

AGENDA

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 13 December, 2017
James Young Room, Lerderderg Library
Bacchus Marsh
4.00pm

MEMBERS

Cr. Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. John Keogh	Councillor – East Moorabool Ward
Cr. Pat Toohey	Councillor – Woodlands 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
Mrs. Jacquie Younger	Minute taker

Item	Title	Responsibility	Page No.	Action
1.	Welcome, Present and Apologies	S. Sandhu		Noting
2.	Recording of Meeting	S. Sandhu		Noting
3.	Appointment of Chair			
4.	Meeting Minutes	Chair		Noting
4.1	Confirmation of previous minutes 8 November, 2017			Resolution
5.	Conflict of Interest	Chair		Noting
6.	Growth & Development Reports	S. Sandhu		Discussion
6.1	Planning Permit PA2017 168 – Development of Two (2) Sheds Ancillary to the Use of the land for Agriculture at 844 Yendon-Egerton Road Mt Egerton.	K. Ly	Page 3	Resolution
6.2	Planning Permit Application PA2016 256 –Two (2) Lot Subdivision at 1 Fahey Road, Gordon.	M. Lovell	Page 15	Resolution

6.3	Planning Permit Application PA2016 257 - 22 Lot Staged Subdivision & Removal of Easements at Lot S2 on PS 312999Y, Leila Court, Bacchus Marsh VIC 3340.	T. Tonkin	Page 29	Resolution
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6.4	Planning Permit Application PA2017 122 – Development and Use of a Medical Centre (Dental and Physiotherapy Practices) at 118 Gisborne Road, Darley.	T. Tonkin	Page 51	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 21 February, 2018 5.00pm North Wing Room 1 & 2 Darley Civic and Community Hub, 182 Halletts Way, Darley		
10.	Meeting Close	Chair	Noting

GROWTH & DEVELOPMENT REPORTS

Item 6.1 Planning Permit Application PA2017168

Planning Permit PA2017168 – Development of Two (2) Sheds Ancillary to the Use of the land for Agriculture at 844 Yendon-Egerton Road Mt Egerton.

Application Summary:	
Permit No:	PA2017168
Lodgement Date:	24 August 2017
Planning Officer:	Kathleen Ly
Address of the land:	Crown Allotment 52, Parish of Kerit Bareet 844 Yendon-Egerton Road, Mount Egerton VIC 3352
Proposal:	Development of Two (2) Sheds Ancillary to the Use of the land for Agriculture
Lot size:	6.756 hectares
Why is a permit required	Clause 42.01-2 Buildings and Works (ESO1)
Why is the application being referred to Council?	There were two objections received, as Officers do not have delegated authority to deal with any objections this item has been referred to Council for consideration.
Public Consultation:	
Was the application advertised?	Yes, by way of five (5) letters to the surrounding land owners and occupiers.
Notices on site:	No
Notice in Moorabool Newspaper:	No
Number of Objections:	Two (2)
Consultation meeting:	Not offered as one the objectors ceased their discussions with Council and the applicant. The other objector did not provide further responses after their initial objections.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2A and 2B:	Built Environment And Natural 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

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 – Kathleen Ly

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

Executive Summary:

Application Referred?	Barwon Water and Central Highlands Water
Any issues raised in referral responses?	No
Preliminary Concerns?	It has been alleged that the site has been used in association with the operating of a car recycling business. As such, concerns were raised in relation to whether the sheds will be used for agricultural purposes.
Any discussions with applicant regarding concerns	Council's Enforcement Officer confirmed the applicant is currently in the process of removing the cars off site. An inspection was also conducted by the planner in October 2017 who confirmed that there is a presence of agricultural activity occurring on site.
Any changes made to the application since being lodged?	The applicant submitted a registry of items to be stored in the sheds.
VCAT history?	No
Previous applications for the site?	Nil
General summary (Pro's/Con's of the proposal)	<p>The application proposes the development of two outbuildings (sheds) ancillary to the use of the land for agriculture. This includes an open sided hay shed and an American barn style shed.</p> <p>The subject site has an approximate area of 15 hectares over two titles. Currently, the land is used to operate a livestock farm and involves the keeping of horses. The sheds are proposed to be used to store</p>

	<p>agricultural goods such as hay, stock feed, horses, and machinery.</p> <p>The application received two objections from the adjoining properties prior to the public notification period. The grounds for the objections were in relation to the sheds future potential to be used for the operation of a vehicle welding/recycling business.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for the <i>Development of Two (2) Sheds Ancillary to the Use of the Land for Agriculture</i> in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, subject to the conditions detailed at the end of this report.</p>	

Public Notice

Public notification was deemed necessary, as the proposed development may cause detriment to the surrounding area. The application was advertised in accordance with the Planning & Environment Act with five (5) letters to adjoining owners and occupiers.

There were two (2) objections and nine (9) support letters received as a result of the advertising.

Summary of Submissions

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

Objection	Any relevant requirements
Sheds will be used in association with an illegal operation of a welding/recycling business and not for agricultural purposes.	
<p>Officer's response – The applicant has applied for the development of two outbuildings (sheds) ancillary to the use of the land for agriculture. This includes an open sided hay shed and an American barn style shed. Should Council grant a permit for these sheds on site they are required to be developed and used in accordance with the application specifications. Any commercial use of the sheds that isn't part of this application would require a separate application for approval and is unlikely to be supported.</p>	

Support Submission
The hay shed will be beneficial for the applicant's son, who cannot be exposed to sunlight due to health reasons.

Proposal

The applicant seeks approval for the development of a two sheds ancillary to the use of land for agriculture. The key features of the proposal include:

- Hay shed –
 - Open-sided;
 - Colorbond roof in Pale Eucalypt;
 - Measures 42 metres in length by 20 metres in width;
 - Area of 840 square metres;
 - Southern boundary: 57 metres; and
 - East boundary: 36 metres.
- Barn –
 - Colorbond in Classic Cream and Pale Eucalypt;
 - Measures 20 metres in length by 10.5 metres in width;
 - Area of 210 square metres;
 - American Barn design;
 - East boundary: 16 metres; and
 - 3 metres north of the proposed hay shed.
- The sheds will be used to store the following:
 - Hay and stock feed; and
 - Farm vehicles including motorbikes, tractor and implements, farm trucks, farm ute, horse floats, tandem trailers, animal care veterinary items, livestock.
- No earthworks are proposed to accommodate the sheds and no trees are proposed to be removed.

Site Description

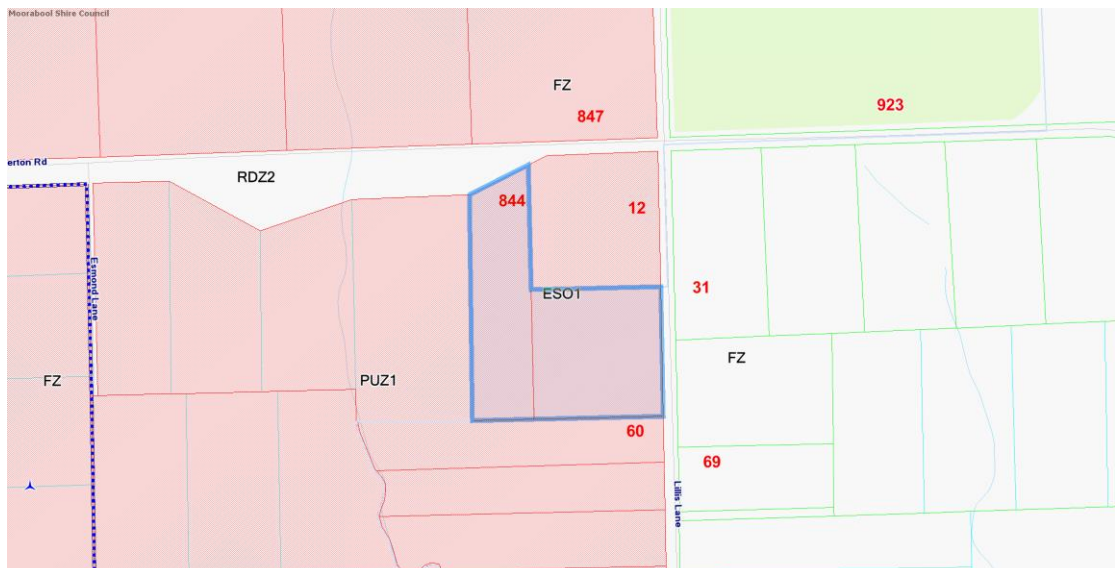
The subject site is particularly described as Crown Allotment 52, Parish of Kerit Bareet located at 844 Yendon-Egerton Road, Mount Egerton. There are no restrictions or agreements registered on the title.

The key features of the subject land and surrounds are as follows:

- The subject site is located on the southern side of Yendon-Egerton Road.
- The site is an L-shape with an approximate land area of 15 hectares over two titles.
- The topography of the land is generally flat.
- The site is currently developed with an existing single dwelling, two sheds and a garage. There is a low cover of vegetation with the majority along the eastern boundary.
- The surrounding area consists of larger farming lots, with a number occupied with a dwelling and associated sheds. The site is located within 1 kilometre of the Lal Lal Wind Farm. Further south-east is the Lal Lal Reservoir.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

Clause 11.07-1 Regional Planning

To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Clause 11.08-9 Cultural Heritage and Landscapes

To recognise the importance of cultural heritage and landscapes as economic and community assets.

Clause 12.04 Significant Environments and Landscapes

To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

Clause 13.05 Bushfire

To assist to strengthen community resilience to bushfire.

Clause 14.01-1 Protection of agricultural land

To protect productive farmland which is of strategic significance in the local or regional context.

Clause 14.02 Water

To protect water quality. To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Clause 21.02-2 Non Urban Landscapes

Maintain and enhance the natural environment and the Shire's rural identity and character.

Clause 21.02 -3 Water and Catchment Management

To protect the quality and quantity of water within the Moorabool Shire.

Clause 21.02-5 Wildfire

To minimise risk of wildfire damage.

Clause 21.03-4 Landscape and neighbourhood character

To ensure new development in all zones respects the existing character, landscape setting and amenity of the local area.

Clause 21.03-5 Rural Lifestyle Opportunities

To support development in small towns and rural lifestyle opportunities as an additional residential choice.

Clause 21.04-2 Agriculture

To protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities.

Clause 21.09-4 Other Small Towns

Other small towns in Moorabool such as Myrniong, Bungaree, Dunnstown, Greendale, Wallace, Mt Egerton, Lal Lal, Yendon, Elaine, and Rowsley provide a limited level of services and facilities to their residents and the surrounding rural areas and are characterised by visual dominance of the rural landscape. These towns are integral to the cultural heritage of the Shire.

Clause 22.02 Special Water Supply Catchments

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

Zone

Farming Zone

The subject site is located within the Farming Zone. Pursuant to Clause 35.07-4, a planning permit is not required for the development of sheds ancillary to an agricultural use.

The key objectives of the Farming Zone, relevant to this application are:

- *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.*

Overlays

Design and Development Overlay - Schedule 2

The site is included in the Design and Development Overlay – Schedule 2 – Visual amenity and building design. Pursuant to Clause 43.02-2, a planning permit is not required to construct a building provided the external walls or roof cladding are of non-reflective materials. As the proposed materials for both the roof and walls would be of Colorbond in the colour Classic Cream and Pale Eucalypt, a planning permit is not required. A condition is also recommended to ensure that no reflective materials are used.

The design objectives, relevant to this application 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.*

Environmental Significance Overlay – Schedule 1

The site is affected by the Environmental Significance Overlay – Schedule 1 – Proclaimed Water Catchment Areas. In accordance with Clause 42.01-2, a planning permit is required for buildings and works associated with a shed that is not ancillary to the use of land for crop raising.

The key objectives of the Environmental Significance Overlay, relevant to this application are:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*
- *To protect the quality and quantity of water produced within proclaimed water catchments.*
- *To provide for appropriate development of land within proclaimed water catchments.*

Bushfire Management Overlay

The property is partly situated within the Bushfire Management Overlay. Under Clause 44.06-1, a planning permit is not required for buildings and work associated with agriculture.

The key objectives of the Bushfire Management Overlay, relevant to the application are:

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

Particular Provisions

There are no particular provisions relevant to this application.

Discussion

The applicant seeks approval for the development of two sheds ancillary to the use of land for agriculture. The sheds appropriately respond to the objectives of the Farming Zone, the Design and Development Overlay – Schedule 2, the Environmental Significance Overlay – Schedule 1 and the Bushfire Management Overlay.

The proposal requires assessment against the Environmental Significance Overlay – Schedule 1. The following have been identified as the key planning issues in relation to the assessment of this planning application:

- Amenity Impacts; and
- Environmental Impacts.

Assessment of these issues, together with a response to objections received will be discussed in the remainder of this report.

Amenity Impacts

Under Clause 65, amenity impacts should be considered in this assessment. The hay shed covers a total area of 840 square metres and located approximately 57 metres from the southern boundary and 36 metres from the eastern boundary. The barn covers a total area of 210 square metres and located 3 metres north of the hay shed and 16 metres from the eastern boundary. The closest boundary to the two structures is the eastern boundary, however the adjoining property is owned by the applicant, on a separate title. Therefore realistically, the eastern setback is much more substantial, extending out to Lillis Lane. Having regard to the substantial setbacks and the closest dwelling not in the same ownership being located more than 300 metres away, it is considered that the sheds would not have an adverse effect on the amenity of the area.

Although the overall height of 7.13 metres for the hay shed is quite generous when compared to existing structures on site, the shed would be open sided with no walls, thus minimizing the overall visual bulk of the shed. The two sheds are to be constructed using Colorbond in the colour 'Classic Cream' and 'Pale Eucalypt' which are non-reflective materials, and therefore in compliance with the Design and Development Overlay – Schedule 2.

Environmental Impacts

The Environmental Significance Overlay – Schedule 1 seeks to protect waterways which carry water into Moorabool's proclaimed water catchments. Development within these areas should prevent pollution and surface runoff into the waterway, avoiding any detriment to water quality.

As the site is located within a water catchment area, the application was referred to Central Highlands Water and Barwon Water, who consented subject to conditions in relation to keeping clear of the effluent field and stormwater management. The sheds are compliant with these conditions as it would not encroach onto the existing septic tank and field, and stormwater will be diverted into an existing water tank. The sheds do not contain any facilities generating wastewater and therefore would not result in any additional load on the existing septic system. As such, the development of two sheds would not cause adverse effects to the quality and quantity of drinking water. No new driveway works are required to accommodate access, which reduces any impacts to the land and surrounding vegetation. It is also noted that no major earthworks or vegetation removal is proposed.

Summary of Objections

Two objections were received from the southern adjoining property (Alan Melville from 60 Lillis Lane) and the northern adjoining property (Kay Smith/Kathleen Littlejohn Smith from 12 Lillis Lane). Both objections raised concerns regarding to the sheds potential to be used for the operation of a vehicle welding/recycling business. It has been alleged that the site has been used in association with the operating of a car recycling business, in which Council's Enforcement Officer confirmed the applicant is currently in the process of removing the vehicles off site. A site inspection was conducted by the planner who confirmed that there is indeed a presence of sheep, horses and hay of which the shed is in association with. Notwithstanding the above, the application is for two sheds for agricultural use and storage, should Council grant approval and the use of the sheds falls outside the parameters of what has been approved, further enforcement action can be undertaken.

General Provisions

Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

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
Barwon Water	Consent with conditions

Financial Implications

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

Options

An alternative recommendation would be to refuse the application on the grounds that it does not comply with the planning scheme provisions and is detrimental to the amenity of the nearby properties.

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

Conclusion

The development of two sheds would not have any adverse effects on agricultural land and the surrounding amenity of the area. The close proximity of the shed to the existing dwelling and shed provides for a consolidation of buildings on the site, and is seen as an appropriate outcome. As such, the proposal is considered acceptable and warrants support.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for the *Development of Two (2) Sheds Ancillary to the Use of the Land for Agriculture* in accordance with Section 61 of the *Planning and Environment Act 1987*, subject to the following conditions:

Endorsed Plan

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

Materials and Colours

2. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.

Operation

3. The sheds hereby permitted must only be used to store goods and machinery associated with agriculture.
4. The sheds hereby permitted must not for any habitable purposes.
5. No plumbing fixtures are to be installed in the sheds hereby approved to the satisfaction of the Responsible Authority.

Infrastructure

6. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
7. 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).
8. 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.
9. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Barwon Water

- 10. The permitted buildings 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 Shire Planning Scheme.**
- 11. The existing effluent disposal areas must be kept free from stock, buildings, driveways and service trenching.**
- 12. Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.**
- 13. 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

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

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

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: 16 November, 2017



Item 6.2 Planning Permit Application PA2016 256

Planning Permit Application PA2016 256 – Two (2) Lot Subdivision at 1 Fahey Road, Gordon.

Application Summary:	
Permit No:	PA2016-256
Lodgement Date:	11 October, 2016.
Planning Officer:	Mark Lovell
Address of the land:	Lot 2 on LP21363M 1 Fahey Road, Gordon 3345
Proposal:	Two (2) Lot Subdivision
Lot size:	2023m2
Why is a permit required?	<p>Clause 32.09-2 – Neighbourhood Residential Zone – Subdivide land.</p> <p>Clause 42.01-2 – Environmental Significance Overlay – Subdivide land</p> <p>Clause 43.02-3 – Design and Development Overlay – Subdivide land</p>
Why is this application being presented to Council?	One objection received.
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	One (1)
Consultation meeting:	The objector advised in writing that they did not want to participate in a consultation meeting. No consultation meeting was held.
Policy Implications:	
Strategy Objective 3 Context 3A	Stimulating Economic Development 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?	Yes, to Council's Infrastructure.
Any issues raised in referral responses?	No.
Preliminary Concerns?	No.
Any discussions with applicant regarding concerns	No.
Any changes made to the application since being lodged?	No.
VCAT history?	Nil.
Previous applications for the site?	No records.
General summary	The subdivision of land within the Neighbourhood Residential Zone is supported by the broad planning policies and each lot achieves the minimum lot size of 800m ² . The proposed splayed lot boundary line does not match the prevailing subdivision pattern of the area and should be straightened to run parallel with the southern road reserve. This will create two better proportioned shaped lots with the vacant lot large in area and suitable for future development. Subject to the revision of plans, the proposed subdivision is acceptable.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for a two (2) lot subdivision in accordance with the *Planning and Environment Act 1987* for the land at Lot 2 on LP21363M otherwise known as 1 Fahey Road, Gordon 3345.

Background

The subject lot was created from a two lot subdivision approved in 1988. This subdivision separated 24 Lyndhurst Street into two lots over 2000m², both lots having dual street frontages. The boundary line between the two lots followed the eastern extent of a drainage easement contained within 24 Lyndhurst Street.

Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a large on site for period of fourteen days. A statutory declaration verifying display of the large notice was received on 16 May, 2017.

Summary of Objections

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

Objection	Any relevant requirements
Lot sizes are inconsistent with surrounding lots and Council refused an application with a similar lot size	Clause 32.09
Officer's response - Each application needs to be assessed on its own merits within a particular site context. The site is opposite 40 Corbetts Road where VCAT determined the lot sizes were over 800m ² but the density of lots was too high for that area. While it is a similar situation with this application with one lot just over 800m ² in area despite all surrounding lots having larger lot sizes, the smaller lot has the advantage of fully containing an existing dwelling. This smaller lot can be slightly increased in area by straightening the unnecessary splayed lot line between the two lots. The proposal can be consistent with the prevailing character of the area subject to a minor change to the plans.	
Does not comply with the purpose of Neighbourhood Residential Zone and Design & Development Overlay	Clause 32.09, 43.02
Officer's response – Subject to revising the boundary between the two lots, it can comply with the objectives and purpose of both the zone and overlay controls.	

Proposal

It is proposed to subdivide the land into two lots with their own street frontages.

Lot 1 has a 26.30 metres frontage to Faheys Road in an irregular lot arrangement and a maximum length of 41.41 metres for a total land area of 818m². The lot contains an existing single storey dwelling.

Lot 2 has 25 metres frontage to Faheys Road and 41.17 metres second frontage to Corbetts Road for a total land area of 1205m². The site is vacant and contains scattered trees.

The proposed plan of subdivision and a survey plan are provided in Attachment 1.

Site Description

The subject site is located on the western side of Faheys Road, north of Corbetts Road, Gordon. The site is comprised of an existing single storey weatherboard dwelling with a generous front setback from the Faheys Road street frontage. There are several trees and recently planted trees scattered throughout the property.

Faheys Road is a single lane gravel track with a naturestrip reserve containing some established trees. Corbetts Road has an asphalt surface and a wide road reserve. The site has slight sloped topography.

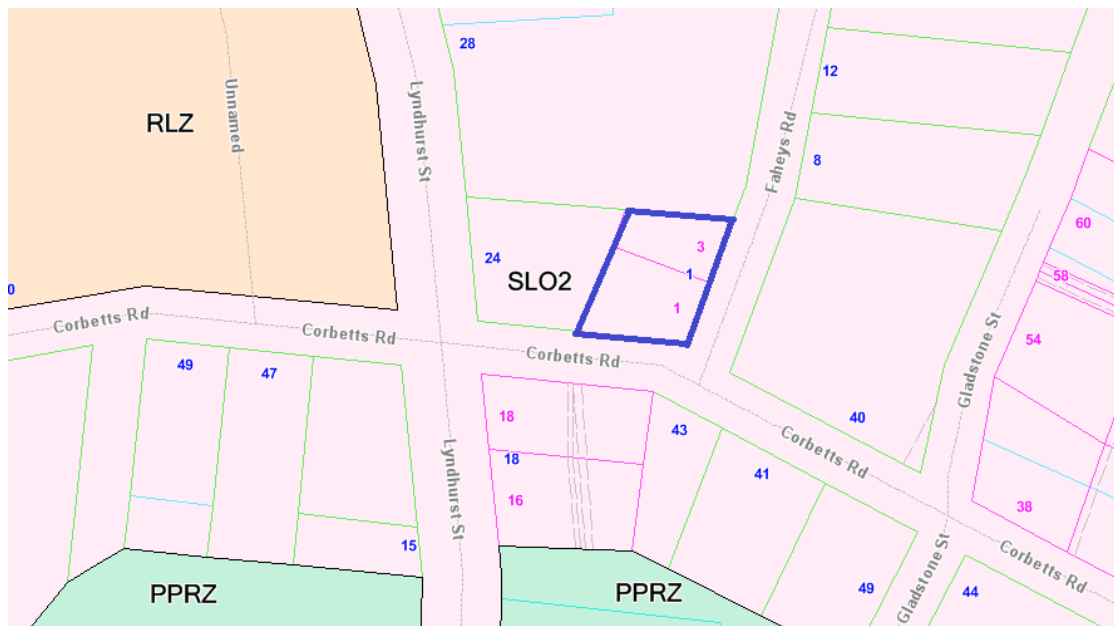
The subject lot was created from a two lot subdivision approved in 1988. This subdivision separated 24 Lyndhurst Street into two lots over 2000m², both lots having dual street frontages. The boundary line between the two lots followed the eastern extent of a drainage easement contained within 24 Lyndhurst Street.

The surrounding has an open feel with dwellings on large lots with established vegetation. The undulating and hilly topography and low scale of development contribute to a distinctly semi-rural character. This is further enhanced by nearby patches of forested land and cleared grazing and horticultural land.

Locality Map



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



Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.02-1 Supply of urban land.
- Clause 11.03-1 Open space planning.
- Clause 11.07-2 Peri-urban areas.
- Clause 11.08 Central Highlands.
- Clause 15.01-3 Neighbourhood and subdivision design.
- Clause 15.01-5 Cultural identity and Neighbourhood character.
- Clause 16.01-1 Integrated housing.
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-3 Residential Development.
- Clause 21.03-4 Landscape and Neighbourhood Character.
- Clause 21.09-1 Gordon.
- Clause 22.02 - Special Water Supply Catchments.

The proposal does not properly satisfy all relevant sections of the SPPF and LPPF, particularly regarding neighbourhood character and the protection of landscape values.

SPPF	Title	Response
Clause 15.01-3	Neighbourhood and subdivision design	The proposal as submitted does not respond completely to the character of the area. This can be rectified by increasing Lot 1 at the expense of Lot 2 and creating a regular lot boundary line.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The proposal does not respond completely to the character of the area. This can be rectified by increasing the land area of Lot 1 at the expense of Lot 2 and creating a regular lot boundary line.

Zone

The subject site is in the Neighbourhood Residential Zone, Schedule 1 (NRZ1).

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 recognise areas of predominantly single and double storey residential development.
- To limit opportunities for increased residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.09-3 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for a residential subdivision.

Part 1 of Schedule 1 under the Neighbourhood Residential Zone states the minimum lot size for a subdivision is 800 square metres.

Overlays

Environmental Significance Overlay Schedule 1

The subject site is in the Environmental Significance Overlay Schedule 1 and the provisions of Clause 42.01 apply.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Under Part 2 of Schedule 1 of the overlay has the following environmental objectives to be achieved:

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

Under Clause 42.01-2 a planning permit is required to subdivide land.

Design & Development Overlay Schedule 2 and 5

Under Schedule 2, a permit is not required to subdivide land.

Under Schedule 5 a permit is required to subdivide land. DD05 has the following objectives.

- To protect the village character of the township.
- To ensure that buildings with visible roof forms make a positive contribution to the character of the township.
- To protect the spacious character of the township by maintaining larger lot sizes.

Under Part 3 of Schedule 5 states:

- Subdivision of lots within the residential zoned areas must have a minimum lot size of 800 square metres to retain the spacious nature of the township.
- Subdivision design should respond to existing site features and vegetation.
- Subdivision design is to respond to the pattern of development and the character of the township.

Significant Landscape Overlay Schedule 2

Under the Significant Landscape Overlay schedule 2, there is no permit requirement for subdivision.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

A subdivision of land into two lots is unlikely to be further subdivided given the minimum lot constraints of the zone and overlay controls applying the land.

Clause 56 Residential Subdivision

Subject to standard permit conditions, the proposal would comply with the relevant ResCode (Clause 56) provisions, except for the following:

ResCode Clause	Title	Response
56.03-5	Neighbourhood character objective	The proposed subdivision only partially supports the development of the site in a manner consistent with the surrounding neighbourhood character. This can be rectified by increasing the land area of Lot 1 at the expense of Lot 2 and creating a regular lot boundary line to match the prevailing subdivision pattern of the area.

Discussion

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Gordon as a small town in the Ballarat hinterland. The proposal would facilitate consolidated growth within the existing township and take advantage of existing infrastructure, in particular reticulated sewerage. The proposed lot sizes would contribute to lot diversity and housing choice in Gordon. However, growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding environment.

There will be opportunities present to intensify development within this area subject to achieving the minimum zone and overlay requirement of 800m² lots. The proposal while having each lot greater than 800m² has decided to have one smaller lot which is in contrast to the prevailing subdivision pattern of the area.

The proposal has scope to be revised without impacting upon the existing residence contained within Lot 1. The applicant has decided to splay the boundary line between the two lots rather than undertaking rectangular blocks which is more in keeping with the existing neighbourhood character. The existing western property boundary is splayed however this has been dictated by the location of a drainage easement contained in the adjacent western property. The applicant has no constraints in undertake a regular subdivision pattern of two rectangular shaped lots. Leaving the boundary line at the same position at the Faheys Road frontage which matches the end point of the new front fence to the existing dwelling, the lot boundary can run in a straight line (270° bearing) which would increase Lot 1 to approximately 900m² and at the expense of the vacant lot which would be reduced to approximately 1100m². These lot arrangements and shapes are more reflective of the broader neighbourhood character that defines this section of Gordon.

The objector was willing to withdraw their objection subject to have two evenly proportioned lots at 1000m² each. The applicant did not accept this proposed arrangement as it would involve Lot 1 containing the existing dwelling having to re-construct their recently completed front fence facing Faheys Road. The recommended change to straighten the boundary line to run parallel with the southern road reserve with which would be consistent with the existing and preferred neighbourhood character does not address the objector's concerns. There is no planning justification to have each lot at 1000m² in area.

This application is different to the 40 Corbetts Road subdivision recently refused by Council and VCAT on review. The subdivision will create a smaller lot containing an existing dwelling unlike the Corbetts Road subdivision which was the creation of vacant lots only. The larger lot proposed with the recommend change to the boundary line is still greater than 1100m² in area and is considered sympathetic to the large lot sizes that are prevalent in this section of Gordon.

Subject to revisions to the plans, the site is suitable for a two lot subdivision and can match the subdivision pattern of the area.

The proposed two lot subdivision can satisfy 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

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council's Infrastructure unit was provided with an opportunity to comment on the proposal.

Authority	Response
Infrastructure	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of approval of this application 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 desired.

Options

An alternative recommendation would be to refuse the application on the basis it does not comply with the planning scheme provisions and is not consistent with the prevailing subdivision pattern of the surrounding area.

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

Conclusion

The proposal can satisfy the relevant provisions of the Moorabool Planning Scheme, particularly regarding state and local planning policies covering neighbourhood character and the relevant zone and overlay provisions for the subdivision of land in Gordon. Revised plans altering the boundary line between Lots 1 and 2 to create rectangular lots would rectify the current subdivision deficiencies with an irregular lot boundary line and allows the proposal to better adapt to the surrounding site context. Revised plans will allow the subdivision to fully comply with the planning scheme provisions. The creation of a large vacant lot should not present any planning concerns for a future development.

Subject to revised plans, the proposal is site responsive, with regards to the character and appearance of the area and is considered consistent with the large lot sizes that are common place within this section of Gordon.

The proposal should be supported subject to the submission of revised plans.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit for a two (2) lot subdivision, application number PA2016256 at Lot 2 on LP21363M, otherwise known as 1 Fahey Road, Gordon 3345 , with the following conditions:

Endorsed plans

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
 - (a) The boundary line between Lots 1 and 2 straightened from the Faheys Road frontage to run parallel with the Corbetts Road alignment with resultant increase in the land area of Lot 1 at the expense of Lot 2.

Subdivision

2. 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.
3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
4. 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.

Telecommunication conditions

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

- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

7. Prior to the issue of a Statement of Compliance for the subdivision, proposed Lot 2 must be provided with a standard rural residential vehicle crossing to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
8. 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.
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. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
12. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
13. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - i. location of vehicle crossings;
 - ii. details of the underground drainage;
 - iii. location of drainage legal points of discharge;
 - iv. standard details for vehicle crossings and legal points of discharge; and
 - v. civil notes as required to ensure the proper construction of the works to Council.

Permit Expiry:

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

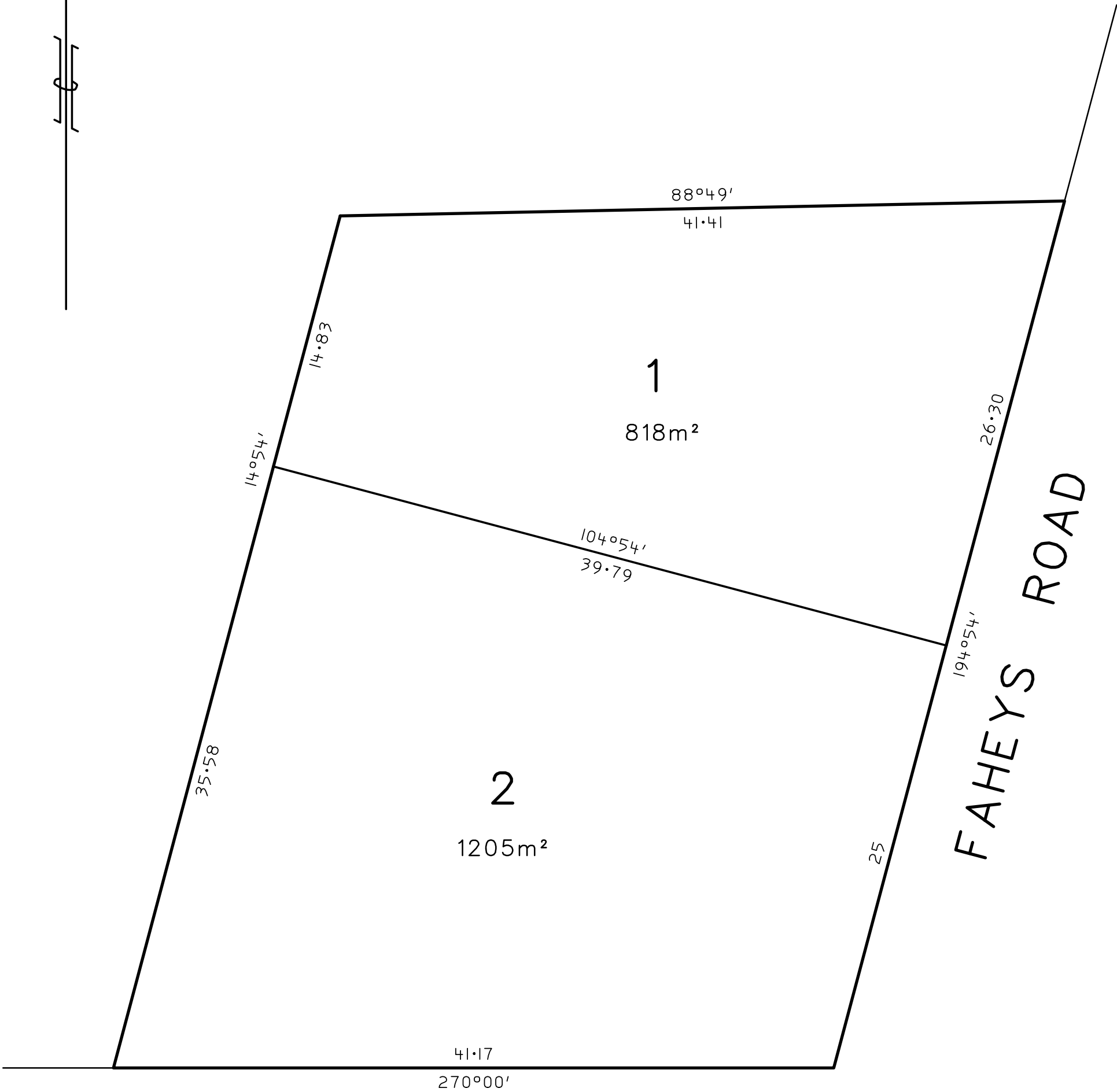
Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 16 November, 2017



PLAN OF SUBDIVISION				EDITION 1		PS802608M	
<div>LOCATION OF LAND</div> <div>PARISH: KERRIT BAREET</div> <div>TOWNSHIP: GORDON</div> <div>SECTION: 11</div> <div>CROWN ALLOTMENT: 3 (Part)</div> <div>CROWN PORTION:</div> <div>TITLE REFERENCE: Vol.9846 Fol.070</div> <div> </div> <div>LAST PLAN REFERENCE: Lot 2 LP213633M</div> <div>POSTAL ADDRESS: 1 FAHEYS ROAD, GORDON</div> <div>(at time of subdivision)</div> <div> </div> <div>MGA CO-ORDINATES: E: 244400 ZONE: 55</div> <div>(of approx centre of land N: 5837170 GDA 94</div> <div>in plan)</div>							
VESTING OF ROADS AND/OR RESERVES				NOTATIONS			
IDENTIFIER		COUNCIL/BODY/PERSON					
NIL		NIL					
NOTATIONS							
DEPTH LIMITATION:							
<div>SURVEY:</div> <div>This plan is/is not based on survey.</div> <div>STAGING:</div> <div>This is/is not a staged subdivision.</div> <div>Planning Permit No.</div> <div> </div> <div>This survey has been connected to permanent marks No(s).</div> <div>In Proclaimed Survey Area No. -</div>							
EASEMENT INFORMATION							
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)							
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of			
ARARAT SURVEY PTY LTD PO BOX 1399 BAKERY HILL 3354 PHONE 53 344448		SURVEYORS FILE REF: 161003		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2		
		DARREN KEVIN FORD VERSION No.1					



CORBETTS ROAD

FAHEYS ROAD

ARARAT SURVEY PTY LTD
PO BOX 1399 BAKERY HILL 3354
PHONE 53 344448

SCALE
1 : 250

2.5 0 2.5 5 7.5 10
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 2

DARREN KEVIN FORD VERSION No.1

Item 6.3 Planning Permit Application PA2016 257

Planning Permit Application PA2016 257; 22 Lot Staged Subdivision & Removal of Easements at Lot S2 on PS 312999Y, Leila Court, Bacchus Marsh VIC 3340.

Application Summary:	
Permit No:	PA2016 257
Lodgement Date:	13 October, 2016
Planning Officer:	Tom Tonkin
Address of the land:	Lot S2 on PS 312999Y, Leila Court, Bacchus Marsh 3340
Proposal:	22 Lot Staged Subdivision & Removal of Easements
Lot size:	1.834ha
Why is a permit required?	Clause 32.08-3 – General Residential Zone – subdivision
Why is this application being presented to Council?	This item is being referred to Council as 3 objections were received during the public notice period.
Restrictions registered on title	Yes, covenant H707501. The proposal would not breach the covenant.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	One (1)
Number of Objections:	Three (3)
Consultation meeting:	Yes, held 12 September 2017 with the applicant and objectors. None of the objections were resolved.
Policy Implications:	
Strategy Objective 3	Stimulating Economic Development
Context 3A	Land Use Planning
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 – 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?	Referred to Council's Infrastructure unit and all relevant utility providers
Any issues raised in referral responses?	Yes, Infrastructure requested that the Traffic Impact Assessment dated March 2013 be reviewed, in particular to assess the need for traffic improvements at the Leila Court/Gisborne Road intersection, and heavy vehicle traffic generated by the adjoining agricultural property. Applicant has since submitted an amended report and Infrastructure has raised no issues and included conditions for the permit.
Preliminary Concerns?	None
Any discussions with applicant regarding concerns	Not applicable
Any changes made to the application since being lodged?	No
VCAT history?	Yes. Council's decision to refuse the amendment to PA2008209-A2 was affirmed by VCAT in an order dated 9 July 2015. See 'Background' for further discussion.
Previous applications for the site?	PA2008209 for Seven (7) Lot Subdivision and Removal of Easements was approved on 30 August 2010. The applicant's subsequent appeal to VCAT against two permit conditions was affirmed by the Tribunal on 26 November 2010, which accordingly directed Council to issue an amended permit. An application to amend the permit to subdivide into 23 lots was refused by Council but appealed by the applicant at VCAT. The Tribunal affirmed Council's decision to refuse the application. See 'Background' for further discussion.
General summary	The subject site adjoins land included in the Farming zone on the northern and eastern boundaries and land included in the General Residential Zone Schedule 1 on the western and southern boundaries. The application is for a twenty two (22) lot staged subdivision of the site plus removal of easements. Leila Court off Gisborne Road would be extended into the subject site with an east/west central loop road connection to the east side of the subject site.

	<p>The existing easements to be removed on title are for carriageway (E-6, E-11, E12), gas supply (E-2) and drainage and sewerage (E-3, E-5). The carriageway easements currently provide vehicle access over the subject site to the adjoining land to the east, and would essentially be replaced by the proposed road network. The proposed plan of subdivision includes new locations for drainage and sewerage easements as well as the gas supply easement.</p> <p>The proposed subdivision would be undertaken over two stages with the majority of lots created in Stage 1 (18 lots). Lots range in size from 519sqm to 735sqm with the average lot size being 580sqm. A drainage reserve would also be included within the overall layout adjoining the northern boundary with a total land area of 548sqm.</p> <p>Public notification was undertaken and three (3) objections received, generally relating to neighbourhood character and density, traffic and impact on local residential amenity. A consultation meeting was held with no resolutions to the issues raised by the Objectors.</p> <p>Generally it is considered that the proposal satisfies the relevant provisions of the Moorabool Planning Scheme, specifically overall pattern of development and neighbourhood character in the local area. Further, the land is included in the General Residential zone which provides for future development that encourages diversity in housing nearby local services and transport. Given this, the overall density and layout proposed is considered to be an acceptable outcome for the land and surrounding area and for this reason the proposal is considered to be sufficiently site responsive and is, therefore, supported in its current form.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions included at the end of this report.	

Public Notice

Notice of the application was given to adjoining and nearby landowners by mail on 28 June, 2017 and a sign erected on site from 11 July 2017 until 25 July 2017. Three (3) objections were received.

Summary of Objections

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

Objection	Any relevant requirements
There is potential for overlooking from dwellings on adjoining lots which will adversely impact on residential amenity and privacy. Increase in noise and activity.	N/A
Officer's response - The application is for subdivision and does not include consideration of any dwelling plans. Any potential overlooking between neighboring dwellings would be assessed as part of the building permit process and not at the subdivision permit stage. Any potential increase in noise and activity would be associated with the normal activities undertaken around residential dwellings. In addition, it is noted that the Western Freeway located approximately 150 metres north of the subject site would in itself create a level of background traffic noise that would permeate the general locality.	
Negative impact on land values.	N/A
Officer's response - The issue of property values is too subjective and does not make part of the planning decision process, and therefore cannot be considered as a ground for objection.	
Not in keeping with existing density and neighbourhood character of the surrounding area.	Clause 56.03-5 – Neighbourhood character objective Clause 56.04-1 – Lot diversity and distribution objectives
Officer's response - The proposal would provide appropriate infill development at lot sizes and dimensions that are considered reasonably consistent with existing development in the surrounding area. While the objectors stated that they preferred a previous proposal on the site for 7 larger lots, it is noted that the land is included in the General Residential Zone which encourages <i>'a diversity in housing types and growth particularly in locations offering goods access to services and transport.'</i> The subject land is located approximately 1.1kms north of the Bacchus Marsh CBD and 150 metres south of the Western Freeway, thereby satisfying the purpose of the zone in regard to diversity, location and access.	

Objection	Any relevant requirements
<p>2015 figures used in the Traffic report are outdated and not relevant to the current peak period congestion experienced in getting out onto Gisborne Road and around the locality.</p>	<p>Clause 56.06-1 – Integrated mobility objectives</p> <p>Clause 56.06-4 – Neighbourhood street network objective</p> <p>Clause 56.06-5 – Walking and cycling network detail objectives</p> <p>Clause 56.06-7 – Neighbourhood street network detail objective</p>
<p>Officer's response -</p> <p>The original application included a Traffic Impact assessment report prepared by an independent traffic consultant which was subsequently reviewed on recommendation of Council's infrastructure Engineer to take into account the movement of heavy vehicles through the site on access to the farming land adjoining to the east.</p> <p>The updated report recommends that the Gisborne Road and Leila Court intersection be upgraded to include a dedicated left turn lane to be constructed in Gisborne Road to improve capacity, while all vehicle design movements for this lane must cater for commercial and heavy vehicles. Swept paths for the proposed roads have been included in the updated report.</p> <p>The traffic figures used by the consultant were for comparison to current observations in order to determine any growth in traffic numbers and traffic flow times.</p>	
<p>Potential problems with maintaining vehicle access to agricultural farm land adjoining to east.</p>	<p>Clause 21.03-2 – Objective – Urban growth management</p> <p>Clause 56.06-4 – Neighbourhood street network objective</p> <p>Clause 56.06-7 – Neighbourhood street network detail objective</p> <p>Clause 56.06-8 – Lot access objective</p>
<p>Officer's response -</p> <p>As outlined above, the updated Traffic Impact assessment report includes recommendations for road upgrades to cater for the heavy vehicles that are expected to utilise the proposed roads for access to the agricultural farming land adjoining to the east.</p>	

Objection	Any relevant requirements
Potential conflict between farming land activities and future residential dwellings.	<p>Clause 13.04-1 – Noise abatement</p> <p>Clause 13.04-2 – Air quality</p>
Officer's response - While it is recognized that farming activities conducted on the agricultural land adjoining the subject site to the east have the potential to detrimentally impact on local residential amenity in terms of noise and air quality, it should be noted that this situation is not unique to this site. The development footprint of Bacchus Marsh is surrounded by land included in the Farming Zone and there are many examples of residential land co-existing with adjoining farming land. While the issue of separation between conflicting land uses needs to be considered in light of the township's growth, it is noted that the subject site has been zoned for residential development under the General Residential zone and this current application for subdivision is enabling the landowner to take up the right to further develop the land in accordance with the current zoning.	
The development contradicts the Moorabool Planning Scheme. The proposed development would provide financial gain to Council.	N/A
Officer's response - It is unclear what this objection relates to. Subdivision of residential land is subject to planning approval, and this application is no exception.	

Proposal

It is proposed to create a 22 lot subdivision and to remove easements. The proposed subdivision would be accessed by extending Leila Court into the site to create a loop road with connection to the adjoining agricultural land to the east, which is currently accessed via carriageway easements through the subject site. Lots 1-18 would be located on the outer fringe of the road, with side and/or rear boundaries adjoining the site boundaries. Lots 19-22 would be positioned in the middle of the road circuit, and each have two frontages to the street. Lots would be generally square or rectangular and ranging in size from 519-735sqm, with an average lot size of 580sqm. A proposed drainage reserve of 548sq m would be located between Lots 5 and 6 adjoining the northern boundary of the site. The proposed road width would be 15-16m with an 8-10m wide section to give access to Lots 16 and 17. No common property is proposed.

The subdivision would be developed in two stages. Stage 1 would comprise Lots 1-9, 11-15 and 19-22, and Stage 2 Lots 10, 16, 17 and 18. The existing easements to be removed on title are for carriageway (E-6, E-11, E12), gas supply (E-2) and drainage and sewerage (E-3, E-5). The carriageway easements currently provide vehicle access over the subject site to the adjoining land to the east, and would essentially be replaced by the proposed road network. The proposed plan of subdivision includes new locations for drainage and sewerage easements as well as the gas supply easement.

There would be no removal of significant vegetation from the site.

The proposed plan of subdivision is provided in Attachment 1.

Site Description

The site is identified as Lot S2 on PS 312999Y and known as Leila Court, Bacchus Marsh. The site is trapezoid in shape and comprises a total land area of 1.834ha with the following dimensions:

- 140.32m north boundary;
- 178.12m south boundary;
- 130.23m west boundary; and
- 113.01m east boundary.

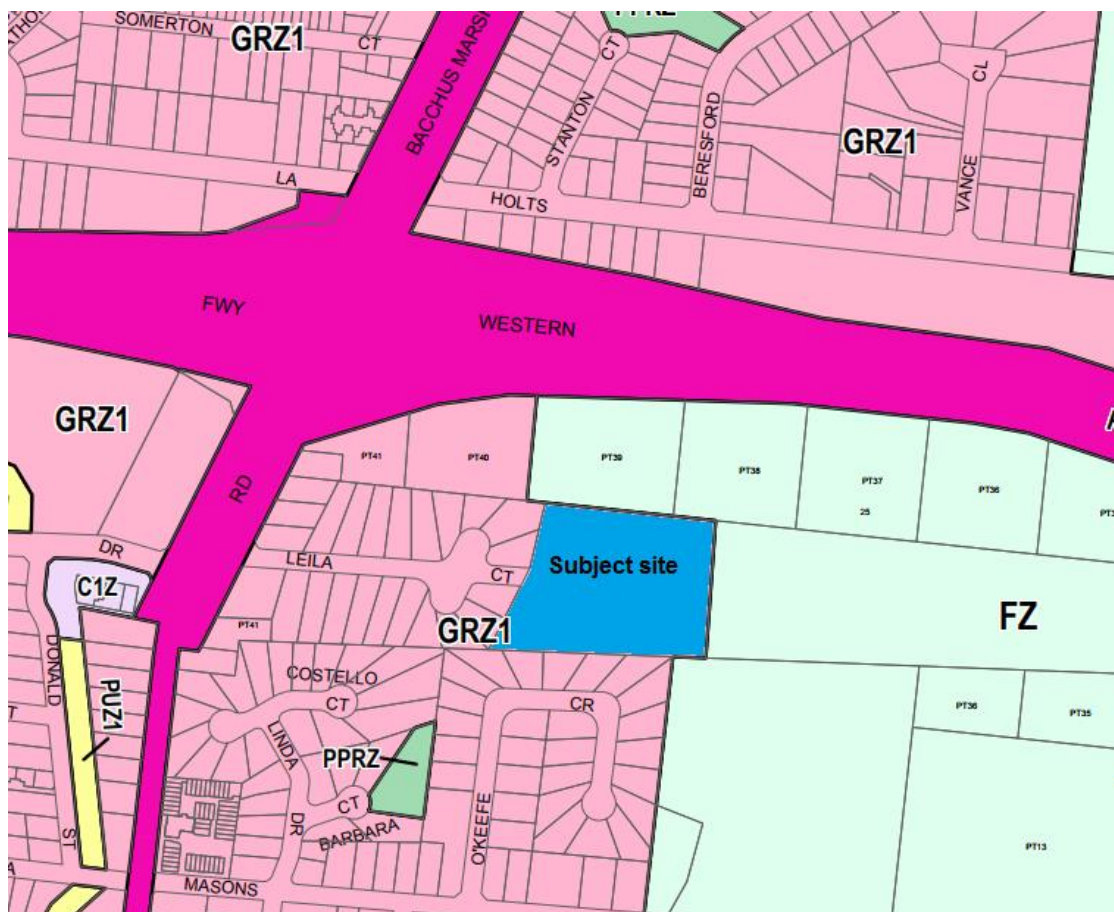
The site is vacant apart from a shed in the northeast corner and topography falls generally from west to east by approximately 2.0m. The site is at the eastern end of Leila Court, approximately 250m east of its intersection with Gisborne Road.

The subject site is bordered by land to the west and south included in the General Residential Zone, with most surrounding land developed with single dwellings on lots of generally 770-1050sq m. Land to the north, east and southeast is included in the Farming Zone and mostly comprises cleared grazing allotments generally no smaller than approximately 1.0ha, some of which are in single ownership and some developed with single dwellings. Some lots have small orchards and further to the south, beyond Masons Lane, are larger market gardens.

To the west of the site is the Leila Court road reserve abutting the site for 16.52m as well as the backyards of four dwellings fronting Leila Court. To the south are the backyards of five dwellings fronting O'Keefe Crescent, and a cool storage facility accessed from Masons Lane. To the east is a horse agistment property for which approval has been given for a single dwelling associated with the agricultural use, but this dwelling is yet to be constructed. To the north are lots forming part of a larger landholding comprising a dwelling, grazing land and orchard, beyond which is the Western Freeway near the Gisborne Road interchange approximately 150 metres away.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.07-2 Peri-urban areas.
- 11.08 Central Highlands.
- 15.01-3 Neighbourhood and subdivision design.
- 15.01-5 Cultural identity and neighbourhood character.
- 16.01-1 Integrated housing.
- 16.01-2 Location of residential development.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.07 Bacchus Marsh.

The proposal is considered to appropriately respond to the relevant sections of the SPPF and LPPF, with a layout and pattern of development that is reasonably consistent with the surrounding area.

Zone

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

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 encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-3 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.

It is noted that the minimum garden area requirement of Clause 32.08-4 introduced by Amendment VC110 does not apply to a planning permit application to subdivide vacant lodged before the approval date of Amendment VC110, as in this instance.

The proposed subdivision is, generally, considered to be consistent with the General Residential Zone provisions.

Overlays

The site is partly affected by Design and Development Overlay, Schedule 2. Under Clause 43.02-3 a permit is required to subdivide land, but this does not apply if a schedule to this overlay specifically states that a permit is not required. Under Schedule 2 a permit is not required to subdivide land.

Relevant Policies

Council adopted the **Urban Growth Policy Statement** at the OMC of the 19th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The 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 18 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 would be encouraged in suitable locations.

The Preferred Character Statement for Precinct 18 gives direction to the following:

- The existing streetscape rhythm should be maintained, with regard to side setbacks.
- Boundary to boundary development should be avoided.
- 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.
- Moderate to high site coverage for smaller lots but with reasonable level of amenity.
- Open front gardens with minimal front fencing.
- Increased canopy tree cover.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01 the proponent must pay a contribution to Council for public open space, being a percentage of the site value. It is recommended that a condition on the permit require payment of a 5% contribution.

Clause 56 Residential Subdivision

The proposal complies with the relevant ResCode (Clause 56) provisions.

Discussion

Overall, the proposal is considered to be consistent with relevant State and local planning policy, the General Residential Zone and Clause 56 of the Moorabool Planning Scheme.

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. It is considered that the proposal would contribute to consolidated growth of Bacchus Marsh and take advantage of existing infrastructure, as the overall lot design responds in an acceptable manner to the surrounding neighbourhood character. In this way, growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding urban environment.

The subject site and surrounding land is included in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings on lots generally ranging in size from 800sqm to 1400sqm. However, there are some examples of smaller lot subdivisions in general

vicinity of the site, including at 98 Gisborne Road, 31 George Street as well as at the corner of Gisborne Road and Dickson Street.

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 issue for discussion is considered to be neighbourhood character, in particular:

- Does the proposal respect neighbourhood character?

The surrounding area to the subject site is typically characterised by larger residential lots and flat topography with wide road reserves and a layout that includes many cul-de-sacs. Development in the locality has incrementally spread in an eastward direction from Gisborne Road over a number of years. The subject site is one of the last land components available within the immediate area for the purpose of residential subdivision.

Dwellings are mostly single storey brick with low pitched tile roofs and eaves. Established native and exotic trees in landscaped front gardens also contribute to the character of the area. Dwellings typically have spacious front and rear setbacks, and are generally set back from at least one side boundary by a minimum of 3.0m. Lot design is mostly rectangular shaped but does vary as a result of the curvilinear designed road layout. The separation of dwellings on lots achieves a sense of space in the immediate area.

The proposed twenty two (22) lot subdivision would create an infill development site with each proposed lot able to accommodate a dwelling in accordance with Clause 56.04-2 of the Moorabool Planning Scheme. Under the decision guidelines for subdivision in Clause 32.08-10 (General Residential Zone), the responsible authority must consider the pattern of subdivision and its effects on the spacing of buildings. In the context of the surrounding developed land, it is considered that the proposed subdivision would be in keeping with the character of the area.

It is noted that the proposal satisfies the other relevant requirements of Clause 56 for residential subdivision, subject to standard permit conditions for subdivision.

The proposed twenty two (22) lot subdivision also properly satisfies 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

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council's Infrastructure department was provided with an opportunity to make comment on the proposed subdivision plan.

Authority	Response
GasNet	Consent
Western Water	Consent subject to conditions
Melbourne Water	Consent subject to conditions
Powercor	Consent subject to conditions
Downer	Consent subject to conditions
VicRoads	Consent subject to conditions
Infrastructure	Consent subject to conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of approval for this application 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 address Council if desired.

Options

An alternative recommendation would be to refuse the application.

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

Conclusion

The proposed twenty two (22) lot subdivision adequately responds to relevant State and local planning policy, the General Residential Zone and Clause 56 of the Moorabool Planning Scheme.

The proposal would continue to contribute to the consolidation of urban growth while the proposed layout and pattern of development would contribute positively to the surrounding neighbourhood character. For this reason the proposal is considered to be sufficiently site responsive and is supported.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council is to Grant a Permit for PA2016257 for a Twenty two (22) Lot Subdivision at Lot S2 on PS 312999Y, Leila Court Bacchus Marsh, subject to the following conditions:

Endorsed Plans

1. The subdivision on the endorsed plans must not be altered without the written consent of the responsible authority.

Subdivision

2. 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 the Act.
3. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.

Telecommunications

4. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services 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.
5. Before the issue of a 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 in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

6. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:

- a) Encompass the entire area of the development;
- b) Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines;
- c) Provide for outfall drainage from the site connecting to an approved discharge point; and
- d) Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

7. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:

- a) The subdivision as a whole must be self draining;
- b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision;
- c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision;
- d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority;
- e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans;
- f) The drainage system must be designed to include provision to intercept litter;
- g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority; and
- h) The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

8. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:

- a) the requirements for drainage of the whole site;
- b) if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development; and
- c) If additional outfall drainage or upgrading of the existing drainage network is required.

9. The internal road network layout, including the unconstructed portion of Leila Court adjacent to the Western boundary of the subject land, must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
10. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
11. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
12. Prior to the issue of a statement of compliance for the relevant stage of the subdivision, the proponent must, at their cost, construct a 1.5 metre wide reinforced concrete footpath from the Western boundary of the subject land to Gisborne Road, to the satisfaction of the responsible authority.
13. 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.
14. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.
15. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
16. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
17. Prior to the issue of a Statement of Compliance for the subdivision, indented parking bays must be constructed along the internal roads as detailed in layout plan provided with the updated Traffic Impact Assessment Report prepared by Driscoll and Associates dated April 2017, to the satisfaction of the responsible authority.
18. Prior to the issue of Statement of Compliance for each stage, 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.
19. The development must be provided with open access underground conduits to carry optical fibre at the development stage. (This may be waived if the responsible authority considers provision is unwarranted.) A development plan must show the conduit network for the subdivision, to the satisfaction of the responsible authority. Conduits must be provided in accordance with a plan approved by the responsible authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.

20. Street names and street signs must be provided to the satisfaction of the responsible authority.
21. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
22. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, 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.
23. 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.
24. 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.
25. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
26. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
27. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
28. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
- a) 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development; and
 - b) 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
29. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
- a) Drainage construction details in “D-Spec” format; and
 - b) Roadworks construction details in “R-Spec” format.
30. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.

31. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
32. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Melbourne Water

33. 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.
34. A stormwater management and drainage strategy must be submitted and approved by Melbourne Water. This strategy must provide details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event and demonstrate how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.
35. Prior to certification, the Plan of Subdivision must show building envelopes, as approved by Melbourne Water, on each new lot. The building envelopes must not be altered or moved in any way within the prior written consent of Melbourne Water.
36. Prior to the issue of a Statement of Compliance, all proposed building envelopes must be filled to a minimum height of 300mm above the applicable flood level.
37. All filling must be contained within the approved building envelope areas including any battering of fill.
38. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the building envelopes have been filled in accordance with Melbourne Water's requirements.
39. A restrictive covenant must be recorded on the certificate of title requiring any future dwelling to be constructed with finished floor levels a minimum of 300mm above the applicable flood level and garages must be constructed with finished floor levels a minimum of 150mm above the applicable flood level.
40. A restrictive covenant must be recorded on the certificate of title requiring any external fencing to be constructed of an open-style design or wood paling style and any internal fencing must be constructed of an open-style.
41. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with Melbourne Water's floodway safety criteria.

42. Prior to the commencement of works a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

43. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

44. Prior to the issue of Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for review.

45. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Powercor

46. 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.

47. 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);**
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor;**
- 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;**
- 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) Where buildings or other installations exist on the land to be subdivided connected to supply prior to 1992 and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System. The requirements for switchboard and cable labelling contained in the Electricity Safety (Installations) Regulations are to apply;**
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots;**
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey;**
- i) 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; and**

- j) 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.

Downer Utilities Australia Pty Ltd

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

Western Water

49. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
50. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
51. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.
52. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
53. 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.
54. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
55. 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.
56. 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:
- a) Own a metered hydrant approved by Western Water;
 - b) Meter and pay for all water taken;
 - c) Display a Western Water Permit Number Sticker on the tanker;
 - d) Only take water from nominated hydrants or standpipes;
 - e) Only use water for the purpose approved in the Water Carters Permit;
 - f) Avoid wastage of water on site; and
 - g) Comply with any water restrictions imposed by Western Water at the time water is used.

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.

VicRoads

57. Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988, a functional layout plan for Gisborne Road at its intersection with Leila Court Bacchus Marsh must be submitted and accepted by the Responsible Authority.

- a) Auxiliary Left Turn (AUL) lane on major road (two lane / two way road).

Permit Expiry

58. This permit will expire if:

- a) The plan of subdivision is not certified with compliance within two (2) years of the date of this permit; and
- b) The registration of the subdivision is not completed within five (5) years of the date of this permit.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Notes:

Melbourne Water

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 171678.

Powercor

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

Western Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to Western Water's water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

VicRoads

Noise assessment relating to potential freeway traffic noise impacts on the subdivision is encouraged.

Provision of footpath(s) to facilitate pedestrian access is strongly encouraged.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 16 November, 2017





NOTATIONS			EASEMENT TABLE		PLAN OF PROPOSED SUBDIVISION AND REMOVAL OF EASEMENTS
<p>Lengths are in metres.</p> <p>All dimensions are subject to final survey.</p> <p>Existing carriageway easements on site are to be removed as part of proposed planning permit.</p> <p>Existing Gas Supply easement is to be removed as part of the proposed planning permit</p>			<p>E-2 GAS AND FUEL CORPORATION, (PROPOSED TO BE RELOCATED).</p> <p>E-3 DRAINAGE VIDE LP 121807 & LP 126596.</p> <p>E-6 DRAINAGE AND SEWERAGE (AS SHOWN ON STAGE 2 PLAN OF PS 312999Y, NOT REGISTERED), (PROPOSED TO BE RELOCATED).</p> <p>E-5 GAS & FUEL CORPORATION.</p> <p>E-5 DRAINAGE VIDE LP 121807 & LP126596.</p>		LOT S2 ON PS 312999Y LEILA COURT, BACCHUS MARSH
<p>T.G.SULLIVAN & ASSOCIATES PTY LTD</p> <p>ACN 120 363 073</p> <p>ABN 45 120 363 073</p> <p>PO BOX 1394, BAKERY HILL 3354</p> <p>PH 5368 9362</p>			<p>SURVEYORS REF. 1038</p> <p>Version 10 (July 2016)</p>		
			ORIGINAL SCALE 1:800	SHEET SIZE A3	

Item 6.4 Planning Permit Application PA2017 122**Planning Permit Application PA2017 122 – Development and Use of a Medical Centre (Dental and Physiotherapy Practices) at 118 Gisborne Road, Darley.**

Application Summary:	
Permit No:	PA2017 122
Lodgement Date:	26 May, 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on PS 134772, 118 Gisborne Road, Darley 3340
Proposal:	Development and Use of a Medical Centre (Dental and Physiotherapy Practices)
Lot size:	1039sq m
Why is a permit required	Clause 32.08-2 – General Residential Zone – Use and development for a medical centre
Why is this application being referred to Council?	One objection has been received, therefore as Officers don't have delegated authority to deal with any applications the item is being presented to Council for consideration.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	One (1)
Consultation meeting:	No, but the Council planner spoke to the objector to discuss the objection.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
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 – 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?	Referred to external authorities and within Council.
Any issues raised in referral responses?	No
Preliminary Concerns?	None
Any discussions with applicant regarding concerns	Not applicable.
Any changes made to the application since being lodged?	No
VCAT history?	No
Previous applications for the site?	No
General summary	<p>The application is for the use and development of a medical centre for a combined total of three physiotherapy and dental practitioners in two separate premises within a single building, and all required car parking would be provided on site. The proposed building would be single storey and contemporary in design.</p> <p>The objection to the proposal relates to traffic safety and congestion around the Holts Lane/Gisborne Road intersection.</p> <p>The proposal meets the relevant objectives of State and local planning policy, the purpose of the zone and relevant Particular Provisions, subject to conditions. Overall, the proposed use and development would not unreasonably affect the amenity of the area, particularly relating to traffic.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a 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.</p>	

Public Notice

Notice of the application was given to adjoining and nearby landowners and occupiers by mail on 11 August 2017 and a sign erected on the site facing Holts Lane from 17 August until 4 September 2017. One (1) objection was received.

Summary of Objection

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

Objection	Any relevant requirements
Vehicle access to the site given the proximity to the Holts Lane/Gisborne Road intersection and existing high traffic volumes.	N/A
Officer's response - Infrastructure has provided comment and report requires some tweaking in regard to allowance from the development considered to be underestimated. Objector is concerned about vehicles turning right into the site and being rear ended by speeding cars turning right into Holts Lane approaching from the south.	
Additional cars parked on Holts Lane and the Gisborne Road service lane, adding to congestion at the Holts Lane/Gisborne Road intersection.	Clause 52.06
Officer's response - The proposal would require 11 car spaces to be provided, all of which would be provided on site, and therefore on street parking availability should not be affected. The amount of traffic generated by the proposed use would not exceed the capacity of Holts Lane and the traffic assessment submitted by the applicant demonstrates that traffic associated with the proposal would not be expected to have any unacceptable safety impacts, particularly in relation to the Holts Lane/Gisborne Road intersection.	
Speed humps are required in the service lane and Holts Lane east of Gisborne Road.	N/A
Officer's response - The developer would not be required to implement traffic calming measures, rather Council would need to separately consider the suitability of such measures.	

Proposal

It is proposed to use and develop the site for a medical centre, and specifically for dental and physiotherapy practices, with one (1) dentist and two (2) physiotherapists. The existing dwelling and sheds would be demolished and a contemporary styled single storey building constructed, massed on the southern side of the site, adjoining the south and west title boundaries and oriented to the north boundary. The building would have a low pitched Colorbond roof and a rendered and stacked stone clad façade and comprise a dental suite of 75sqm and a 333sqm physiotherapy practice comprising a reception area, staff room, six (6) consulting rooms, a gymnasium, swimming pool and changing rooms, bathroom and toilets.

Sixteen (16) car spaces would be provided in the front setback, with access and egress obtained via existing and proposed crossovers to Holts Lane, enabling vehicles to circuit through the site in a one-way direction. Landscaped areas would be incorporated in the design of the car park. A loading area would be provided for trucks removing rubbish and for ambulances. Medical waste removal would be by private arrangement.

The use would operate between the hours of 8.00am-8.00pm, Monday to Friday and 8.00am-1.00pm on Saturdays.

The physiotherapy practice would include clinical Pilates, aged care and continence physiotherapy, exercise and rehabilitation, group classes, massage, physiotherapy and women's health. Group classes would have no more than five (5) participants, with classes of 40-60 minutes duration. Class times are expected to be at 10am on Saturdays, and on weekdays at 10am, 6.20 & 7.00pm. Whilst these times may vary, the applicant has advised that there would be no classes prior to 10am or between 2.00-5.40pm. There would only be one (1) receptionist for the physiotherapy practice working at any one time and usually only four hours on weekdays when both practitioners would be on site (12.00-4.00pm). 2-3 times per week the practitioner working in the morning would be off site until 10.00am on home appointments.

The proposed plans are shown in Attachment 1.

Site Description

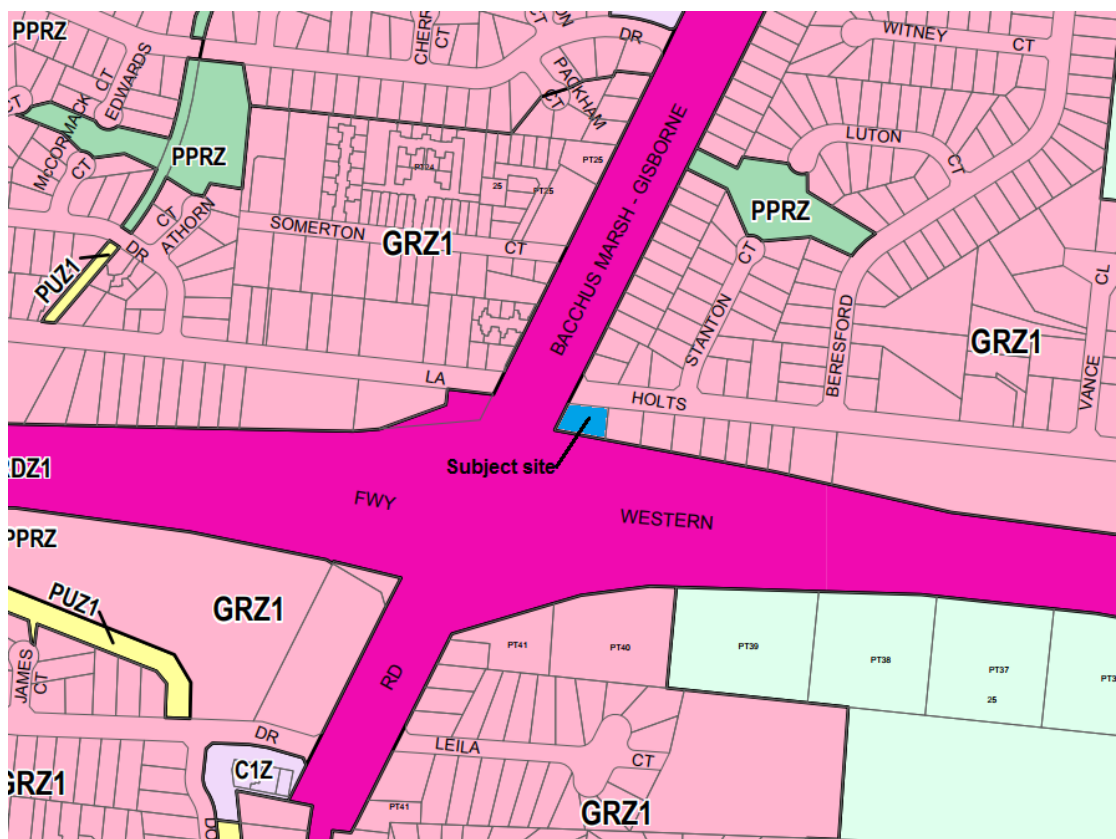
The site is identified as Lot 1 on PS 134772 and known as 118 Gisborne Road, Darley. The site is on the east side of Gisborne Road, abutting Holts Lane to the north and the Western Freeway eastbound on ramp to the south. To the east is a single storey dwelling fronting Holts Lane, set back approximately 8.0m from the common title boundary. To the west, across Gisborne Road, is land owned by VicRoads comprising the freeway off ramp to Holts Lane. To the north, across Holts Lane, and northwest diagonally across Gisborne Road, are single dwellings. The site and surrounding land is in the General Residential Zone. Gisborne Road and the Western Freeway are in a Road Zone, Category 1.

The site is relatively flat and occupied by a single storey weatherboard dwelling and ancillary outbuildings with boundary fencing comprising brick, Colorbond, timber paling and galvanised iron sections. Existing vehicle access is via a single crossover to Holts Lane abutting the east title boundary.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.07-2 Peri-urban areas.
- 11.08 Central Highlands.
- 15.01-2 Urban design principles.
- 15.01-5 Cultural identity and neighbourhood character.
- 21.03-2 Urban Growth Management.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.04-3 Commerce.
- 21.04-5 Local Employment.
- 21.07 Bacchus Marsh.

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

Zone

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

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 encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-2 a medical centre is a Section 1 use on the condition that it meets the following:

- The gross floor area of all buildings must not exceed 250sq m.
- Must not require a permit under Clause 52.06-3 (reduction of car parking).
- The must adjoin, or have access to, a road in a Road Zone.

The gross floor area would be 415sq m, therefore the proposal would be classified as a Section 2 use which requires a permit. Under Clause 32.08-8 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *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.*
- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

Subject to conditions, the proposed use and development is generally consistent with the General Residential Zone.

Overlays

The site is not affected by any overlays.

Relevant Policies

Council adopted the **Urban Growth Policy Statement** at the OMC of the 19th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The 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.

Particular Provisions

Clause 52.06 Car Parking

Under Clause 52.06-5 a medical centre requires five (5) car spaces be provided to the first person providing health services plus three (3) spaces to every other person providing health services. A total of three (3) practitioners is proposed across both the dental and physiotherapy practices, meaning a total of 11 car spaces would be required. Sixteen (16) car spaces are proposed, exceeding the minimum requirement.

The accessway widths of 3.7m-5.1m meet the minimum requirements. The proposed car space dimensions of 2.5m width x 5.0m length do not correspond with the minimum requirements of 2.6m width x 4.9m length on a 45 degree angle to the accessway under Clause 52.06-9. Accordingly, it is recommended that a condition of approval require car spaces of minimum 2.6m width to be shown on the plans, ensuring that this not result in the loss of any more than two (2) car spaces, which the applicant has advised would be achievable. In any case at least 11 car spaces must be provided on site in accordance with the proposed number of practitioners. It is also recommended that a condition of approval require the areas around the vehicle crossovers to be clear of obstructions in accordance with Clause 52.06-9.

Clause 52.34 Bicycle Facilities

Under Clause 52.34-3 a medical centre requires one (1) employee bicycle parking space for every eight (8) practitioners and one (1) visitor space to every four (4) practitioners. If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.

Therefore at least one (1) visitor space must be provided, and accordingly it is recommended that a condition of approval require this.

Discussion

Overall, the proposal is considered to be generally consistent with relevant State and local planning policy, the General Residential Zone provisions, relevant Particular Provisions and the decision guidelines at Clause 65 of the Moorabool Planning Scheme.

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 provision of health services in support of a growing population in a generally accessible location. New development should contribute to respecting and enhancing neighbourhood character.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1), with surrounding land mostly developed with single dwellings. 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.*

The purpose of the GRZ indicates that a balance must be achieved in responding to the range of applicable policies. The proposed development would be of a contemporary appearance, with the building massed on the southern side of the site adjoining the Western Freeway on ramp, which is the least sensitive interface. The siting and design of the building would have minimal amenity impacts on surrounding residential properties. The building is single storey and would not overlook or substantially overshadow adjoining properties, and the building's boundary setbacks and façade detailing and articulation are suitably responsive to the neighbourhood character of the area. There is acceptable opportunity to landscape the site, in particular the car parking area.

The key aspect of the proposal for discussion is considered to be the suitability for the site regarding traffic movements associated with the proposed use. The applicant has submitted a detailed traffic report which has addressed traffic management and car parking, which was referred to infrastructure who have agreed it sufficed.

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

The following referrals were made pursuant to s.52 of the Planning and Environment Act 1987 and Council departments provided with an opportunity to make comment on the proposed development plan.

Authority	Response
VicRoads	Consent
Infrastructure	Consent subject to conditions
Strategic Planning	Consent

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application.

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

Conclusion

Based on the comments above and the proposal being generally in accordance with state and local planning frameworks it is recommended that the application be approved subject to the submission of revised plans including detail around bicycle spaces and some minor changes.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for PA2017122 for Development and Use of a Medical Centre (Dental and Physiotherapy Practices) at Lot 1 on PS 134772, 118 Gisborne Road Darley, 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 A3 size copies must be provided. The plans must be generally in accordance with the plans identified as Drawing No.'s TP103, TP104 & TP105 prepared by Peter Thompson Architects, Project No. 17001, dated March 2017 but modified to show:**
 - a. The building's setback from the east title boundary notated on the site plan.**
 - b. Car spaces with a minimum width of 2.6m. This shall not result in the loss of any more than two (2) car spaces.**
 - c. A landscape plan in accordance with Condition no. 12.**
 - d. A notation that any landscaping or other feature around the proposed crossover and within the property shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool Planning Scheme.**

- e. A publically accessible bicycle rail to accommodate parking for at least one (1) bicycle.

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. No more than three (3) health practitioners may see patients on the premises at a given time.
- 3. The use may operate only between the hours of Monday to Friday, 8.00am – 8.00pm, and Saturday, 8.00am – 1.00pm, except with the written consent of the Responsible Authority.
- 4. Group classes shall have no more than five (5) participants (not including the practitioner).
- 5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land;
 - b. appearance of any building, works or materials;
 - c. presence of vermin;
 - d. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - e. Any other reason.
- 6. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
- 7. All security alarms or similar devices installed on the land must be of a silent type.
- 8. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- 9. All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 10. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
- 11. Signage directing cyclists to the bicycle parking area must be displayed outside the building to the satisfaction of the Responsible Authority.

Landscaping

- 12. 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 within all open areas of the site.
- d. Landscaping compliant with Clause 52.06-8 of the Moorabool Planning Scheme in relation to corner splays.

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

- 13. 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.
- 14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

Infrastructure

- 15. The maximum number of practitioners at any time should be limited to three (3). Any increase in the number of practitioners will attract additional Infrastructure Conditions including but not limited to the requirement for the applicant to submit a Car Parking Demand Assessment Report.
- 16. The vehicle crossings on Holts Lane must be constructed to urban industrial standard to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
- 17. 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.
 - 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.
- 18. 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.
- 19. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
- 20. 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).
- 21. 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.
- 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 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.**

24. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Advertising Signs

25. Unless no permit is required under the Moorabool Planning Scheme, advertising signs must not be constructed or displayed without a further permit.

Expiry condition

26. 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.**

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: 16 November, 2017





118 Gisborne Rd
Darley

TOWN
PLANNING

No.	Description	Date

Jeeva Healthcare
Existing Site Plan
TP100

Project number	17001
Date	MARCH 2017
Drawn by	Author
Checked by	Checker
SHEET	A1
SIZE	
Scale	





118 Gisborne Rd
Darley

TOWN
PLANNING

No.	Description	Date

Jeewa Healthcare
Proposed Site Plan
TP101

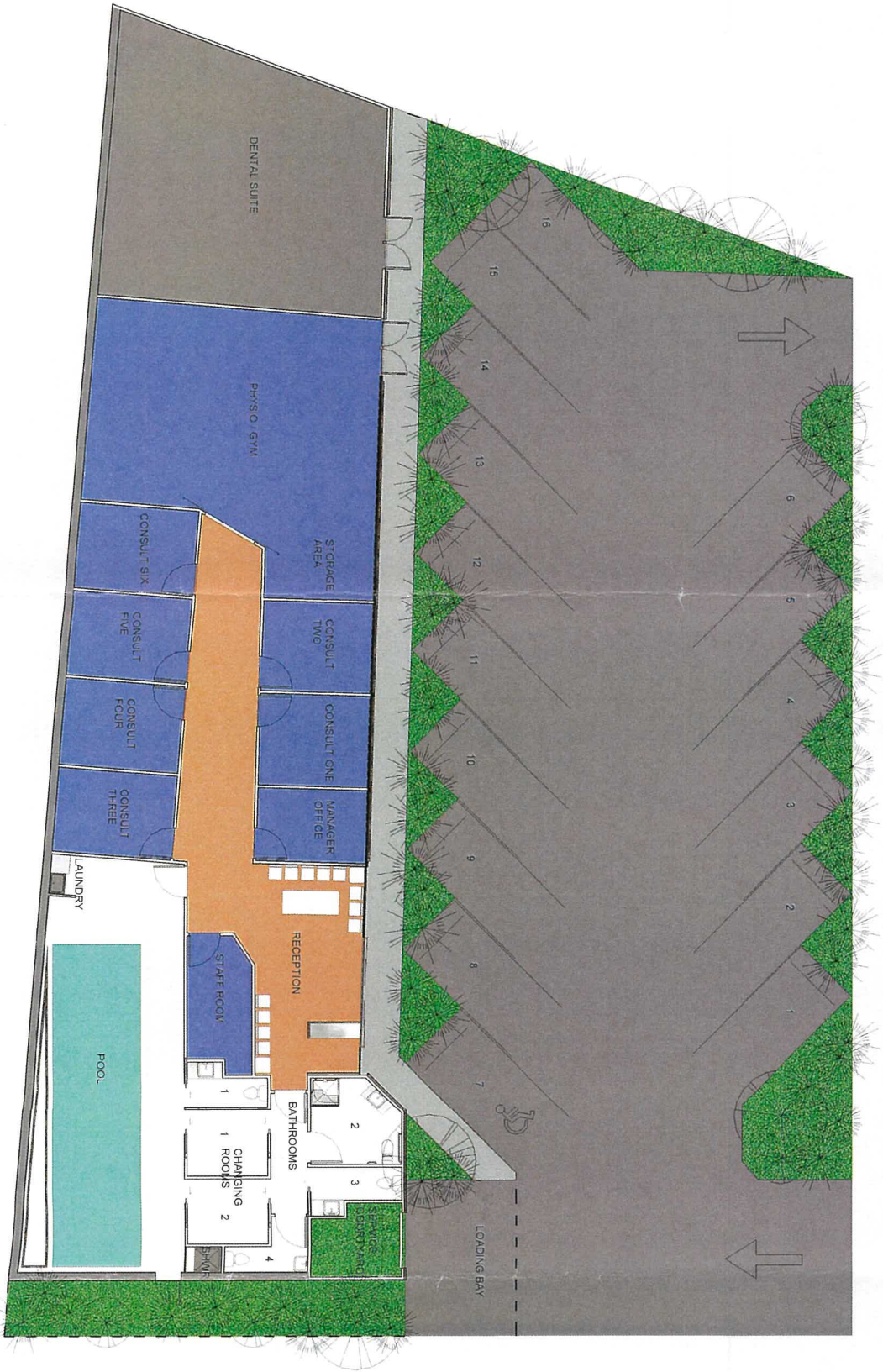
Project number	17001
Date	MARCH 2017
Drawn by	Author
Checked by	Checker
SHEET	A1
SIZE	
Scale	



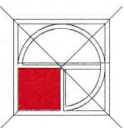
Building Facade

Area Schedule		
Room	Area	Room Dimensions

Bathroom 1	4 m²	1100 x 2200mm
Bathroom 2	9 m²	2800 x 2900mm
Bathroom 3	4 m²	1400 x 3000mm
Bathroom 4	4 m²	1500 x 2800mm
Changing 1	6 m²	2200 x 2700mm
Changing 2	6 m²	2200 x 2700mm
Consultation 1	11 m²	2900 x 3600mm
Consultation 2	11 m²	2900 x 3600mm
Consultation 3	12 m²	2800 x 3900mm
Consultation 4	12 m²	2800 x 3900mm
Consultation 5	12 m²	2800 x 3900mm
Consultation 6	11 m²	2800 x 3900mm
Dental Suite	75 m²	8500 x 8900mm
Manager Office	9 m²	2600 x 3600mm
Physio / Gym	75 m²	8300 x 9300mm
Pool	69 m²	13400 x 5000mm
Reception / Hallway	56 m²	7000 x 3500mm
Service Courtyard	7 m²	2500 x 2900mm
Staff Room	9 m²	4200 x 2100mm
Building Floor Area	415 m²	43000 x 11500mm
Carpark	533 m²	38300 x 14600mm
Site	1012 m²	43000 x 27000mm



Floor Plan 1:100 @ A1
1:200 @ A3



PETER THOMPSON
ARCHITECTS
Town Planning Architecture
Project Management

NOTES:

Building designed to cater for 30 people at any given time.
Car spaces = 16
Car parking at 45° angle with 3700mm aisle width.
Medical practitioners - two practitioners at any time.
Dental suite practitioners - one practitioner at any time.
Signage added to site will be shown in separate application.

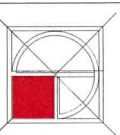
118 Gisborne Rd
Darley

TOWN
PLANNING

No.	Description	Date

Jeeva Healthcare
Ground Floor Plan
TP102

Project number	17001
Date	MARCH 2017
Drawn by	Alastair Christian
Checked by	Checker
SHEET	A1
SIZE	
Scale	As indicated



PETER THOMPSON
ARCHITECTS
Town Planning, Architecture
Project Management

NOTES:
No existing vegetation on site.

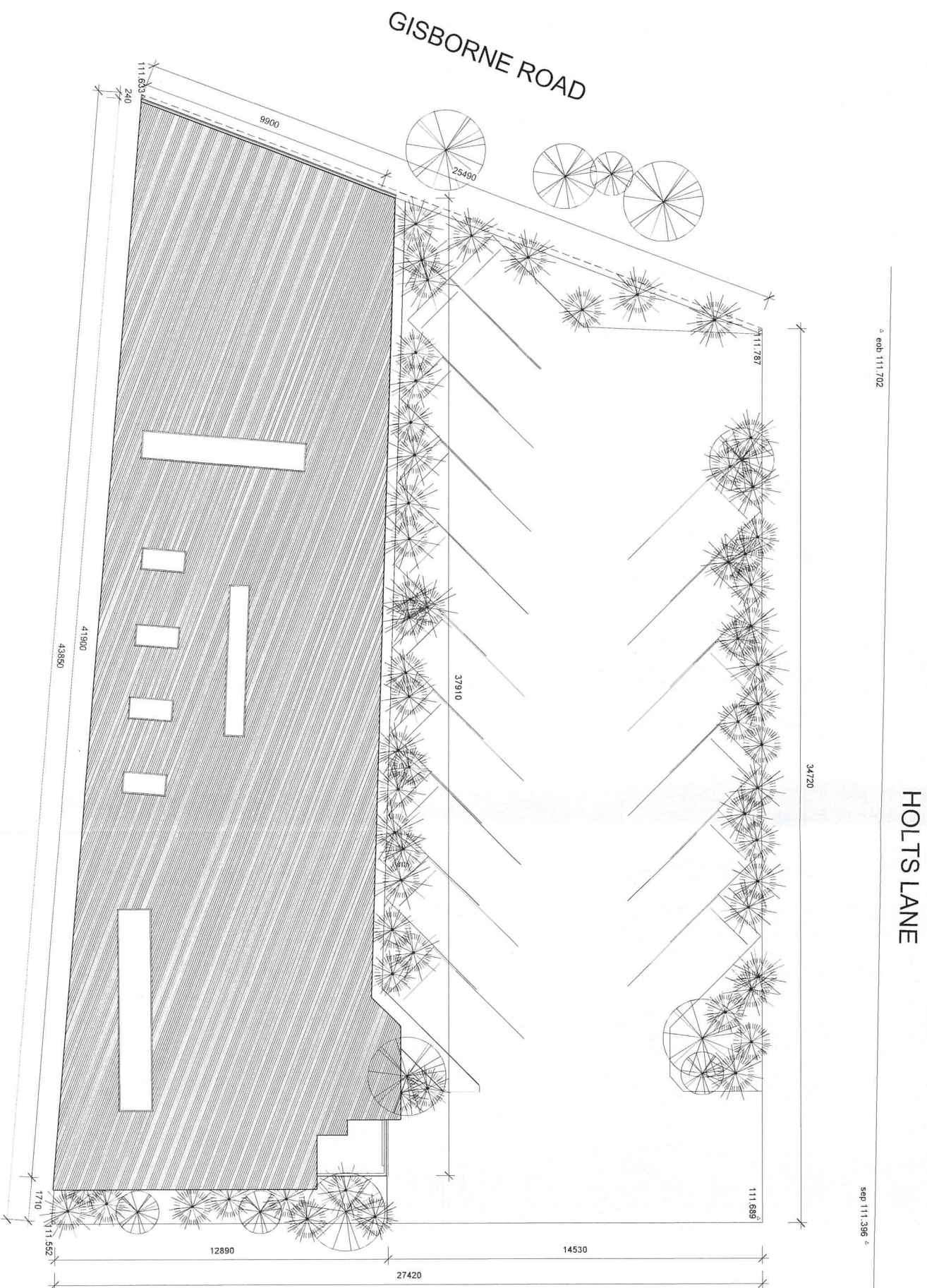
118 Gisborne Rd
Darley

TOWN
PLANNING

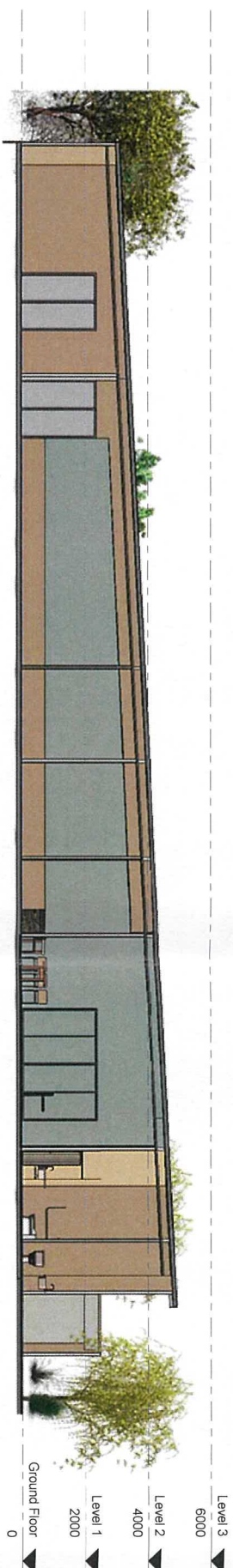
No.	Description	Date

Jeeva Healthcare
Site Plan
TP103

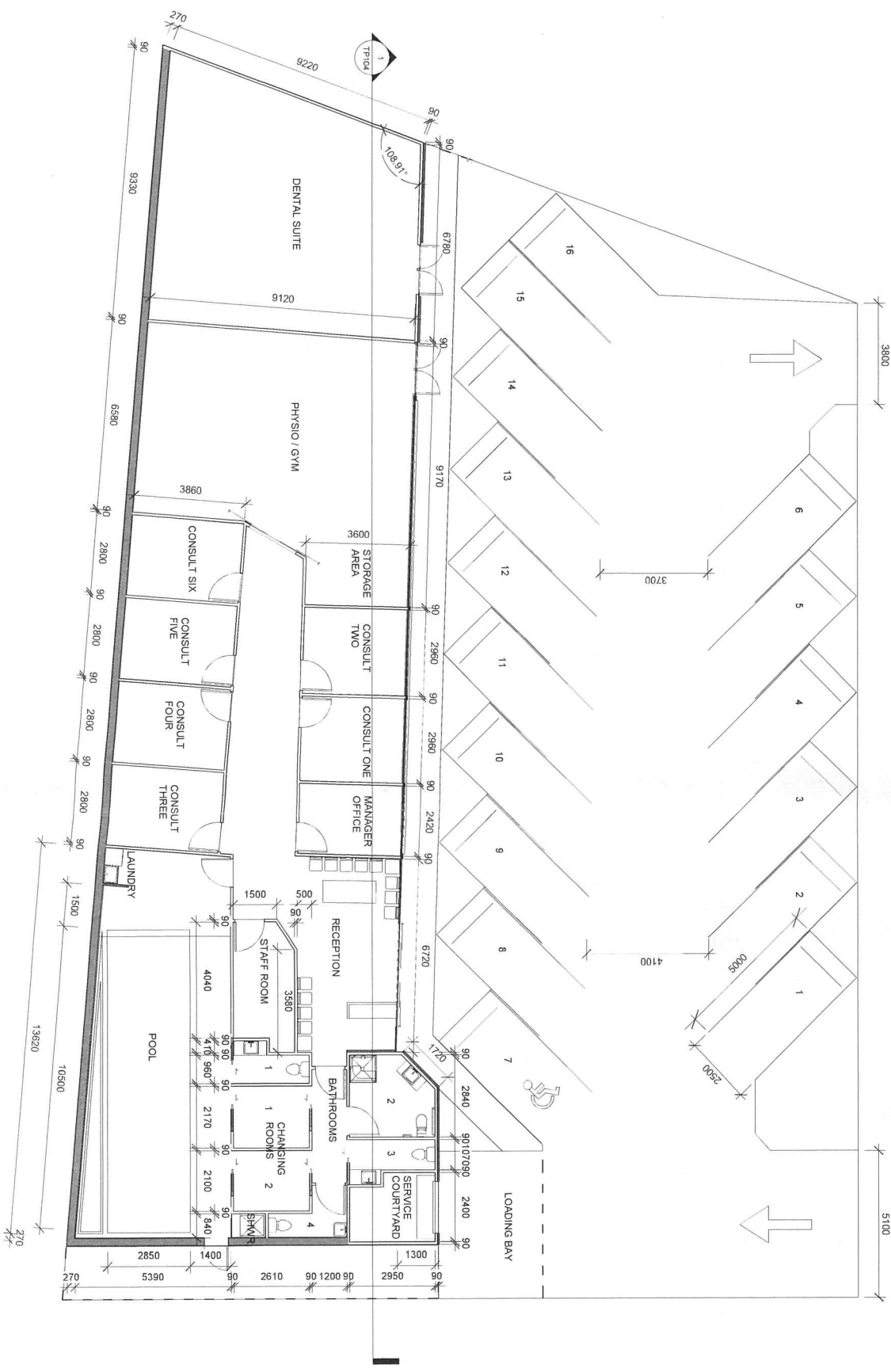
Project number	17001
Date	MARCH 2017
Drawn by	Alastair Christian
Checked by	Checker
SHEET SIZE	A1
Scale	1 : 100



Site Plan 1:100 @ A1
1:200 @ A3



Section One 1:100 @ A1
1:200 @ A3



Floor Plan 1:100 @ A1
1:200 @ A3



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 Town Planning Architecture
 Project Management

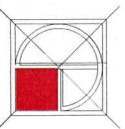
118 Gisborne Rd
Darley

**TOWN
PLANNING**

No.	Description	Date

Jeeva Healthcare
Floor Plan + Section
TP104

Project number	17001
Date	MARCH 2017
Drawn By	Alastair Christian
Checked By	Checker
SHEET	A1
SIZE	
Scale	1 : 100



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ARCHITECTS
Town Planning, Architecture
Project Management

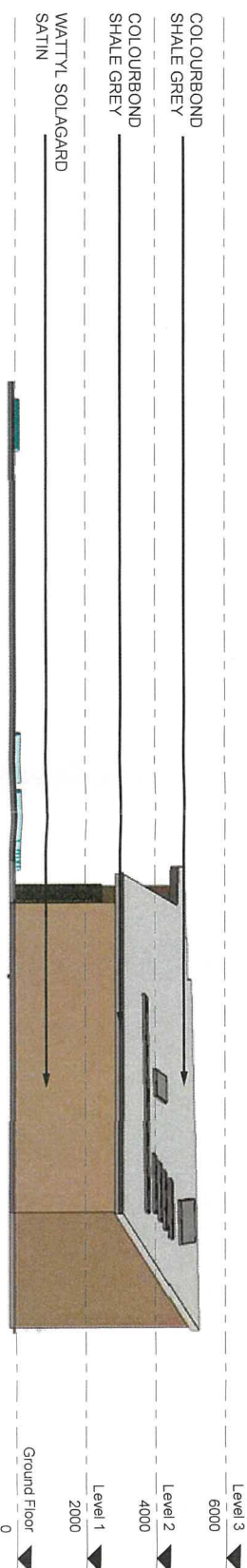
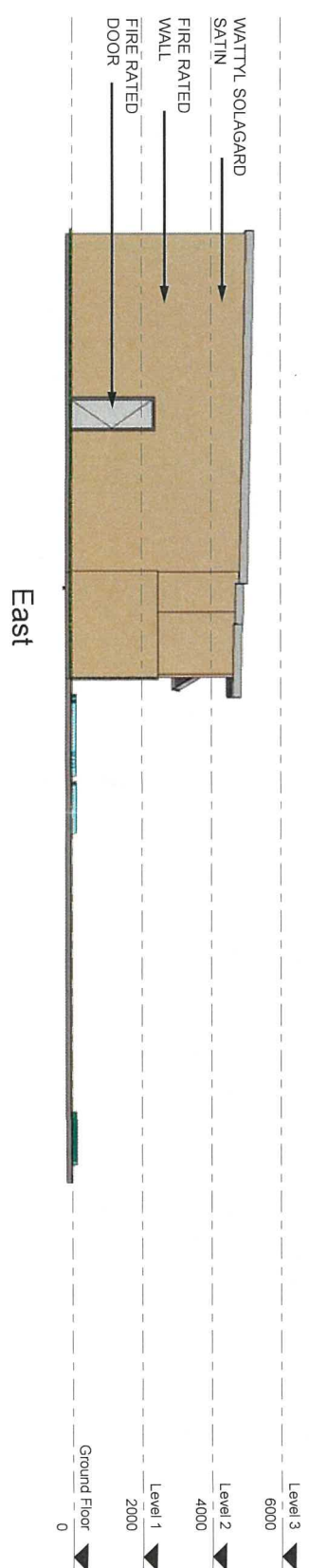
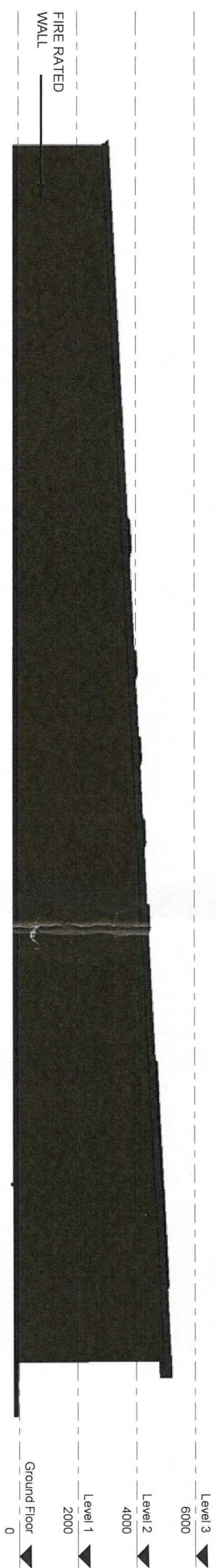
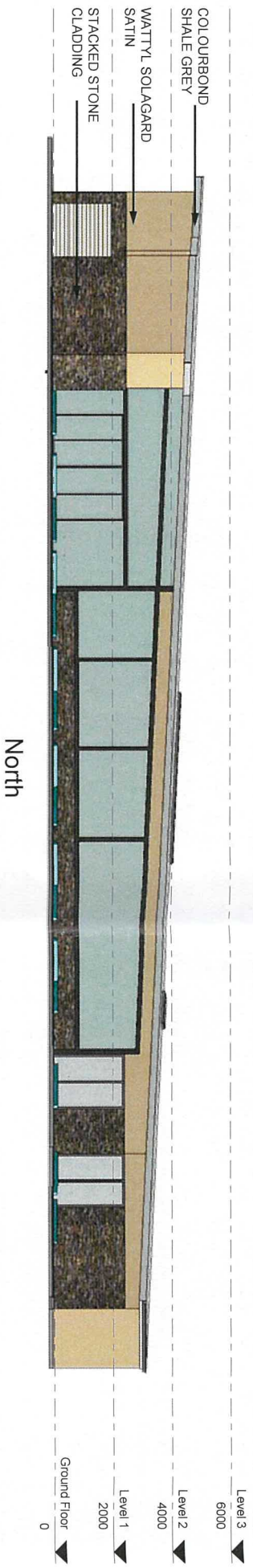
118 Gisborne Rd
Darley

TOWN
PLANNING

No.	Description	Date

Jeeva Healthcare
Elevations
TP105

Project number	17001
Date	MARCH 2017
Drawn by	Alastair Christian
Checked by	Checker
SHEET SIZE	A1
Scale	1 : 100



JEEVA HEALTHCARE EXTERNAL FINISHES SCHEDULE	
MATERIAL	NOTE
ROOFING	COLOURBOND SHALE GREY
BARGES & FASCIAS	COLOURBOND SHALE GREY
GUTTERS & DOWN PIPES	COLOURBOND SHALE GREY
WALL FINISH	WATTYL SOLAGARD SATIN
STACK STONE CLADDING	-
WINDOWS	COLOURBOND SHALE GREY
DOORS	COLOURBOND SHALE GREY