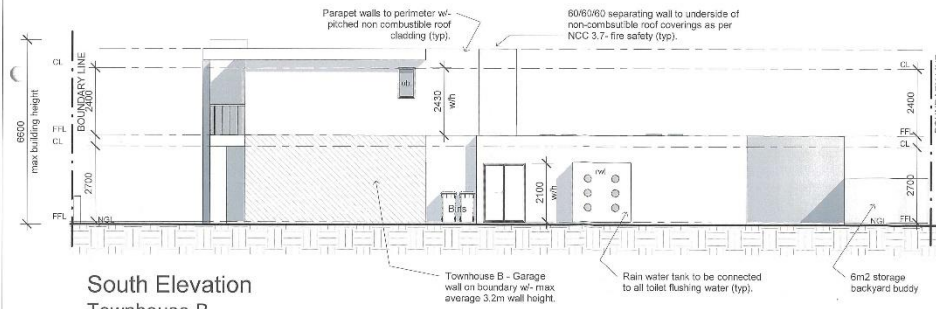
Each dwelling site would have a site area of 305sqm. The floor area of the dwelling would be 282sqm including both upper and ground floors. The ground floor area would be 205sqm.

Elevations and floor plans of the proposed development are included as an attachment to this report. The key plans are also included below:





East Elevation



South Elevation
Townhouse B.

NOTES:

REVISIONS

NO.	DATE	DESCRIPTION

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CLIENT

Geoff Closter
JOB ADDRESS
**2a Standfield Street
Bacchus Marsh**

DRAWING TITLE

Proposed Elevations

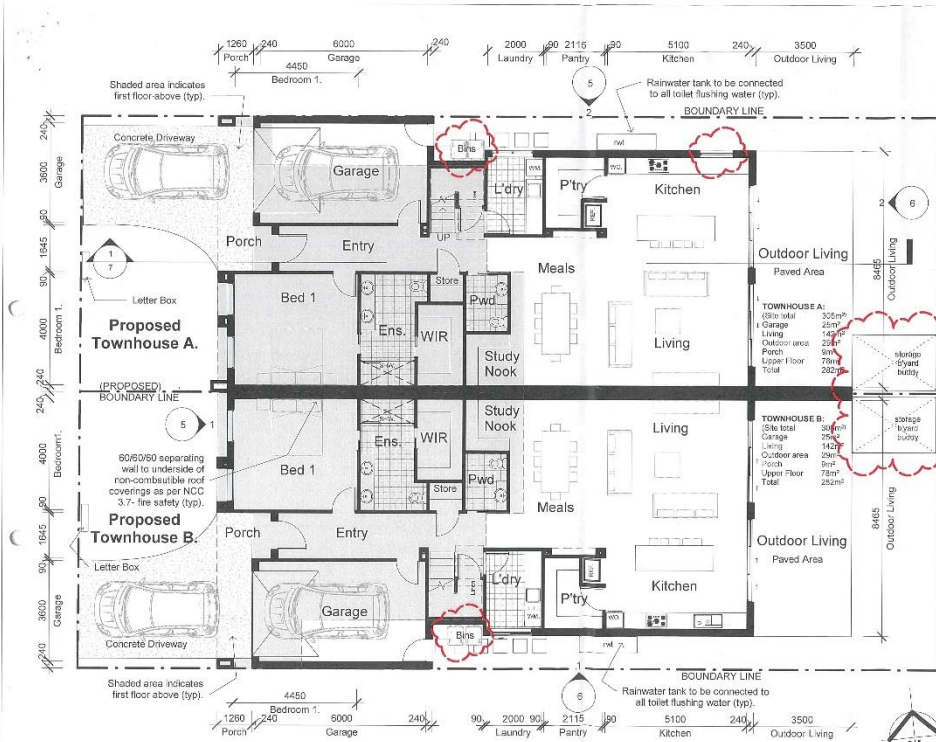
DWG No.

TP06

DATE: 24/08/2018 REV. No.

SCALE: 1 : 100 @ A3 SHEET No. 6

REF No: 17002



Proposed Ground Floor Plan

NOTES:

REVISIONS

NO.	DATE	DESCRIPTION
A	08/08/2018	TP06 AS PER TOWN PLANNING 019 REQUEST FOR PUR-PER INFO

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Bacchus Marsh**

DRAWING TITLE

Ground Floor Plan

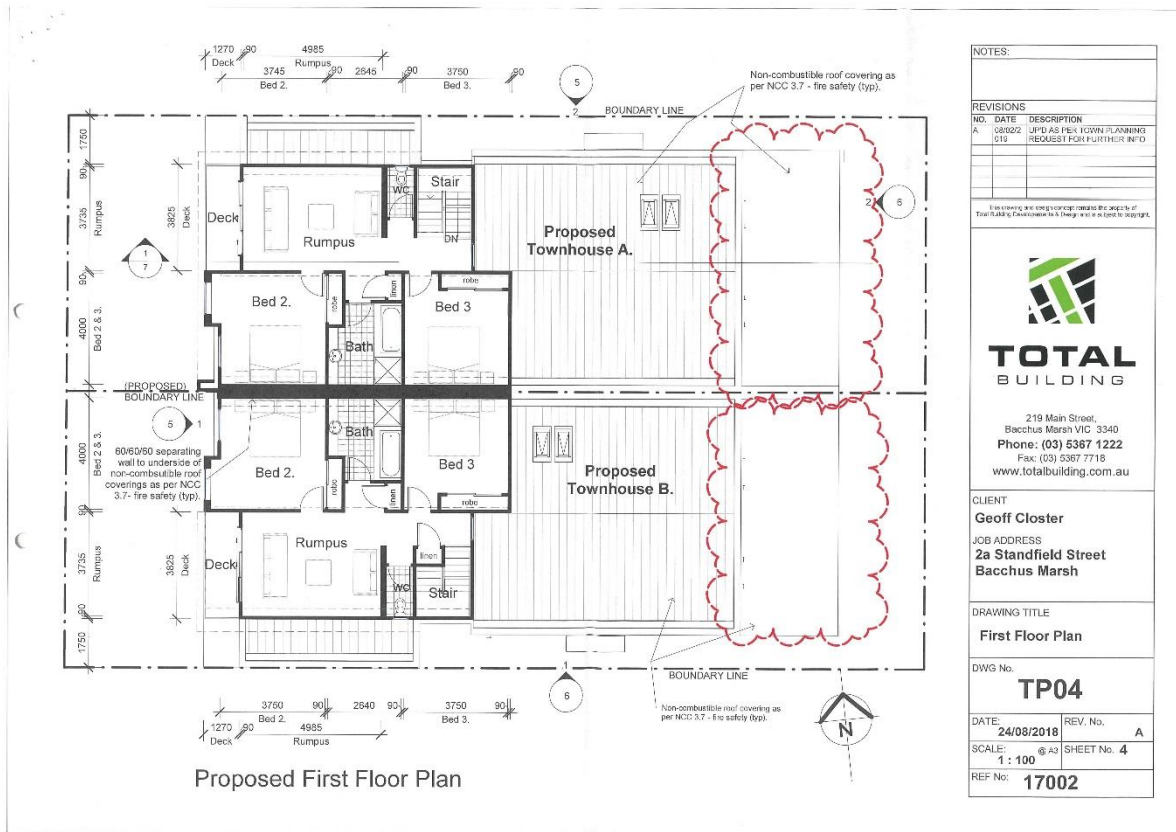
DWG No.

TP02

DATE: 24/08/2018 REV. No. A

SCALE: 1 : 100 @ A3 SHEET No. 3

REF No: 17002



History

There have been no previous permits or enforcement action issued on the subject site.

Public Notice

The application was advertised to adjoining land owners and occupiers and a sign was placed on the site for a minimum period of 14 days. One objection was received.

Summary of the Objection

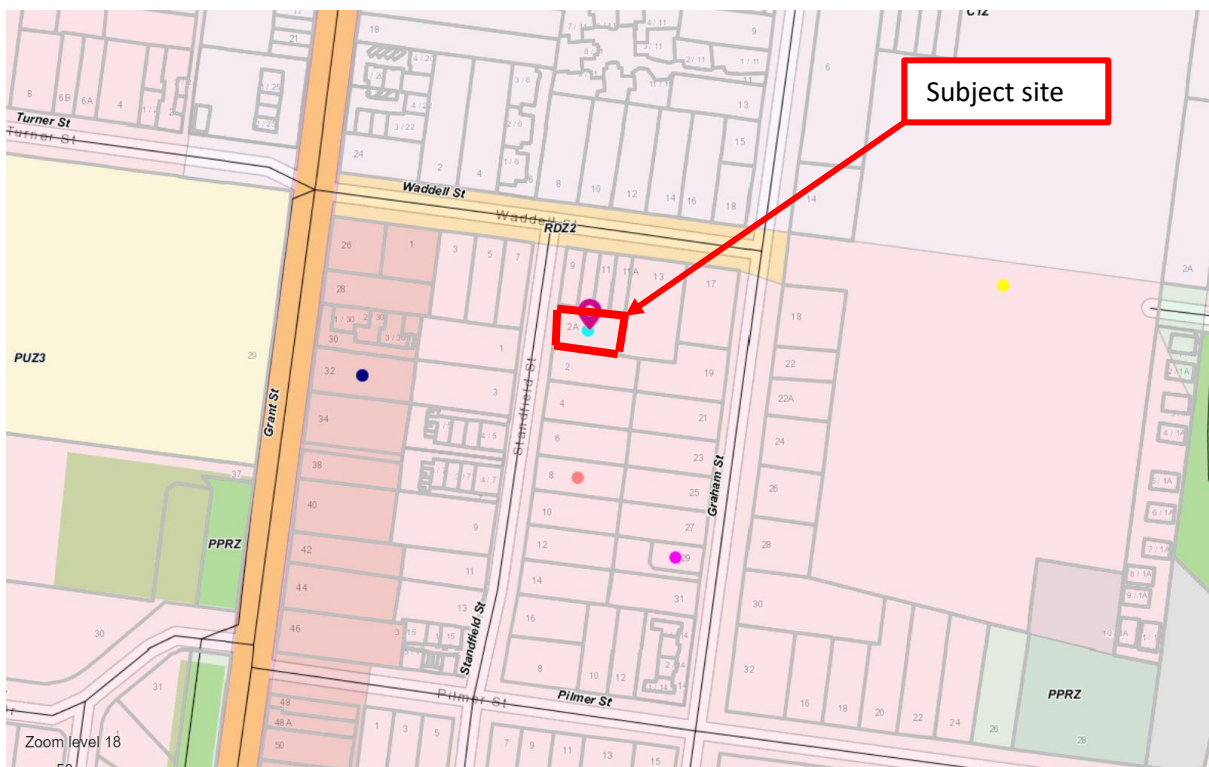
The objection received is detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirements
The changing of the existing residential style changes the landscape of the area - it impacts on existing landholder privacy and takes sunlight from neighbours' backyards	The land is within the Neighbour character Precinct 22 contained in Planning Scheme Amendment C79 - Bacchus Marsh Housing Strategy.
Officer's Response: The existing character of the area generally consists of larger lots with single storey dwellings in garden settings, set in residential streets with canopy trees. There are a few multi-dwelling developments in the immediate area which may increase due to the proximity of services including the railway station to the south and the Main Street to the north. Over time medium density development is more likely to be common.	
The preferred Neighbour Character in Precinct 22 is addressed further in this report.	
Too many town houses are being developed in this area	Application for townhouses are assessed on their merits under Rescode.

Objection	Any Relevant Requirements
Officer's Response: Double storey dwellings are not uncommon in residential areas. The site and surrounding properties are contained in Precinct 22 which is addressed further in this report.	
This area is a well-established precinct with generally single storey dwellings and quiet residential streets. These new developments will bring more residents to the area with an associated increase in noise, traffic congestion, parking demand and will also aggravate existing pets.	Rescode
Officer's Response: All applications for medium density developments are assessed against ResCode objectives and standards.	
The town houses are an eyesore now. This is not an appropriate area for more townhouses.	Rescode
Officer's Response: It is understood that neighbourhoods are changing in Bacchus Marsh as they have done over time. New developments provide residential choice with new dwellings replacing the old that have probably reached the end of their life.	
The residents are proud of the area and we feel we have no rights or can do anything to stop public and private developers putting up multi -dwelling developments everywhere. More residents are unhappy about this, but they will not speak up as they think they will not be heard.	Moorabool Planning Scheme
Officer's Response: Residents' concerns about proposed development are important to Council. If concerns are not raised with Council, then they cannot address them. Developers also have a right to apply for developments in accordance with the Moorabool Planning Scheme.	

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 clauses outlined in the table below:

PPF	Title	Response
Clause 15.01-5S	Neighbourhood character	The objector argues that the increase in double storey town house development is not in character with the surrounding area. However, the housing stock does need to be upgraded from time to time and the emergence of compact dwellings in this location is not considered to be at odds with the merging character of the area.
LPPF		
Clause 21.03-4	Residential Development	The objector argues that the increase in double storey town house development is not in character with the surrounding area. However, the housing stock does need to be upgraded from time to time and this application does improve the diversity of housing stock within the municipality.

Zone

General Residential Zone, Schedule 2 – Natural and greenfield residential growth

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.*

The Neighbourhood character objectives contained in Schedule 2 to the General Residential zone include to:

- *Encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.*
- *Encourage an increase in landscaping within the public and private realm.*
- *Encourage new development to respect existing setbacks within the streetscape.*
- *Encourage new development to have minimal or low scale front fencing. To ensure garages, carports, and second storey development do not visually dominate dwellings or streetscapes.*

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. A lot with an area of between 500sqm and 650sqm must provide a minimum of 30% of the lot to be available as garden area.

Under Clause 32.08-3 a permit is also required to subdivide land.

Pursuant to Clause 32.08-7, Schedule 2 does not vary any of the Clause 55 requirements.

Overall, the proposed development is consistent with the provisions of the zone and schedule 2 to the zone.

The proposal is generally consistent with Neighbourhood character objectives of Schedule 2 to the General Residential Zone.

Overlays

Design and Development Overlay, Schedule 12 - Residential Land between Waddell Street and Werribee River East of Grant Street

The Design Objectives contained in Schedule 12 include to:

- *Encourage a residential neighbourhood with a consistent built form that maintains generous setbacks to maintain and enhance the country town character of Bacchus Marsh.*
- *Encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with Grant Street to the west and the River to the south.*
- *Encourage new development that maintains the country town character and provides for and maintains an openness to the streetscapes by creating generous road reserves, low front fencing and spacious garden settings for dwellings.*
- *Ensure new residential development in the Werribee River environs is sited to maximise opportunities for passive surveillance of the riverside footpaths.*
- *Ensure residential development abutting streets is appropriately set back to allow for canopy tree planting to maintain the country town character.*
- *Minimise traffic conflicts between local residential traffic and through traffic*

The proposal does not necessarily meet all the above objectives particularly the requirement for generous street setbacks and spacious garden settings for dwellings. However, the proposal generally accords with existing street setbacks, and it does exceed the minimum garden area requirement under Clause 32.08-

Design and Development Overlay, Schedule 14

This overlay is incorrectly applied to the subject site. It relates to the Camerons Road area of Coimadaí and is not applicable.

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

The Existing Character statement for Precinct 22 is as follows:

This precinct covers an older area of Bacchus Marsh that has several strong character elements, including a range of dwellings with heritage values and representing renowned architectural styles. The precinct adjoins the Bacchus Marsh town centre and therefore is within a walkable catchment of many services and facilities including the Bacchus Marsh train station to the south of the precinct.

The topography of the precinct is reasonably flat. The street network is a legible, modified grid with footpaths ranging from some streets having none, one or two sided footpaths and therefore reasonably good pedestrian connectivity exists within the precinct and to the surrounding area.

Street tree plantings are inconsistent throughout the precinct, however the plantings that are established often have strong canopy cover, which contributes to the character of the precinct.

Dwellings exhibit varied styles, materials and eras with 1960s to contemporary single storey brick dwellings being evident throughout the precinct. Although the precinct contains a range of architectural styles, there are several dwellings within the precinct that represent a specific housing era and style such as Edwardian and Californian bungalow style dwellings and therefore the precinct also contains a range of housing with heritage values.

Most lots have low scale front fencing constructed out of a range of materials, with small brick walls and timber picket fences being prominent throughout the precinct. A range of car parking arrangements exist within the precinct with carports or garaging to the side of the dwelling prevalent.

A wide street network, traditional front setbacks and relatively low site coverage contributes to a sense of openness within the precinct.

There is evidence of some change occurring with the precinct, with contemporary and multi-dwelling developments also existing. Multi dwellings and are often attached, which is notably atypical for the precinct.

The Preferred Neighbourhood Character for Precinct 22 is as follows:

This precinct will allow for increased housing choice over time given its proximity to several services and facilities. Site coverage will be increased, however new development, including multi dwelling developments will need to ensure adequate private open space and garden plantings are provided.

Front setbacks will be sufficient to allow for enhancement of the front garden character, including increasing canopy tree plantings. Front fences will be low or absent, allowing for views into front gardens.

New developments will minimise the need for additional crossovers to the street and have a positive street interface to ensure strong passive surveillance is achieved. Building to both side boundaries will generally be avoided, however may be considered where the preferred character of the precinct is not compromised. Garages and carports that do not visually dominate dwellings or streetscapes are encouraged and should be recessed from the front building line, or located to the side or rear of the dwelling.

Innovative and unique development that enhances the character of the precinct is encouraged, however new development located in close proximity to dwellings that exhibit historical architectural styles should ensure built form complements these dwellings.

Increasing the diversity in housing products within the precinct is desirable including alternative housing products that allow for a variety of housing choices in areas accessible to services and facilities.

Particular Provisions

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being two spaces for each three-bedroom dwelling.

The proposed crossover and accessway widths satisfy the minimum requirements and the garage and car space dimensions meet the standard.

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 of the objectives and should meet all of the standards of this clause.

Subject to conditions the proposal complies with the objectives and standards of Rescode (Clause 55).

Clause 56 Residential Subdivision

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

Discussion

The application is for two dwellings and a two lot subdivision. The proposal generally meets the objectives and standards contained in Rescode, at Clause 55 of the Moorabool Planning Scheme.

The objector to the application is concerned that the proposal, including the design and siting of double storey dwellings does not accord with the existing neighbourhood character.

However, a review of the Housing Bacchus Marsh to 2041 strategy's Neighbourhood Character brochures reveals that the subject site is within Precinct 22.

The Existing Character statement for Precinct 22 is as follows:

There is evidence of some change occurring with the precinct, with contemporary and multi-dwelling developments also existing. Multi dwellings and are often attached, which is notably atypical for the precinct,

and

There is evidence of some change occurring with the precinct, with contemporary and multi-dwelling developments also existing. Multi dwellings and are often attached, which is notably atypical for the precinct.

The Preferred Neighbourhood Character for Precinct 22 is as follows:

This precinct will allow for increased housing choice over time given its proximity to several services and facilities. Site coverage will be increased, however new development, including multi dwelling developments will need to ensure adequate private open space and garden plantings are provided.

Front setbacks will be sufficient to allow for enhancement of the front garden character, including increasing canopy tree plantings. Front fences will be low or absent, allowing for views into front gardens.

It is considered that the proposed dwelling does accord with the preferred neighbourhood character for Precinct 22. The site provides more than the required garden area, and the rear of both dwellings would be single story, which would reduce any overlooking issues to neighbours. The relatively low-scale façade of the dwellings would appear to compliment neighbouring dwellings.

The front setback meets the requirements, but it is considered that a canopy tree should be planted in the front and rear setbacks of both dwellings to enhance front and rear garden character. It is noted that front fences are not proposed.

It is considered that the proposal generally accords with the Preferred Neighbourhood Character statement for Precinct 22.

The application generally accords with the Victoria Planning Policy and Local Planning Policy Framework.

The existing dwelling on the site is considerably older in style and it could be argued that it is close to the end of its functional life. The development of new dwelling stock in this location is considered to be compatible with the emerging character of the immediate 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
Melbourne Water	Consent with no conditions
Infrastructure	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development does not have any risk or OH & S implications for Council.

Communications Strategy

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

Options

Council could consider the following options:

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

Conclusion

It is proposed to develop the site for two double-storey dwellings and subdivide the land into two lots.

The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme and would contribute to housing choice in an area which is well located in relation to infrastructure and services.

The dwellings would be of a contemporary design, which in the context the preferred neighbourhood character of the precinct is acceptable, and onsite amenity for future residents would be acceptable and there would be no unreasonable amenity impacts on neighbours.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant a Planning Permit for the Development of two (2) dwellings and a two (2) lot subdivision at 2A Standfield Street, otherwise known as Lot 2 on PS 060466 subject to the following conditions:

Endorsed Plans

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - a) The Area Schedule on plan numbered TP01 showing the correct area of the site and the garden area shown as a percentage for each dwelling with the garden area to be shown on the plan as hatched.**
 - b) A Landscape plan in accordance with condition 6.****

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

Subdivision Conditions

- 2. Before the statement of compliance is issued under the Subdivision Act 1988, the approved development must be commenced, i.e. footings constructed, and slabs poured, in accordance with the plans endorsed under this planning permit, to the satisfaction of the Responsible Authority.**
- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Landscape Condition

- 6. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plan Reference TP10 except that the plan must be modified to show:
 - a) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.****

- b) details of surface finishes of pathways and driveways across the site.
- c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- d) landscaping and planting within all open areas of the site including ground covers, small and medium shrubs and canopy trees.
- e) One canopy tree (minimum two metres tall when planted) in the following areas of each dwelling:
 - i. Front setback.
 - ii. Rear private open space.

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

Telecommunications Conditions

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

- a) A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

8. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure Conditions

9. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard urban residential vehicle crossing on Standfield Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

10. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:

- a) The development as a whole must be self-draining.

- b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
 - c) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - d) Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
11. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
 12. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
 13. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
 14. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
 15. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
 16. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
 17. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a) location of vehicle crossings;
 - b) details of the underground drainage;
 - c) location of drainage legal points of discharge;
 - d) standard details for vehicle crossings and legal points of discharge; and
 - e) civil notes as required to ensure the proper construction of the works to Council standard.

Permit Expiry

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

c) The plan of subdivision is not certified within two (2) years of the date of the permit.

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

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu
Title: General Manager, Community Planning
Date: 21 May, 2019

General Notes:

Builder to check all levels and dimensions prior to the commencement of any work on site.

All work shall conform to these drawings and the appropriate Australian Standards.

Figured dimensions take precedence over scaled dimensions
DO NOT SCALE DRAWINGS

Total Building Developments & Design accepts no responsibility for any building works carried out prior to the issue of a building permit.

Wall ties & Masonry Accessories to comply with AS 3700- Masonry structures; or AS 4773 Masonry for Small Buildings, Part 1 and 2.

Provide impervious floor & wall coverings as required by the BCA Part 3.8.1
Generally the wall surface of a shower enclosure shall be impervious to water to a minimum height of 1.8mt above the floor and immediately behind a bath, basin or sink to a height not less than 150mm above the fixture.

If the threshold sill of a doorway is greater than 190mm above the finished surface of the ground to which the doorways open, a landing shall be provided no less than the width of the door leaf. Steps to have 240mm minimum tread width and 190mm maximum riser height, REFER BCA 3.9.1 Stair Construction, for further information. Balustrades to be provided to BCA 3.9.2 Balustrades generally required where landings are greater than 1.0mt above the floor of any access path/balcony, landing or the like. As per 3.9.2.3 in BCA.

Doorway openings into fully enclosed sanitary compartments that are within 1.2mt's of the closet pan shall either open outwards, be a sliding door or be removable from the outside of the compartment Refer BCA 3.8.3.3 (Generally provide removable hinges to allow for the door to be removed from the outside).

Steel Lintels supporting non-loadbearing brickwork lintel schedule:
Openings 00<900, Size 85x8 Flat Galintel, End Bearing 100
Openings 901<1800, Size 100x100x6 Galintel, End Bearing 150
Openings 1801<3000, Size 150x100x6 Galintel (150 VERT), End Bearing 150
Openings 3001<4000, Size 150x100x10 UA (GALV) (150 VERT), End Bearing 200
Also refer to Engineers Computations for sizes and details

All glazing to comply with AS 1288 Glass in Buildings and the BCA Part 3.6 Glazing

Insulation to be provide in accordance Energy Rating report
Ceiling Insulation: R **6.0 + sarking**
External Wall: R**2.5 + sarking**
Sub-Floor (if applicable): R **N/A**

Dwellings in a Designated Bushfire Pronic Area must comply with AS 3959- Construction of Buildings in Bushfire Prone Areas
BAL

Drawing Register

TP1	Cover Page
TP2	Site & Design Response Plan
TP3	Proposed Ground Floor Plan
TP4	Proposed First Floor Plan
TP5	Proposed Elevations
TP6	Proposed Elevations
TP7	Proposed Section
TP8	Shadow Diagrams
TP9	Neighbourhood & Site Description

Client:

Geoff Closter

Project Address:

**2a Standfield Street
Bacchus Marsh**

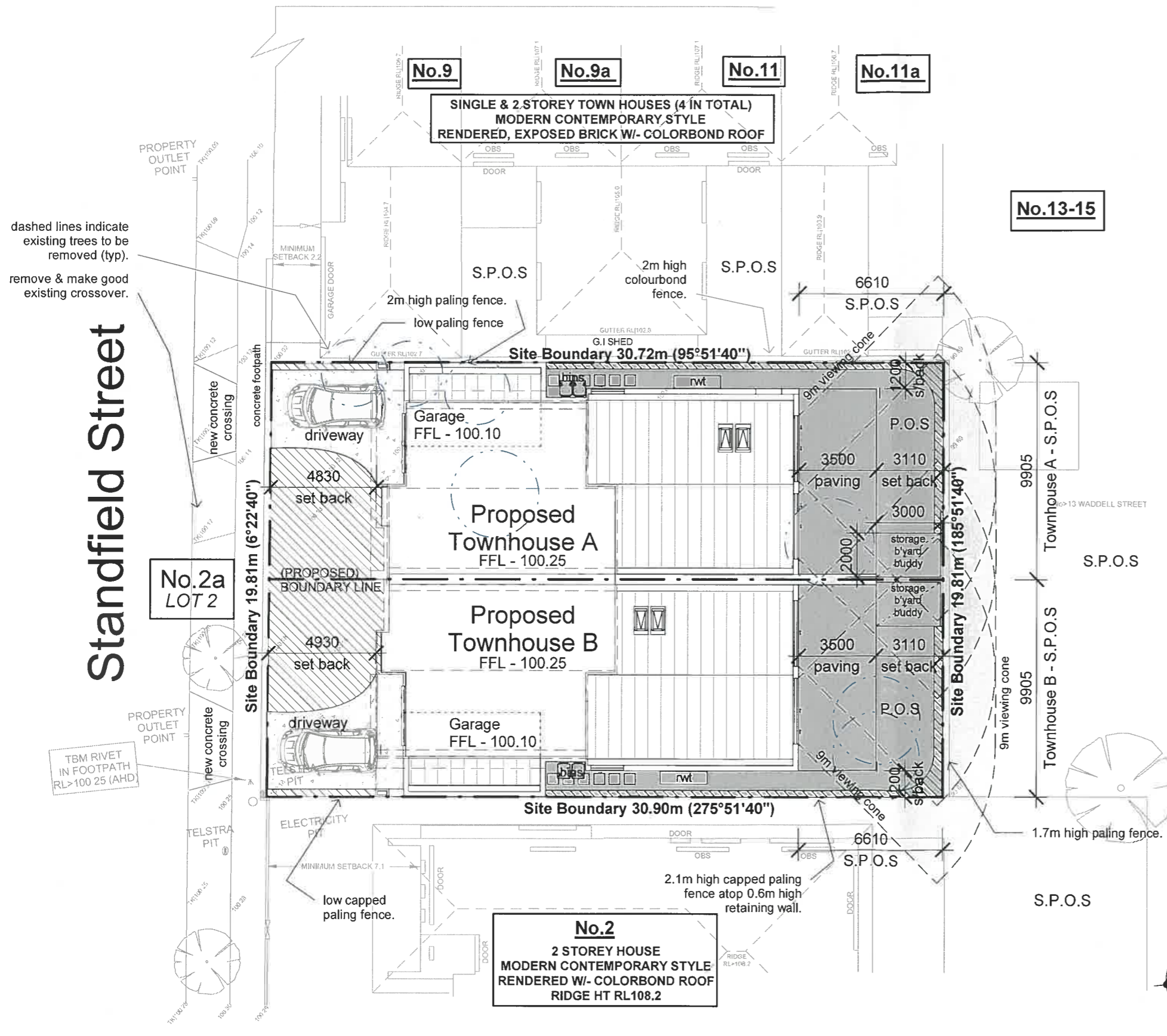
Project Description:

**Proposed 2 Townhouses
w/- Garages**



**TOTAL
BUILDING**

Waddell Street



dashed lines indicate existing trees to be removed (typ).
remove & make good existing crossover.

Standfield Street

Proposed Site Plan
1:200

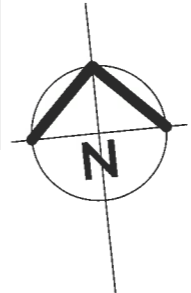
Area Schedule

LOCATION:	AREA (m2):
P.O.S (A)	31 m ²
P.O.S (B)	31 m ²
Site A	305 m ²
Site B	306 m ²
	672 m ²
Townhouse A	
Garage	25 m ²
Living	142 m ²
Outdoor Area	29 m ²
Porch	9 m ²
Upper Floor	78 m ²
	282 m ²
Townhouse B	
Garage	25 m ²
Living	142 m ²
Outdoor Area	29 m ²
Porch	9 m ²
Upper Floor	78 m ²
	283 m ²

Rescode Analysis

TOWNHOUSE A	
Building Area:	175m ²
Site Area:	305m ²
Permiability %	43%
Site Coverage %	57%
TOWNHOUSE B	
Building Area:	176m ²
Site Area:	306m ²
Permiability %	43%
Site Coverage %	57%

- LANDSCAPING
- PRIVATE OPEN SPACE



NOTES:

REVISIONS		
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JOB ADDRESS
**2a Standfield Street
Bacchus Marsh**

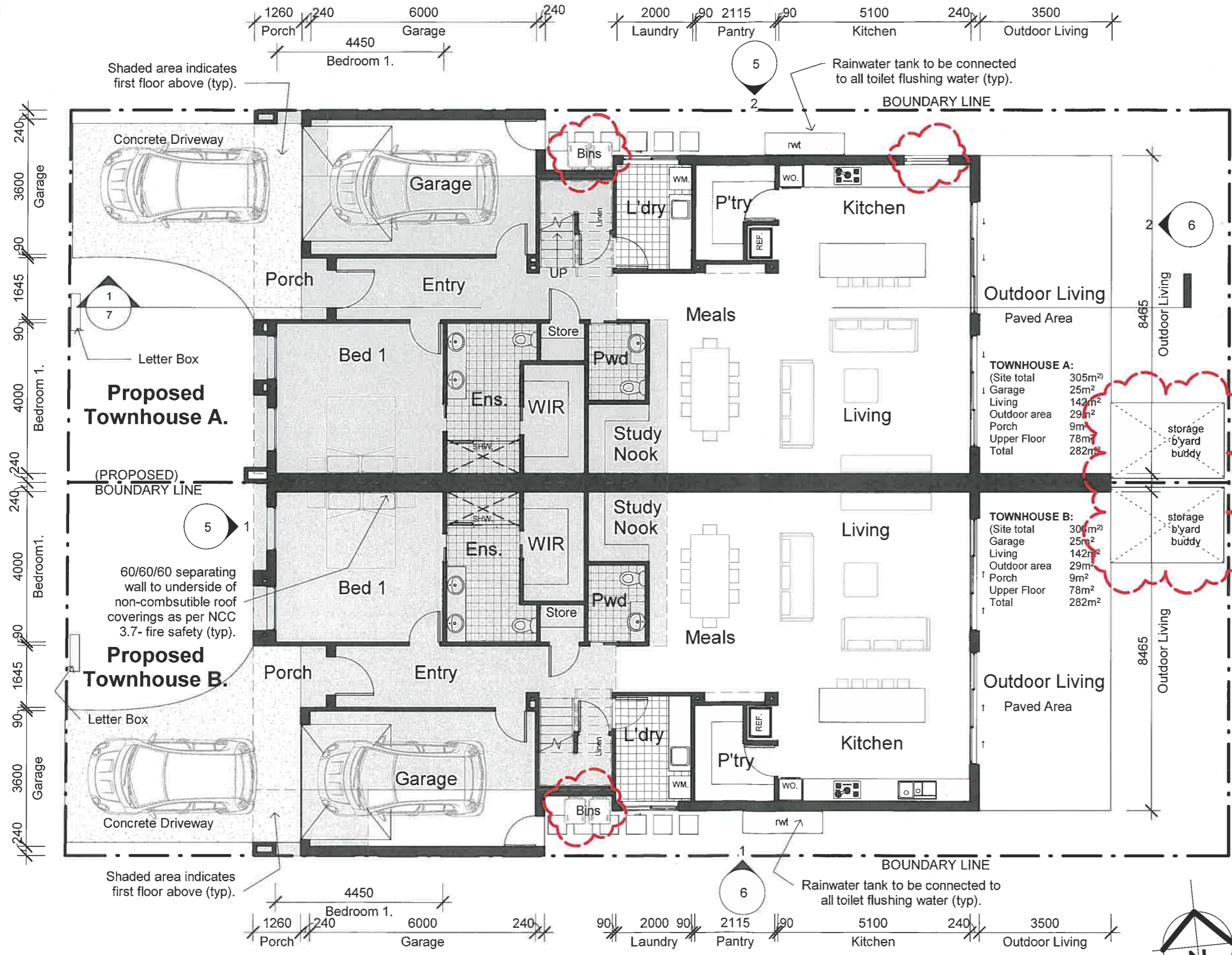
DRAWING TITLE
**Site & Design
Response Plan**

DWG No.
TP01

DATE: **24/08/2018** REV. No.

SCALE: **@ A3** SHEET No. **2**
As indicated

REF No: **17002**



Proposed Ground Floor Plan

NOTES:

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NO.	DATE	DESCRIPTION
A	08/02/2019	UP'D AS PER TOWN PLANNING REQUEST FOR FURTHER INFO

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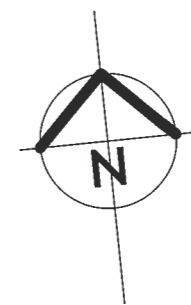
DRAWING TITLE
Ground Floor Plan

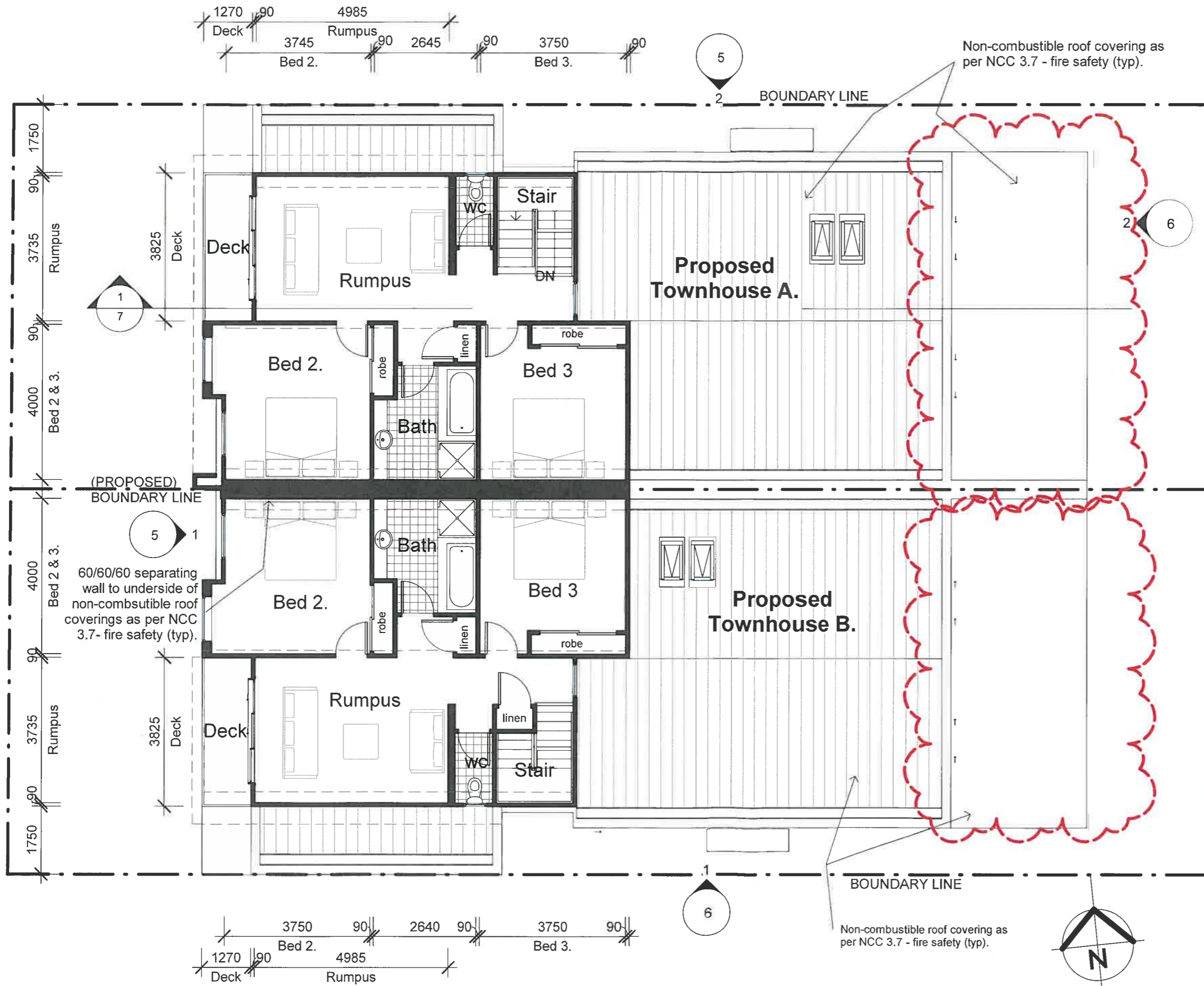
DWG No.
TP02

DATE: **24/08/2018** REV. No. **A**

SCALE: **1 : 100** @ A3 SHEET No. **3**

REF No: **17002**





Proposed First Floor Plan

NOTES:

REVISIONS		
NO.	DATE	DESCRIPTION
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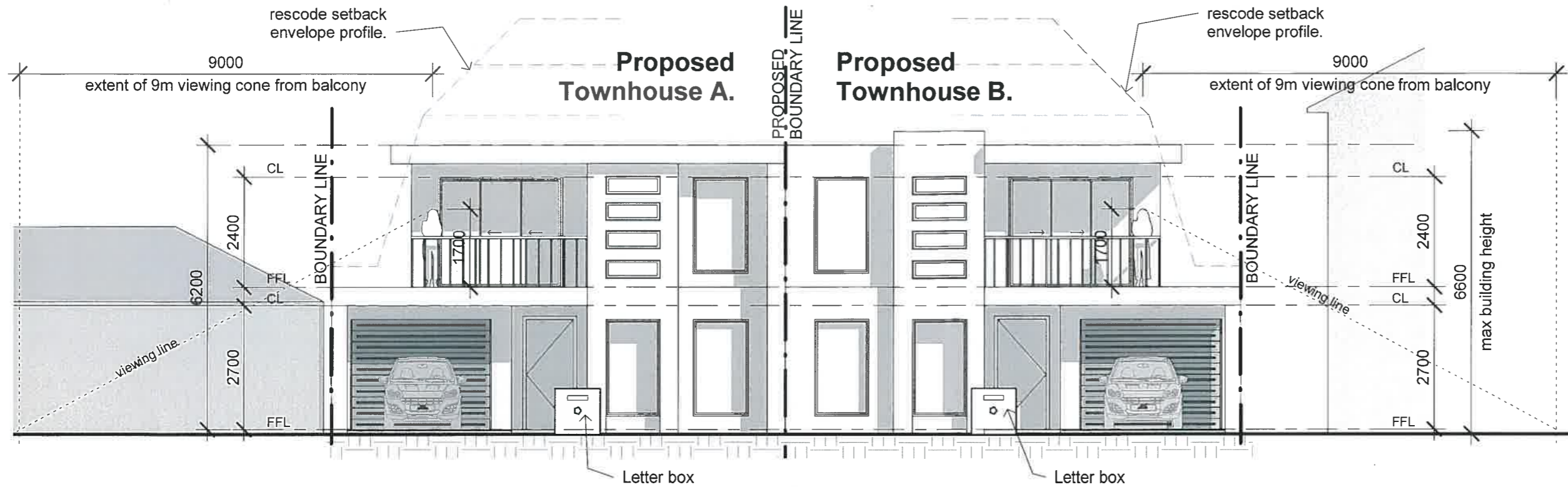
DRAWING TITLE
First Floor Plan

DWG No.
TP04

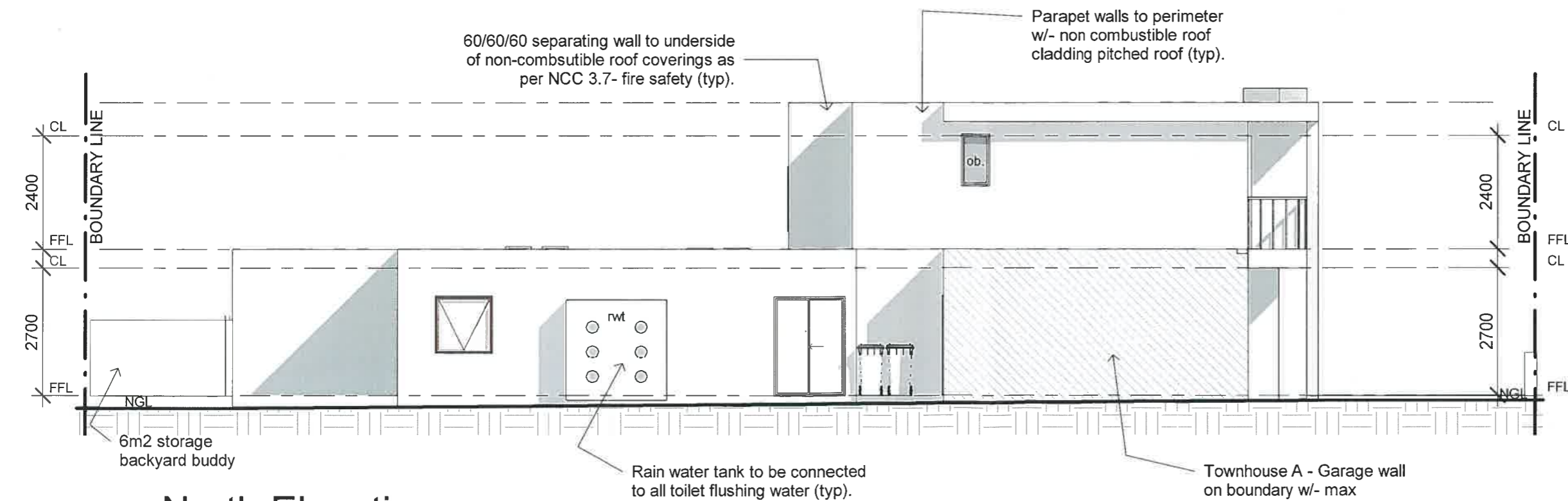
DATE: **24/08/2018** REV. No. **A**

SCALE: **1 : 100** @ A3 SHEET No. **4**

REF No: **17002**



West Elevation



North Elevation
Townhouse A.

NOTES:

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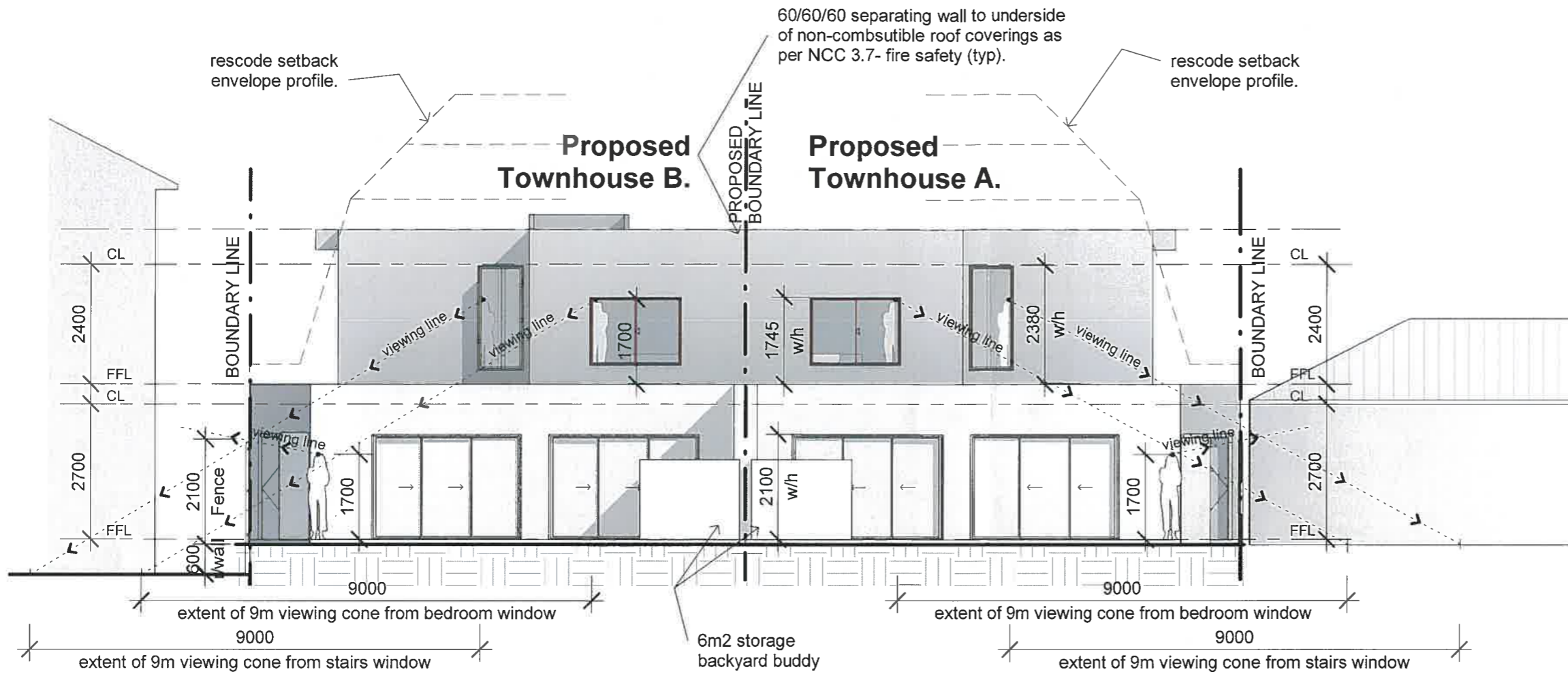
DRAWING TITLE
Proposed Elevations

DWG No.
TP05

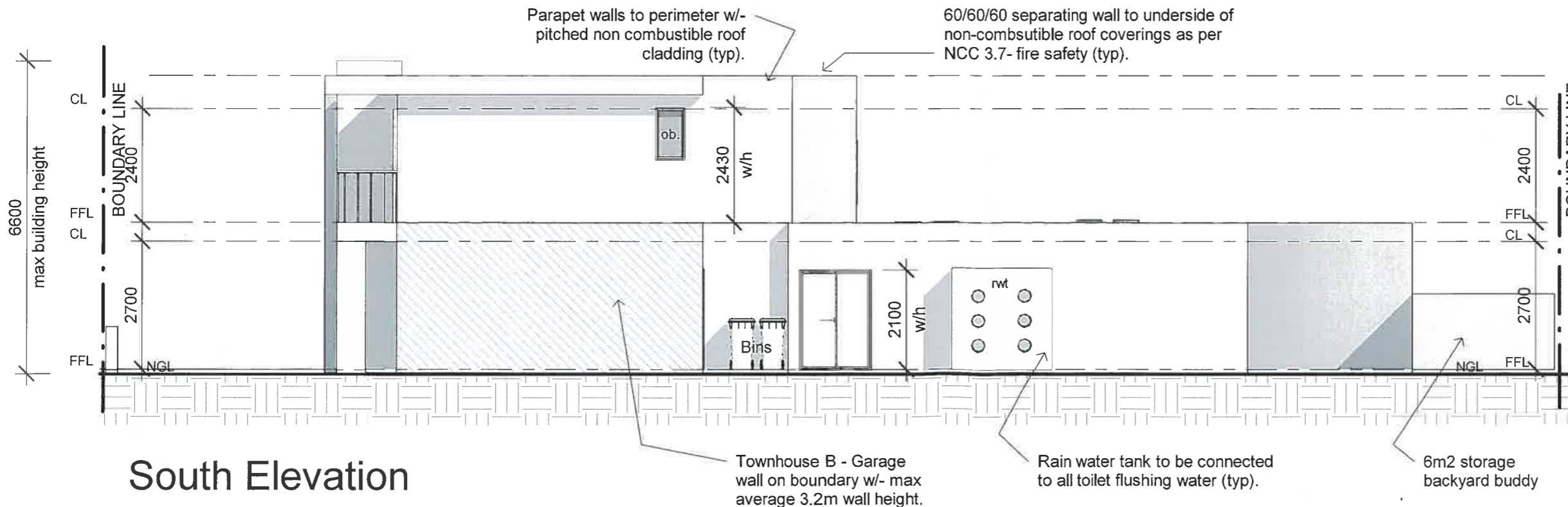
DATE: **24/08/2018** REV. No.

SCALE: **1 : 100** @ A3 SHEET No. **5**

REF No: **17002**



East Elevation



**South Elevation
Townhouse B.**

NOTES:

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**2a Standfield Street
Bacchus Marsh**

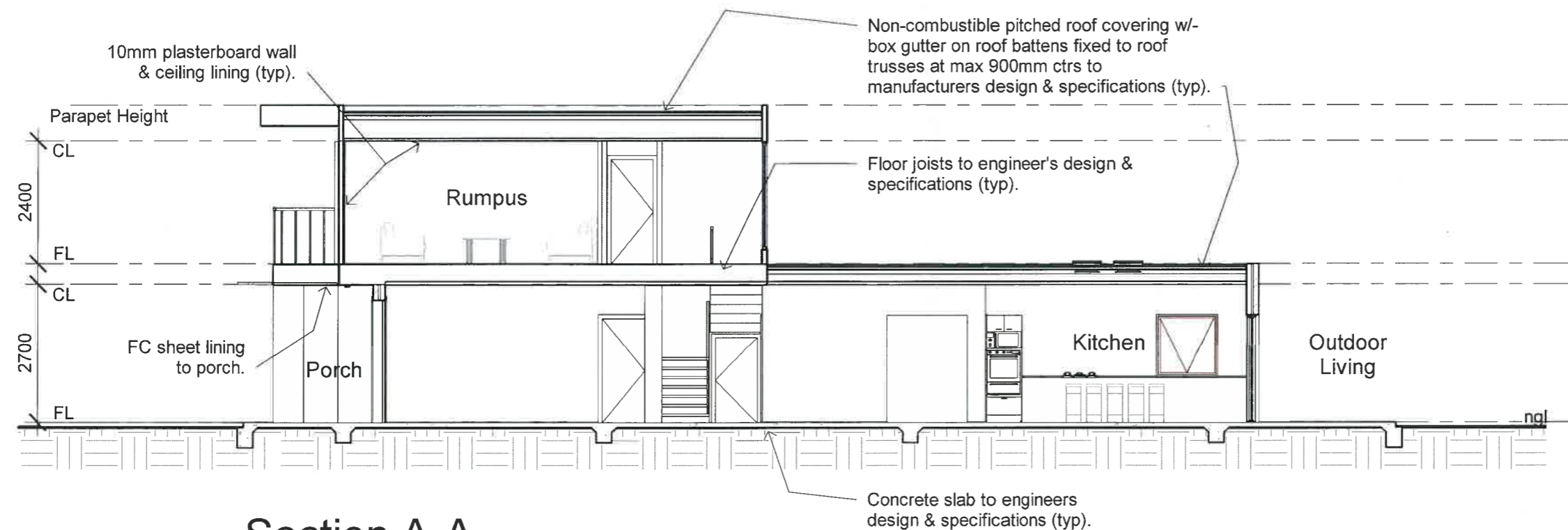
DRAWING TITLE
Proposed Elevations

DWG No.
TP06

DATE: 24/08/2018	REV. No.
SCALE: 1 : 100 @ A3	SHEET No. 6

REF No: **17002**

NOTES:		
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NO.	DATE	DESCRIPTION
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Section A-A
scale 1:100

Stair Note:

Risers - 190mm max.
Tread - 240mm min.

Risers and treads to be constant throughout the flight of stairs. Provide non-skid strips to near nosing edge ensure max. gap between risers does not exceed 125mm or use closed risers.

Provide continuous handrail 1000mm min.

Provide ballusters with max. 125mm gap.

TIMBER FRAMING SCHEDULE	
2 - 90x35 F5 radiata pine top plates	
90x35 F5 radiata pine bottom plates	
90x35 F5 radiata pine studs @ 450mm ctrs	
75x38 F8 noggins	
90x45 F5 radiata pine jamb studs/ window opening ceiling level 2400mm MAX	
2 - 90x35 F5 radiata pine jmap studs/ window opening ceiling level 2700mm MAX	
All timber framing to comply with AS 1684-SAA timber framing code and all relevant supplements and AS 1720-SAA timber structures code.	



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DRAWING TITLE
Section/s

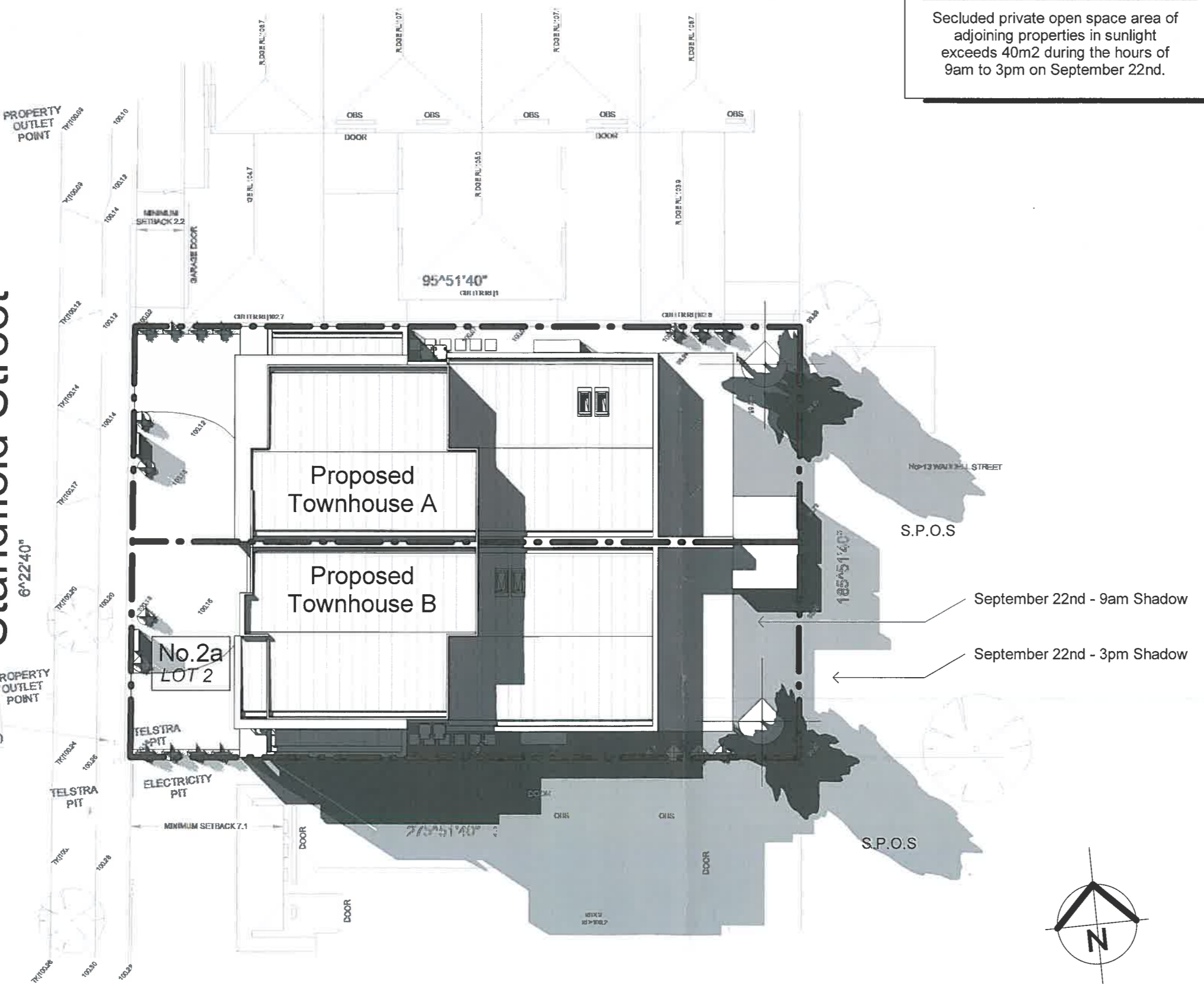
DWG No.
TP07

DATE: **24/08/2018** REV. No.

SCALE: **As indicated** @ A3 SHEET No. **7**

REF No: **17002**

Standfield Street



OVER SHADOWING COMPLIES
 Secluded private open space area of adjoining properties in sunlight exceeds 40m2 during the hours of 9am to 3pm on September 22nd.

Shadow Diagrams
 (September 22nd @ 9am & 3pm)

NOTES:

REVISIONS		
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DRAWING TITLE
Shadow Diagrams

DWG No.
TP08

DATE: **24/08/2018** REV. No.

SCALE: **11200** @ A3 SHEET No. **8**

REF No: **17002**

NEIGHBOURHOOD & SITE LEGEND

In relation to the neighbourhood.

Building Materials and Height:

brv.	Brick Veneer Const.
cc.	Concrete Const.
wb.	Weatherboard Const.
rbv.	Rendered Brick Const.
fc.	Fibro Const.
s.	Single Storey
2s.	2 Storey
3s.	3 Storey

Front Fencing:

cif	Corrugated Iron Fence
wf	Wire Fence
pf	Picket Fence
sbf	Solid Brick Fence
tf	Timber Fence
tpf	Timber Paling Fence
nff	No Front Fence
sf	Steel Fence

Architectural styles & roof materials:

C	Californian Bungalow
E	Edwardian
F	Federation
I	Interwar
P	Post War
V	Victorian
M	Modern Contemporary
TR	Tiled Roof
CI	Corrugated Iron Roof
FR	

Other Notable Features:

-m	Setback from front & site boundaries
v.	Verandah
perg.	Pergola
sh.	Shed
g.	Garage
cs.	Carspace
vu.	Verandah Under
c.	Canopy
gu.	Garage Under
cpu.	Carport Under
rw.	Retaining Wall



Waddell Street



No.9, 9a, 11, 11a Waddell St
brv & fc / 2s / MC / CI / sbf / g



No.2a



No.2
rbrv / 2s / MC / CI / nff / g



No.4
brv / s / PW / TF / sbf / c



Standfield Street



No.7 Waddell St
brv / s / PW / TR / sf & sbf



No.1
brv / s / PW / TR / sbf / g



No.3
wb / s / PW / CI / pf

NOTES:

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**2a Standfield Street
Bacchus Marsh**

DRAWING TITLE

**Neighbourhood & Site
Description Plan**

DWG No.

TP09

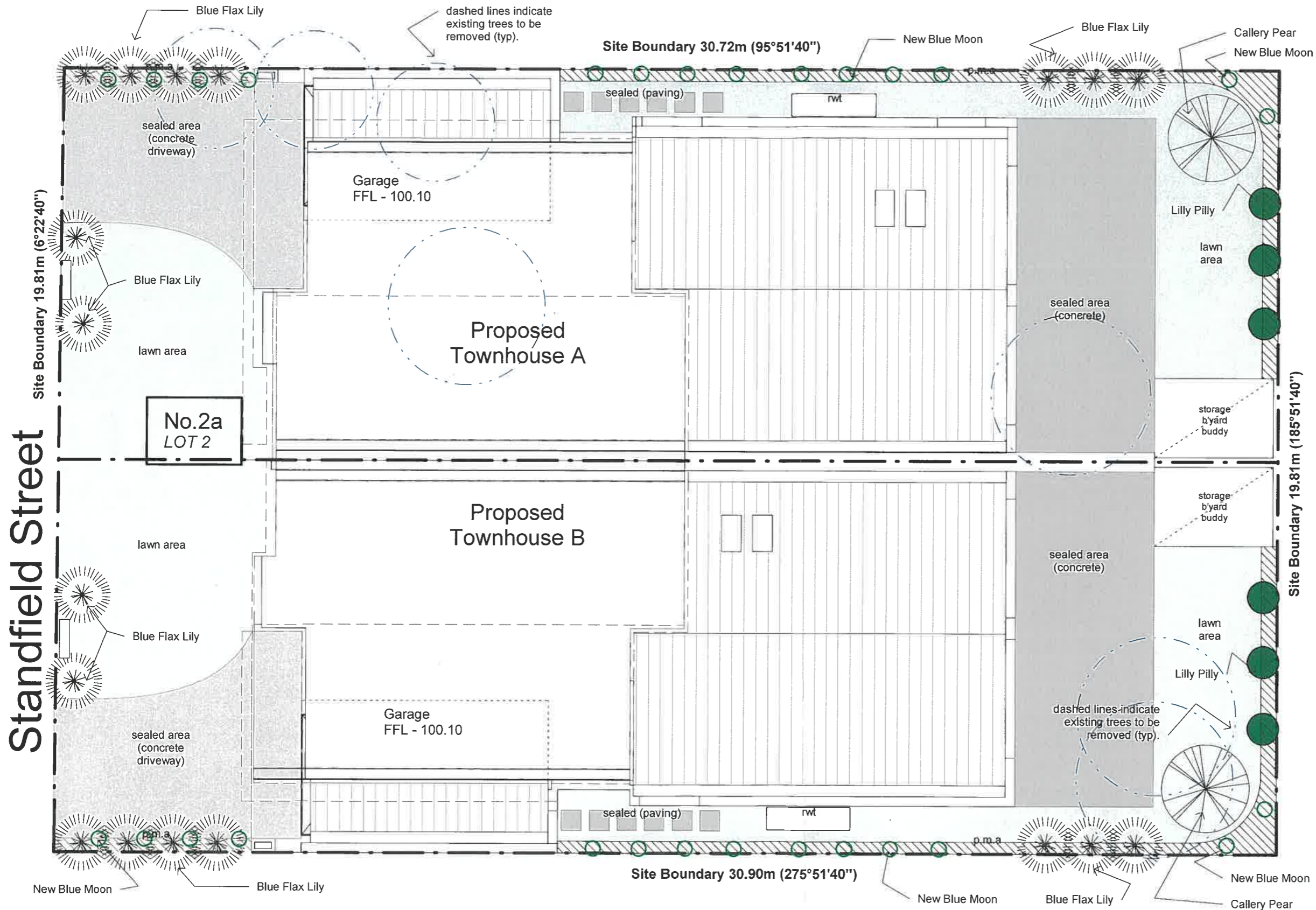
DATE:
24/08/2018

REV. No.

SCALE:
1 : 1

SHEET No. **9**

REF No: **17002**



NOTES:

to be printed in colour

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**2a Standfield Street
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DRAWING TITLE
Landscape Plan

DWG No.
TP10

DATE: **24/08/2018** REV. No.

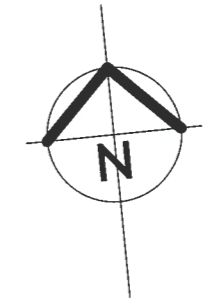
SCALE: **@ A3** SHEET No. **10**
As indicated

REF No: **17002**

Town House A: (site area = 305m²)
sealed area= 86.2m²
p.m.a (permeable mulched area)= 10.75m²
lawn area= 62m²

Town House B: (site area = 306m²)
sealed area= 86.2m²
p.m.a (permeable mulched area)= 10.75m²
lawn area= 62m²

Proposed Planting Schedule:								
BOTANICAL NAME:	COMMON NAME:	MATURE HEIGHT & SPREAD (M):	QTY:	POT SIZE:	EVERGREEN/ DECIDUOUS:	DROUGHT TOLERANT:	SPACING:	
Dianella caerulea Cassa Blue	Blue Flax Lily	80cm	18	14cm	Evergreen	Yes	approx 1.2m centres	
Convolvulos Sabatius	New Blue Moon	10cm	28	14cm	Evergreen	Yes	approx 1.2m centres	
Pyrus Calleryana	Callery Pear	7m(h) x 3m(w)	2	40cm	Deciduous	Yes	-	
Acmena Smithii Minor Compacta	Lilly Pilly	130cm	6	20cm	Evergreen	Yes	approx 1.6m centres	



Item 5.2 Planning Permit Application PA2019058 - Development of a Storage Shed using Zincalume and Removal of Vegetation at Elaine-Morrisons Road, Morrisons.

Application Summary:	
Permit No:	PA2019-058
Lodgement Date:	7 March 2019
Planning Officer:	Naaz Begum
Address of the land:	Crown Allotment 6, Section A Parish of Borhoneyghurk. Elaine-Morrisons Road, Morrisons Vic 3334
Proposal:	Development of a Storage Shed using Zincalume and Removal of Vegetation.
Lot size:	14,200 square metres (1.42 hectares)
Why is a permit required?	Clause 35.07-4 A permit is required to construct a rural store (storage shed) with a setback of less than 20 metres from a road. Clause 42.01-2 A permit is required to construct a building or construct or carry out works on land affected by Environment Significance Overlay. Clause 43.02 A permit is required to construct a building or construct or carry out works using zincalume.
Reason for being presented to S86 Development Assessment Committee.	One objection received.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	One
Consultation Meeting:	No. The applicant provided a written response to the objector and a copy was sent to the Council officer. The objector did not reply to the applicant however the applicant has advised verbally to the Council Officer that the objector would not consider anything beyond his objection therefore Council officers determined it was appropriate to present to Council for a decision.

Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Naaz Begum</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary	
Application Referred?	Yes, Council's Infrastructure
Any issues raised in referral responses?	No, consent with conditions
Preliminary concerns?	None
Any discussions with applicant regarding concerns?	Not applicable
Any changes made to the application since being lodged?	No.
Brief history	Not applicable.
Previous applications for the site?	None.
General Summary	<p>The application is for the development of a storage shed using zincalume and removal of vegetation. The site is vacant land.</p> <p>One objection to the application was received raising concerns about the use of zincalume and glare emitted over the paddocks and on his property. The removal of vegetation would add to glare on adjacent Elaine-Morrison Road and affect the driver's sightlines. All types of products stored in a lockable shed is a fire risk.</p>

	The use of zinalume is discouraged within the municipality however it can be considered acceptable where the application proposes measures to ensure that reflections from the development is prevented or minimised. The applicant has proposed to do the same through the planting of vegetation around the shed.
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Notice of Decision to Grant a Permit for Development of a Storage Shed using Zinalume and Removal of Vegetation in accordance in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to the conditions included at the end of this report.	

Site Description

The site is identified as Crown Allotment 6 on TP 811637Q and known as Lot 6, Elaine-Morrison's Road in Morrison's. The site is located on the west side of the road opposite to the intersection between Elaine-Morrison's Road and Parkinson Road. The site is irregular in shape with a frontage of 150 metres to Elaine-Morrison's Road and a maximum depth of approximately 108 metres along the southern boundary with the total area of the site being approximately 14,200 square metres (1.42 hectares). The site is vacant, generally flat and vegetation is present along the site boundaries. There is no easements and reticulated services are not available to the site. Access to the site from Elaine-Morrison's Road.

The site and surrounding neighbourhood are in the Farming Zone. The adjacent property to the east side is vacant land and the nearest dwelling in this direction is more than 300 metres away. Land to the west side is vacant land with Tea Tree Creek located between paddocks approximately 130 metres to the southwest of the site. Land to the north is vacant and the nearest dwelling in this direction is approximately 300 metres from the site. Land immediately adjacent to the south contains a dwelling with a setback of approximately 20 metres from the common boundary. Vegetation is present along the perimeters of the common boundary.

Proposal

It is proposed to develop a shed on vacant land and remove vegetation.

The shed would be sited at the northeast corner of the site with a setback of 4 metres from front boundary to Elaine-Morrison's Road and 10 metres from the northern boundary. The dimensions of the shed would be 21 metres x 10 metres and would incorporate a height of 7.21 metres. The total floor area would be approximately 210 square metres. The shed would be used to store machinery and other items associated with farming. Construction materials used for external cladding would be zinalume and concrete for footings/slab. Five (5) trees would be removed. Vegetation would be planted around and near the shed.

Public Notice

Notice of the application was given to adjoining and nearby landowners and occupants by mail on 3 April 2019 and a sign erected on site from 10 April until 25 April 2019.

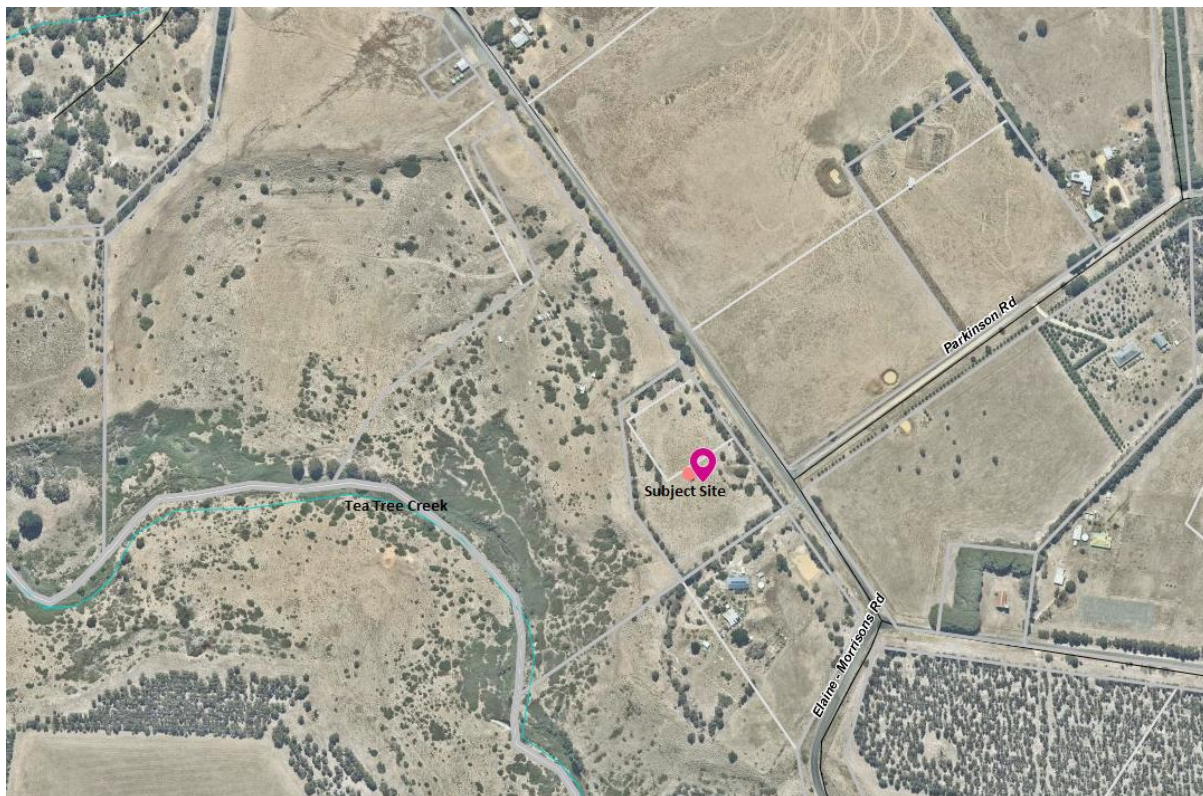
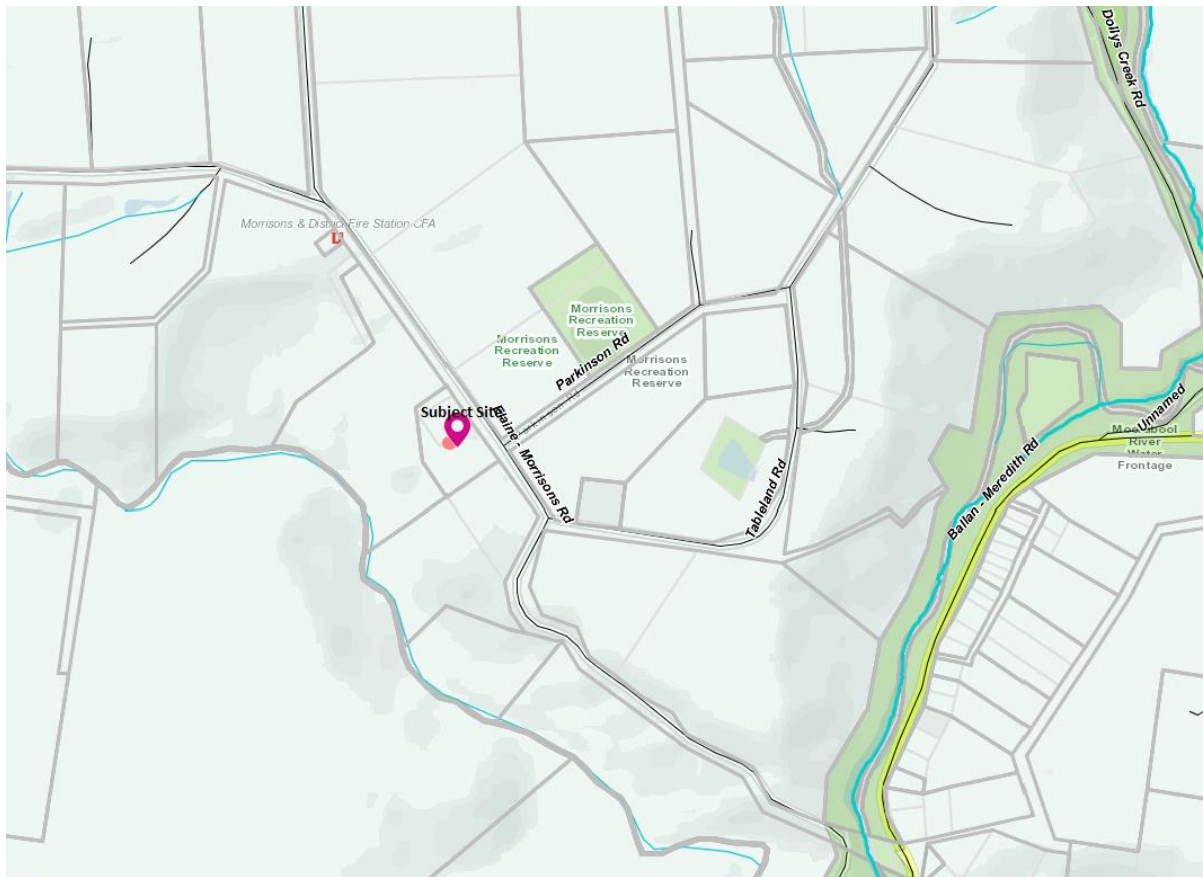
One objection was received.

Summary of Objection

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

Objection	Any Relevant Requirements
<p>Residents of the Shire have been asked not to use reflective surfaces (zincalume) due to provisions under the Design and Development Overlay Schedule 2 (DDO2)</p> <p>Zincalume surfaces cause reflection/glare which travels some distance. Glare over our paddocks will also need to be considered.</p>	<p>Clause 42.01 Schedule 2 relates to visual amenity and building design.</p>
<p>Officer's Response:</p> <p>Use of zincalume for external cladding in developments is not prohibited under the overlay rather requires planning permission. An application for planning permit is required to be submitted justifying the use of zincalume and measures taken to prevent the unreasonable emission of glare.</p> <p>The applicant has submitted the application for planning permit accordingly.</p> <p>It is acknowledged that zincalume surfaces cause reflection/glare however the applicant has proposed vegetation screening. A condition on any permit to be issued requiring planting of vegetation around the shed could be an appropriate measure to prevent unreasonable glare to the surrounding land.</p>	
<p>Removal of vegetation from the frontage to Elaine-Morrison Road would cause glare to the driver's line of sight as the shed would be constructed so close to the main road.</p> <p>The enclosed storage /lockable shedding is a fire risk as all types of products like fuel, hay, machinery stored together creates problems for local CFA to control (this happened last Christmas).</p>	<p>Clause 42.01 Environmental Significance Overlay – Schedule 1 (ESO1)</p>
<p>Officer's Response:</p> <p>Planting of vegetation would be required, and the applicant has agreed to comply. A condition of any permit to be issued could ensure that any unreasonable glare to the driver's line of sight and to the surrounding land is prevented and/or minimised.</p> <p>The use of the shed does not require a planning permit therefore the objector's claim regarding the future use of the shed cannot be warranted.</p>	

Locality Map



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 14.02-1S Catchment Planning and Management;
- Clause 15.01-5S Neighbourhood character;
- Clause 21.02-3 Objective - Water and Catchment Management;
- Clause 21.03-4 Landscape and Neighbourhood Character; and
- Clause 22.02 Special Water Supply Catchments.

The proposal generally complies with the relevant sections of the Planning Policy Framework (PPF) and Local planning Policy Framework (LPPF).

Zone

The subject site is in the Farming Zone (FZ).

The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

A planning permit is required under the zone for the construction of a shed with a setback of less than 20 metres from a road.

Overlays

Design and Development Overlay, Schedule 2

Pursuant to Clause 43.02-2 of the *Moorabool Planning Scheme* a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Under Schedule 2 of the overlay, buildings and works are exempt from permit requirements where all external walls and roof areas are clad with non-reflective materials.

The design objectives of the Design and Development Overlay are:

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

A planning permit is required under the overlay to use zincalume for external cladding.

Environmental Significance Overlay, Schedule 1

Pursuant to Clause 42.01-2 of the *Moorabool Planning Scheme* a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 1 of the overlay covers proclaimed water catchment areas. The Environmental objective to be achieved under part 2.0 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.

The provisions under the schedule to Environmental Significance Overlay does not specifically state that a permit exemption applies to the construction of a building or to construct or carry out works and associated vegetation removal, therefore a planning permit is required.

Relevant Policies

Clause 11.03-3S Perri Urban Areas

The objective of this policy is to manage growth in peri-urban areas and to protect and enhance their identified valued attributes.

Strategies

- Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.
- Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.
- Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets. Enhance the character, identity, attractiveness and amenity of peri-urban towns.
- Prevent dispersed settlement and provide for non-urban breaks between urban areas.
- Ensure development is linked to the timely and viable provision of physical and social infrastructure.
- Improve connections to regional and metropolitan transport services.

Discussion

The proposed shed with an area of 210 square metres located at the northeast corner of the site would be used to store machinery and other items associated with the farming activities on the land.

Vegetation (5 trees) would be removed to accommodate the development of the shed. The applicant has advised that vegetation would be planted around the shed once the development is complete which would provide screening to direct views from the road and the surrounding area. It is considered that planting of vegetation would ensure that the natural environment values are not depleted because of the development. In addition, the existing agricultural character of the area would remain, with minimal or no visual impact on neighbouring lots.

The proposed shed would support the agricultural use of the site whilst maintaining the retention of land able to be used for productive agricultural purposes. It is considered that the proposed development of a storage shed is consistent with the purpose of the Farming Zone.

Under the Environmental Significance Overlay Schedule 1, a permit is required to construct an outbuilding greater than 30sqm and to remove vegetation. The proposed storage shed will be for agricultural purposes (machinery storage) and its location at the northeast corner of the site will not affect the farming activity on site and the surrounding area. The development is considered appropriate within the context of the agricultural use of the site.

In accordance with Clause 43.02 and Schedule 2 to the Design and Development Overlay a permit is required where external cladding of buildings is proposed to be constructed with reflective materials (zincalume).

The application was advertised by means of a sign erected on site and letters sent to adjoining and neighbouring properties. One (1) objection was received. The concerns of the objector's were regarding the use of reflective material and glare emission, removal of vegetation and fire risk due to dangerous goods storage in a lockable shed.

It is noted that the objectors place of residence is at 47 Cemetery Lane in Morrisons and the land adjacent to the subject site is owned by the objector's and is vacant farming land.

A site visit by a planning officer has revealed that there are other examples of development in the area that are constructed with zincalume namely Morrisons Fire Station located at 552 Elaine-Morrisons Road, Morrisons and some outbuildings associated with dwellings.

Given that the applicant has proposed vegetation planting for screening and there is vegetation existing along the site boundaries, it is considered that the use of zincalume for external cladding in this instance would not cause any unreasonable detriment to the area. In addition, the proposed vegetation planting around the shed would obstruct direct views from the adjoining and surrounding properties.

A condition could be included on any permit issued to ensure screening of the shed from direct views is achieved through the planning of vegetation including a mix of native vegetation and species that are common in the area.

Overall, the proposed shed is an appropriate development on the subject site within the context of the land and the relevant provisions of the *Moorabool Planning Scheme*.

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

Infrastructure Central Highland Water	Consent with conditions. MOU conditions
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Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Conclusion

Overall, the proposal complies with the relevant provisions of the *Moorabool Planning Scheme*. It is considered that the proposed development of a shed using zincalume for external cladding and planting of vegetation more than that proposed to be removed (5 trees) is an acceptable planning outcome. The shed would be used for the storage of machinery and good associated with the agricultural use of the land.

Recommendation

That, having considered all matters as prescribed by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant Planning Permit PA2019058 for the Development of a Storage Shed using Zincalume and Removal of Vegetation on land known as Crown Allotment 6, Section A Parish of Borhoneyghurk located at Elaine-Morrisons Road, Morrisons Vic 3334 subject to the following conditions:

Endorsed Plans:

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:**
 - a) Detail of vegetation screening in accordance with condition 4 contained herein.**

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

Vegetation Screening:

2. **Vegetation must be planted to obstruct direct views from the adjacent road and dwellings on adjoining properties to the satisfaction of the Responsible Authority.**

Infrastructure:

3. **Storm water drainage from the proposed building and impervious surfaces must be disposed of to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.**
4. **Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
5. **Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over any drainage pipes and easements on the property.**
6. **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.**

Central Highland Water

7. **The permitted building must not be used for any habitable purpose and must not be used for any commercial or industrial purpose except in accordance with the provisions of the Moorabool Planning Scheme.**
8. **The existing or proposed effluent disposal areas (if applicable) must be kept free from stock, buildings, driveways and service trenching.**
9. **Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.**
10. **Sediment control measures outlined in the EPA's publication No 275 Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.**

Permit Expiry:

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

Permit Note:

The building permitted by this permit must not be used for the storage of dangerous, hazardous or explosive goods, materials or substances.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu
Title: General Manager, Community Planning
Date: 21 May, 2019

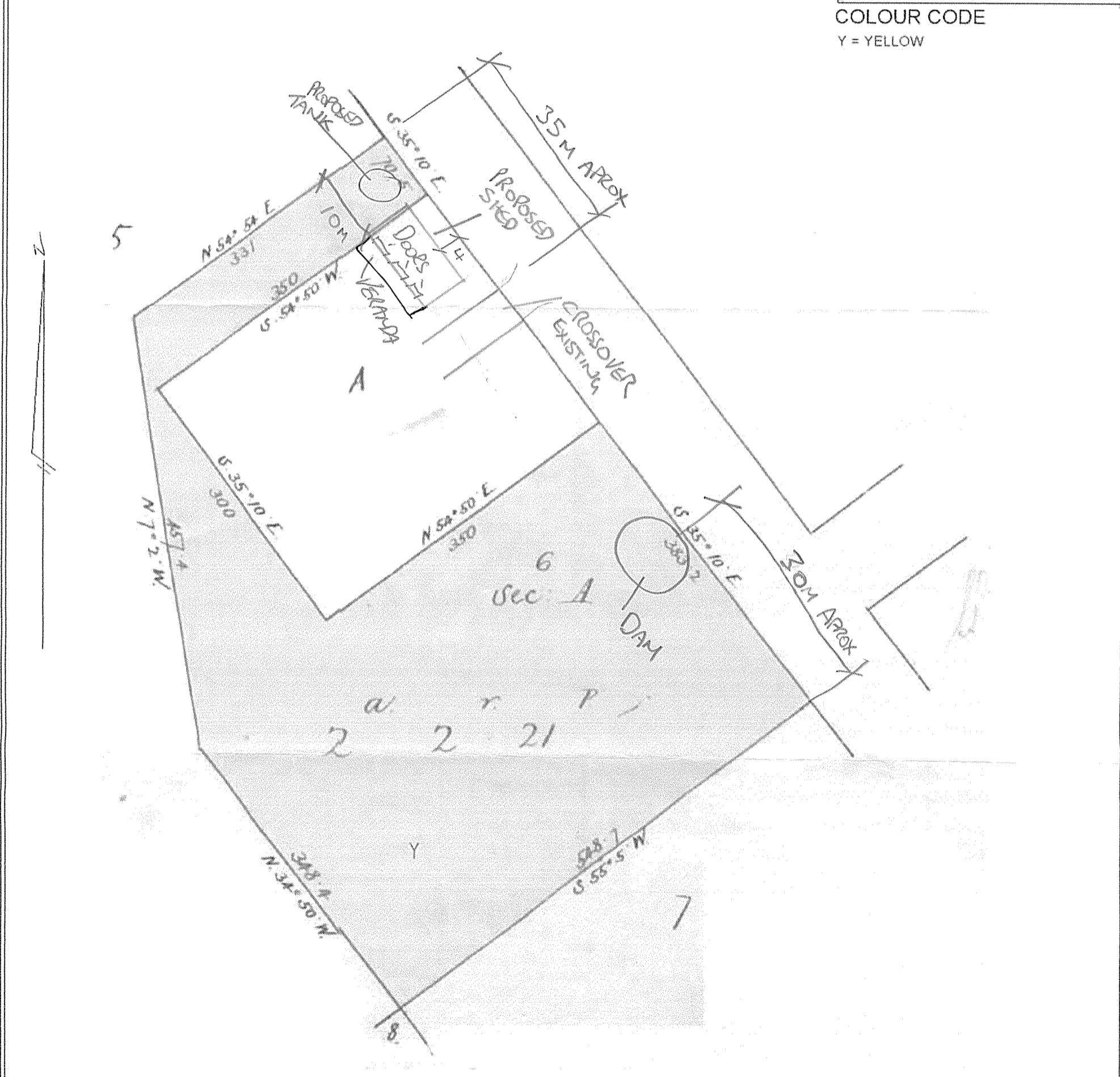


TITLE PLAN	EDITION 1	TP 811637Q
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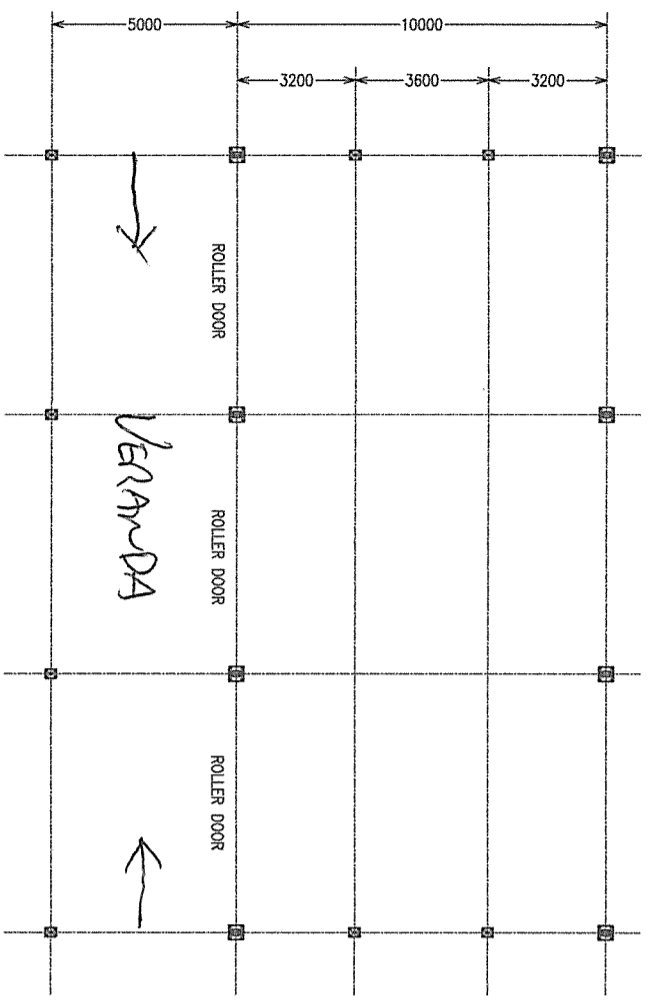
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<p>Description of Land / Easement Information</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 27/04/2000</p> <p>VERIFIED: MP</p>
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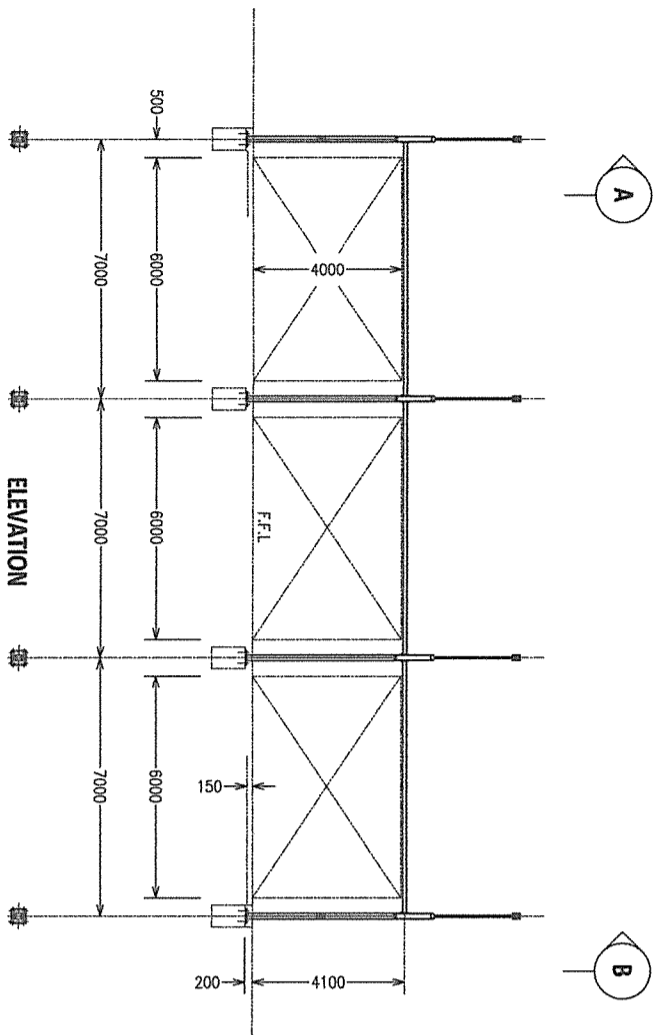
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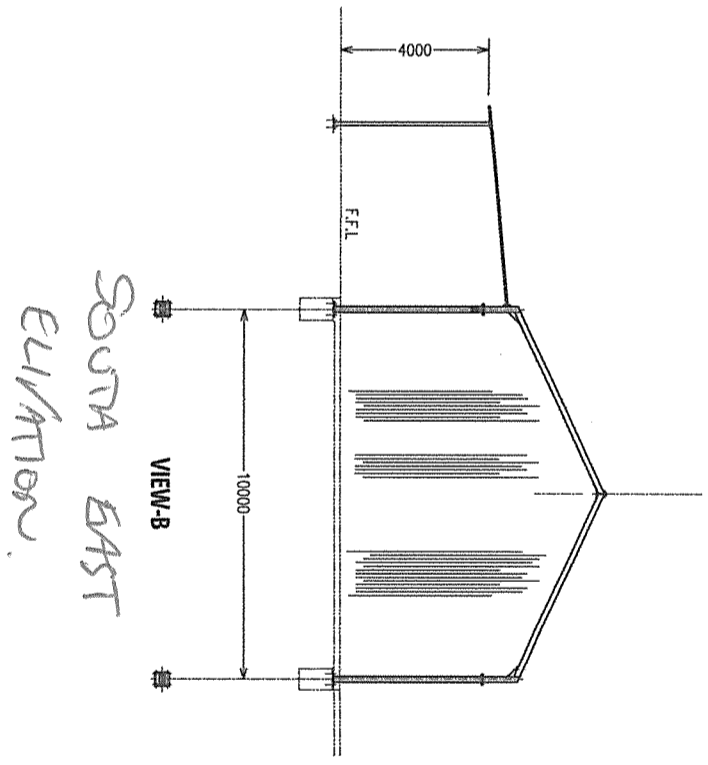


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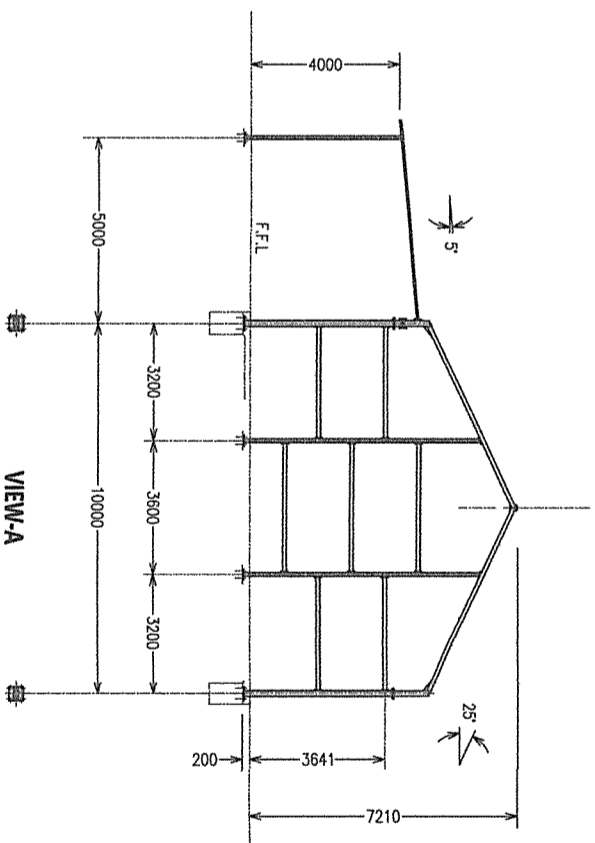


SOUTH WEST ELEVATION

SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH WEST ELEVATION

NORTH WEST ELEVATION

MATERIALS USED
WALLS ZINICALUME
ROOF ZINICALUME

CONCEPT LAYOUT

REV	DESCRIPTION	BY	DATE
A	HEIGHT INCREASED 7000 WAS 6000	DM	27-2-19

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Item 5.3 Planning Permit Application PA2018270 – Use and Development of a Warehouse and a Reduction of Car Parking (One Space) at 21 Osborne Street, Maddingley.

Application Summary:	
Permit No:	PA2018 270
Lodgement Date:	16 October 2018
Application in Process lodged:	29 April 2019
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on PS 728385S 21 Osborne Street, Maddingley 3340
Proposal:	Use and Development of a Warehouse and a Reduction of Car Parking (One space)
Lot size:	562sq m
Why is a permit required?	Clause 33.02 – Industrial 2 Zone – Use and development of a warehouse. Clause 52.06-3 – Car Parking – Reduction of car parking.
Reason for being presented to S86 Development Assessment Committee.	Reduction of car parking.
Public Consultation	
Was the application advertised?	No.
Notices on site:	None.
Notice in Moorabool Newspaper:	No.
Number of Objections:	None.
Consultation Meeting:	Not applicable.
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 3A:	Land Use Planning

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Manager – Robert Fillisch

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

Author – Tom Tonkin

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

Executive Summary

Application Referred?	Yes, to Council's Infrastructure unit.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	No.
Any changes made to the application since being lodged?	Yes, based on the officer's advice the car parking layout was redesigned to improve its functionality for vehicles to enter and exit all car spaces, with the consequential reduction of one car space, from five to four spaces.
Brief history	Not applicable.
Previous applications for the site?	None.
General summary	The proposed use and development for a warehouse and associated car parking reduction is generally consistent with relevant planning policy and with surrounding land use and development. The reduction of one car space is acceptable given the site's constraints, functionality of the proposed car park and existing on-street parking capacity.

Summary Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue Planning Permit PA2018270 for Use and Development of a Warehouse and a Reduction of Car Parking (One space) at Lot 1 on PS 728385S known as 21 Osborne Street, Maddingley, 3340, subject to the conditions included at the end of this report.

Site Description

The subject site is identified as Lot 1 on PS 728385S and known as 21 Osborne Street, Maddingley, and is located on the northwest corner of Osborne and McPherson Streets, Maddingley. The site is a trapezoid shape with 20.12m frontage to Osborne Street and 26.32m frontage to McPherson Street with an area of 562sq m. The site is relatively flat, and contains a single storey dwelling and ancillary outbuilding, and is encumbered by a 2.0m wide sewerage easement parallel to the north boundary.

The site and surrounding land is in the Industrial 2 Zone. To the north, fronting Osborne Street, are several single dwellings. To the west, fronting McPherson Street, is a warehouse type building of 4.5m height constructed to the east, north and west boundaries and occupied by a personal training facility, with car parking in the front setback. To the south, across McPherson Street, is a motor repairs business and what appears to be a disused industrial building. To the east, across Osborne Street, is vacant land.

All reticulated services are available to the site.

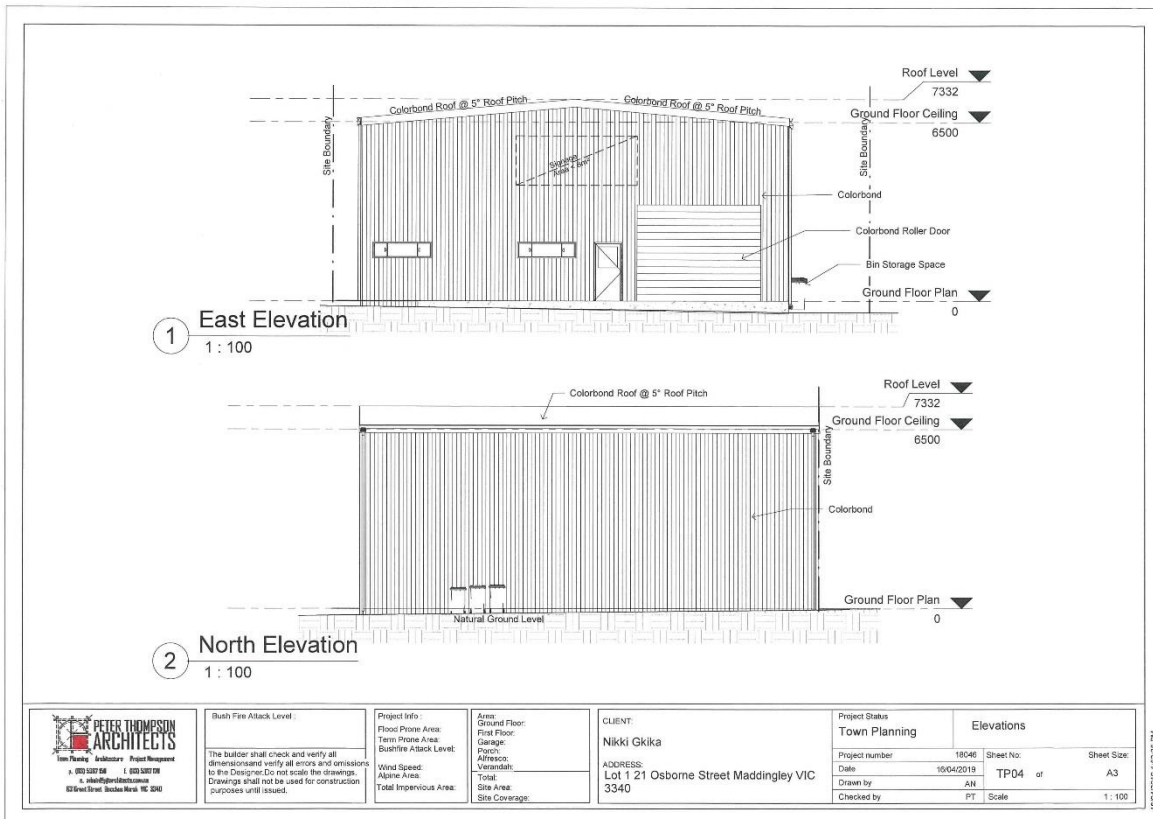
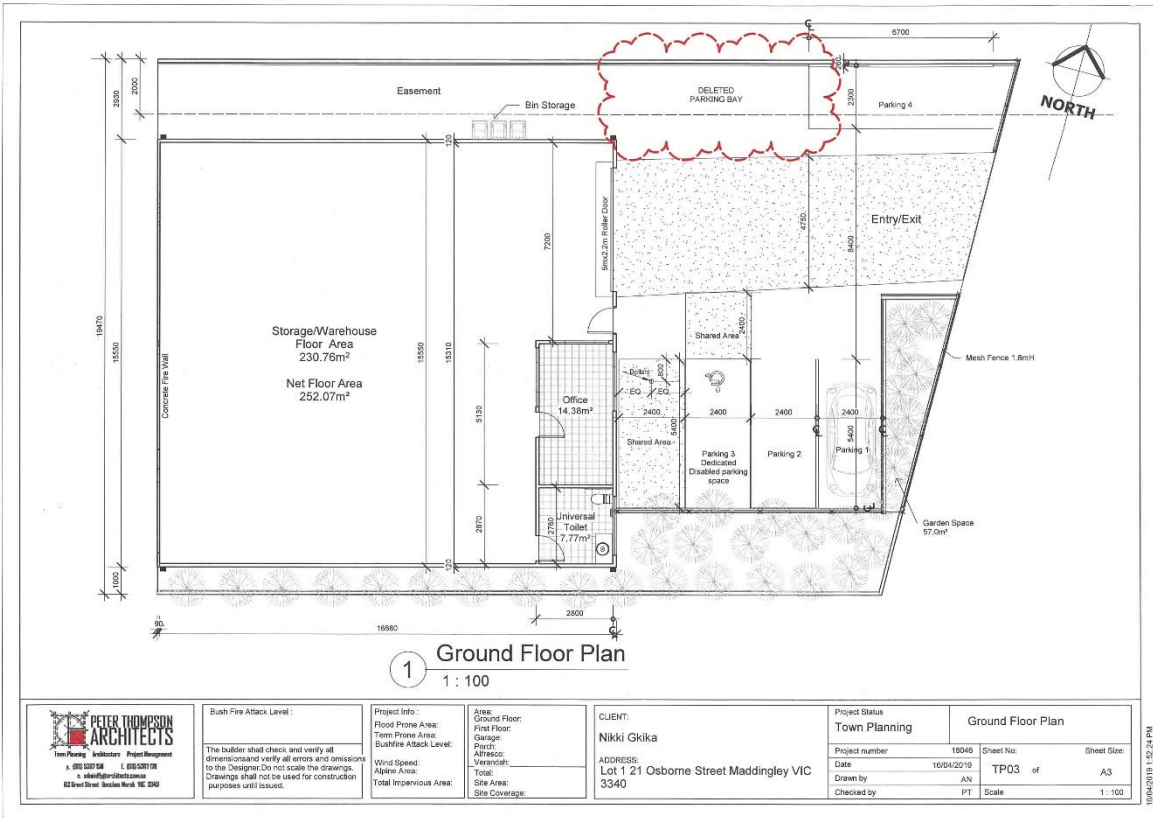


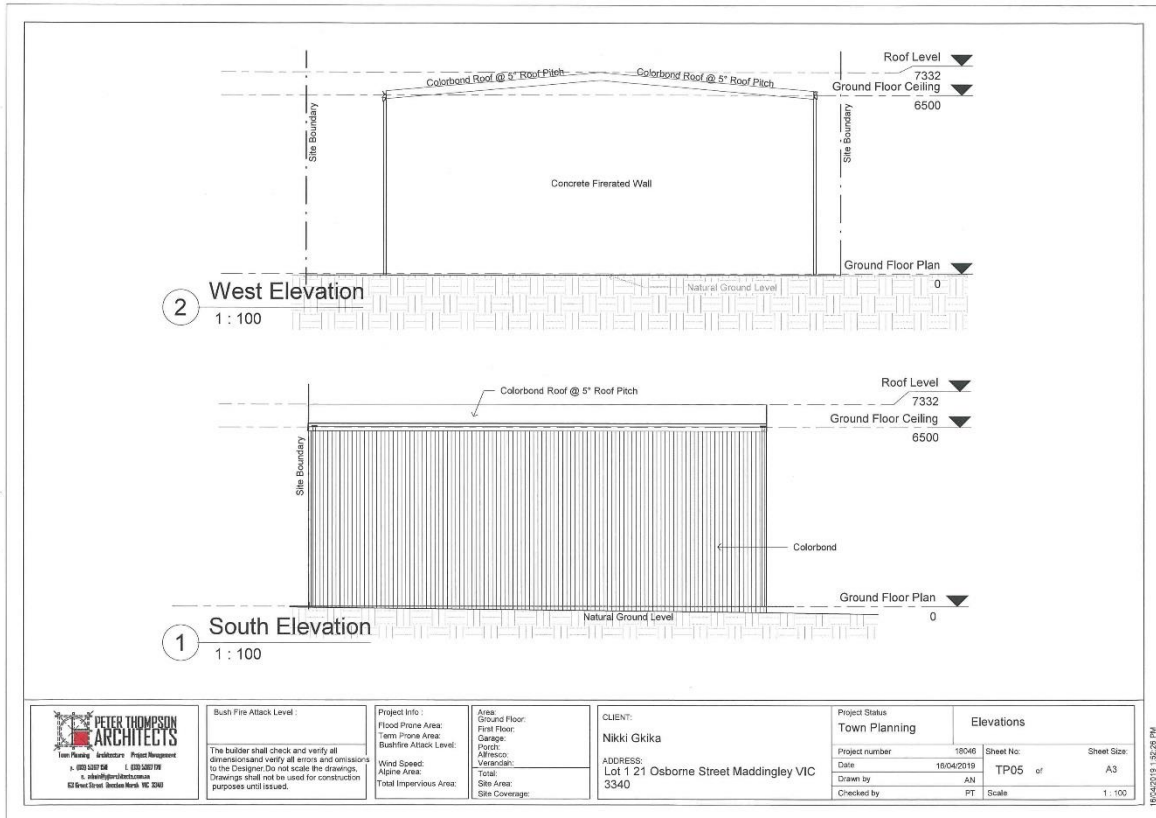
Proposal

It is proposed to use and develop the site for a warehouse, however the proposal is speculative and therefore the specific use is unknown. The existing buildings would be demolished and the a proposed 252sq m building constructed to abut the western property boundary, and set back 1.0m from McPherson Street, 2.93m from the northern boundary and a minimum 9.64m from Osborne Street. The building would comprise a toilet, office and storage space and be clad with Colorbond apart from the rear concrete wall, with a wall height of 6.5m and overall height of 7.33m. Building access would be through doors on the eastern façade for vehicles and pedestrians. The building's front setback would be occupied by four car spaces, including one disabled access space, accessed via a crossover to Osborne Street, and a landscaped area which would further extend along the south side of the building. No significant vegetation would be removed.

The application was amended in process by redesigning the car park layout to reduce the number of car spaces from five to four to ensure all vehicles can manoeuvre safely and conveniently within the site.







A full set of the proposed plans are provided in Attachment 1.

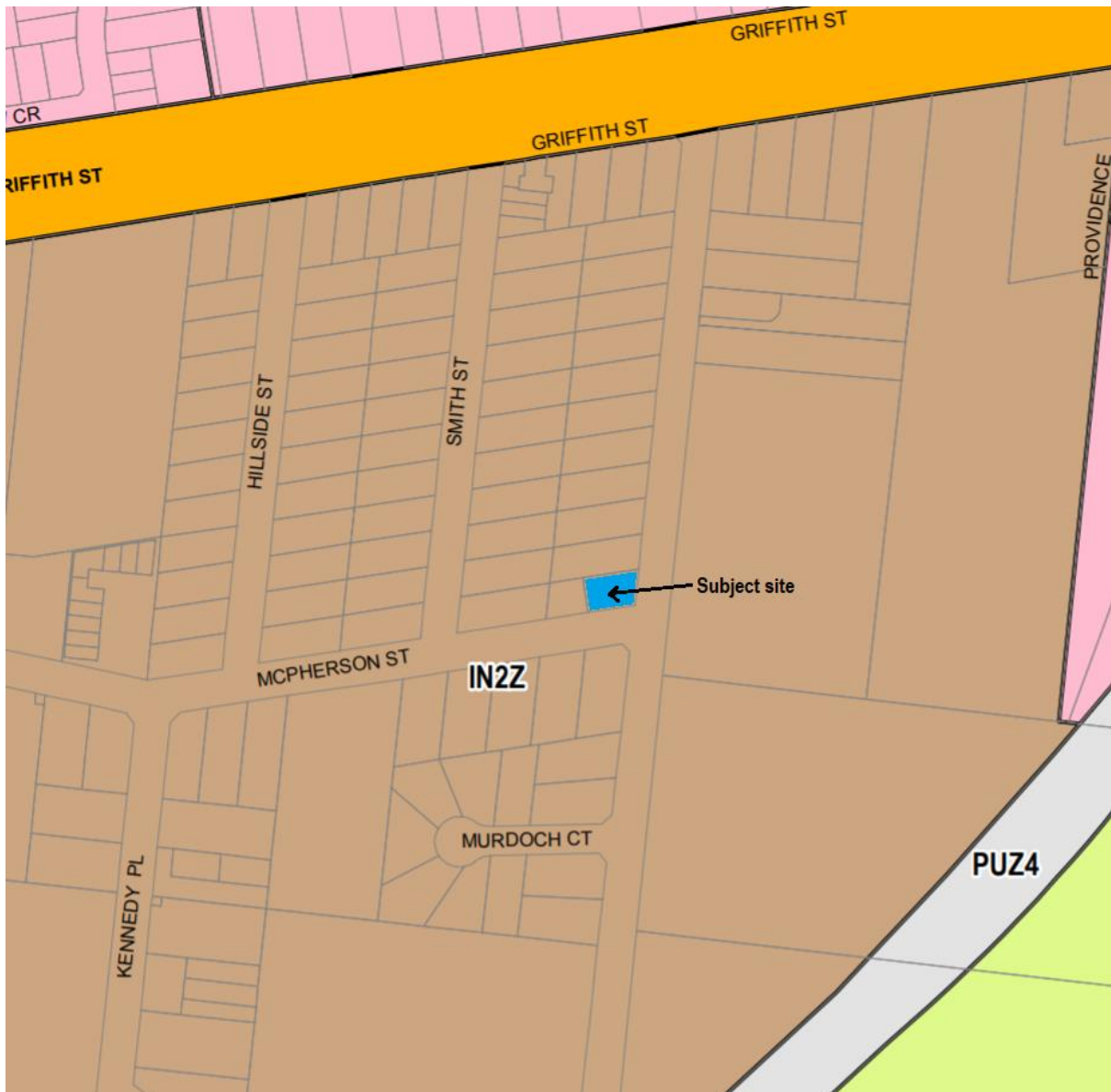
Public Notice

Under Clause 33.02 an application for use or development is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Under Clause 52.06-4 an application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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.
- 17.03-2S Industrial development siting.
- 21.04-4 Industry.
- 22.05 Presentation of Industrial Areas.

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

Zone

The subject site is in the Industrial 2 Zone (IN2Z). Pursuant to Clause 33.02-1 and Clause 33.02-4, a permit is required to use and develop land for a warehouse.

The purpose of the Industrial 2 Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.*
- *To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.*
- *To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.*

Overall, the proposal is considered to be consistent with the purpose and decision guidelines of the IN2Z, as discussed below.

Overlays

The site is not affected by any Overlays.

Relevant Policies

Council adopted the Moorabool Industrial Areas Strategy on 2 December 2015.

Particular Provisions

Clause 52.06 Car Parking

A warehouse requires two spaces to each premises plus 1.5 spaces to each 100sq m of net floor area, meaning that five spaces would be required. Four spaces are proposed on site and therefore a permit is required to reduce car parking.

The proposed reduction of car spaces is considered acceptable, as discussed below.

Discussion

Overall, the proposal is considered to be generally in accordance with relevant State and local planning policy, the zone, and relevant Particular and General Provisions.

Subject to conditions, the proposed use and development is considered to be appropriate. The land is connected to reticulated services and surrounding land uses are generally small scale industrial or storage enterprises, consistent with the proposal. Although the specific use of the proposed warehouse is unknown, recommended permit conditions would ensure that any potential detriment would be mitigated by the requirement for further planning approval or enforcement action by Council or the EPA as appropriate.

The proposal is consistent with Council's local policy at Clause 22.05 of the planning scheme. The site has no identified natural or cultural values, the proposed design would generally enhance the streetscape and the built form is consistent with the surrounding industrial area in terms of appearance, form, scale, bulk and materials. Landscaped areas in the building frontage and car parking area would provide reasonable space for meaningful landscaping to help soften the appearance of the development.

Waste storage, lighting, stormwater discharge and amenity considerations can be managed by way of permit conditions.

Traffic associated with the proposal is expected to have a negligible impact on traffic management in the area. The scale of the proposed warehouse is similar to many other premises in the surrounding area and small to medium rigid trucks and vans are expected to access the site which can be easily accommodated by the surrounding street network.

The design of the car spaces and accessway are considered acceptable. The accessway and car space dimensions satisfy the relevant standards, either the relevant Australian standards or Clause 52.06-9, and landscaped areas are reasonably integrated in the car park design.

Under Clause 52.06-5 the following car parking rates apply to the use of land for a warehouse:

Car parking rate	Car parking measure
2	To each premises
1.5	To each 100 sqm of net floor area

Based on the above rates the proposal requires provision of five car spaces. The applicant proposes four car spaces on the land, so under Clause 52.06-3 a permit is required to reduce the number of car spaces provided by one space.

The amount of parking provided is considered sufficient because of the small-scale nature of the proposal, the limited opportunity to provide all parking on site and the general availability of on-street parking in the vicinity of the subject site. Council's Infrastructure unit have considered the application and have no objection, including to the proposed parking reduction.

It is expected that the proposed reduction would have negligible impact on the availability of on-street car spaces and would not cause any other detriment.

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

There are no 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

As outlined above, the application was exempt from the notice requirements of the Planning and Environment Act 1987 and accordingly only the applicant was invited to attend this meeting and address Council if required.

Options

Council could consider the following options:

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

Conclusion

The proposal to use and develop the site for a warehouse and reduce the car parking requirement is generally consistent with relevant planning policy and surrounding land use and development. The reduction of one car space is acceptable given the site's constraints, the improved functionality of the proposed car park and availability of on-street parking. Subject to conditions, the proposal is acceptable and is recommended for approval.

Recommendation

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issues Planning Permit No. 2018-270 for Development and Use of a Warehouse and a Reduction of Car Parking (One space) at Lot 1 on PS 728385S, 21 Osborne Street, Maddingley, subject to the following conditions:

Endorsed Plans:

- 1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans identified as Project No. 18046, Sheet no.'s TP02, TP03, TP04 & TP05 dated 16/04/2019 and prepared by Peter Thompson Architects but modified to show:**
 - a) A landscape plan in accordance with Condition no. 20.**

Amenity:

- 2. Subject to the provisions of Clauses 52.06 (Car Parking) and 53.11 (Uses with Adverse Amenity Potential) of the Moorabool Planning Scheme, separate planning approval may be required for a specific warehouse use other than allowed for by this permit.**
- 3. The amenity of the area must not be detrimentally affected by the use or development, through the:**
 - a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin;**

- e) Any other way.
4. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
 5. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
 7. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
 8. Any security alarm or similar device installed must be of a silent type.
 9. The loading and unloading of goods from vehicles must only be carried out on the land.
 10. Provision must be made on the land for the storage and collection garbage and other solid waste and the area screened from public view to the satisfaction of the Responsible Authority.

Advertising Signs:

11. Except where no permit is required under the Moorabool Planning Scheme, signage must not be displayed or erected on the site without further planning approval.

Infrastructure:

12. A standard urban residential vehicle crossing must be provided on Osborne Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
13. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - a) The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - b) Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - c) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
14. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
15. 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).

16. 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.
17. 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.
18. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - b) Designated loading areas shall be shown on layout plans.
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
19. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Landscape Plans:

20. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) details of surface finishes of pathways and driveways;
 - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - c) landscaping and planting of locally native vegetation within all open areas of the site.

All species selected must be to the satisfaction of the Responsible Authority.

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

Permit expiry:

23. 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.


Report Authorisation:

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager, Community Planning
Date: 21 May, 2019



Proposed Warehouse/Storage Development
21 Osborne St Maddingley



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 153 Brent Street, Bayside North, VIC 3240

Bush Fire Attack Level :
 The builder shall check and verify all dimensions and verify all errors and omissions to the Designer. Do not scale the drawings. Drawings shall not be used for construction purposes until issued.

Project Info :
 Flood Prone Area:
 Term Prone Area:
 Bushfire Attack Level:
 Wind Speed:
 Alpine Area:
 Total Impervious Area:

Area:
 Ground Floor:
 First Floor:
 Garage:
 Porch:
 Alfresco:
 Verandah:
 Total:
 Site Area:
 Site Coverage:

CLIENT:
Nikki Gkika
ADDRESS:
Lot 1 21 Osborne Street Maddingley VIC 3340

Project Status		Cover	
Town Planning			
Project number	18046	Sheet No:	
Date	16/04/2019	TP00	of
Drawn by	Author	Sheet Size:	
Checked by	Checker	Scale	



Existing Site Plan

1 : 200

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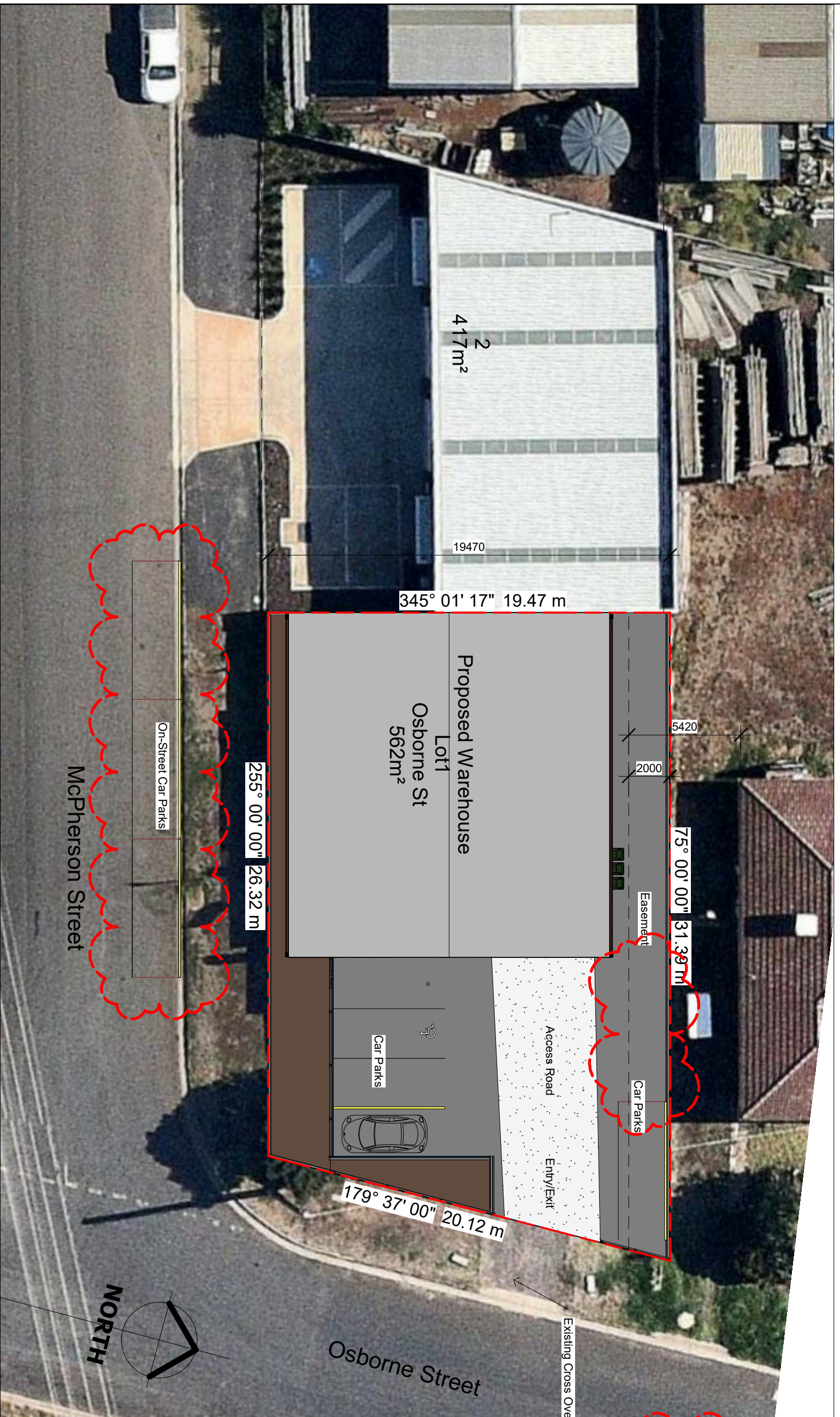
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 Verandah:
 Total:
 Site Area:
 Site Coverage:

CLIENT:
Nikki Gkika
 ADDRESS:
Lot 1 21 Osborne Street Maddingley VIC 3340

Project Status		Existing Site	
Town Planning			
Project number	18046	Sheet No:	TP01 of
Date	16/04/2019		A3
Drawn by	AN	Scale	1 : 200
Checked by	PT		



Site Coverage:

Site	- 562.00m ²	95
Floor Area	- 252.07m ²	
Site Coverage	- 44.86%	

Net Floor Area: 252.07m²

Carparking:
 2 + 1.5 for every 100sqm net floor
 Total 5 Spaces required
 = 4 Spaces proposed.
 3 + On street spaces available

Landscaping:
 Min. 10% of the site to be landscaped.
 562m² x 10% = 56.2m² required
 < 57.00m² proposed.

Locally native vegetation to be planted in the proposed Landscaped Area.

Car Parking to be surfaced with an all weather surface to the satisfaction of the responsible authority.

Development to be connected to a reticulate water, sewerage, power and stormwater facilities.

Use of Land:
 Use of Land - Storage / Warehouse

Use of Excess Land - Landscaped area, Vehicle access and Bin area.

Works Approval - Not required.
 Waste Discharge Licence

Notification (OHS reg.)
 - Not required.
 Licence (Dangerous Goods Act)
 - Not required.

Fire Protection (Dangerous Goods Act (Storage and Handling))
 - Not required.

Effects on the neighbourhood
 - No effect to neighbourhood area on Noise Levels, Emissions to air, land or water, Traffic, Light spill.

Proposed Site Plan

1 : 200

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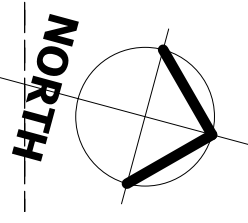
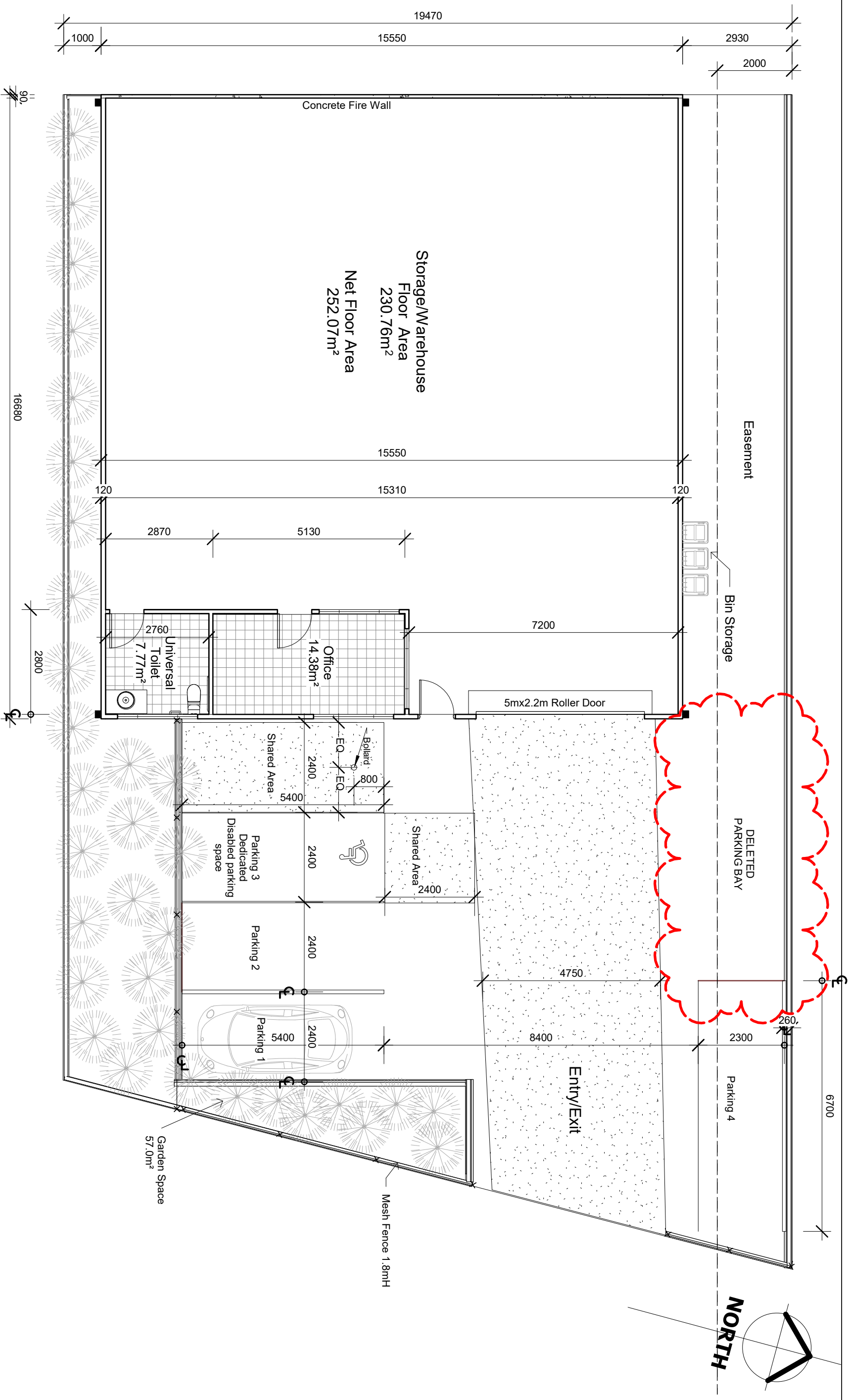
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 Site Area:
 Site Coverage:

CLIENT:
 NIKKI GKIKI
ADDRESS:
 Lot 1 21 Osborne Street Maddingley VIC 3340

Project Status		Site Plan	
Town Planning		Sheet No:	
Project number	18046	Sheet Size:	
Date	16/04/2019	TP02 of A3	
Drawn by	AN	Scale	
Checked by	PT	As indicated	



1 Ground Floor Plan

1 : 100

Bush Fire Attack Level :

The builder shall check and verify all dimensions and verify all errors and omissions to the Designer. Do not scale the drawings. Drawings shall not be used for construction purposes until issued.

Project Info :

Flood Prone Area:
Term Prone Area:
Bushfire Attack Level:

Wind Speed:
Alpine Area:
Total Impervious Area:

Area:
Ground Floor:
First Floor:
Garage:
Porch:
Atrium:
Verandah:
Total:
Site Area:
Site Coverage:

CLIENT:
Nikki Gkika

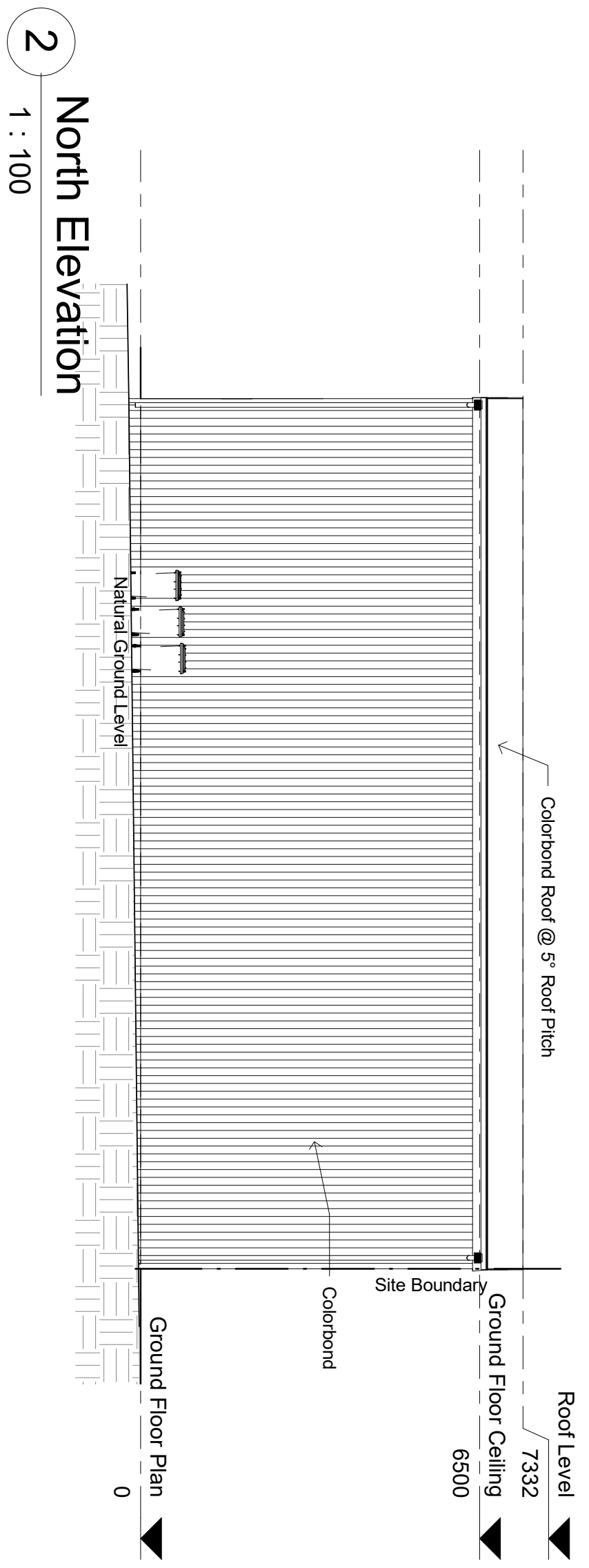
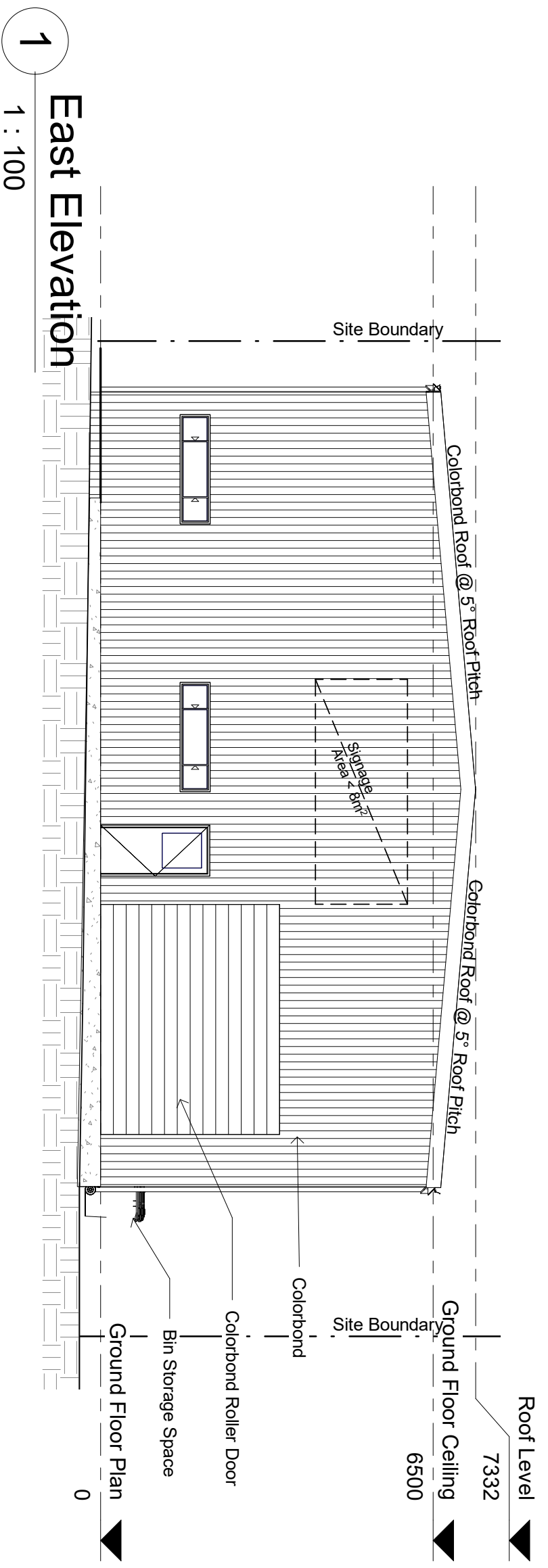
ADDRESS:
Lot 1 21 Osborne Street Maddingley VIC 3340

Project Status Town Planning		Ground Floor Plan	
Project number	18046	Sheet No:	TP03 of
Date	16/04/2019	Sheet Size:	A3
Drawn by	AN	Checked by	PT
Scale	1 : 100		

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Bush Fire Attack Level :

The builder shall check and verify all dimensions and verify all errors and omissions to the Designer. Do not scale the drawings. Drawings shall not be used for construction purposes until issued.

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Bushfire Attack Level:

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Alpine Area:
Total Impervious Area:

Area:

Ground Floor:
First Floor:
Garage:
Porch:
Atrium:
Verandah:
Total:
Site Area:
Site Coverage:

CLIENT:
Nikki Gkika

ADDRESS:
Lot 1 21 Osborne Street Maddingley VIC 3340

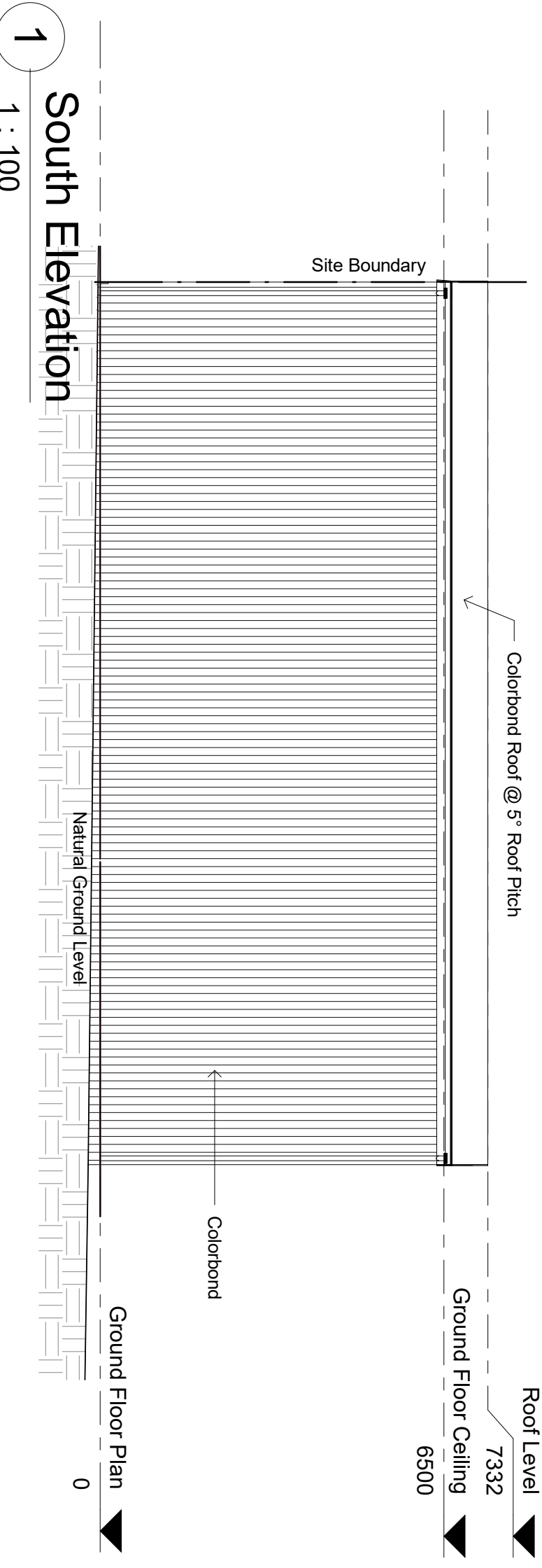
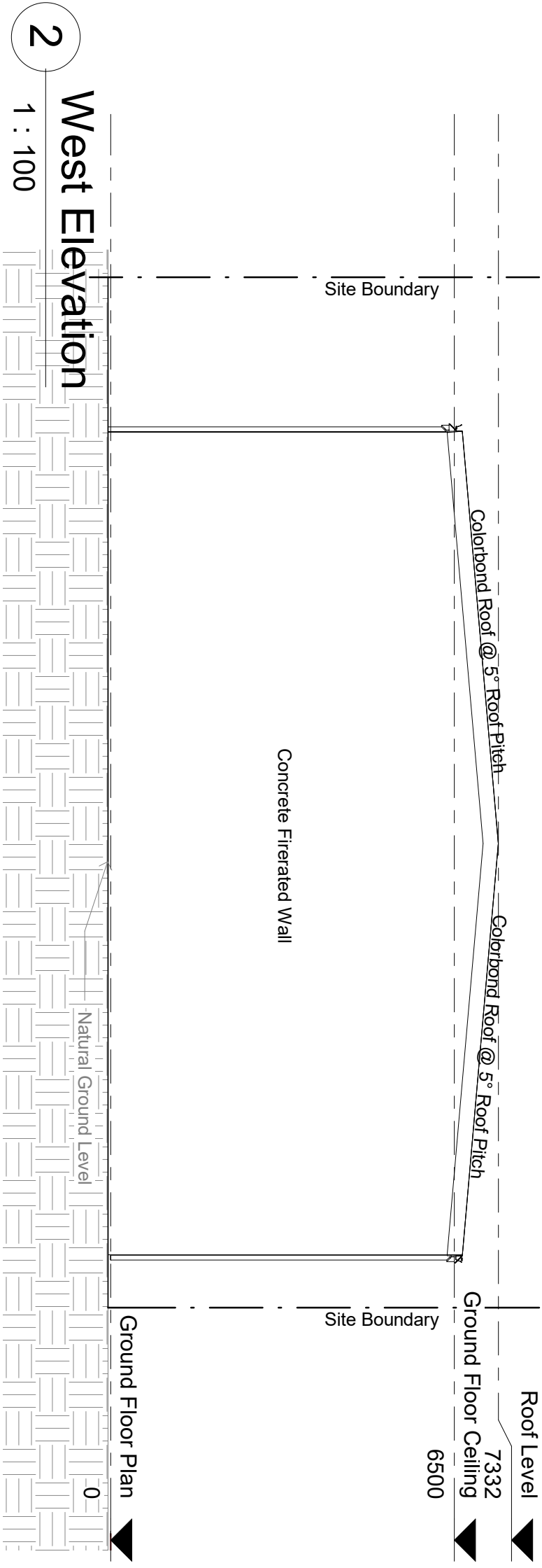
Project Status		Elevations	
Town Planning			
Project number	18046	Sheet No:	TP04 of A3
Date	16/04/2019	Sheet Size:	A3
Drawn by	AN	Scale	1 : 100
Checked by	PT		

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Bush Fire Attack Level :

Project Info :
 Flood Prone Area:
 Term Prone Area:
 Bushfire Attack Level:

Area:
 Ground Floor:
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 Site Area:
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CLIENT:
NIKKI GKika
 ADDRESS:
Lot 1 21 Osborne Street Maddingley VIC 3340

Project Status		Elevations	
Town Planning		Project number	18046
Date	16/04/2019	Sheet No:	TP05 of
Drawn by	AN	Sheet Size:	A3
Checked by	PT	Scale	1 : 100



Item 5.4 Planning Permit Application PA2018310 – Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at 35 Fisken Street and 32 Park Street, Maddingley.

Application Summary:	
Permit No:	PA2018 310
Lodgement Date:	20 November 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lots 1 and 2 on PS 636213L 35 Fisken Street and 32 Park Street, Maddingley 3340
Proposal:	Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials and a Reduction of Car Parking (10 spaces)
Lot size:	1097.7sq m in total
Why is a permit required?	Clause 33.02 – Industrial 2 Zone – Use for Industry Clause 52.06-3 – Car Parking – Reduction of car parking
Reason for being presented to S86 Development Assessment Committee.	Reduction of car parking.
Public Consultation	
Was the application advertised?	No.
Notices on site:	None.
Notice in Moorabool Newspaper:	No.
Number of Objections:	None.
Consultation Meeting:	Not applicable.
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 3A:	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary	
Application Referred?	Yes, to EPA and Council's Infrastructure unit.
Any issues raised in referral responses?	No.
Preliminary concerns?	None. Council requested further information about the proposal, which the applicant provided.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	No.
Brief history	Not applicable.
Previous applications for the site?	<p>PA2002366 for Development of a Factory for Use as and Indoor Recreation Facility (Shindo Karate Academy) and a Bearing Business was approved on 06/01/2003.</p> <p>PA2010082 for Two Lot Subdivision was approved on 26/05/2010 which created the subject lots.</p> <p>PA2014284 for use of 32 Park Street as an Indoor Recreation Facility (Dance Studio) was approved on 28/01/2015.</p>
General summary	The proposed use for industry and associated car parking reduction is generally consistent with relevant planning policy and surrounding land uses. Subject to conditions the proposed use can be appropriately managed to limit any adverse amenity impacts and the reduction of car parking is acceptable, mainly because the parking provision exceeds the number of employees.

Summary Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue Planning Permit PA2018310 for Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces), subject to conditions.

Site Description

The subject site is identified as Lots 1 and 2 on PS 636213L, known as 35 Fisken Street and 32 Park Street, Maddingley, and located on the southwest corner of Fisken and Park Streets, Maddingley. The site is roughly rectangular in shape with an 18.14m frontage to Fisken Street and a 43.05m frontage to Park Street and overall area of 1097.7sq m. The site is relatively flat and occupied by an industrial building and car parking areas, and not encumbered by any easements. Vehicle access is obtained via a crossover to Fisken Street and three crossovers to Park Street.

The site and surrounding land to the north, south and west is in the Industrial 2 Zone and to the east, across Fisken Street, the Farming Zone. To the north, across Park Street, is a panel beating workshop. To the west is a truck motor repairs workshop. To the south is a warehouse occupied by a supplier of heating and cooling systems. To the east, across Fisken Street, is farming land.

All reticulated services are available to the site.



Proposal

It is proposed to use the existing 837sq m net floor area for sheet metal production, a process which the applicant describes as roll forming which involves the continuous bending of a long strip of metal coil into a desired cross-section. The metal strip passes through sets of rolls on roll forming machines until the desired fold is obtained.

Deliveries to and from the site would occur once or twice a day between the hours of 7.00am and 5.00pm. There would be no retail or wholesale sales of product from the property; the product is for the manufacturer's own supply for their business installing metal roofing and cladding on development sites.

Nine staff would be employed. The hours of operation proposed would be from 6.00am to 6.00pm and Saturday from 8.00am to 12.00 noon. 14 on site car spaces are provided.



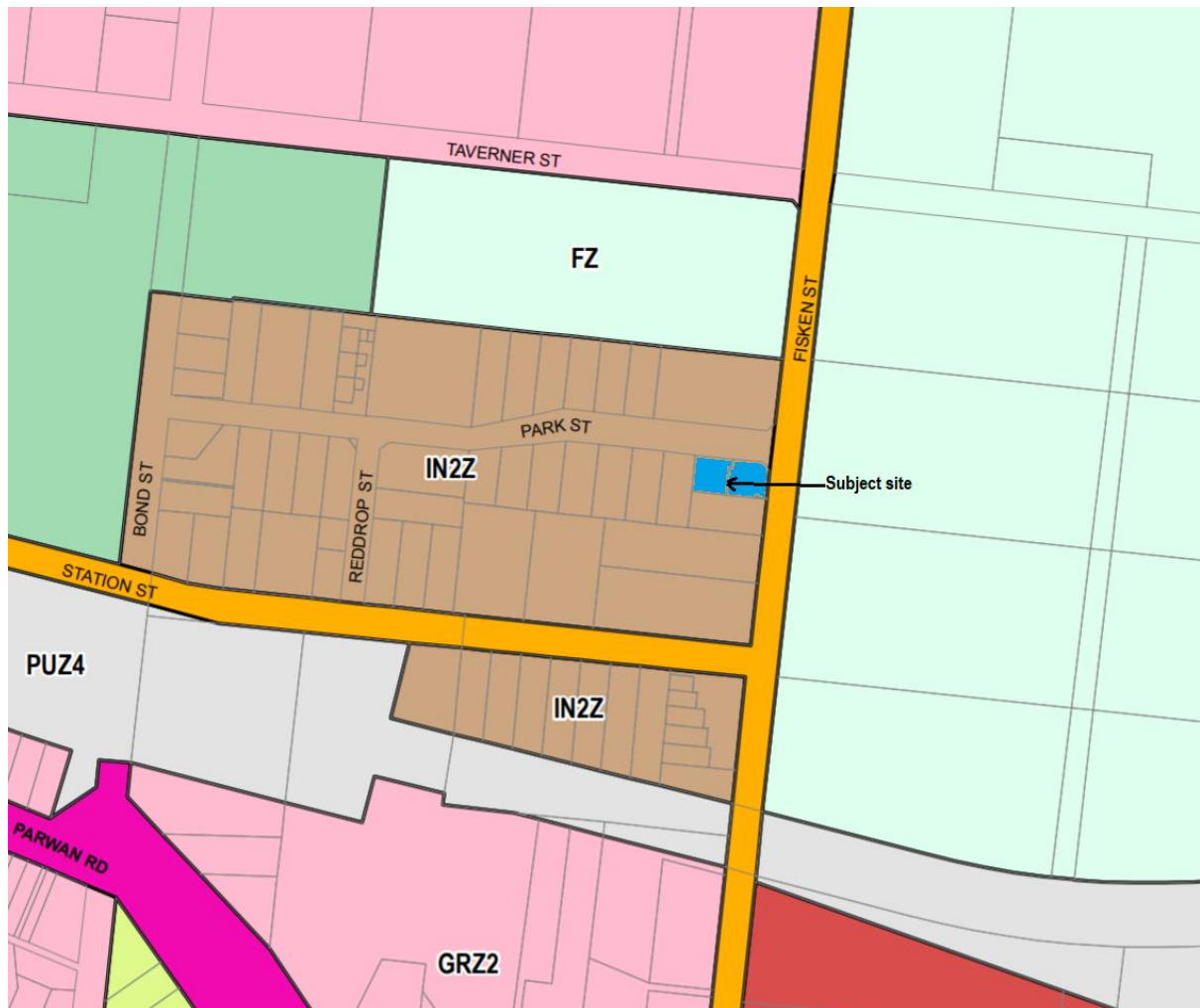
Public Notice

Under Clause 33.02-2 an application for use is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, noting that the site is more than 30.0m from residential zoned land.

Under Clause 52.06-4 an application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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;
- 17.01-1R Diversified economy – Central Highlands;
- 17.03-1S Industrial land supply;
- 21.04-4 Industry.

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

Zone

The subject site is in the Industrial 2 Zone (IN2Z). Pursuant to Clause 33.02-1 a permit is required to use land for industry.

The purpose of the Industrial 2 Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.*
- *To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.*
- *To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.*

Overall, the proposal is considered to be consistent with the purpose and decision guidelines of the IN2Z, as discussed in this report.

Overlays

The site is not affected by any Overlays.

Relevant Policies

Council adopted the Moorabool Industrial Areas Strategy on 2 December 2015.

Particular Provisions

Clause 52.06 Car Parking

Industry requires 2.9 spaces to each 100sq m of net floor area, meaning that 24 spaces would be required. Fourteen spaces are proposed on site and therefore a permit is required to reduce car parking.

The proposed reduction of car spaces is considered acceptable, as discussed in this report.

Clause 53.10 Uses with Adverse Amenity Potential

Structural or sheet metal production is listed in this Clause as requiring a minimum threshold distance of 500m from land in a residential zone. The nearest residential zoned land is approximately 190m to the north, and under Clause 66.02-7 for this reason the EPA are a determining referral authority for this application. EPA consent to the proposal, subject to conditions, discussed below.

Discussion

Overall, the proposal is considered to be generally in accordance with relevant State and local planning policy, the zone, and relevant Particular and General Provisions.

The subject site contains an existing industrial building located in an established industrial area of Maddingley, and the proposal would contribute to local and regional economic activity.

The site is connected to reticulated services and surrounding land uses in the Industrial 2 Zone are generally small scale industrial or storage enterprises, generally consistent with the proposal. The manufacturing process does not generate any significant noise or other emissions beyond the site, and recommended permit conditions would ensure that any potential detriment would be mitigated by the requirement for further planning approval or enforcement action by Council or the EPA as appropriate.

In particular, the recommendation for the permit to remain valid only if the applicant remains in the premises would ensure that any future occupant manufacturing the same product but using potentially different processes and equipment, or operationally different, would be subject to a separate assessment as to their potential amenity impacts.

Traffic associated with the proposal is expected to have a negligible impact on traffic management in the area. The scale of the proposed warehouse is similar to many other premises in the surrounding area and small to medium rigid trucks and vans are expected to access the site which can be easily accommodated by the surrounding street network.

Under Clause 52.06-5 the following car parking rates apply to the use of land for Industry:

Car parking rate	Car parking measure
2.9	To each 100 sqm of net floor area

Based on the above rates, the proposal requires provision of 24 car spaces. The applicant proposes 14 car spaces on the land, so under Clause 52.06-3 a permit is required to reduce the number of car spaces by 10 spaces.

The amount of parking provided is considered sufficient because of the nature of the proposal, specifically that only nine staff are employed and that there are no retail or wholesale sales occurring from the site, thus there is no requirement for customer car parking. Council's Infrastructure unit have considered the application and have no objection to the proposed parking reduction. It is expected that the proposed reduction would have no impact on the availability of on-street car spaces and would not cause any other detriment. A recommended condition of approval would require that there be no more than 14 employees present on site without Council's consent, to enable a revised assessment of car parking should future employee numbers increase beyond the amount of on-site parking provided. It is noted that the previous use for part of the site (Lot 1) for industry required eight car spaces but was only provided with six, thus there is an existing deficiency of two spaces. The previous use of the balance of the site (Lot 2) for indoor recreation was provided with eight car spaces but did not have a specific parking requirement under Clause 52.06.

General Provisions

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

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	Response
Infrastructure	Consent with conditions
EPA	Consent with conditions

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

As outlined above, the application was exempt from the notice requirements of the Planning and Environment Act 1987 and accordingly only the applicant was invited to attend this meeting and address Council if required.

Options

Council could consider the following options:

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

Conclusion

The proposal to use the site for industry and reduce the car parking requirement is generally consistent with relevant planning policy and surrounding land uses. The proposed use would be suitably located to not have any detrimental amenity impacts on residential areas in the vicinity and the reduction of 10 car spaces is acceptable given the parking demand generated by the proposed use. Subject to conditions, the proposal is acceptable and is recommended for approval.

Recommendation

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issues Planning Permit No. 2018-310 for Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at Lots 1 and 2 on PS 636213L, 35 Fisken Street and 32 Park Street, Maddingley, subject to the following conditions:

Endorsed Plans:

- 1. The use as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.**
- 2. This permit allows the use of the land only by Industry Cladding and Roofing of 35 Fisken Street, Maddingley. If Industry Cladding and Roofing ceases to use the land, this permit will expire.**

Amenity:

- 3. The amenity of the area must not be detrimentally affected by the use, through the:**
 - a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin;**
 - e) Any other way.**
- 4. Except with the written consent of the Responsible Authority, manufacturing must only occur from Monday to Friday between 6.00AM to 6.00PM and Saturday 8.00AM to 12.00PM.**
- 5. Except with the written consent of the Responsible Authority, deliveries to and from the site must only occur from Monday to Friday between 7.00AM and 6.00PM.**

6. Except with the written consent of the Responsible Authority, no more than 14 employees shall be present on the site at a given time.
7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
9. Any security alarm or similar device installed must be of a silent type.
10. The loading and unloading of goods from vehicles must only be carried out on the land.
11. Provision must be made on the land for the storage and collection of garbage and other solid waste and the area screened from public view to the satisfaction of the Responsible Authority.

Advertising Signs:

12. Except where no permit is required under the Moorabool Planning Scheme, signage must not be displayed or erected on the site without further planning approval.

EPA:

13. Nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.
14. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
15. Surface water discharge from the premises must not be contaminated with waste.
16. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 1698 Liquid Storage and Handling Guidelines, or as amended.
17. If required, noise barriers such as screens must be erected around equipment and operations.
18. All ventilation and extractor fans should be noise efficient or fitted with silencers, and all ducts should be lined with sound-absorbent material.
19. Equipment must be kept in good repair and loose or rattling covers, worn bearings and broken equipment must be attended to promptly.

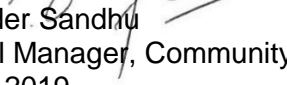
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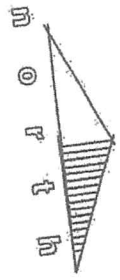
20. This permit will expire if the following circumstance applies:

- a) The use is not started within two years of the date of this permit.

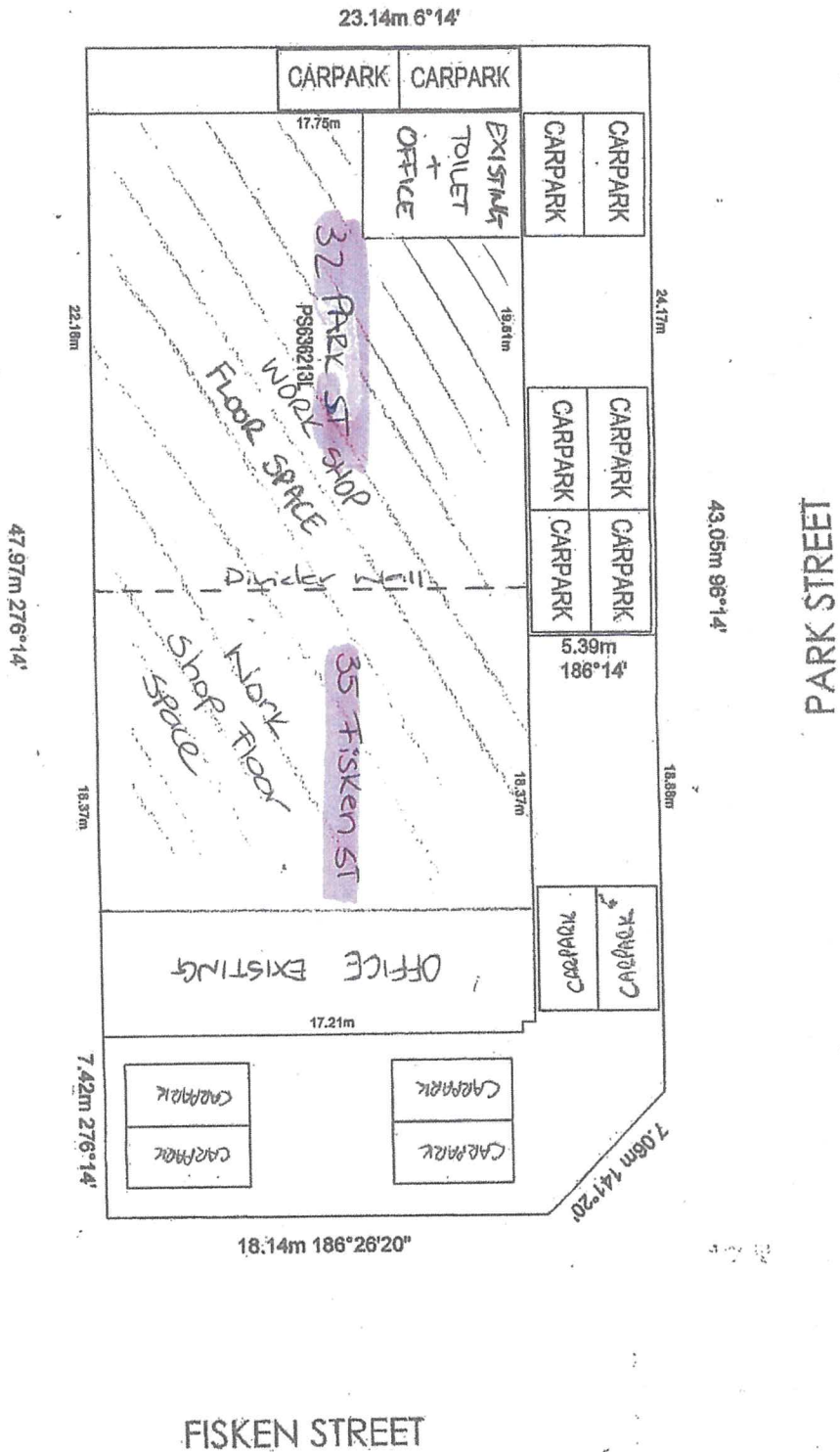
Report Authorisation:

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager, Community Planning
Date: 21 May 2019



Proposed layout of Existing conditions of 35 Fiskien & 32 Park Street



SITE NOTES:

ALL STORMWATER TO BE CONNECTED TO EXISTING SYSTEM LEADING TO DRAINAGE NOMINATED LEGAL POINT OF DISCHARGE. ALL LEVELS TO BE CHECKED AND VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.

SITE PLAN 1:200

SHEET NO: 1 OF 1 DRG NO: FACTORY
 PROJECT: FACTORY
 CLIENT: GK WRIGHT & JD YOUNG PROPERTY INVESTMENTS PTY LTD
 ADDRESS: LOT 2 - 32 PARK STREET
 BACCHUS MARSH, VIC 3840
 SCALE: AS SHOWN DATE: DEC'14



Item 5.5 Planning Permit Number PA2018038 – Thirty Five (35) Lot Subdivision at 10 McCormacks Road, Maddingley

Application Summary:	
Permit No:	PA2018038.
Lodgement Date:	7 February, 2018.
Planning Officer:	Mark Lovell
Address of the land:	Lot A on PS 702884T & Lot G on PS 746030F 10 McCormacks Road, Maddingley 3340.
Proposal:	Thirty Five (35) lot subdivision
Lot size:	2 hectares.
Why is a permit required?	Clause 34.01-3 – Commercial 1 Zone - Subdivide land
Reason for being presented to S86 Development Assessment Committee	Site is part of Stonehill Estate.
Public Consultation	
Was the application advertised?	No. Subdivision boundaries consistent with the approved development, PA2013-183 which was extensively advertised.
Notices on site:	No.
Notice in Moorabool Newspaper:	Nil.
Number of Objections:	Nil.
Consultation Meeting:	Nil.
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 3A:	Land use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests

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

Manager – Robert Fillisch

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

Author – Mark Lovell

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

Executive Summary

Application Referred?	Powercor Australia, Downer Utilities, Melbourne Water, Western Water, Council's Infrastructure, and Council's Strategic Planning.
Any issues raised in referral responses?	No.
Preliminary concerns?	Yes, we advised the applicant that this application was lodged prematurely prior to amended development approval being formalised through endorsed plans and Council required further clarification of the common property areas.
Any discussions with applicant regarding concerns?	Yes, a number of discussions with the applicant resulting in the application being on hold until the planning permit amendment for the development was approved with endorsed plans. A further meeting was held with the land owners to discuss timing of the commencement of the commercial development and reinforcing the development permit conditions regarding commencement.
Any changes made to the application since being lodged?	Yes, the current plan reflects and matches the endorsed development plans approved on 9 August, 2018.
Brief history	The subject site is vacant land within Stonehill Estate where a large scale commercial and residential development has been approved.
Previous applications for the site?	Planning Permit 2013-183 was issued on 19 November, 2013 authorising the development of a Neighbourhood Activity Centre and inclusion of 33 townhouses
General Summary	The subdivision accords with the boundaries of the endorsed development plans. The residential

	<p>development is also linked to the commercial development to prevent the residences been constructed without the activity centre in place.</p> <p>This will be further reinforced by a permit condition requiring a Section 173 agreement to be registered on title.</p>
<p>Summary Recommendation</p>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Planning Permit for a thirty-five (35) lot subdivision at Lot A on PS 702884T & Lot G on PS 746030F otherwise known as 10 McCormacks Road, Maddingley 3340</p>	

Site Description

The subject site bounded by the northern side of McCormacks Road, the western side of O’Leary Way and the eastern side of Gladman Road. The subject lot is over two titles, Lot A on PS702884T and Lot G on PS746030F and has a total area of 2.1 hectares. The site is currently vacant and has a relatively flat topography.

The subject site forms part of the area identified in the Development Plan Overlay Schedule 3 – West Maddingley Development – Part 1 (the Stonehill Project).

There are recent detached dwellings under construction to the north along Gladman Road and recently completed dwellings to the west along McCormacks Road. The surrounding area is comprised of a new residential estate which is continuing to be developed with new roadways and subdivided residential lots. To the south is the Bacchus West Golf Course.

Proposal

It is proposed to subdivide the land in thirty-five (35) lots with thirty-three (33) lots according with an approved residential development and 2 super lots which will be used for future commercial developments. The subdivision is broken into two stages, Stage 1 comprises the two commercial lots and twenty (20) residential lots and Stage 2 comprises of the remaining thirteen (13) residential lots.

Lots 1 to 10 face McCormacks Road. Lots 11 to 20 will front an internal walkway and have rear vehicle access from a laneway that is located within common property area no. 1. Lots 21 to 33 face Gladman Road and between Lots 28 and 29 is a walkway providing access to car parking bays and a commercial development.

The residential lots sizes range between 120m2 to 234m2 reflecting a terrace styled residential development. The super lots are between 1837m2 and 1.34 hectares in area.

History

Planning Permit 2013-183 was issued on 19 November, 2013 authorising the development of a Neighbourhood Activity Centre and Use and Development of a Service Station. Plans were endorsed in accordance with condition 1 of the permit on 2 June, 2016. The permit was amended on 18 April, 2016 altering the permit preamble to include a child care centre use and three new conditions.

The permit was further amended on 3 July, 2018 altering the permit preamble to a double storey neighbourhood activity centre and the inclusion of 33 townhouses with 37 altered or new permit conditions. Plans were endorsed in accordance with the amended permit on 9 August, 2018.

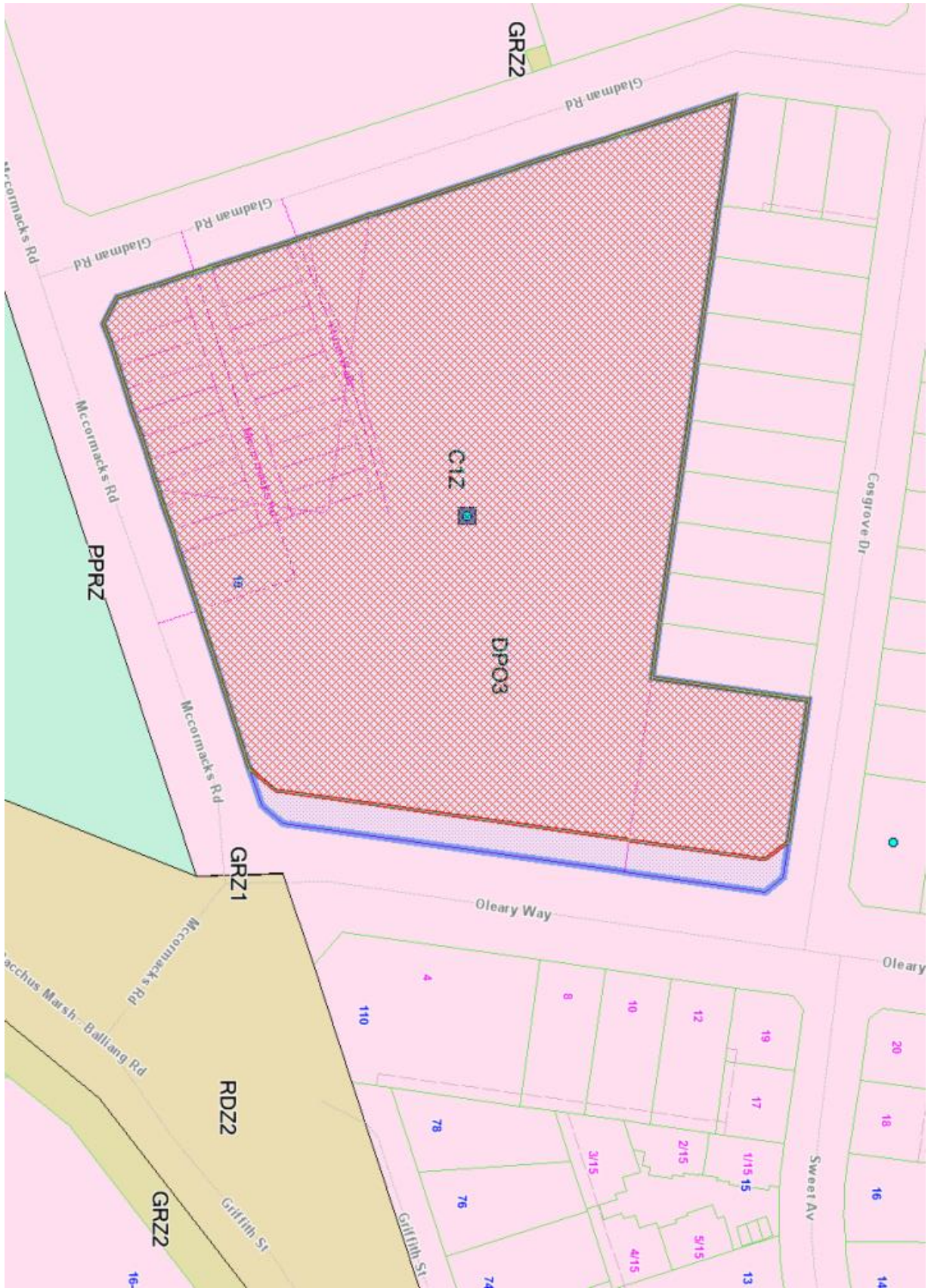
It is understood there is a strong community expectation that this development will be commenced in the near future as it has been delayed over a number of years due to changes in ownership and amendments to the approved plans. The applicant requires this subdivision approval to enable commencement of the development. The applicant has advised the owner has a track record of delivering large commercial developments such as Tribeca Village, Point Cook and Soho Village, Point Cook.

Public Notice

The application is considered exempt from the notice provisions as the Stonehill project was subject of extensive public advertisement process through the West Maddingley Development Plan pursuant to the Development Plan Overlay, Schedule 3. The development approval, PA2013-183 was also advertised extensively in accordance with Planning & Environment Act and the subdivision boundaries follow those boundaries as shown on the endorsed town planning drawings.

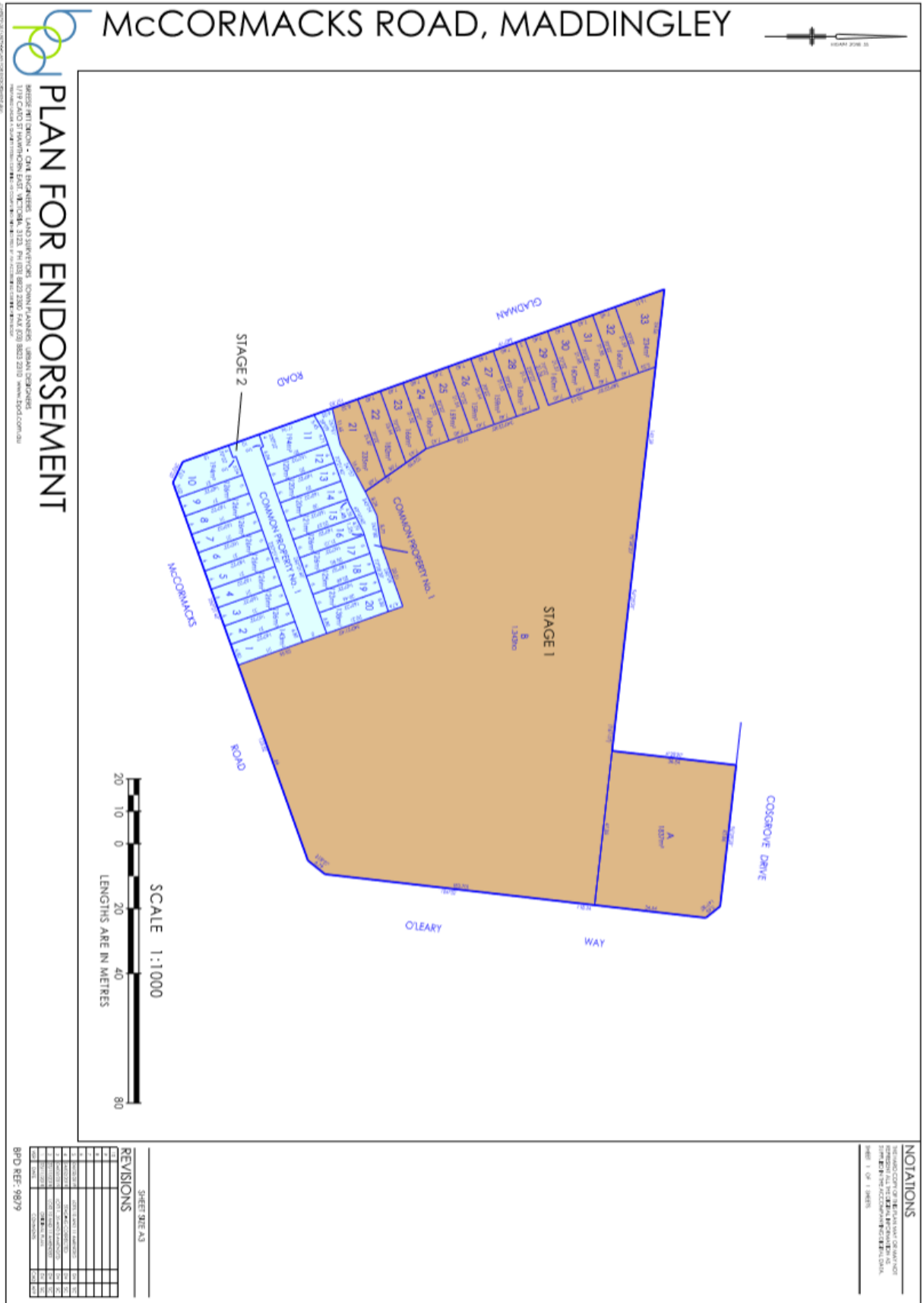
Locality Map

The following maps indicates the location of the subject site and the zoning of the surrounding area.





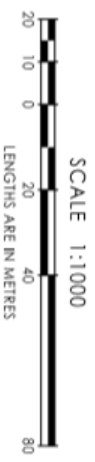
Plan of Subdivision



McCORMACKS ROAD, MADDINGLEY

PLAN FOR ENDORSEMENT

BRISBANE CITY COUNCIL • CIVIL ENGINEERS • LAND SURVEYORS • SURVEY PLANNERS • URBAN DESIGNERS
 100 SOUTH BRISBANE QLD 4000
 PH: (07) 3251 1111
 WWW.MCCORMACKS.COM.AU



SHEET AREA A3

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BPD REF: 9879

NOTATIONS

INDICATED BY THE PLAN OR DRAWING
 THE INFORMATION IS FOR INFORMATION ONLY
 SHEET 1 OF 1 SHEETS

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 11.01-1R Settlement Central Highlands.
- Clause 11.02-1S Supply of Urban land.
- Clause 11.03-3S Peri-urban areas.
- Clause 15.01-3S Subdivision Design.
- Clause 17.02-1S Business.
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-4 Landscape and Neighbourhood Character.

Zone

Commercial 1 Zone

Under Clause 34.01-3 a permit is required to subdivide land. The relevant decision guidelines are under Clause 34.01-8 are:

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

Overlays

Development Plan Overlay Schedule 3

Pursuant to Clause 43.04-1 of the Moorabool Planning Scheme a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay in accordance with the Development Plan.

The objectives of Schedule 3 of the Development Plan Overlay are

- Release of land for residential development in a logical, cost effective and sequential manner;
- Efficient use of infrastructure, and land, whilst managing any impacts on the environment and amenity
- Co-ordinated provision of community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds; and
- Preparation of an integrated Development Plan generally in accordance with the West Maddingly Concept Plan shown in Clause 5.0 of this schedule.

The development plan was endorsed on 9 August, 2011 in accordance with Clause 43.04.

The lots accord with the development plan by being the designated Neighbourhood Activity Centre (NAC) for Stonehill Estate.

Particular Provisions

Clause 53.01 Public Open Space Contribution

A person who proposes to subdivide land must make a contribution to 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 requirement exceeding 5% of the total area was done in accordance with Development Plan Overlay, Schedule 3, no further requirement can be made.

Clause 53.18 Stormwater Management in Urban Development

The objectives for subdivision are:

- To minimise damage to properties and inconvenience to the public from stormwater.
- To ensure that the street operates adequately during major storm events and provides for public safety.
- To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

The stormwater management system should be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedance Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $da V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, da = average depth in metres and V_{ave} = average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up.
- Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

The applicant satisfied drainage requirements and design during the development application PA2013-183. The proposal is considered to comply with Standard W1.

Discussion

Subdivision Design

The subdivision of the land into 33 residential lot accords with the location of the proposed boundaries as shown on the endorsed development plans attached to Planning Permit 2013-183. Common property no 1 is to be managed by an owner's corporation will include the walkway in the front of Lots 11-20 and the rear vehicle laneway to Lots 1-20. The subdivision plan has been split into two stages as Lots 1-20 will be subject to a separate owner's corporation

Link with commencement of the commercial development

The development of the dwellings is linked to the commercial component of this development site. The endorsed plans, sheet 1 of 24, states Stage 1A (commercial) to be constructed before are at the same time as Stage 1B (residential). Condition 7 of the development permit states 'commencement of the footings to the retail development must occur before or at the same time as commencement of the residential development. The residences must not be occupied prior to an occupancy permit being issued for at least 50% of the approved commercial development'.

To further reinforce this link between commencement of commercial and residential parts of the development and to prevent the residential dwellings being constructed and occupied without the Neighbourhood Activity Centre, it is recommended that a permit condition be imposed requiring a Section 173 agreement to be registered on title. The agreement would stipulate that the commercial development must be constructed before or at the same time as the residential dwellings and occupation of the dwellings cannot occur until at least 50% of the Neighbourhood Activity Centre has a Certificate of Occupancy.

The Section 173 agreement is required in the event the site is on sold to another developer who lacks knowledge of prior development approvals associated with the land. The agreement also protects Council from a situation of a developer only constructing residential dwellings and never building a commercial development which part of the early strategic planning of Stonehill Estate.

Commercial 1 Zone

With reference to the decision guidelines of Clause 34.01, service vehicles can access Lots 1-10 and Lots 21-33 from their respective street frontages and for Lots 11-20 from 8 metres in width constructed laneway. The lots are predominately for residential purposes which will support the commercial viability of the adjacent Neighbourhood Activity Centre.

Referrals

All the referral authorities have consented to the issue of a planning permit and have not identified any servicing concerns. The applicant will be required to lodge a heavyweight plan of subdivision prior to the certification in accordance with Section 6 of the Subdivision Act.

As identified by Council’s Infrastructure, street lighting, street trees and fire hydrants will need to be placed within the road reserves prior to the issue of a Statement of Compliance

General Provisions

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

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

Referrals

Authority	Response
Western Water Melbourne Water Powercor Downer Utilities	No objection subject to conditions No objection subject to conditions No objection subject to conditions No objection subject to conditions
Infrastructure Strategic Planning	No objection subject to conditions No objection.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

Notice was not undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987. the applicant was invited to attend this meeting and invited to address Council if required.

Options

Council could consider the following options:

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

Conclusion

The proposed subdivision accords with the boundaries as shown on the endorsed development attached to PA2013-183 previously approved by Council's Development Assessment Committee (DAC). The subdivision is consistent with the planning scheme provisions, zone and overlay controls that apply to Stonehill Estate. The proposed subdivision of land into 35 lots and common property should be supported with a Section 173 agreement to be registered on title to prevent the residential component of the development occurring without construction of the commercial component in the form of a Neighbourhood Activity Centre (NAC). The agreement will also prevent any occupation of any residential dwelling without completion of at least 50% of the Neighbourhood Activity Centre (NAC). Standard subdivision conditions will also apply.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit for a thirty-five (35) lot subdivision at Lot A on PS 702884T & Lot G on PS 746030F otherwise known as 10 McCormacks Road, Maddingley 3340 subject to the following conditions.

Endorsed Plans:

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

Section 173 Agreement:

- 2. Before the issue of a Statement of Compliance for the subdivision, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must be in a form to the satisfaction of the Responsible Authority and the owner must be responsible for the expense of the preparation of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, execution, registration on title and enforcement of the agreement. The agreement must to provide for the following:**
 - a) The commercial development contained within Lot B known as the Neighbourhood Activity Centre approved under Planning Permit PA2013-183 issued by Moorabool Shire Council must commence construction before or at the same time as any residential dwelling also approved under Planning Permit PA2013-183.**

- b) No residential dwellings approved under Planning Permit 2013-183 can be occupied until at least 50% of the commercial development contained within Lot B known as the Neighbourhood Activity Centre also approved under Planning Permit PA2013-183 has an occupancy permit to the satisfaction of the Responsible Authority.
- c) Before the issue of a Statement of Compliance for the subdivision, the Section 173 agreement must be registered on the title to the land under section 181 of the Planning and Environment Act 1987.

Servicing:

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

Subdivision

4. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:
 - How the land is to be accessed during the construction period;
 - All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
 - All measures to be introduced to minimise soil erosion and runoff;
 - Details relating to the storage of all plant and equipment during the construction period; and
 - Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.
5. Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of The Act.

Telecommunications:

6. The owner of the land must enter into agreements with:
 7.
 - a) A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.

8. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure:

9. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, lots 21 to 33 abutting Gladman Road must be provided with a standard urban residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
10. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, any vehicle crossing providing access Lots A and B requiring relocation must be provided with an urban standard industrial vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
11. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the common property driveway must be constructed in reinforced concrete to a depth of 150 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme
12. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the development must be provided with a drainage system to the satisfaction of the responsible authority, in accordance with conditions 19 and 20 of Permit PA2013183 as amended, issued by Moorabool Shire Council, and in accordance with requirements of any relevant stormwater management strategy related to the West Maddingley Development Plan.
13. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
14. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority.
15. 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).
16. 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.

17. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
18. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, fire hydrants must be provided at appropriate locations in Gladman Road and McCormacks Road in accordance with the requirements of Clause 56.09-3 of the Moorabool planning Scheme, to the satisfaction of the responsible authority.
19. Street trees must be provided at approved locations on Gladman Road and McCormacks Road, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
20. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
21. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
22. 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.
23. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - i. i. location of vehicle crossings
 - ii. details of the underground drainage
 - iii. iii. location of drainage legal points of discharge
 - iv. iv. standard details for vehicle crossings and legal points of discharge
 - v. v. civil notes as required to ensure the proper construction of the works to Council standard

Downer Utilities:

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

Powercor:

25. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

26. The applicant shall:-

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed:
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- g) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- h) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area
- i) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Melbourne Water:

27. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
28. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
29. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
30. Prior to Certification, any temporary drainage outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

31. Local drainage shall be to Council's satisfaction.
32. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
33. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
34. Prior to the commencement of works, a separate application direct to Melbourne Water, must be made for any works on or around our mains, drains and waterways. Applications shall be made online via the Melbourne Water website.
35. Drainage and stormwater treatment must be in accordance with the latest Melbourne Water accepted Stormwater Management Strategy documents for the Stonehill Estate.

Western Water:

36. Payment of new customer contributions for each lot created by the development such amount being determined by Western Water at the time of payment.
37. Reach agreement with Western Water for the provision and funding of potable water supply and sewerage services necessary to service the subdivision/development.
38. Provision of reticulated water mains and associated construction works to each allotments within the subdivision/development, at the developer's expense in accordance with the standards of construction adopted by and to the satisfaction of Western Water.
39. Provision of reticulated sewerage services and associated construction works to each allotment within the subdivision/development, at the developer's expense, in accordance with the standards of construction adopted by and to the satisfaction of Western Water.
40. The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm in diameter) required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western water Procurement and Guide to New Customer Contributions.
41. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.
42. Prior to the issue of a statement of compliance, evidence must be provided in a form satisfactory to Western Water that will ensure all future lot owners are made aware that they must undertake water efficiency measures to limit the amount of potable water used.
43. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

44. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement
45. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- Own a metered hydrant approved by Western Water;
 - Meter and pay for all water taken;
 - Display a Western Water Permit Number Sticker on the tanker;
 - Only take water from nominated hydrants or standpipes;
 - Only use water for the purpose approved in the Water Carters Permit;
 - Avoid wastage of water on site; and
 - Comply with any water restrictions imposed by Western Water at the time water is used.
46. For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.
47. The developer must produce for approval by Western Water an Integrated Water Management Plan that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water such as stormwater, rainwater and recycled water. This plan must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the Integrated Water Management Plan will form part of the permit and the requirements of the Integrated Water Management Plan must be implemented before the issue of a statement of compliance

Operational:

48. Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site that creates sediment discharges must comply with the Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.

Permit Expiry:

49. This permit will expire if one of the following circumstances applies:
- a) The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit;
 - b) Each subsequent stage is not certified within two years of the date of certification of the previous stage.
 - c) Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

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

Permit Note:

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

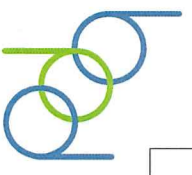
Report Authorisation:

Authorised by:

Name: Satwinder Sandhu 
Title: General Manager, Community Planning
Date: 21 May 2019

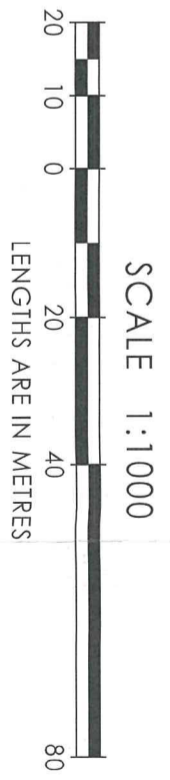
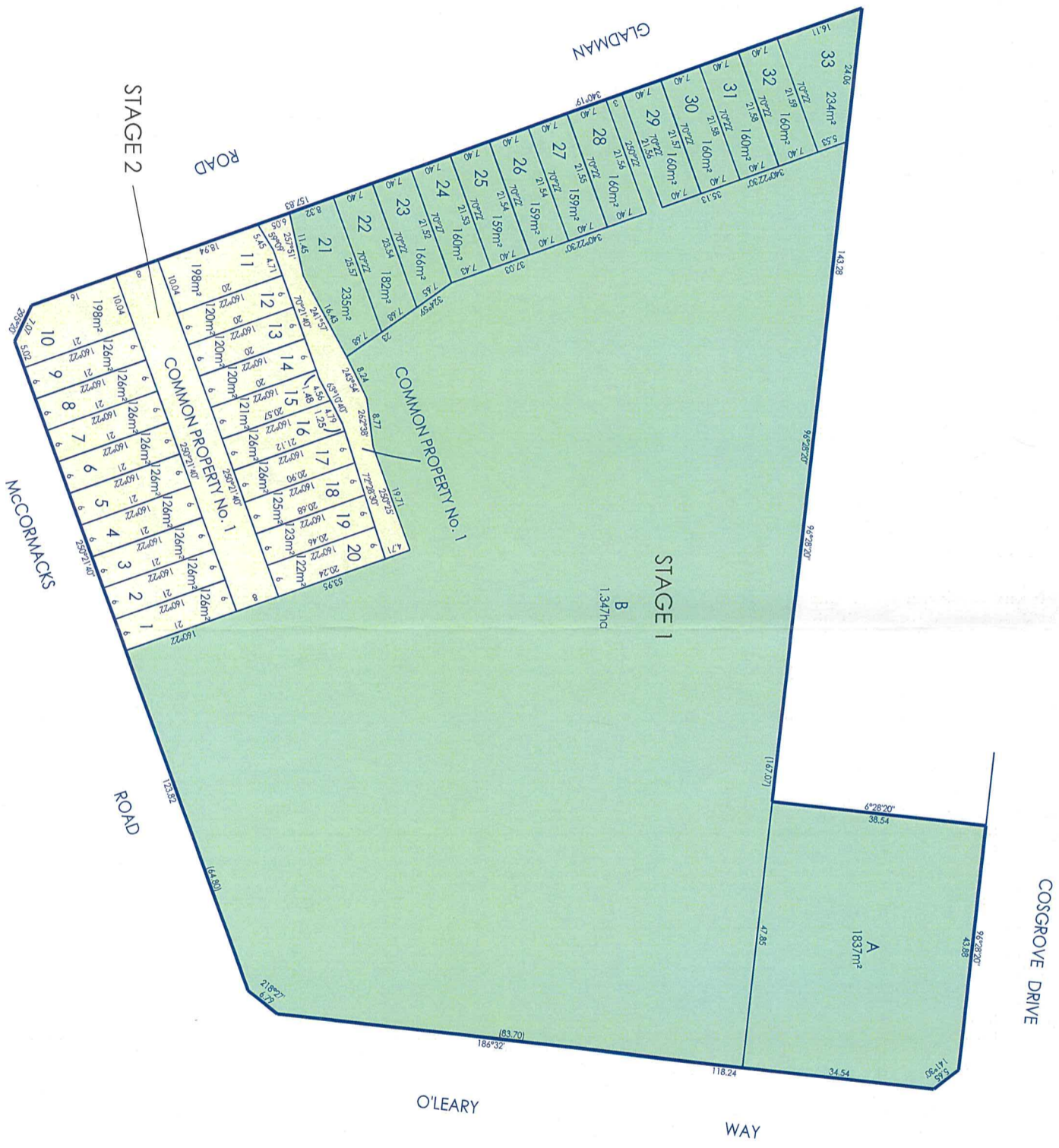


McCORMACKS ROAD, MADDINGLEY



PLAN FOR ENDORSEMENT

BRESEE PITT DIXON - CIVIL ENGINEERS LAND SURVEYORS TOWN PLANNERS URBAN DESIGNERS
 1/19 CATO ST HAMTHORN EAST VICTORIA, 3123. PH (03) 8923 2300 FAX (03) 8923 2310 www.bpd.com.au
 PREPARED UNDER A QUANTITY SURVEYING CERTIFICATE AS COMPLYING WITH ISO 9001 BY AN ACCREDITED CERTIFICATION BODY.



NOTATIONS
 THE HARD COPY OF THIS PLAN MAY OR MAY NOT REPRESENT ALL THE DIGITAL INFORMATION AS SUPPLIED IN THE ACCOMPANYING DIGITAL DATA.
 SHEET 1 OF 1 SHEETS

SHEET SIZE A3

NO	REVISIONS

NO	DATE	COMMENTS	CHKD	APP
1	23/11/2018	ORIGINAL PLAN	DV	SC

BPD REF: 9879

OTHER REPORTS

Item 6.1 Planning Application PA2014010 – Five (5) Lot Subdivision, Creation of a Carriageway Easement and Reduction in Car Parking (10 spaces). Update on process for creation of a carriageway easement.

Introduction

Author: Robert Fillisch
General Manager: Satwinder Sandhu

Background

The application was originally lodged on 15 January 2014.

The application had issues on the basis that part of the land was essentially landlocked. Part of the land had a carriageway easement via an adjoining parcel of land. The applicant was advised they would need to seek permission to have the carriageway easement amended to allow access for all of the land. After protracted discussion with the two parties, a verbal agreement was reached to allow access. On this basis the permit was subsequently issued on 10 May 2017, with conditions requiring the easement to be amended.

The owners representative Leanne Traianon has subsequently been attempting to formalise the verbal discussions to allow the subdivision to proceed without success. As part of these discussion Mrs Traianon has advised she offered to pay for the land required for the easement, but the offer has been refused.

Mrs Traianon approached Council at a s86 Development Assessment Committee on 17 April, 2019 to gain support for the creation of this easement.

The Committee determine to request a report on what options were available to create the easement in order for the subdivision to proceed.

Proposal

Determine what options were available for Mrs Traianon to enable satisfaction with Condition 2 of the PA2010010.

Condition 2 states:

Prior to certification of the plan of subdivision the title to the land known as Lot 1 on TP130611F, on which the carriageway easement from Graham Street to the subject land is located, must be amended to include the land known as Lot 1 on TP650022A to benefit from the carriageway easement.

As discussed above, Mrs Traianon has not been successful in gaining a formal agreement to satisfy Condition 2.

Section 36 of the *Subdivision Act 1988* provides a provision which allows for an owner to acquire an easement. Part of this provision is provided below:

Power of Owner to Acquire or Remove Easements

- (1) If—
- S. 36(1) substitute d by No. 48/1991 s. 32(1), amended by Nos 34/1994 s. 6(1), 52/1998 s. 311(Sc h. 1 item 86.2(a)).**
- (a) when considering a proposed amendment to a planning scheme or an application for a permit or to amend a permit; or
 - (b) in implementing an amendment to a planning scheme; or
 - (c) **in a condition in a permit—**
the Council or a referral authority states in writing that it considers that the economical and efficient subdivision or consolidation (whether existing or proposed) or servicing of, or access to, land covered by the amendment, proposed amendment, application or permit requires the owner of land to—
 - (d) remove a right of way over the owner's land; or
 - (e) **acquire or remove an easement over—**
 - (i) other land in the subdivision or consolidation; or
 - (ii) **other land in the vicinity—**

and that the removal or acquisition will not result in an unreasonable loss of amenity in the area affected by the removal or acquisition, the owner may apply to the Victorian Civil and Administrative Tribunal for leave to remove the right of way or acquire or remove the easement compulsorily.

The relevant sections have been emphasised in bold. Essentially should Mrs Traianon undertake the above steps, she may be given leave by VCAT to act as the Responsible Authority to compulsorily acquire the easement.

Section 36 then goes further to state that if leave is granted, then the land may be compulsorily acquired under Section 35 of the *Subdivision Act 1988* and the *Land Acquisition Compensation Act 1986* would apply.

The effect of leave being granted by VCAT is to make Mrs Traianon the Responsible Authority under Section 35. The process of Section 36 of making Mrs Traianon the Responsible Authority is required as the Responsible Authority must be undertaking the subdivision. As Council is not undertaking the subdivision it cannot act as the Responsible Authority. Section 35 then provides the full process of acquiring the land including any compensation required.

Council can assist Mrs Traianon by providing in writing that it considers that the economical and efficient subdivision of the land would require the acquisitions of the easement, and that would not result in an unreasonable loss of amenity in the area affected by the acquisition.

Given the easement in question is currently a road and has been used for the purpose of a road for many years, it would be reasonable to provide such a statement in writing.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal to provide options for Mrs Traianon to enable satisfaction with Condition 2 of Planning Permit PA2014010 is consistent with the Council Plan 2017 – 2021.

Financial Implications

The information contained in this report is as an option for Mrs Traianon to consider and will not require Council resources to complete.

Risk & Occupational Health & Safety Issues

Not applicable.

Communications and Consultation Strategy

Not applicable.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Robert Fillisch

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

Conclusion

It is recommended that Mrs Traianon seek legal representation to seek further support to undertake the actions required to acquire the easement.

Recommendation:

That Council:

- 1. Receives the report detailing options for Mrs Traianon in order to satisfy Condition 2 of PA2014010.**
- 2. Requests Council officers to provide Mrs Traianon with a letter stating that it considers the economical and efficient subdivision of the land referred to in PA2014010 would require the acquisitions of easement located on Lot 1 of TP130611F, and that would not result in an unreasonable loss of amenity in the area affected by the acquisition.**

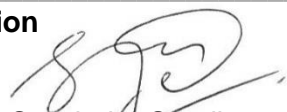
Report Authorisation

Authorised by:

Name:

Title:

Date:



Satwinder Sandhu

General Manager, Community Planning

31 May 20196