

AGENDA

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 12 April, 2017

James Young Room, Lerderderg Library,
Bacchus Marsh
4.00pm

MEMBERS

Cr. Pat Toohey (Chair)	Councillor – Woodlands Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. John Keogh	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward

OFFICERS

Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Rob Fillisch	Manager Statutory Planning and Community Safety
Ms. Sam Romaszko	Manager Engineering Services
Mr Mark Lovell	Senior Statutory Planner
Mr. Thomas Tonkin	Statutory Planning Officer
Ms. Victoria Mack	Statutory Planning Officer
Ms. Jacquie Elliott	Minute taker

Item	Title	Responsibility	Page No.	Action
1.	Welcome, Present and Apologies	Chair		Noting
2.	Meeting Minutes	Chair		Noting
2.1	Confirmation of previous minutes 8 March, 2017.			Resolution
3.	Conflict of Interest	Chair		Noting
4.	Growth & Development Reports	S. Sandhu		Discussion
4.1	Planning Permit Application PA2014-010; 151-155 Main Street, Bacchus Marsh – Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces).	Victoria Mack	Page 3	Resolution

4.2	Planning Permit Application PA2016 094; Development of Two (2) Single Storey Dwellings to the Rear of the Existing Dwelling at Lot 3 on PS 220135P, 62 Halletts Way, Bacchus Marsh VIC 3340.	Tom Tonkin	Page 14	Resolution
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5.	Update on Trends, Issues and Other Matters	S. Sandhu	Discussion
6.	Update of VCAT Decisions	Chair	Resolution
7.	Date of Next Meeting	Chair	Noting
7.1	Wednesday 10 May, 2017 Council Chambers, Ballan		
8.	Meeting Close	Chair	Noting

GROWTH & DEVELOPMENT REPORTS

Item 4.1 Planning Permit Application PA2014-010 – 151

Planning Permit 2014-010 – 151-155 Main Street, Bacchus Marsh – Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces)

Application Summary:	
Permit No:	PA2014010
Lodgement Date:	15 January 2014
Planning Officer:	Victoria Mack
Address of the land:	151-155 Main Street Bacchus Marsh Lot 1 on TP65002A; and Lot 1 on TP846613U
Proposal:	Five (5) Lot subdivision, creation of a carriageway easement and reduction of car parking (10 car spaces)
Lot size:	Lot 1 on TP65002A – 1417 sqm Lot 1 on TP846613U – 2583 sqm
Why is a permit required	34.01-3 - C1Z – Subdivision. 52.02 - Creation of carriageway easement. 52.06-5 - Reduction of car parking (10 car spaces).
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	Nil
Consultation meeting:	Not required
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Rob 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
Any issues raised in referral responses?	No
Preliminary Concerns?	<p>1. Existing carriageway easement to Lot 1 on TP844613U from Graham Street (on land owned by others) did not benefit the northern-most Lot 1 on TP650022A. Owners consent was required to include this land to benefit from the easement.</p> <p>2. Car parking reduction.</p>
Any discussions with applicant regarding concerns	<p>Yes. It took time to gain consent from the third part owner of the land with the existing carriageway easement to agree to the additional lot being a beneficiary to the carriageway easement.</p> <p>There was considerable discussion with the applicant about the car space reduction, the need for a loading bay and the size of the car parking area.</p>

Any changes made to the application since being lodged?	Yes, an application to amend the permit in process was made to add the creation of a second carriageway easement to Lot 1 on TP650022A. The car parking area was amended twice to adjust the number of car spaces in the common property car parking area.
VCAT history?	None
Previous applications for the site?	None
General summary:	
<p>The subject land comprises two lots:</p> <ol style="list-style-type: none"> 1. Lot 1 on TP 650022A being the northern lot with a building containing 4 shops and with an area of 1417sqm. Not currently a benefiting lot to the carriageway easement from Graham Street; and 2. Lot 1 on TP844613U being a vacant lot with an area of 2583sqm. This is a benefiting lot to the carriageway easement from Graham Street. <p>The application is to subdivide the four existing shops and create a common property at the rear of the shops for car parking. A new carriageway easement along the western boundary of the southern Lot 1 on TP844613U would afford permanent access to the rear of the shops.</p> <p>The new carriageway easement would be constructed across the vacant Lot 1 on TP844613U to allow access to a common property area at the rear of the shops. The new easement would link to an existing carriageway easement from Graham Street, over land owned by others, who have provided consent for the northern lot, with the shops, Lot 1 on TP 650022A, to benefit from this carriageway easement, however, their title would need to be amended to reflect this.</p> <p>The existing sealed car parking area at the rear of the shops covers both of the subject lots, in part: the southern part of Lot 1 on TP650022A and the northern part of Lot 1 on 844613U. The balance of Lot 1 on 844613U is vacant land.</p> <p>The floor area of each of the shops is such that 8 car spaces are required per shop. The shops would therefore require 32 car spaces to be accommodated in the common property area at the rear of the shops including one disabled space. Only 22 car spaces are now proposed.</p> <p>The existing car parking area if it remained unchanged would not require a car parking reduction as it currently accommodates the required 32 car spaces.</p> <p>The reason this application is before Council is that the applicant is seeking a reduction of 10 car spaces.</p> <p>The justification for the request is that the common property parking area is not for the purpose of public car parking and is restricted to the operators of each of the shops and their staff, and that 22 car spaces is adequate.</p> <p>On balance it is considered that the existing car parking area should be kept at its current size which currently accommodates 32 car spaces and meet the requirements of the Moorabool Planning Scheme.</p>	

As the owner is unwilling to make this concession the application is before Council for a decision.

It is considered that the application to reduce the car parking provision by 10 spaces should be refused.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the *Planning and Environment Act 1987*, on the grounds detailed at the end of this report.

Background

Both the subject lots, including the four shops, have been in the one ownership for considerable time. The current owners, including an Estate as a part owner, are seeking now to resolve Estate issues.

The northernmost lot, Lot 1 on TP 650022A, has a car parking area which is effectively land locked. However, as land to the south, Lot 1 on TP 844613U, is in the same ownership, access to the rear of the shops has been facilitated across this lot and via a carriageway easement from Graham Street which benefits Lot 1 on TP 844613U, but not Lot 1 on TP 650022A.

Consent was required from the owners of the land with the carriageway easement from Graham Street to include Lot 1 on TP650022A as a benefiting lot. Provisional consent took some time to be obtained but was eventually granted and it is only now that the application can be tabled at a Council meeting for a decision.

The application was amended as follows throughout the assessment:

- On 21 January 2014 the original application was lodged with Council. This proposal was to retain the car parking area at its current size with 32 car spaces.
- On 12 February 2016 the subdivision application was amended to reduce the size of the common property car parking area to 13 car spaces. This would have resulted in Lot 1 on TP844613U only being affected with the provision of a carriageway easement by the subdivision.
- On 10 November 2016 the proposal was further amended to increase the size of the car parking area to 22 car spaces, which would reduce the size of Lot 1 on TP844613U.

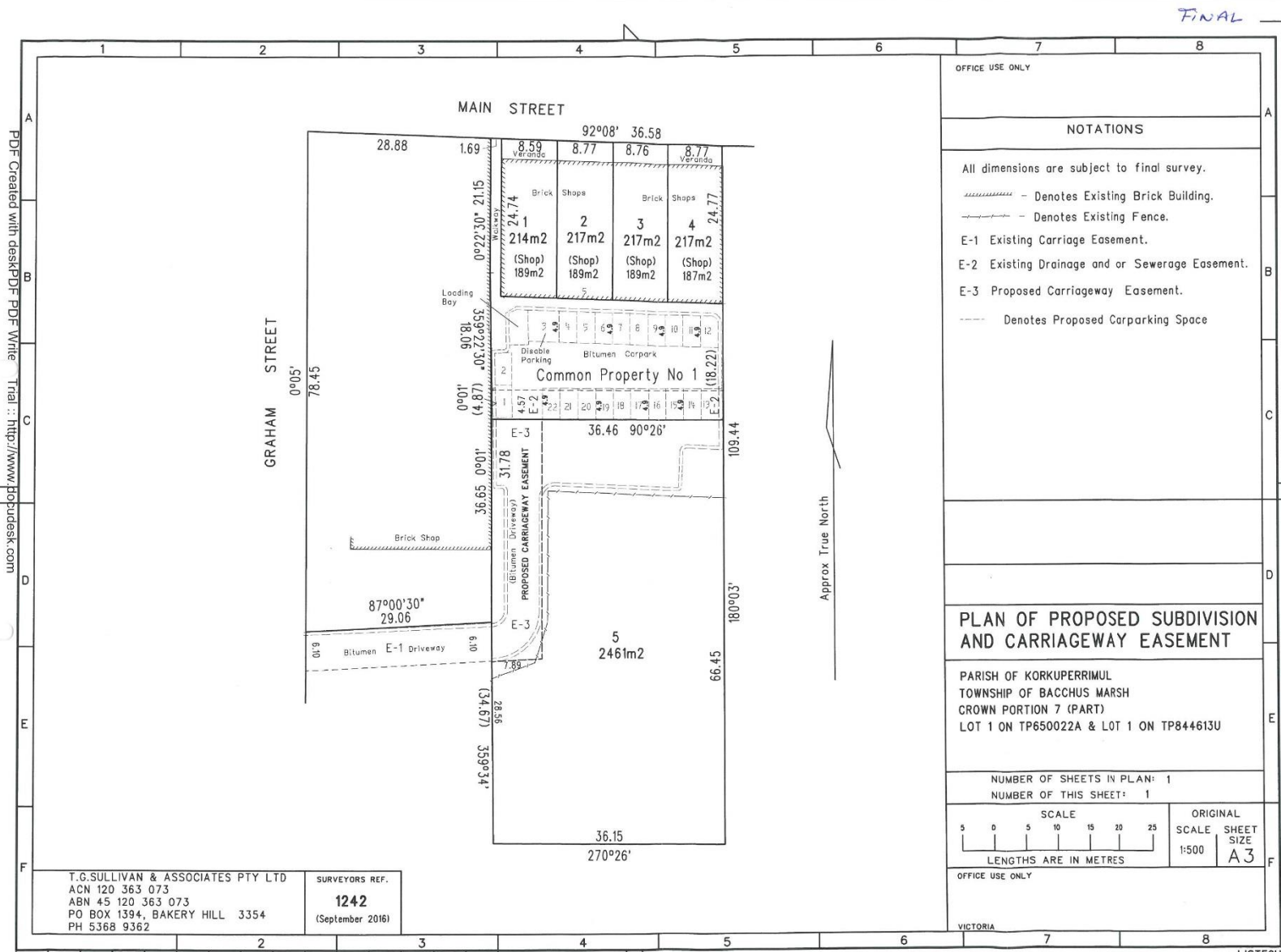
Public Notice

The application was notified to adjoining and surrounding landowners by letter. No objections were received.

Proposal

The application is for a five lot subdivision. This would include the reduction in the size of the southern-most lot and the creation of a carriageway easement and a common property car parking area with 22 car spaces including one disabled space.

Below is a plan of proposed subdivision and carriageway easement:

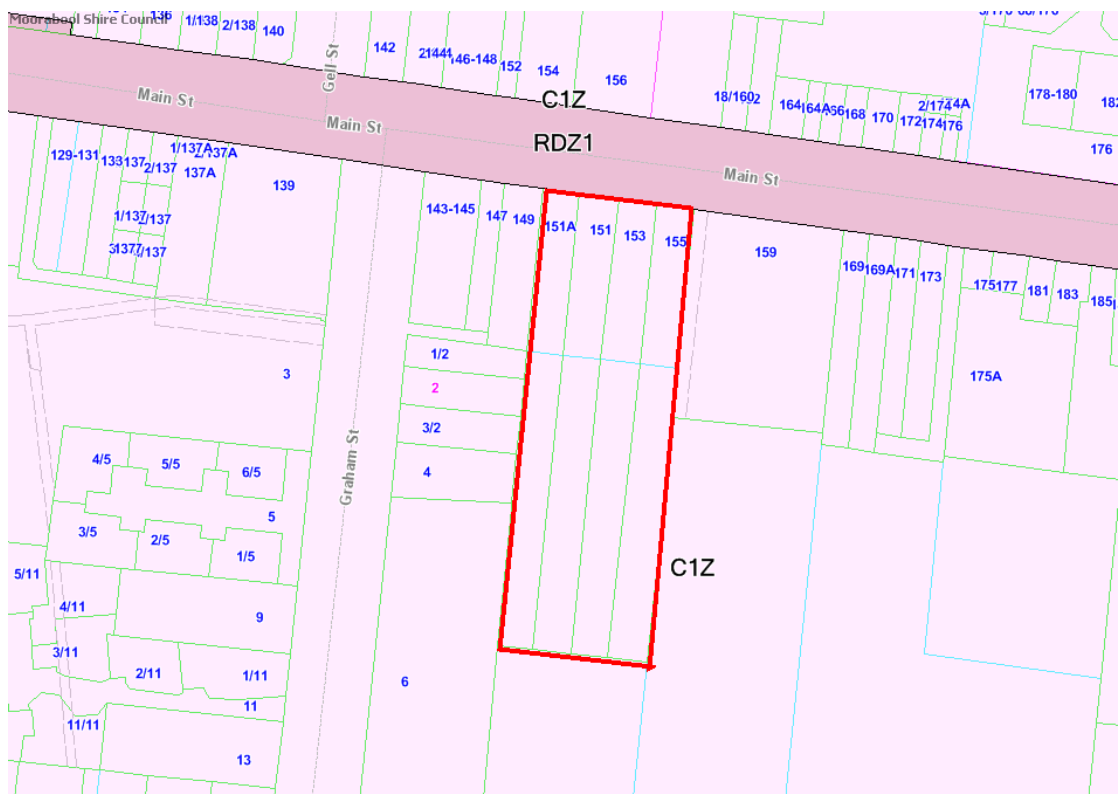


Locality Map

The aerial site map below shows the location of the subject site.



The map below shows the zoning applicable to the site and surrounding area.



Site Description

The site is flat. In addition to the four shops that face Main Street on the western side of the shops is a walk way that leads to the rear of the site.

At the rear of the shops is an existing car parking area which covers the south side of Lot 1 on TP 650022A and the north side of Lot 1 on TP 844613U. The car park is constructed and sealed.

The balance of the southern-most lot is vacant land. A carriageway easement across land owned by others from Graham Street affords access to Lot 1 on TP 844613U, and by default Lot 1 on TP 650022A but which does not have beneficiary status to the Graham Street carriageway easement.

To the south-east of the site is land used for agricultural purposes including horticultural purposes despite the land being in the Commercial 1 Zone.

The site is located in Main Street in the Bacchus Marsh town centre and the shops include retail and hospitality including: Ferguson Plarre, Talking Heads and Bargains on Parade.

Planning Scheme Provisions

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

The relevant clauses are:

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

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

Zone

Commercial 1 Zone (C1Z)

The land is within the Commercial 1 Zone where in accordance with Clause 34.01-3 a permit is required to subdivide land.

The purpose of the C1Z is to:

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

Road Zone Category 1 (RDZ1)

The land is adjacent to a Road Zone Category 1, but as no new access is to be constructed to the RDZ1 a permit for not triggered by the RDZ1.

Overlays

No overlays apply to the subject site.

Relevant Policies

At its Ordinary Meeting on 7th October 2015 Council adopted a policy that Council:

Ensure all planning applications that require a reduction for car parking provisions are only approved by either the Development Assessment Committee (DAC) or at an Ordinary Meeting of Council.

This application is being tabled at a Council meeting for a decision because the application seeks a reduction in car parking provision of 10 car spaces.

Particular Provisions

Clause 52.29 Land Adjacent to a Road Zone, Category 1

In accordance with Clause 52.29 a permit is required to subdivide land adjacent to a road in a Road Zone Category 1.

Clause 52.06 – Car Parking

In accordance with Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme the number of car parking spaces for a shop is 4 car spaces to each 100sqm of leasable floor area.

The floor area of each of the shops in this application ranges between 214-217sqm. Table 1 requires 4 car spaces for each 100sqm of leasable floor area which equates to 8 car spaces per shop rounded to the lower whole number.

The shops would therefore require 32 car spaces and the existing car park provides for this number.

During assessment of the application the proposal was amended as follows:

- On 21 January 2014 the original application was lodged with Council. This proposal was to retain the car parking area at its current size with 32 car spaces.
 - On 12 February 2016 the subdivision application was amended to reduce the size of the common property car parking area to 13 car spaces. This would have resulted in Lot 1 on TP844613U only being affected with the provision of a carriageway easement by the subdivision.
- On 10 November 2016 the proposal was further amended to increase the size of the car parking area to 22 car spaces, which would reduce the size of Lot 1 on TP844613U. A reduction in car space provision of 10 spaces is requested.

Discussion

The subject land comprises two lots:

1. Lot 1 on TP 650022A being the northern lot with a building containing 4 shops and an area of 1417sqm; and
2. Lot 1 on TP844613U being a vacant lot with an area of 2583sqm.

The application is to subdivide the four existing shops and create a common property at the rear of the shops for car parking. A new carriageway easement along the western boundary of the southern Lot 1 on TP844613U would afford permanent access to the rear of the shops. The vacant Lot 1 on TP844613U would be reduced in size.

The existing sealed car parking area at the rear of the shops covers both of the subject lots, in part: the southern part of Lot 1 on TP650022A and the northern part of Lot 1 on 844613U. The balance of Lot 1 on 844613U is vacant land.

The new carriageway easement would be constructed across the vacant Lot 1 on TP844613U to allow access to a common property area at the rear of the shops. The new easement would link to an existing carriageway easement from Graham Street, over land owned by others, who have provided consent for the northern lot with the shops, Lot 1 on TP 650022A, to benefit from this carriageway easement.

The carriageway easement is located on a lot owned by others being Lot 1 on TP130611F. The title to this must be amended to include the land known as Lot 1 on TP 650022A to benefit from this easement.

The floor area of each of the shops ranges between 214-217sqm. Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme in relation to car parking requires 4 car spaces for each 100sqm of leasable floor area which equates to 8 car spaces per shop (rounded to the lower whole number). The shops would therefore require 32 car spaces. However, only 22 car spaces have been provided in the common property area at the rear of the shops including one disabled space. The reduction in parking provision being requested is therefore 10 car spaces.

The existing car parking area currently contains 32 car spaces which meets the requirements of Clause 53.06-5 of the Moorabool Planning Scheme. Retaining the car parking area at its current size would remove land from, and reduce the size of, the southernmost lot.

The application is before Council as the applicant is seeking a reduction of 10 car spaces.

The justification for this request is that the car parking area is not a public car park and should be for the sole use of the shop tenants including staff and customers. It is considered by the applicant that the provision of 22 car spaces is sufficient for this purpose.

The applicant also maintains that the public who know about this car parking area use it to access Main Street via the walk-way on the eastern side of the shops and the applicant is by default providing public car parking which is not their responsibility.

It is also noted that if in the future the southernmost lot was sold, the common property car parking area that would be created as part of this subdivision would not be available to the lot. Any future development of the southernmost lot would need to provide its own dedicated car parking depending on the application and planning scheme requirements at the time.

A loading bay has been included at the rear of the shops in the car parking area for the loading and unloading of vehicles.

Had the correct number of 32 car spaces been provided on the site the application for subdivision would not be considered an issue, and could have been approved under delegation by Council officers.

It is considered that the existing car parking area should remain in its current form which is compliant with the provisions of the Moorabool Planning Scheme. As the owner was unwilling to agree to Council's requirements the application is before Council for a decision.

It is recommended that the application is refused because it does not satisfactorily provide the required number of car spaces.

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.

Clause 66.01-1 requires mandatory conditions for subdivision permits particularly telecommunications conditions which however do not apply to a permit granted to:

- Subdivide an existing building already connected to telecommunication services.

In this instance the subdivision relates to an existing building and it is not considered that the telecommunications conditions apply.

Referrals

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

Authority	Response
Western Water Melbourne Water Powercor Tenix VicRoads APA Gasnet	Consent with conditions Consent with conditions Consent with conditions Consent with conditions Consent no conditions Consent no conditions
Infrastructure Strategic and Sustainable Development	Consent with conditions No comment

Financial Implications

Council has acknowledged in recent policy that the provision of adequate car parking in Bacchus Marsh is a priority area for planning decisions. The reduction in car parking provision for each development or subdivision incrementally places strain on other areas of the civic precinct which is a long term cost to Council.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act with no objections received.

Options

The original proposal included using more of the southernmost lot to accommodate additional car parking spaces but this was subsequently amended to reduce the car parking area to accommodate 22 spaces.

Should the applicant revert to its original application which provided sufficient space to accommodate 32 car parking spaces then consent for approval could be supported.

Conclusion

The purpose of the subdivision is acceptable and facilitates the separation of existing shops into separate titles. Access would be afforded to the rear of the shops via a dedicated carriageway easement, which would formalize what appears to be a verbal agreement and therefore provides certainty into the future. However, the reduction in car parking is the issue and in this instance it is considered that the car parking area to be provided should remain in accordance with the existing car parking area.

As the owners are not prepared to agree to this requirement it is recommended that the application be refused.

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Planning Permit for a *Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces)* on the following grounds:

- 1. The application as presented does not meet the requirements of Clause 52.06-5 of the Moorabool Planning Scheme in relation to car parking provision.**
- 2. The existing car parking area at the rear of the site should not be reduced in area as it currently meets the car parking requirements.**

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 8 March, 2017



Item 4.2 Planning Permit Application PA2016 -094

Planning Permit Application PA2016 -094; Development of Two (2) Single Storey Dwellings to the Rear of the Existing Dwelling at Lot 3 on PS 220135P, 62 Halletts Way, Bacchus Marsh VIC 3340.

Application Summary:	
Permit No:	PA2016 094
Lodgement Date:	12 April, 2016
Planning Officer:	Tom Tonkin
Address of the land:	Lot 3 on PS 220135P, 62 Halletts Way, Bacchus Marsh VIC 3340
Proposal:	Development of Two (2) Single Storey Dwellings to the Rear of the Existing Dwelling
Lot size:	900sq m
Why is a permit required?	Clause 32.08-4 – General Residential Zone – to construct a dwelling if there is at least one dwelling existing on the lot.
Restrictions registered on title	Yes, covenant R240071R. The proposal would not be in breach of the covenant.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties?	Eight (8)
Notices on site?	One (1)
Notice in Moorabool Newspaper?	None
Number of Objections?	One (1)
Consultation meeting?	Yes, held 22 September 2016. The plans were subsequently amended and readvertised, but the objection was not withdrawn.

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application referred?	The application was referred to Council's Infrastructure unit.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	Council wrote to the applicant before the application was advertised about several issues. These included the requirement that vehicles exiting from Unit 2 and 3's garages be able to exit forwards; on-site amenity; the impact of Unit 1's carport on the streetscape; space for canopy tree plantings; and visibility of Unit 3's front porch.
Any discussions with applicant regarding concerns?	Prior to advertising, the applicant sought verbal advice from the Council officer before making changes as requested by Council. Following consultation with the objector but before re-advertising, the applicant discussed with the Council officer how to address the officer's and objector's concerns.

Any changes made to the application since being lodged?	Yes, prior to advertising the only changes made to the plans were as requested by Council, as described above. After consultation with the objector, the plans were further amended to reduce the size of Unit 3, essentially by reducing the number of bedrooms and the size of the garage, and amend the layout of Unit 2.
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for the development of two (2) single storey dwellings to the rear of an existing dwelling. Both proposed dwellings would comprise two (2) bedrooms and the usual utilities.</p> <p>Both dwellings would have a single car space in a garage, with vehicle access via an existing crossover. The existing three (3) bedroom dwelling would be provided with a double carport in the north side setback, accessed via a proposed crossover.</p> <p>The objection to the development relates to noise, loss of privacy, traffic, devaluation of property, overcrowding and pets.</p> <p>The proposal meets the relevant objectives of State and local planning policy, and all ResCode requirements.</p> <p>Overall, the proposal is an acceptable response to the character and amenity of the area.</p>
Summary Recommendation:	
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions detailed at the end of this report.	

Public Notice

The application was advertised to adjoining landowners by mail on 21 July 2016 and a sign placed on site from 27 July to 12 August 2016. One (1) objection was received. Informal notice of the amended application was given to the objector by hand delivering a copy of the amended application and plans on 13 February 2017. No further written objection was received and the original objection is maintained.

Summary of Objection

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

Objection	Any relevant requirements
Overlooking and loss of privacy	Clause 55.04-6
Officer's response - Overlooking may be addressed by the provision of boundary fencing to limit views to ensure a reasonable degree of privacy in accordance with Standard B22 at Clause 55.04-6 of the Moorabool Planning Scheme.	
Noise	Clause 55.04-8
Officer's response - Normal noise levels associated with residential living would not be considered unreasonable.	
Additional cars	Clause 52.06
Officer's response - On-site car parking would be provided in accordance with the Moorabool Planning Scheme. Despite the restrictions for on-street car parking given the site's proximity to a round-a-bout and traffic island, there are no time limits.	
Devaluation of property	N/A
Officer's response - Property values are impacted by a range of factors and thus not considered to be a valid objection to a planning application.	
Too many people living in a small amount of space.	Clause 32.08
Officer's response - The proposal is generally consistent with the purpose of the residential zoning which includes providing a diversity of housing types and moderate housing growth in locations offering good access to services and transport.	
Pets	N/A
Officer's response - Reports of roaming pets and barking dogs would be dealt with by Council's Community Safety officer acting under the relevant legislation.	

Proposal

It is proposed to develop the land for two (2) additional single storey dwellings to the rear of the existing dwelling.

The existing three (3) bedroom dwelling would be maintained apart from demolition of an attached carport, garden shed and partial demolition of a covered alfresco area.

To the rear would be Unit 2, comprising two (2) bedrooms, bathroom, powder room, laundry, and open plan kitchen, meals and living area leading to an area of secluded private open space on the north side of the dwelling. One (1) car space would be provided in an attached single garage. Further to the rear, attached to Unit 2, would be Unit 3 comprising two (2) bedrooms, bathroom, separate toilet, laundry, and open plan kitchen, meals and living area leading to an area of secluded private open space at the rear of the dwelling. One (1) car space would be provided in an attached single garage.

The proposed dwellings would be clad with face brick, with low pitched hipped tile roofs, to generally match the existing dwelling.

Vehicle access to Units 2 and 3 would be obtained via an existing single crossover to Halletts Way. The existing dwelling would be provided with two (2) car spaces in a proposed double car port in the north side setback, accessed via a proposed single crossover to Halletts Way. The carport would have a 4.86m front setback, slightly forward of the existing dwelling.

Unit 3's garage would be constructed to the south side boundary for a length of 6.46m. Minimum side and rear setbacks would vary from 1.5m to 3.76m. The maximum proposed building height is 5.23m. Site coverage would be 49.3% and permeable surfaces 30%. Existing side and rear paling fences of between 1.5m and 2.0m are shown as to be retained, but extended in height where required to limit overlooking. There would be no front fence.

All reticulated services are available to the site.

The proposed plans are included at Attachment 1.

Site Description

The subject site is at 62 Halletts Way, Bacchus Marsh, approximately 30 metres north of the Bacchus Marsh Road/Main Street intersection and 62 metres south of Carey Crescent. The site is rectangular in shape, with a 20 metre width and 45 metre depth, yielding an area of 900 sq m.

A 3.0m wide drainage and sewerage easement lies parallel to the rear boundary.

The site is occupied by a single storey brick dwelling with a hipped tile roof, attached single carport on the south side, covered alfresco area on the north side and a small garden shed in the rear setback near the north boundary. The balance of the land is vacant and contains no trees or significant vegetation, however it is observed that four small to medium sized canopy trees have been recently removed from the front and north side setbacks. Existing vehicle access is via a double crossover to Halletts Way adjacent to the south boundary and shared with the dwelling at 60 Halletts Way. The site falls from west to east by approximately 2.0m.

The subject site and surrounding land is in the General Residential Zone and characterised by predominantly single dwellings with only occasional examples of medium density housing development. Dwellings are typically single storey face brick with low pitched hipped tile or Colorbond roofs, although there are occasional examples of alternative wall cladding. Dwellings east of Halletts Way were mostly developed in the early 1990s, with more recent development mostly infill. Dwellings west of Halletts Way have been developed in the past 10 years.

Garages and carports are often a visible streetscape element, typically in keeping with the scale and form of the host dwelling, and occasionally a prominent feature positioned forward of the host dwelling.

Front setbacks are mostly landscaped with lawn, shrubs and small canopy trees. Boundary wall construction is uncommon, and side setbacks are usually between 1.0-5.0m. Front fences are uncommon.

Most dwellings are served by a single crossover. Street trees are not a prominent landscape element. The topography of the area is typified by gently sloping land.



To the east of the site are the backyards of dwellings fronting Pike Place.

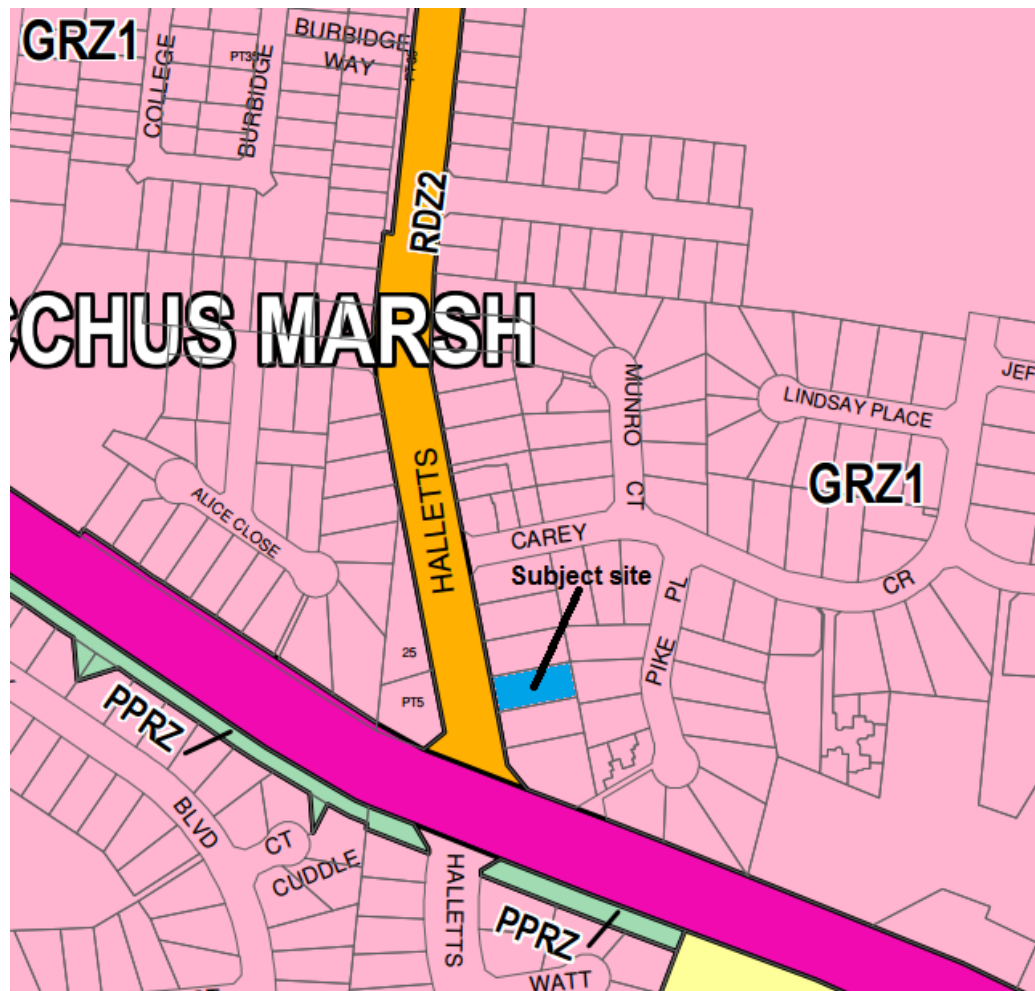
To the south is a single storey brick dwelling with a low pitched tile roof fronting Halletts Way with a Colorbond shed in the rear setback constructed towards the common boundary.

To the north is a single storey brick dwelling with a low pitched tile roof fronting Halletts Way with an attached flat roofed double carport in the front setback.

To the west is a single storey weatherboard dwelling with a low pitched gabled Colorbond roof facing the corner of Halletts Way and Bacchus Marsh Road. Vehicle access is via a single crossover to Halletts Way.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11 – Settlement
- 11.05-2 – Melbourne’s hinterland areas
- 11.06-1 – Planning for growth
- 15.01-5 – Cultural identity and neighbourhood character
- 16.01-1 – Integrated housing
- 16.01-2 – Location of residential development
- 16.01-4 – Housing diversity
- 21.03-2 – Urban Growth Management
- 21.03-3 – Residential Development
- 21.03-4 – Landscape and Neighbourhood Character
- 21.07 – Bacchus Marsh

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

Zone

General Residential Zone

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

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-4 of the Moorabool Planning Scheme, a permit is required to construct a dwelling if there is at least one dwelling existing on the lot. Pursuant to this clause the development must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings).

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

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*

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

Overlays

The subject site is not affected by any Overlays.

Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and the Housing Bacchus Marsh to 2041 strategy on 3 August 2016. Council can give weight to these documents under the provisions of section 60(1A)(g) of the *Planning and Environment Act 1987*.

Urban Growth Policy

The Urban Growth Policy states that:

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

The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational

services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.

Housing Bacchus Marsh to 2041

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

The Preferred Character Statement for Precinct 15 gives direction to the following:

- The streetscape should reflect detached dwellings with conventional front and side setbacks
- Built form of a modest scale sympathetic to the existing character
- Multi-dwelling developments should minimise the need for additional crossovers, be within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Some lots may not be suitable for further intensification
- Open front gardens with minimal front fencing
- Built form allowing for generous private open space and garden plantings with increased canopy tree cover.

Particular Provisions

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being two (2) spaces for each three (3) bedroom dwelling and one (1) car space for a two (2) bedroom dwelling. On-site visitor car spaces are not required given fewer than five (5) dwellings are proposed.

The 3.0m width of the proposed crossover satisfies the required minimum width of 3.0m and the existing shared crossover meets the requirement for a minimum 3.0m. The garage dimensions of 6.0m length x 3.5m width meet the standard.

It is recommended that a condition of approval require any landscaped areas around the crossovers to be clear of obstructions in accordance with the requirements of Clause 52.06-8.

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.

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

Discussion

Overall, the proposed development of two (2) additional dwellings on the subject site is generally consistent with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings on larger allotments the proposal would also contribute to housing affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings although occasional examples of medium density development are evident nearby.

The purpose of the GRZ includes the following:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

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

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

- The proposed development's response to neighbourhood character;
- The impact of the proposed development on the amenity of neighbouring properties.

Neighbourhood Character

The subject site is in an established area of Bacchus Marsh characterised by mostly single dwellings on lots of a similar size to the subject site. The underlying landscape character is gently undulating but generally slopes from west to east. Residential lot sizes in the area are generally uniform, being approximately 900sq m. Existing dwellings are almost exclusively brick veneer with low pitched hipped roofs, usually with eaves and generally of a conventional appearance. Medium density development is evident but not prominent in the neighbourhood. Dwellings are typically served by a single width crossover, with garages and car ports often located in the side or rear setback.

The proposal is for two (2) semi-detached single storey dwellings to the rear of the existing single storey dwelling. The overall form, scale and appearance of the development would respect the surrounding built form.

The site is located in Neighbourhood Character Precinct 15 of the Settlement Framework Plan under the Bacchus Marsh housing strategy. The key elements of the preferred character are stated above, and the proposal is deemed to satisfy most of the guidelines. The guidelines state that "multi-dwelling developments should minimise the need for additional crossovers to the street..." The proposed second crossover to serve the existing dwelling is considered acceptable for the following reasons:

- Single width, minimising the impact on amenity for pedestrians using the public footpath along Halletts Way
- Maintains acceptable opportunity to landscape the front setback

- Minimal impact on on-street parking in this location.

Given the site context, it is considered that the proposal is an acceptable response to neighbourhood character.

Amenity

The key amenity considerations are considered to be overlooking and loss of privacy.

The objector is located on the north side of the subject site, separated by an existing 1.5m high boundary fence. Clause 55.04-6 stipulates a minimum 1.8m high fence to limit overlooking to an acceptable level. Through discussion with the applicant's representative and the objectors it was agreed that the effective height of part of this fence should be raised to 2.4m. This section of fencing would screen views of the objectors' principal area of secluded private open space at the rear of their dwelling, to mitigate overlooking or any unreasonable loss of privacy. The plans reflect this requirement. It is recommended that a condition of approval require the plans to be notated to ensure that the remaining sections of the north boundary fence, except for that section forward of the proposed carport, have a minimum 1.8m height.

The proposed dwellings would be set back between 1.5m and 3.26m from the objectors' common title boundary, providing reasonable separation to mitigate building bulk. Normal noise levels associated with future occupants of the dwellings would not be considered unreasonable given the residential context.

It is also recommended that a condition of approval require the existing south boundary fence to be constructed to 1.8m height, except within 7.6m of the front boundary.

General Provisions

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

Referrals

No referrals were required to be made pursuant to s.52 of the *Planning and Environment Act 1987*. Council's Infrastructure unit was provided with an opportunity to make comment on the application.

Authority	Response
Infrastructure	No objection subject to conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in 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 objector and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposal is an unacceptable design response to the neighbourhood character and amenity of the area.

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

Conclusion

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

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

Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2016 094; Development of Two (2) Dwellings to the Rear of the Existing Dwelling at Lot 3 on PS 220135P, 62 Halletts Way, Bacchus Marsh VIC 3340 subject to the following conditions:

Endorsed Plans:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans identified as Sheet No.'s TP4, TP6 & TP7, revision TP4, dated 15 December 2016 but modified to show:**
 - a. A landscape plan in accordance with Condition no. 13.**
 - b. Except for the section with a 2.4m height, or forward of the proposed car port, the north boundary fence with a minimum height of 1.8m.**
 - c. Except within 7.6m of the front boundary, the south boundary fence with a minimum height of 1.8m.**
 - d. A notation that any landscaping, fencing or other feature around the crossovers and within the property (including boundary fences) shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool Planning Scheme.**

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

Amenity:

2. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
3. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.

Landscape Plans:

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

Infrastructure:

5. A standard urban residential vehicle crossing must be provided on Halletts Way 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.
6. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
7. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
 - a. The development as a whole must be self draining.
 - b. Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
 - c. All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
8. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
9. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
10. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
12. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991).

13. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.

14. Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

15. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:

- a. location of vehicle crossings**
- b. details of the underground drainage**
- c. location of drainage legal points of discharge**
- d. standard details for vehicle crossing and legal point of discharge**
- e. civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.**

Permit expiry:

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

- a. The development is not started within two years of the date of this permit;**
- b. The development is not completed within four years of the date of this permit.**

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

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 8 March, 2017



ROOF:
CONCRETE ROOF TILES:
BRISTLE TRADITIONAL
CHOCOLAT

FASCIA:
COLORBOND:
JASPER

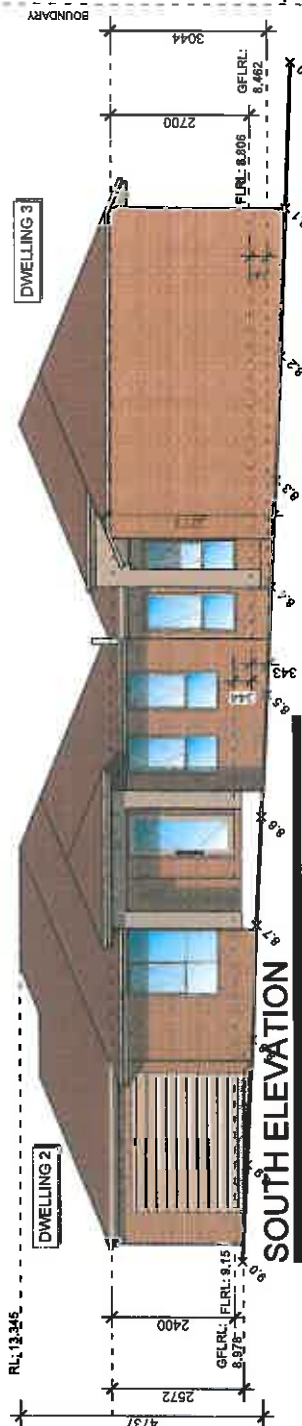
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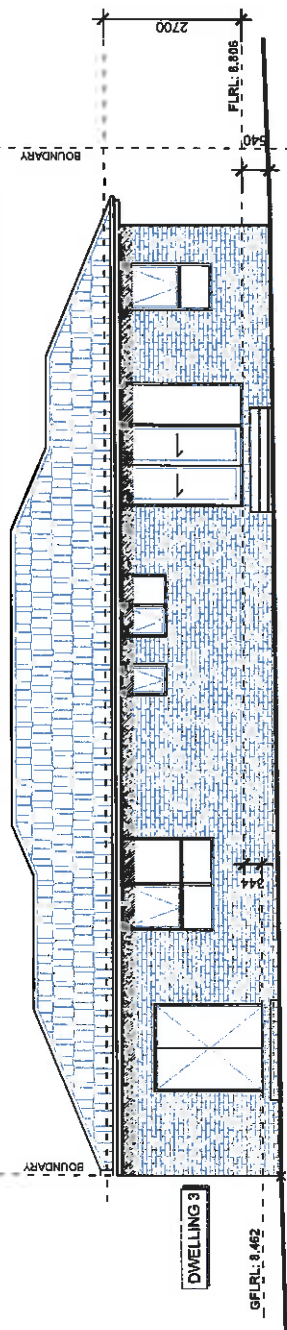
GUTTERS, WINDOWS
& GARAGE DOORS:
COLORBOND:
PAPERBARK

MATERIALS & COLOUR SCHEDULE

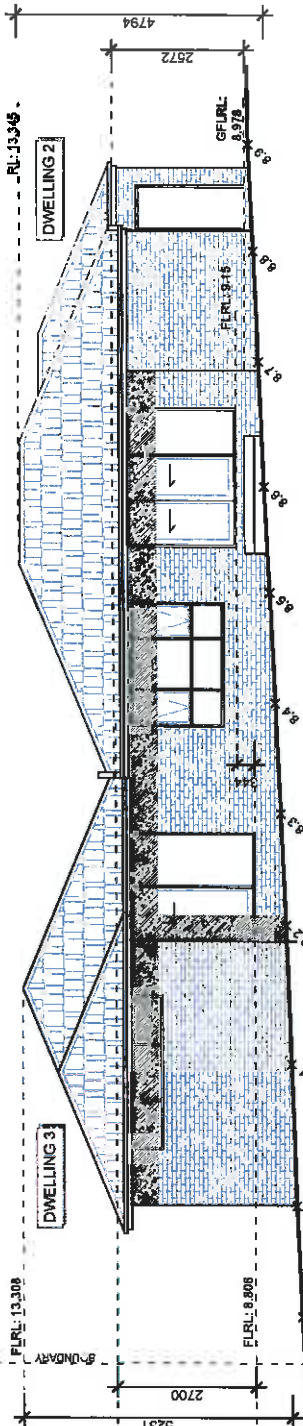
FINISHED MATERIALS TO BE SIMILAR



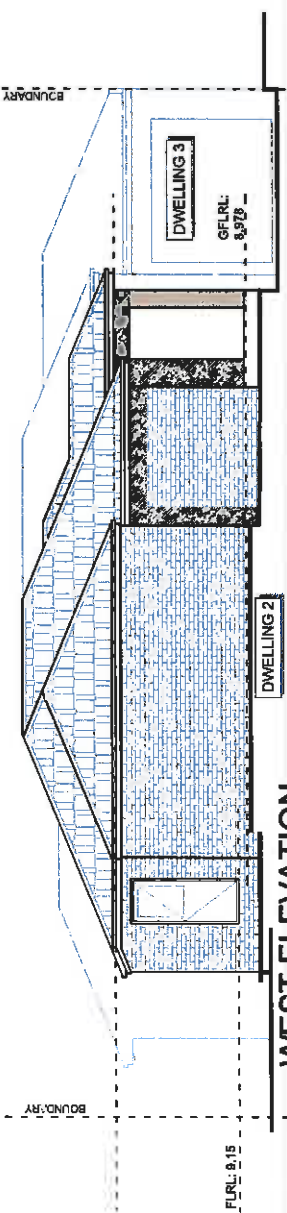
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

REVISION:		SHEET DESCRIPTION:		PROJECT	PROPOSED UNIT DEVELOPMENT	DATE:	SHEET NO:
REV TP1	10-4-2016	TP SUBMISSION					
REV TP2	7-7-2016	TP RFI RESPONSE					
REV TP3	14-12-2016	FURTHER INFO					
REV TP4	15-12-2016	FURTHER INFO		AT	62 HALLETTS WAY, BACCHUS MARSH	15-12-2016	TP7
				FOR	MR. F. HOLMAN	SCALE:	1:100

