

# AGENDA

## SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

**Wednesday 15 August, 2018**  
North Wing Room 2 & 3  
Darley Civic and Community Hub,  
182 Halletts Way, Darley  
5.00pm

### MEMBERS

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

### OFFICERS

Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Rob Fillisch	Manager Statutory Planning and Community Safety
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mr. Ewen Nevett	Manager Engineering Services
Mrs. Jacquie Younger	Minute taker

Item	Title	Responsibility	Page No.	Action
1.	Welcome, Present and Apologies	Chair		Noting
2	Recording of Meeting	Chair		Noting
3.	Meeting Minutes	Chair		Noting
3.1	Confirmation of previous minutes 18 July, 2018			Resolution
4.	Conflict of Interest	Chair		Noting
5.	Growth & Development Reports	S. Sandhu		Discussion
5.1	Planning Permit PA2018077 - Use of Land for the Keeping of Animals at Camp Road, Bullarto South.	M. Lovell	Page 3	Resolution
5.2	Planning Permit PA2013085 – Request for a Fourth Extension of Time for the Use and Development of a Dwelling in the Farming Zone at 218 Little Forest Road, Mount Egerton.	S. Duff	Page 17	Resolution

5.3	Planning Permit Application PA2018001 – Three Lot Subdivision and Development of Two Additional Dwellings at 8 Jopling Street, Ballan.	T. Tonkin	Page 28	Resolution
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<b>6.</b>	<b>Update on Trends, Issues and Other Matters</b>	<b>S. Sandhu</b>	<b>Discussion</b>
<b>7.</b>	<b>Update of VCAT Decisions</b>	<b>Chair</b>	<b>Resolution</b>
<b>8.</b>	<b>Date of Next Meeting</b>	<b>Chair</b>	<b>Noting</b>
8.1	Wednesday 19 September, 2018 5.00pm North Wing Room 2 & 3 Darley Civic and Community Hub, 182 Halletts Way, Darley		
<b>9.</b>	<b>Meeting Close</b>	<b>Chair</b>	<b>Noting</b>

## GROWTH & DEVELOPMENT REPORTS

### Item 5.1 Planning Permit PA2018077 - Use of land for the keeping of animals at Camp Road, Bullarto South

<b>Application Summary:</b>	
Permit No:	PA2018 077
Lodgement Date:	15 March, 2018
Planning Officer:	Mark Lovell
Address of the land:	Lot 10 on Title Plan 085359L Camp Road, Bullarto South
Proposal:	Use of the land for the keeping of animals.
Lot size:	6.1 hectares
Why is a permit required	Clause 35.06-1 – Rural Conservation Zone - Use of land
Why is this application being presented to Council?	Three objections received.
<b>Public Consultation:</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Three.
Consultation meeting:	None for this application. The previous planning application for a dwelling had a consultation meeting which raised the issue of animals on site without planning permission. The same objectors to the dwelling proposal for the dwelling have objected to this application, therefore as the submissions clearly indicated that an outcome could not be resolved through mediation a consultation meeting has not been offered nor undertaken.
<b>Policy Implications:</b>	
<b>Strategic Objective 3:</b>	Minimising Environmental Impact
<b>Context 3A:</b>	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 – 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. Council's Infrastructure, Council's Environmental Planning and Council's Community Safety department. The application was referred to Western Water after objectors contacted Western Water who then advised Council they were a Section 55 referral authority.
Any issues raised in referral responses?	Western Water objected to the application as a Section 55 authority.
Preliminary Concerns?	Nil.
Any discussions with applicant regarding concerns	No.
Any changes made to the application since being lodged?	No.
Brief History	The site has had a number of animals on site for the last two years without planning approval. The applicant was advised during their dwelling planning permit application to apply for planning permission.
Previous applications for the site?	2005-418 was issued on 12 December, 2006 authorising the use and development of land for purpose of mineral, stone or soil extraction (removal of clay) and conversion of a mining site into a dam.



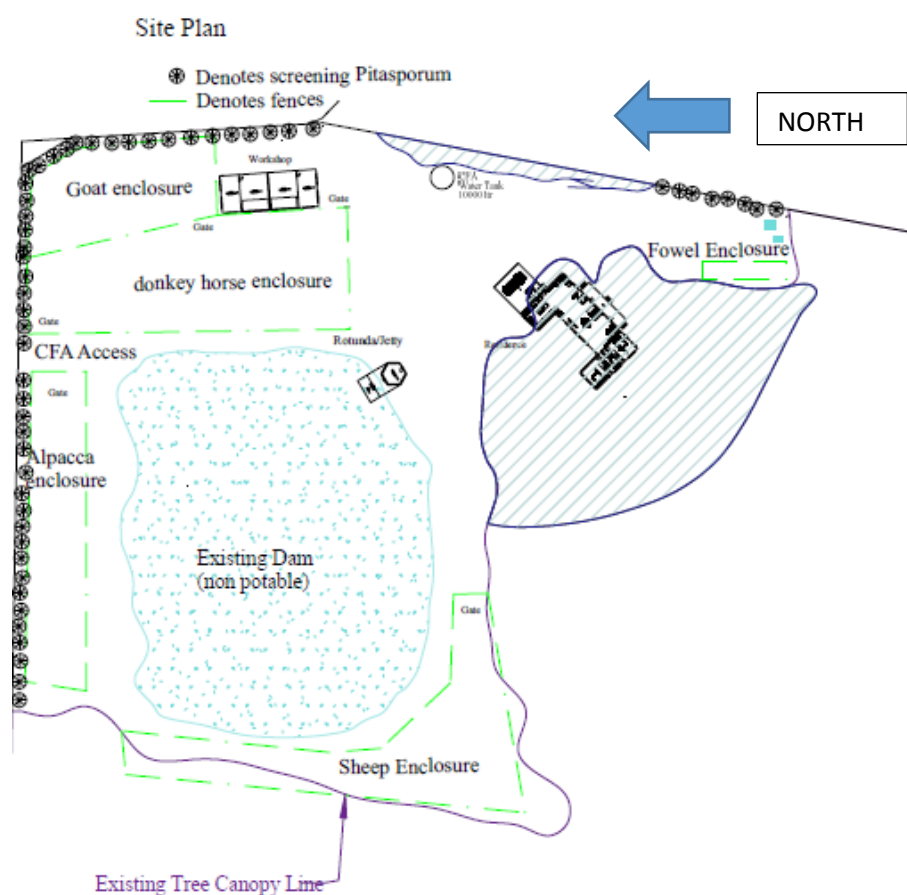
	PA2016-279. A Notice of Decision was issued on 16 March, 2018 for the Development and Use of a Dwelling and Ancillary Outbuilding, native vegetation removal and earthworks. An objector has lodged an application for review of this decision with VCAT. A hearing is scheduled for 3 October, 2018.
General Summary	<p>The proposal involves a small number of different animals that are not used for farming purposes or as pets. The animals that are kept have been rescued or abandoned. The following animals are proposed to be kept on site as part of this proposal:</p> <ul style="list-style-type: none"> <li>• One (1) pony;</li> <li>• Two (2) donkeys;</li> <li>• Two (2) alpacas;</li> <li>• Two (2) sheep;</li> <li>• Three (3) goats;</li> <li>• Two (2) turkeys;</li> <li>• Five (5) geese;</li> <li>• Nine (9) ducks;</li> <li>• 16 chickens;</li> <li>• Three (3) rabbits;</li> <li>• Four (4) dogs; and</li> <li>• 17 guinea pigs.</li> </ul> <p>The site shows an alpaca enclosure, goat enclosure, donkey/horse enclosure, sheep enclosure and fowl enclosure.</p> <p>The proposed use is considered acceptable in relation to the zone and overlay provisions that apply to the site.</p> <p>A Section 55 referral authority, Western Water has objected to this application and on this basis the application cannot be supported.</p>
<b>Summary Recommendation:</b>	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refuse to Grant a Planning Permit for the use of land for keeping of animals for the land at Lot 10 on Title Plan 085359L otherwise known as Camp Road, Bullarto South.	

### Site Description

The subject lot is located on a street corner consisting of the southern side of Leonards Hill-South Bullarto Road and the western side of Camp Road. The site can be identified by three different addresses – Camp Road, Bullarto South; Lot 10, 34 Lynches Road, Bullarto South; and Leonards Hill-South Bullarto Road, Bullarto South.

The lot is rectangular in shape and has a maximum length of 317.24 metres and a maximum width of 97.71 metres from a total land area of 6.102 hectares. The front north-east part of the site is comprised of cleared land with a large dam. The southern and western part of the site is comprised of native woodlands. Based on a partial spot survey of the site, it slopes from RL 88.30 in the southern part of the site up to RL97.30 metres in the northern part of the site. There is an existing driveway and crossover from the Camp Street frontage.

## Proposal



## Background of Current Proposal

As part of planning permit PA2016-278, it was brought to Council's attention that there were a number of animals on site without planning permission. The applicant was advised to apply for planning permission and this was submitted however, as it was considered that some of the animals could be approved as part of the residential use i.e. chickens, rabbits and dogs the keeping of animals application was not progressed until the dwelling had been decided.

The dwelling application was issued with a Notice of Decision to Grant a Permit on 16 March, 2018 as a result of Council s86 Development Assessment Committee meeting held on 21 February, 2018. However, has since been appealed through VCAT.

The current application PA2018-077 was presented to a S86 Development Assessment Committee of Council on 18 July, 2018. It was determined to defer the item as an objection had been received from a referral authority, Western Water and the applicant did not have the opportunity to have discussions with this authority. After discussions between the applicant and Western Water, the objection has not been withdrawn.

## Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a large sign on site for period of fourteen days, a total of three (3) objections were received.

## Summary of Objections

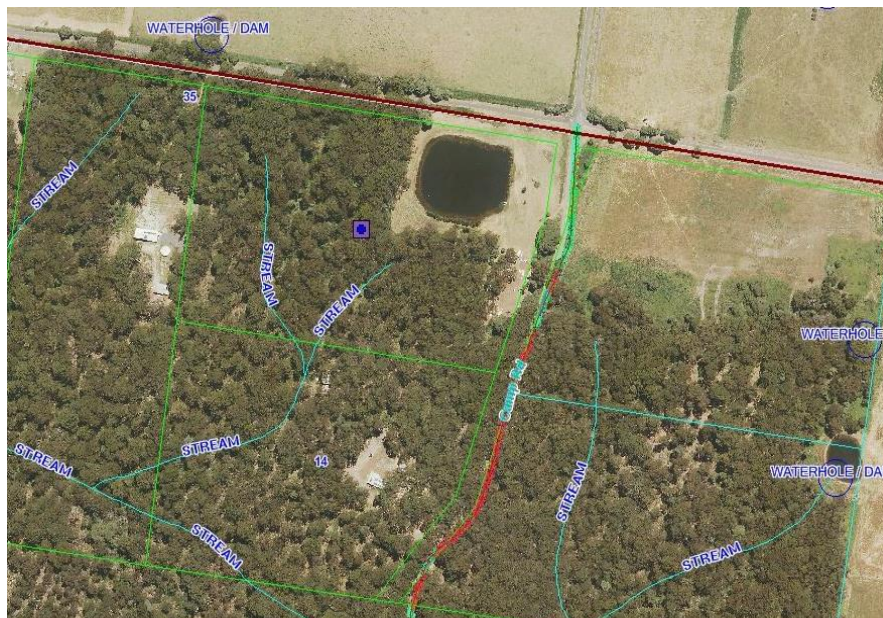
The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Does not comply with purpose of the Rural Conservation Zone/Prohibited use in a Rural Conservation Zone	Clause 35.06
<b>Officer's response</b> – Please refer to the Officer Discussion section of the report where the land use for this proposal is explored and determined. As the use is not determined to be 'intensive animal husbandry' which is a Section 3, prohibited land use in the Rural Conservation Zone, the application can be considered under the zoning of the land.  The proposal does not undermine the objectives or the biodiversity of the area with large section of land still devoted to native woodlands unaffected by the proposed use. The Rural Conservation Zone does allow for animal type uses that don't impact the conservation value of the site, it is considered that the subject proposal can be managed in a way that does not cause detriment to the conservation aspects of this land.	
Animal effluent	
<b>Officer's response</b> – The site can be managed and animal effluent will not be excessive that could affect the health and wellbeing of the animals. As specified in the response above, conditions will require that waste is managed and removed from the site.	
Environmental impacts/Biodiversity value/ Introducing environmental weeds	Requirement under ResCode
<b>Officer's response</b> – The environment will not be adversely affected by having animals on the land as evident by their current occupation over the past two years. There is no proof of environmental damage caused by the animals.	

Objection	Any relevant requirements
The land is located within a Special Water Catchment Area, does not comply with the State Planning Policy Framework, does not comply with the Local Planning Policy Framework, does not comply with the decision guidelines contained within the Rural Conservation Zone, has not considered stocking rates with capabilities of the land to sustain grazing/overstocking on water quality, prohibited land use.	Section 55 of the Planning & Environment Act
<b>Officer's response</b> – Under Section 55, a permit can not be granted when a determining referral authority objects.	

### 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 Victoria.
- Clause 13.05-1 Bushfire planning strategies and principles.
- Clause 14.04-2 Water Quality.
- Clause 16.02-1 Rural residential development.
- Clause 21.02-1 Biodiversity.
- Clause 22.04 Animal Keeping.

## **Zone**

The subject site is located within a Rural Conservation Zone (RCZ).

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 conserve the values specified in a schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area. To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.

For uses described as the keeping of animals not clearly defined under Clause 74, is a Section 2, permit required use under Clause 35.06-1, decision guidelines are listed under Clause 35.06-6.

## **Overlays**

### Bushfire Management Overlay

The subject is covered by a Bushfire Management Overlay (BMO).

The purpose of this 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 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.

The use does not require approval under this overlay.

### Design & Development Overlay Schedule 2

The subject site is located in Design & Development Overlay Schedule 2 (DD02).

The purpose of Schedule 2 is:

- 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.

There are no building works that requires planning approval under this clause. Any future building works associated with the keeping of animals would require separate planning permission.

### **Relevant Policies**

No relevant policies.

### **Discussion**

#### Use of the land

The planning scheme contains a number of land use definitions with regard to the keeping of animals as follows:

1. Animal boarding - Land used to board domestic pets, such as boarding kennels and a cattery.
2. Animal husbandry - Land used to keep, breed, board, or train animals, including birds.
3. Animal keeping - Land used to: a) breed or board domestic pets; or b) keep, breed, or board racing dogs.
4. Extensive animal husbandry - Land used to keep or breed farm animals, including birds, at an intensity where the animals' main food source is obtained by grazing, browsing, or foraging on plants grown on the land. It includes:
  - a) Emergency and supplementary feeding; and
  - b) The incidental penning and housing of animals, including birds, for brooding, weaning, dipping, or other husbandry purposes.
5. Intensive animal husbandry - Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures. It does not include:
  - a) An abattoir or sale yard;
  - b) Emergency and supplementary feeding if incidental to the use of land for extensive animal husbandry; or
  - c) The penning and housing of animals, including birds, for brooding, weaning, dipping or other husbandry purposes if incidental to the use of land for extensive animal husbandry.

There are also number of VCAT decisions where the debate has centered around interpretation of these definitions. The Marantelli [VCAT 270 (2014)] decision looked at applying common sense approach to how the land is used in excluding some uses such as intensive or extensive animal husbandry. The member noted 'first I agree with Council that a common sense interpretation of the term 'farm animal' points to these animals being kept for the purpose of making a profit. Contrast this with many situations where animals are (in small numbers) kept either overtly or otherwise generally in the nature of pets e.g. pet dogs and cats or a handful of chooks/guinea pigs/sheep/goats.

The subject proposal was assessed against the land use definitions as specified above and also compared against the previous VCAT decisions that have been made similar to this proposal. What is clear is whilst some of the animals are hooved and could be used for farming and commercial purposes this is not the intent of the landowner/applicant. It has been raised in objections that the proposed use is Intensive Animal Husbandry. This definition falls predominantly down to 'extent' of the application and normally applies to the likes of chicken broilers and large scale commercial animal farming uses with the intent of 'producing' food/wool or the likes from the animals for commercial gain.

Due to the Intensive Animal Husbandry land use being too general and capturing smaller uses, the Department Environment, Land, Water and Planning has developed a Draft Policy – Sustainable Animal Industries which as part of the Smart Planning reform process intends on providing new land use definitions which help to clarify this issue further. What is clear in this draft policy which has been a document of due consideration since 2017 is that the animal use definitions have been strengthened to clearly define farm animals for production and other uses which are not for production purposes. Whilst this documentation has yet to be formalised its definitions relating to animal uses should be considered in relation to this application, please note that Animal Husbandry would no longer include Intensive Animal Husbandry, this definition would be deleted and replaced with the following:

*Animal husbandry Land used to keep, breed, board, or train animals, including birds:*

- *Animal keeping*
- *Animal production*
- *Animal training*
- *Apiculture*
- *Horse stables*

*Animal production Land used to keep or breed poultry or mammals, other than rodents, for the production of eggs, fibre, meat, milk or other animal products:*

- *Broiler farm*
- *Grazing animal*
- *production*
- *Intensive animal*
- *production*
- *Pig farm*
- *Poultry farm*
- *Poultry hatchery*

What this all comes down to is that the keeping of; one (1) pony, two (2) donkeys, two (2) alpacas, two (2) sheep, three (3) goats, two (2) turkeys, five (5) geese, nine (9) ducks, 16 chickens, three (3) rabbits, four (4) dogs and 17 guinea pigs by nature does not make the use 'Intensive Animal Husbandry' because the animals are not being used for commercial purposes. Due to the small number of animals, feed being brought to the site does not trigger the 'Intensive', this is no different to people buying dog food or chicken feed for domestic purposes. The land use can be best described as the keeping of animals which does not fall into a specified definition category.

The use for the land in this current application is managing abandoned animals and is not for profit. There is a small number of different animals that are not used for farm production.

The use is confined to a small percentage of the total site area surrounding the front dam and in a cleared section of land. The proposed animal enclosures are located in the cleared section of the site as can be seen in the site plan there are specific fenced off sections for different species of animals. The use has operated for approximately two (2) years and there is evidence from two (2) separate site inspections that the use is not of an extent that would adversely affect the amenity of adjacent or nearby properties.

It is considered that the use could be managed by having maintained enclosures for different animals and ensuring they are sufficiently cared for including food and water. Permit conditions could protect the surrounding area by controlling amenity impacts by ensuring feed is correctly stored away from vermin, animal waste is collected from the paddocks (to limit the risk of nutrient impact on the catchment), and no tree removal is undertaken for this application. The proposal could be improved by including additional fenced off areas in the existing cleared area to allow resting and rehabilitation of proposed enclosures and a reduction in the number of animals on site.

This area is in a rural setting and it cannot be expected that it will be an animal free environment. The zoning of the land expects there will be human habitation, animals in small numbers coexisting with predominately a natural environment whilst acknowledging that residential development of individual lots does result in the removal of small sections of the natural environment.

The Rural Conservation Zone envisages residential activity in a rural setting. This use of keeping animals does not require additional land clearing and therefore can utilise the existing cleared and open areas, that are not set aside for future residential use which is subject to a decision to be determined on review at VCAT. Using other parts of cleared land for the keeping of animals effectively maximises the use of the land. The site still contains a large section of native trees that is not affected by the keeping of the animals and thereby maintaining the biodiversity of this area. The applicant is not operating a farm business that is suited to land in the Farming Zone.

The proposed use of keeping animals is consistent with the purpose of the Rural Conservation Zone that is to conserve the values specified in the schedule to this zone that includes to protect land of environmental significance.

#### Catchment Authority

Proclaimed Water Catchment Areas are covered by the planning scheme under the Environmental Significance Overlay Schedule 1 (ES01). The environmental objectives of this overlay are:

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



The subject land is not covered by an Environmental Significance Overlay Schedule 1 which instead covers all of the northern side of South Bullarto Road, immediately north of the subject land.

Western Water requested referral of the application and subsequently objected to the application. They advised the land is covered by a Special Water Supply Catchment Area (previously called a Proclaimed Water Catchment Area) under the Catchment and Land Protection Act 1994. Under Clause 66.02-5, a special water supply catchment area requires referral to the relevant water board or water supply authority who are a Section 55 determining authority.

Under Section 55(4) of the Planning & Environment Act, Western Water are determining referral authority. With the Western Water objection, Council must refuse the application and under Section 65(2) of the Planning & Environment Act must specify the grounds are those of the determining referral authority.

Had Western Water not objected, the application would have received officers support on planning grounds with appropriate conditions.

### **General Provisions**

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

- 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.

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.

<b>Authority</b>	<b>Response</b>
Infrastructure	Consent with three conditions
Community Safety	Consent
Environmental Planning	Consent provided no tree removal.
Western Water	Objection

### **Financial Implications**

There are no financial implications in recommending refusal of this use application.

### **Risk and Occupational Health and Safety Issues**

The recommendation of refusal to this use 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**

Council has the following options it could consider:

- Issue a refusal in accordance with the recommendation of this report; and
- Should Council wish to consider additional refusal grounds, Councilors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

## **Conclusion**

The proposed use is for the keeping of animals that are not to be used for farm production or in large commercial numbers. The animals are separated by enclosures with their own water source. The proposed use does not involve the removal of native trees. The use could be managed with the current absence of a dwelling on the land and it does not affect the local biodiversity as it is confined to cleared areas of the site located adjacent to the northern and eastern property boundaries. The proposed Animal Keeping use is consistent with the purpose and the objectives of the Rural Conservation Zone.

However, a Section 55 referral authority, Western Water has objected to the application. The applicant has been given the opportunity to undertake further discussions with Western Water but has not been able to achieve a withdrawal of their objection. With an objection from Western Water as a Section 55 determining referral authority, the application must be refused in accordance with all of Western Water's grounds.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council Refuse to Grant a Permit for the use of land for the keeping of animals for the land at Lot 10 on Title Plan 085359L otherwise known as Camp Road, Bullarto South, subject to the following grounds:**

- 1. Western Water as a Section 55 determining referral authority have objected to the application with the following grounds:**
  - a) The land is located within a Special Water Supply Catchment Area listed in Schedule 4 of the Catchment and Land Protection Act (Pykes Creek Reservoir and Werribee River Water Supply Catchment) which provided water to a domestic supply. Pursuant to Clause 66.02-5 of the Moorabool Planning Scheme Western Water is a Determining Water Authority.**
  - b) The proposal does not provide acceptable outcomes in regards to the State Planning Policy Framework.**
  - c) The proposal does not provide acceptable outcomes in regards to the Local Planning Policy Framework.**
  - d) The proposal is not in accordance with the purpose or the decision guidelines contained within the Rural Conservation Zone.**

- e) The application has failed to taken into account stocking rates with the capabilities of the land to sustain grazing and the potential impact of overstocking on water quality.
- f) The proposed use of the land falls within the definition of Intensive Animal Husbandry which is prohibited within the Rural Conservation Zone.

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**Report Authorisation:**

**Authorised by:**

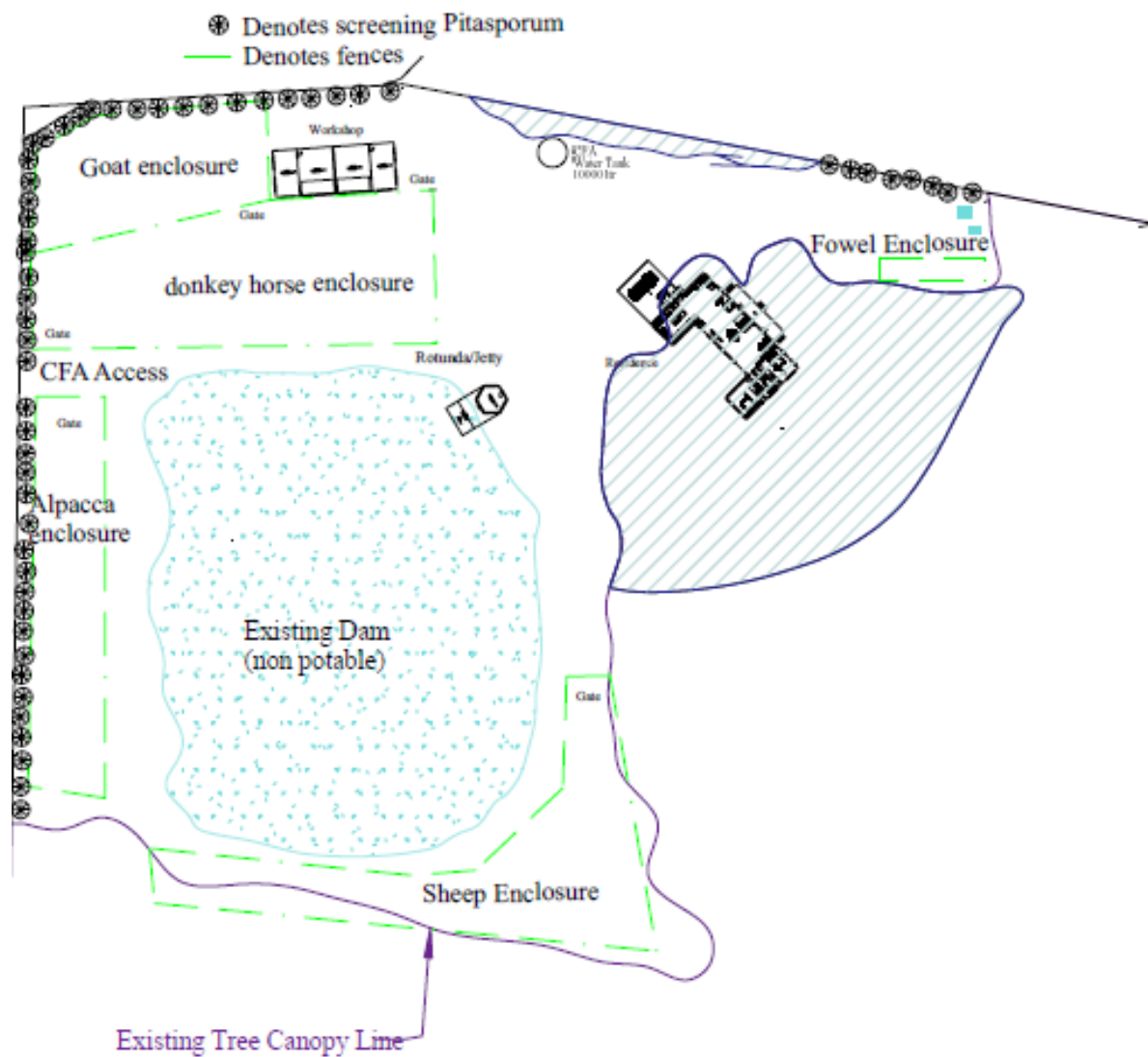
**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 6 August, 2018



## Site Plan



All fences to be strand wire treated pine posts  
 with intermediate star picket  
 Goat enclosure to have two electric strands.  
 All other enclosures to have single strand electric.  
 Watering the creatures will be via a gravity fed tank.  
 Stock will not access the dam.  
 Areas marked will be planted with screening

**Item 5.2 Planning Permit PA2013-085 – Request for a Fourth Extension of Time for the Use and Development of a Dwelling in the Farming Zone at 218 Little Forest Road, Mount Egerton**

<b>Application Summary:</b>	
Permit No:	PA2013 085
Lodgement Date:	19 April, 2013
Planning Officer:	Samuel Duff
Address of the land:	218 Little Forest Road, Mount Egerton
Proposal:	Fourth Extension of Time for the Use and Development of a Dwelling in the Farming Zone.
Lot size:	27.4 Hectares (Approximately).
Why is a permit required	Dwelling in the farming zone on a lot less than 40 hectares.
<b>Public Consultation:</b>	
Was the application advertised?	No. A request for an Extension of Time is not required to be advertised under Section 69 of the Planning and Environment Act.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of Objections:	NIL.
Consultation meeting:	None.
<b>Policy Implications:</b>	
<b>Strategic Objective 3:</b>	Stimulating Economic Development
<b>Context 3A:</b>	Land Use Planning
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
<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**

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 – Rob Fillisch*

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

*Author – Samuel Duff*

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

**Executive Summary:**

Application Referred?	<p>When first accepted in 2013, the following authorities were notified:</p> <p>External Referrals:</p> <ul style="list-style-type: none"><li>• Barwon Water Board.</li></ul> <p>Internal Council Referrals:</p> <ul style="list-style-type: none"><li>• Infrastructure; and</li><li>• Environmental Health.</li></ul> <p>As an extension of time, the application was not required to be referred.</p>
Any issues raised in referral responses?	<p>All referral Authorities consented with conditions in 2013</p> <p>No referrals required for an extension of time application.</p>
Preliminary Concerns?	<p>This is the fourth extension of time application and the applicant has previously been advised that a planning permit extension would unlikely be approved by council. Without works commencing on site, it is considered the applicant is warehousing the permit and has had an excessive amount of time to commence development since the grant of a permit in 2013.</p>
Any discussions with applicant regarding concerns	<p>The applicant was advised that a further Extension of Time application would not be supported by way of a note at the bottom of the planning permit.</p>
Any changes made to the application since being lodged?	<p>NIL</p>

Brief History	This is the fourth request for an Extension of Time for this Planning Permit. The application was approved in 2013 for a dwelling in the farming zone (on a lot less than 40 ha). There are still several outstanding planning permit requirements to be fulfilled until a building permit can be granted.
Previous applications for the site?	PA2000 108 – Development and Use of a Dwelling – refused.  CA2013 085 – Consolidation of Land – complete (Consolidation of the two lots that form the property was one of the Planning Permit conditions).
General summary	The application is for a fourth extension of time of an approved development which has not commenced. The applicant has specified that the reason for not commencing work for a planning permit is ongoing financial constraints and the bank not willing to give a loan.  The application was assessed using the Kantor test, and based on this test, it is considered the applicant is warehousing the permit and an unreasonable amount of time has been expended since the issue of the permit five (5) years ago.
<b>Summary Recommendation:</b>	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a refusal for the application to extend the time for commencement of planning permit number PA2013-085	

### Site Description

The land known as PC376264, located at 218 Little Forest Road, Mount Egerton, is a 27 hectare (approx.) lot in the Farming Zone of Mount Egerton. The property is primarily cleared with a single structure (shed) currently on the site, with no vegetation needing to be cleared to facilitate the construction of the dwelling. There is a dam and a seasonal waterway on site. The site has historically been used for mixed farming and grazing uses.

The site is serviced by electricity, however the water for the proposed dwelling would need to be collected and stored on site. Similarly a septic treatment system would need to be installed on site to manage the waste generated onsite from residents of the proposed dwelling.

The surrounding area shows a degree of fragmentation of farming land, however most properties are devoid of dwellings with farm sheds being the primary improvements upon the land.

The lot is on the unsealed Little Forest Road and is approximately 20 minutes by car to the township of Ballan via the Ballan-Egerton Road.

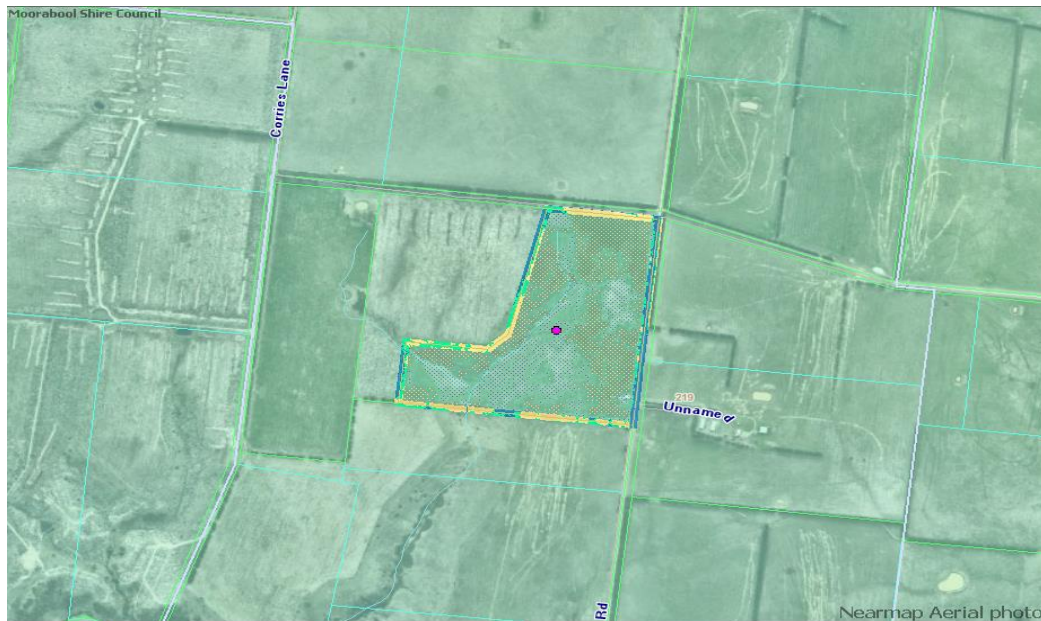


Figure 1 Map showing that the subject site and surrounding land is in the Farming Zone

## Proposal

The proposal is for the fourth extension to the commencement date of development for Planning Permit PA2013085. This permit granted the use and development on a farming zone property less than 40 hectares. The Permit 'triggers' were Clause 35.07-1 (Farming Zone) Section 2 Use and Clause 42.01, Schedule 1 to the Environmental Significance overlay. The planning permit allows the development and use of a dwelling, subject to conditions. A detailed history the planning permit and all amendments is detailed in the 'History' section of this report.

## Background of Current Proposal

The initial planning permit was granted in 2013, subject to conditions. The most relevant of these conditions are the requirements to provide a Farm Management Plan and Dwelling Plans to be submitted to Council for endorsement. There was also the requirement to consolidate the two lots that make up the property – which has now been fulfilled. Dwelling plans and the farm management have not been endorsed.

## History

An application for a single dwelling on two (2) lots (now consolidated into a single lot) was lodged on 23 April 2013. After a series of requests for further information regarding a Farm Management Plan and other farm management practices, the permit was granted. Further information is as follows:

- The application was advertised and referred to Barwon Water Board as a Section 55 referral authority, as well as Councils Environmental Health and Infrastructure departments.
- No objections were received by Council by either the referral authorities (who all consented, subject to conditions), or the neighboring property owners.



- The application was approved, subject to conditions, including the requirement to submit dwelling plans, and a farm management plan with the agricultural activities that will be undertaken on sites, as well as the requirement of entering into a Section 173 Agreement.
- The planning permit was issued, subject to conditions.

A first extension of time (E1) of one (1) year was granted on 13 August, 2015.

- The reasons given for the request were:
  - The applicant advised council that they experienced 'unforeseen financial constraints' however, however the application detailed that they have been resolved and the extension would allow them to proceed with development in the allotted timeframe.
- The expiry conditions were extended to:
  - The development and use is started by 17 July, 2016.
  - The development and use is completed by 17 July, 2018.

A second extension of time (E2) of one (1) year was granted on 25 July, 2013.

- The reason given for the request was:
  - Meeting the permit condition requirements prior to construction was 'taking longer than anticipated'.
  - The Condition 1 requirement of needing plans for the dwelling was 'currently being finalised'
- The expiry conditions were extended to:
  - The development and use is started by 17 July, 2017.
  - The development and use is completed by 17 July, 2019.

During the assessment of the second extension of time application, the planner had placed the following note on the amended planning permit:

*"Please note that it is unlikely any further extension will be granted."*

A third extension of time (E3) application was accepted by council for assessment on 14 July, 2017. Council officers noted that the condition 1 of the planning permit has not been fulfilled prior to the lodgment of the extension of time and a finalised Section 173 Agreement was still required.

- The reason given for the request was:
  - The applicant stated that the main reason construction hasn't commenced was that the quotes that they were getting were more expensive than anticipated. They needed to save some more money before a bank loan would be granted.
  - The plans that were required as the Condition 1 requirement were in a state of flux due to needing to reduce the size of the dwelling to reduce cost.
- The expiry conditions were extended to:
  - The development and use is started by 17 July, 2018.
  - The development and use is completed by 17 July, 2020.

During the assessment of the third extension of time application, the planner had placed the following note on the amended planning permit:

*"Please note that any further extension would not be granted"*

A fourth extension of time (E4) was lodged on 26 June, 2018 prior to the expiry of the permit.

- The reason given for the request was:
  - House plans are still being refined;
  - The applicant is saving to secure the necessary deposit to meet bank lending requirements to build the house; and
  - The applicant has stated that they continue to maintain and utilise the property.

### Public Notice

When assessing the Extension of Time application, there is no requirement to advertise a request to extend the time of a planning permit under Section 69 of the Planning and Environment Act.

### Locality Map

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



Figure 1 Aerial photography of the site and surrounding area

### 'Kantor' Test

There are no specific controls in the Planning Scheme relating to the assessment of an extension of time of a permit. However, there are some general guidelines or "tests" that can be applied to guide an assessment of an extension of time application.

Such guidance was provided by His Honour Mr. Justice Ashley in considering a number of Tribunal decisions in *Kantor v. Murrumbidgee Shire Council* 18 AATR 285 where His Honour stated that a Responsible Authority "may rightly consider" the following:

- Whether there had been change in planning policy;
- Whether the landowner is seeking to "warehouse" the permit;
- Intervening circumstances as bearing upon grant or refusal;
- The total elapse of time;
- Whether the time limit originally imposed was adequate;
- The economic burden imposed on the landowner by the permit; and
- The probability of a permit issuing should a fresh application be made.

It is important to note that most of the above decisions do not necessarily provide clear direction on the “weighting” that should be applied to the various criteria and it is important that each proposal be assessed on the merits of the individual circumstances.

The *Kantor test* is generally used by the Moorabool Shire Planning Department to assess extension of time applications, and an assessment against the *Kantor* “test” questions is detailed later in this report.

## **Zone**

### Clause 35.07 Farming Zone

The purpose of the Farming Zone is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To 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.

The land is in the Farming Zone where a permit is required to a single dwelling on a lot less than 40 hectares. Dwellings in the Farming Zone on lots less than 40 Hectare are a Section 2 use and therefore, a planning permit is required. The proposal was granted a planning permit on the condition of a farm management plan, which was to detail how the development of a dwelling would improve the productivity of the land.

## **Overlays**

Two Overlays are applicable to the site, the DDO2 and the ESO1.

### Clause 42.01 Environmental Significance Overlay – Schedule 1 (ESO1)

The Environmental objective(s) to be achieved by this overlay are:

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

The Proclaimed Water Catchment Areas of Moorabool Shire are referred to the relevant water authority in order to gain their approval for any proposed works. In this instance, this application was referred to the Barwon Water Board in 2013, who consented, subject to conditions primarily regarding wastewater and stormwater management.

## Clause 43.02 Design and Development Overlay – Schedule 2 (DDO2)

The design objectives to be achieved by this overlay are:

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

This overlay may not be applicable in this instance as this overlay is triggered by reflective materials, such as zincalume. However, the planning permit was conditioned so that all external materials were to be of muted toning and non-reflective.

### **Kantor Test Assessment**

#### 1. Whether there has been change in planning policy

The following relevant Planning Scheme Amendments have since been gazetted since the permit was initially issued:

- VC106 gazetted on 30 May, 2014 introduced changes to State Planning Policy Framework (SPPF) including the introduction of the Central Highlands regional growth plan.
- Amendment VC124 was gazetted on 2 April, 2015 altering the Environmental Significance Overlay with reference to removal of native vegetation.
- Amendment VC101 was gazetted on 29 October, 2015 updating reference documents regarding wastewater management.
- Amendment VC134 was gazetted on 31 March, 2017 introduced a new Metropolitan Planning Strategy and updated the State Planning Policy Framework to include Regional Planning and Peri-Urban Areas.

These amendments to the planning scheme have been considered, and it is considered that if the application was lodged, the changes would not significantly change the outcome of the assessment.

#### 2. Whether the landowner is seeking to “warehouse” the permit.

It could be considered that the land owner is warehousing the permit as this is the fourth request for an extension of time to the commencement of the development.

The applicant has been given very generous expiry dates for the commencement and completion dates. The initial permit issued had for two (2) years to the commencement date and four (4) years to the completion date, with a further three (3) years to commence works granted since the initial approval.

The applicant has advised of continuing financial concerns and an inability to obtain funds for this development project and the ongoing changes to the design of the dwelling to allow a smaller budget. Three (3) previous extension of time requests have been approved on the basis of the applicant having financial issues. However, in the current (fourth) request for an extension of time, the same applicant has stated that an inability to secure a bank loan is the reason why the development has not commenced. Further to the financial aspect, the design of the dwelling has not been endorsed by council, as plans have not been endorsed due to the financial constraints.

The applicant has not been able to commence works for the past five (5) years. Such a lengthy period of time without works commencing clearly demonstrates a warehousing of the permit without exceptional circumstances been provided by the applicant to warrant an approval. The applicant has failed to lodge revised plans in accordance with condition 1 of the permit to at least progress the project to the Building Permit stage.

3. Intervening circumstances as bearing upon grant or refusal

There have been no intervening circumstances that would have a bearing on this decision.

4. The total elapse of time since the permit was issued.

The permit was issued on 17 July, 2013 which is over five (5) years ago. The project is for a single dwelling in the farming zone. It would not be expected that a development project of this small scale would not take more than five (5) years to commence. Five (5) years is an excessive amount of time for the commencement of a single dwelling development project.

5. Whether the time limit originally imposed was adequate.

It is considered that the time originally imposed was adequate. In good faith, Council approved the application for the third extension of time after the applicants were told that a further Extension of Time would unlikely be supported.

6. The economic burden imposed on the landowner by the permit.

It is not considered that any undue economic burden was imposed on the landowner by the issue of a planning permit. The planning permit was conditioned to require the consolidation of the two lots, a farm management plan and as well as dwelling plans.

These are standard for a planning permit in the farming zone.

7. The probability of a permit issuing should a fresh application be made.

If a new application was received today it would be assessed on its own planning merits against the Moorabool Planning Scheme and current adopted Council policies. The applicant would need to provide adequate information to ensure the single dwelling on land that is contained within the Farming Zone is consistent with the zone objectives and other overlay controls. It is more probable that a permit would be granted should the farm management plan and/or business case be sufficient to justify a dwelling, however a full assessment would need to be undertaken.

## **Discussion**

It is recommended that the application to extend the expiry date be refused due to the time period that the applicant has had to commence work may be considered warehousing the planning permit. Warehousing being defined as maintaining a planning permit but not intending to act on the approved works or use.

The application was assessed on the set of principles from the *Kantor test*, which is accepted as a planning tool for the assessment of extensions of time requests.

It is considered that a fourth extension of time to commence the development to a permit issued five (5) years ago, is warehousing and is an unreasonable amount of time that has lapsed since the issue of the permit in 2013 for the development of a single dwelling. The applicant has not been able to commence works and has not been able to progress the development to the Building Permit stage with plans still not endorsed as required by condition 1 of the permit. Council has been exceptionally generous in granting previous extension of time approvals, to enable the applicant to commence works on site.

Any new application for a single dwelling in the Farming Zone would need to be subjected to a full planning assessment in accordance with the planning scheme provisions that includes notification to adjoining owners and occupiers and notification to external referral authorities.

The applicant has stated in their last Extension of Time application that they continue to maintain and utilise the property. It is currently unknown if this is the case as the address registered for the applicants is in Glenelg South, South Australia.

### **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**

Under the provisions of Section 69, the Section for Extensions of Time, there are no requirements for the application to be referred.

### **Financial Implications**

If Council was to approve the application, there is no financial implication as no third parties are involved with the extension of time application.

### **Risk and Occupational Health and Safety Issues**

The recommendation of refusal of an Extension of Time does not implicate any risk or OH & S issues to Council.

### **Communications Strategy**

Pursuant to Section 69 of the Planning and Environment Act 1987 no advertising of the application was required to be given and no appeal right is available to a person or persons to appeal a decision to extend a permit. The applicant has appeal rights if Council was to refuse the application.

### **Options**

Council could support the application and determine to approval a further 12 months to commence and completion dates of the permit.

## **Conclusion**

In conclusion, the officer recommendation is to refuse the application for the following reasons:

- The applicant is considered to be warehousing the permit as no development has commenced.
- The request for a fourth extension of time to commence works is beyond a reasonable amount of time given (five years) since the issue of a permit.
- The applicant previously been notified by Council that it would be unlikely to support a further request to extend the commencement date since the second extension of time approval. The third extension of time had a note saying that a fourth extension would not be granted.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council refuse the application to extend the time for commencement of the Planning Permit PA2013-085 on the following grounds:**

- 1. The application does not meet the Kantor tests including no substantial commencement of the development has been undertaken**
- 2. The applicant could be considered warehousing of the permit as no development has commenced.**
- 3. The request for a fourth extension of time to commence is beyond a reasonable amount of time given since the issue of the permit five years ago.**
- 4. The applicant has not submitted plans for endorsement**

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**Report Authorisation:**

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 25 July, 2018



**Item 5.3 Planning Permit application PA2018001 – Three Lot Subdivision and Development of Two Additional Dwellings at 8 Jopling Street, Ballan.**

<b>Application Summary:</b>	
Permit No:	PA2018 001
Lodgement Date:	13 December, 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 4 on PS 210622J 8 Jopling Street, Ballan 3342
Proposal:	Three Lot Subdivision and Development of Two Additional Dwellings
Lot size:	1012sq m
Why is a permit required	Clause 32.08 – General Residential Zone – Subdivision and construction of two or more dwellings on a lot  Clause 42.01 – Environmental Significance Overlay – Subdivision
Why is this application being presented to Council?	Objections received and recommendation for refusal
<b>Public Consultation:</b>	
Was the application advertised?	Yes
Notices on site:	Two
Notice in Moorabool Newspaper:	No
Number of Objections:	Five
Consultation meeting:	No, the applicant did not wish to have a consultation meeting.
<b>Policy Implications:</b>	
<b>Strategic Objective 2:</b>	Minimising Environmental Impact
<b>Context 2A:</b>	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**

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

*Manager – Robert Fillisch*

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

*Author – Tom Tonkin*

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

### **Executive Summary:**

Application Referred?	Yes – to Infrastructure, relevant water boards for the Special Water Supply Catchment and all relevant utility providers.
Any issues raised in referral responses?	No
Preliminary Concerns?	In addition to a request for additional plan details, concerns were raised about improving access between the existing dwelling and its proposed principal area of secluded private open space.
Any discussions with applicant regarding concerns	The Council officer wrote to the applicant about the abovementioned concerns.
Any changes made to the application since being lodged?	Yes, the plans were changed in response to the preliminary concerns and requested plan details.
Brief history?	None applicable
Previous applications for the site?	None
General summary	<p>It is proposed to develop the site for two single storey dwellings to the rear of the existing dwelling, and subdivide the site into three lots.</p> <p>The proposed dwellings would each have two bedrooms and the usual amenities, and be of a conventional design. The proposed lot sizes are 512sq m, 234sq m &amp; 260sq m.</p>

	Whilst the proposal complies with many of the relevant provisions of the Moorabool Planning Scheme, it is inconsistent with both the existing and preferred neighbourhood character which encourages new development to respect the spacious character of the area. The proposal fails to strike an acceptable balance between residential growth and orderly integrated development which respects neighbourhood character.
<b>Summary Recommendation:</b>	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Refusal to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the grounds included at the end of this report.	

### Site Description

The site is identified as Lot 4 on PS 210622J and known as 8 Jopling Street, Ballan, and is roughly rectangular in shape with a 25.28m width, 40.23m depth and overall area of 1012sq m. The site is on the northeast corner of Jopling and Atkinson Streets and contains a single storey weatherboard clad dwelling fronting Jopling Street and ancillary shed parallel to the north title boundary, accessed via an existing crossover to Jopling Street. The existing dwelling comprises two (2) bedrooms, bathroom and open plan kitchen and living area with a verandah on three (3) sides. The site falls by approximately 1.0m from east to west and contains no significant vegetation, although it is noted that trees have been removed from the site in recent times, notably several large pine trees near the Atkinson Street boundary. The site is encumbered by a 2.0m wide drainage and sewerage easement parallel to the east title boundary.

The site and surrounding land is in the General Residential Zone and comprises mostly freestanding single storey dwellings, generally dating from the 1970's to the present day, and mostly of brick construction with hipped tile roofs. Lot sizes in the area are generally >1000sq m, with more recent subdivisions nearby creating lots as small as 364sq m. The subject site is towards the eastern edge of the township, approximately 400m from Ballan Primary School, 900m from Ballan railway station and 1000m from the town's commercial centre. There are few examples of medium density housing and associated subdivision nearby, with such development more common closer to the town centre.

To the north of the subject site is a single storey brick dwelling on a 1017sq m lot fronting Jopling Street. To the east is a single storey brick dwelling on a 1017sq m lot fronting Atkinson Street. To the west, across Jopling Street, are single storey weatherboard dwellings on 670sq m and 1350 sq m lots fronting Jopling Street. To the south, across Atkinson Street, is a single storey brick dwelling on an 1800sq m lot fronting Jopling Street.

All reticulated services are available.



*"Figure: Imagery used with permission of Nearmap"*

## Proposal

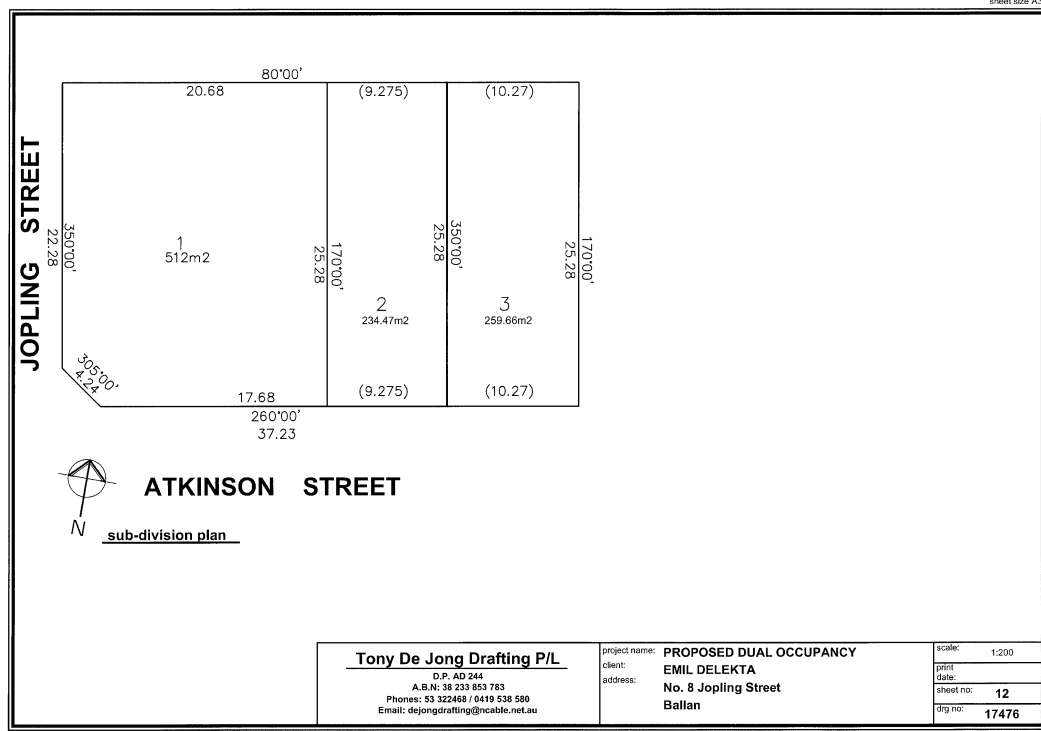
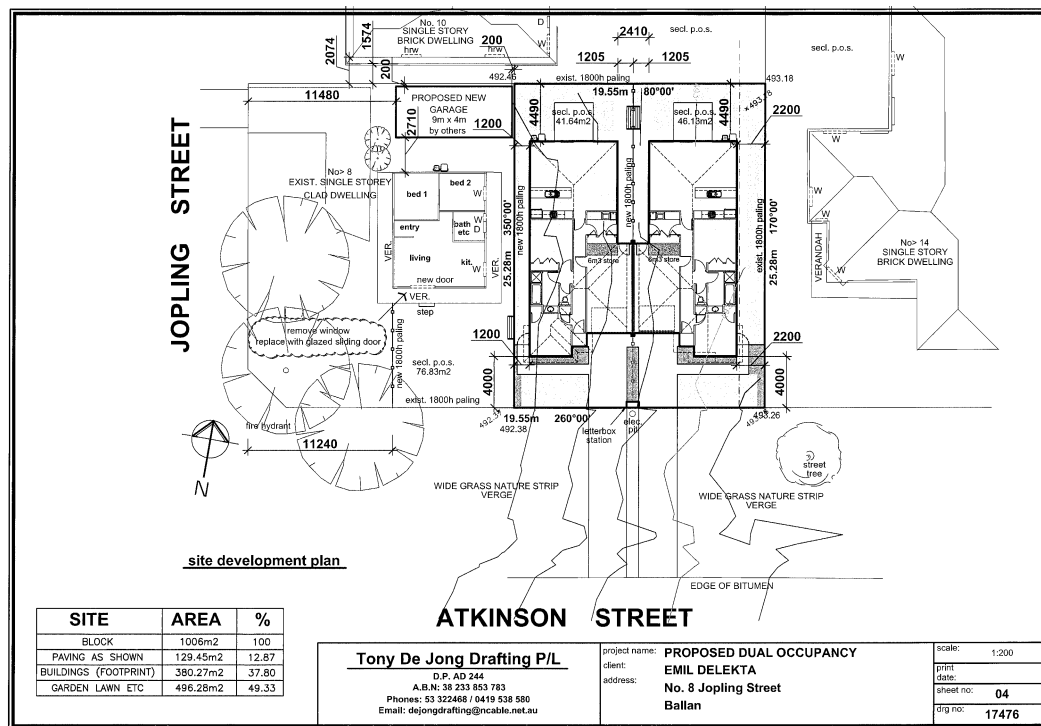
It is proposed to develop two (2) additional dwellings to the rear of the existing dwelling and subdivide the land into three (3) lots.

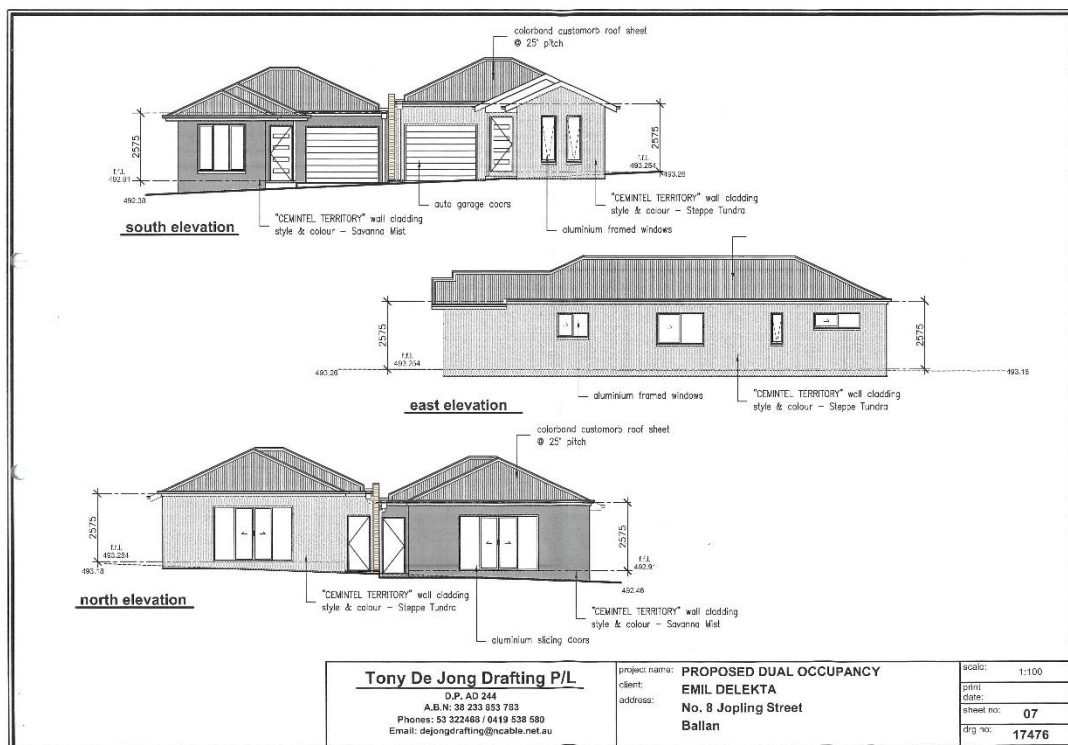
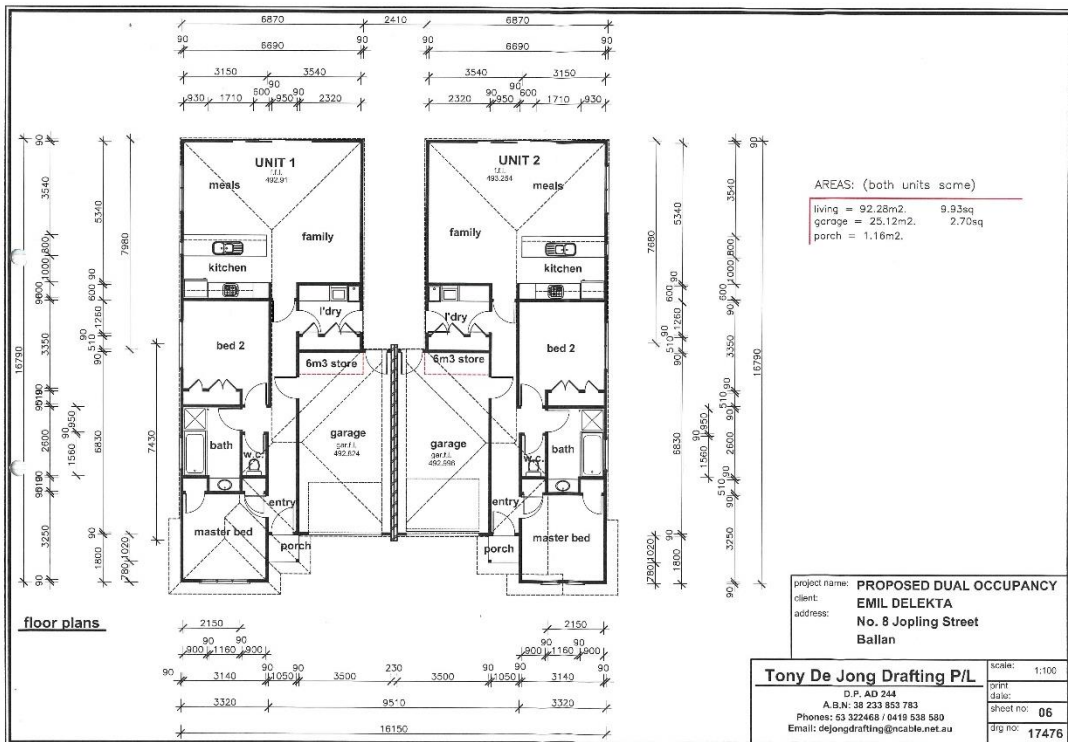
Vehicle access to the existing dwelling would be maintained via the existing crossover to Jopling Street, leading to a 9.0m long x 4.0m wide garage with a low pitched roof of maximum 3.14m height, noting that this outbuilding was shown as proposed on the plans but has since been legally constructed. The existing dwelling would be contained on proposed Lot 1 with an area of 512sq m. The proposed dwellings, shown on the plans as Units 1 and 2, would front Atkinson Street and be semi-detached with mirror image floor plans each comprising two (2) bedrooms, bathroom, separate toilet, laundry and open plan kitchen, meals and family area leading to secluded private open spaces to the rear. Parking would be provided in attached single garages, accessed via proposed single crossovers to Atkinson Street. Unit 1 would be contained on proposed Lot 2 with an area of 234.47sq m, and Unit 2 on Lot 3 with an area of 259.66sq m. Units 1 and 2 would have minimum 4.0m front setbacks from Atkinson Street and 4.49m rear setbacks. Unit 2 would be set back 2.2m from the east side boundary and Unit 1 set back from the rear of the existing dwelling by 2.2m.

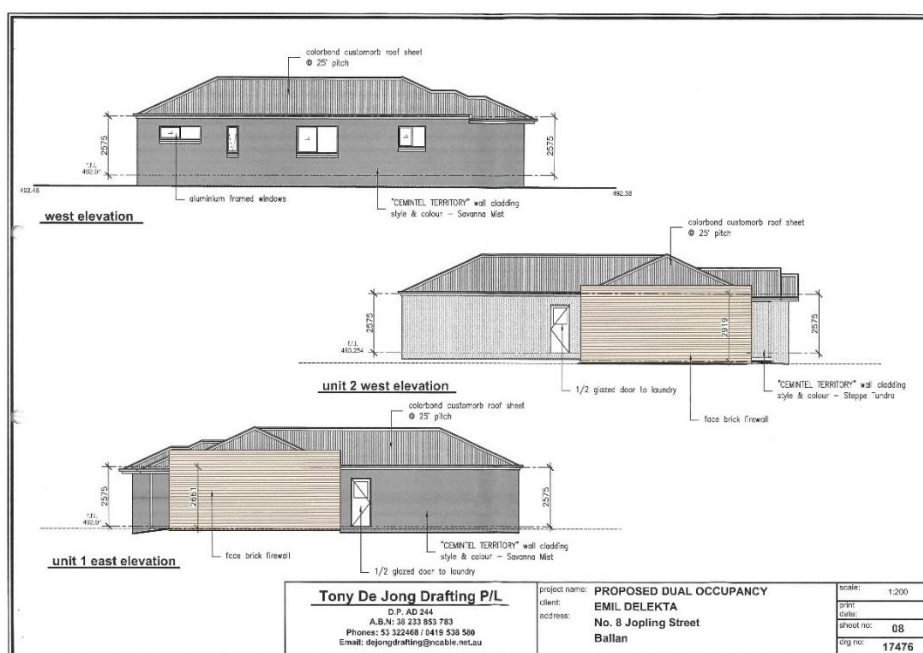
Units 1 and 2 would be of masonry construction with rendered wall cladding and low pitched hipped Colorbond roofs with eaves above the front façades.

The proposed garden area of >50% across the site as a whole would exceed the minimum requirement for 35%.

The proposed site plan, dwelling floor plans and elevations, and plan of subdivision are provided below and a full set of plans attached to this report.







## Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 18 April, 2018 and signs erected on site from 25 April until 15 May, 2018. Five (5) objections were received.

## Summary of Objections

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

Objection	Any relevant requirements
The proposed density is not in keeping with surrounding development.	11.07-2, 15.01-3, 15.01-5, 21.03-4, 55.02-1, 56.03-4
<b>Officer's response</b> - The proposed development does not adequately integrate with surrounding development, as discussed below.	
The proposed dwellings should be brick veneer to match other dwellings in Atkinson Street.	55.06-1
<b>Officer's response</b> - Design detail such as external cladding must respect the surrounding neighbourhood character. Whilst many nearby dwellings are brick, there are examples of weatherboard nearby, and there are no specific guidelines for external design features for the site. The proposed masonry cladding is considered to be generally consistent with surrounding residential development.	
Incompatible with the neighbourhood character of single dwellings on large lots with spacious front and rear yards.	11.07-2, 15.01-3, 15.01-5, 21.03-4, 55.02-1, 56.03-4
<b>Officer's response</b> - The proposed development is inconsistent with the surrounding neighbourhood character, and is discussed below.	

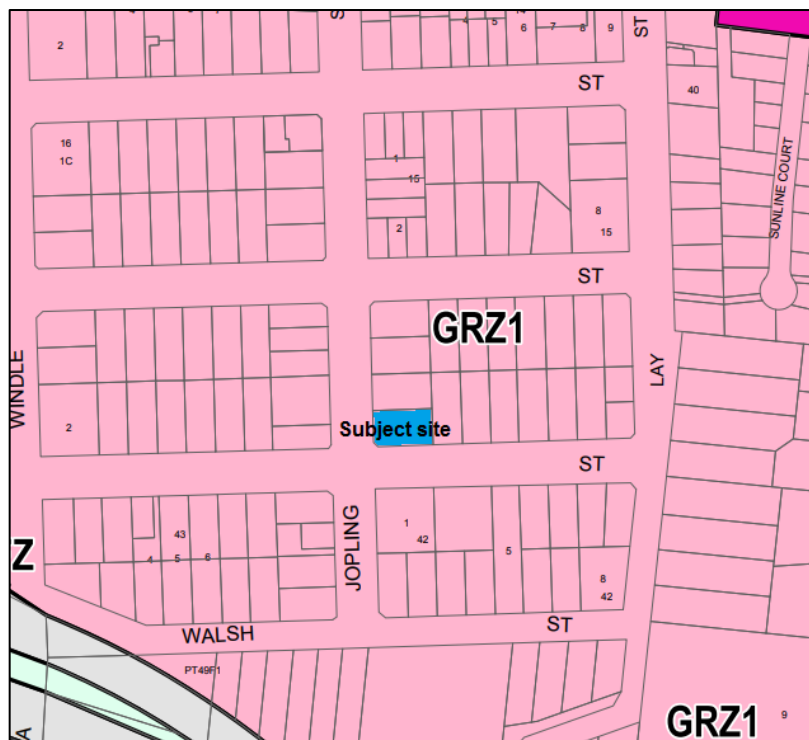
Objection	Any relevant requirements
Overlooking and loss of privacy	55.04-6
<b>Officer's response</b> - If approved, a permit should require minimum 1.8m high side and rear boundary fences to be constructed to limit overlooking of neighbouring properties.	
A proposed 3 unit development at 8 Atkinson Street nearby was refused by Council and that decision upheld by VCAT.	N/A
<b>Officer's response</b> - VCAT decision P2368/2010 is notable given it relates to land near the subject site. It is noted that current planning policy remains substantially unchanged, and that incremental development has occurred in the area to the extent that the surrounding neighbourhood character is generally consistent with that observed in 2010. In November 2017 Council adopted the Ballan Strategic Directions plan which includes design objectives for its established residential areas to give guidance to the preferred form of residential development, as discussed below.	
Parking and increased traffic, combined with lack of footpaths, would have safety and amenity impacts.	N/A
<b>Officer's response</b> - Proposed parking provision for each dwelling meets the standard requirements. There is considered to be sufficient space in the driveways and road reserve for additional resident or visitor vehicles. The surrounding road network would be capable of absorbing additional traffic associated with the proposal. Whilst the proposed development amplifies the issue of lack of footpaths, it is largely beyond the scope of consideration for assessing this application.	
Lack of proximity to community facilities including public open space.	55.02-2
<b>Officer's response</b> - Apart from Ballan Primary School, the site is not within convenient walking distance of other facilities, being located towards the eastern edge of Ballan's residential area.	
Proposed trees unsuitable given large mature size and proximity to adjoining dwellings with potential to cause damage to building foundations and result in twigs and leaves in roof gutters.	55.03-8
<b>Officer's response</b> - If approved, the permit should require a landscape plan which shows appropriate plantings including taking account of their size at maturity relative to the amount of space provided for planting.	
Loss of amenity arising from multi-dwelling development of the site.	11.07-2, 21.03-3, 21.03-4
<b>Officer's response</b> - The surrounding area is characterised by single dwellings on spacious allotments which contribute to the general amenity of the area, as discussed below.	



Objection	Any relevant requirements
If approved, the proposal would set a precedent for the area, noting the existing vacant lots at 10 & 12 Atkinson Street.	N/A
<b>Officer's response</b> - Each application is assessed against the relevant planning scheme provisions, relevant adopted Council policies and the site features and context but it is acknowledged that incremental development which differs from older existing development changes the appearance of an area and may contribute to continued gradual change over time.	
The garage for the existing dwelling shown as proposed on the plans has been built and has reduced daylight to bedrooms.	55.04-3
<b>Officer's response</b> - The constructed garage is shown as a proposed structure on the plans provided with the application. Whilst it is understood that the shed is legally constructed and meets the relevant standard for maintaining adequate daylight to the adjoining dwelling, due to its proximity to the title boundary and existing adjoining habitable room windows it most likely would not have received officer support.	
Noise from additional residents	55.04-8
<b>Officer's response</b> - The layout of the development would not appear to result in any noise beyond that normally associated with residential living, but it is noted that the proximity of the proposed dwellings to existing dwellings may impact on the existing amenity of the area, which includes noise.	

### 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.
- 14.02-1 Catchment planning and management.
- 14.02-2 Water quality.
- 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.
- 16.01-4 Housing diversity.
- 16.01-5 Housing affordability.
- 21.02-3 Water and Catchment Management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

SPPF	Title	Response
Clause 11.07-2	Peri-urban areas	The design response would undermine the character and amenity of this part of Ballan.
Clause 15.01-3	Neighbourhood and subdivision design	The proposal would detract from the character of the area and is not within convenient walking distance of most facilities.
Clause 15.01-5	Cultural identity and neighbourhood character	The design response does not respect the neighbourhood character.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The design response does not respect the neighbourhood character.
Clause 21.08-3	Housing	The design response does not respect the neighbourhood character.

## **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. A subdivision application must meet the requirements of Clause 56.

Under Clause 32.08-4 a lot of more than 650sq m must provide a minimum 35% of the lot area as garden area.

Under Clause 32.08-6 a permit is required to construct a dwelling if there is at least one dwelling existing on the lot. A development must meet the requirements of Clause 55.

Pursuant to Clause 32.08-7, Schedule 1 does not vary any of the Clause 55 requirements.

Overall, the proposed development is inconsistent with the purpose of the zone.

## **Overlays**

The site is affected by Environmental Significance Overlay, Schedule 1, due to the site's location in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required to subdivide land and construct buildings and works. Under Schedule 1 there is an exemption for the development of a dwelling connected to sewer and discharging stormwater to an approved drainage system. In this instance a permit is only required for subdivision under this Overlay.

Subject to conditions, the proposal satisfies the overlay provisions.

## **Relevant Policies**

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and the Ballan Strategic Directions strategy in November, 2017. Council can give weight to these documents under the provisions of section 60(1A)(g) of the *Planning and Environment Act 1987*.

## Urban Growth Policy

The Urban Growth Policy states that:

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

*The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.*

## Ballan Strategic Directions

Ballan Strategic Directions sets out objectives, strategies and actions for the longer term planning of Ballan relating to:

- Urban form and character.
- Residential development.
- Movement network and connectivity.
- Open space and recreation.
- Community facilities.
- Non-residential uses and local employment.
- Drainage and servicing.

The subject site is in Precinct A in the Ballan Settlement Framework Plan, with Design Objectives specified for each of the town's established residential precincts. The design objectives for Precinct A are:

- Maintain a streetscape rhythm of detached dwellings with conventional front and side setbacks.
- Built form to one boundary may be appropriate where the preferred character of the Precinct is not compromised.
- Boundary to boundary development should be avoided.
- Built form will be of a modest scale and be sympathetic to the existing character of the Precinct, however innovative and unique built form that enhances the character of the Precinct will be encouraged.
- Multi-dwelling developments should minimise the need for additional crossovers to the street, be located on lots within the Precinct that are within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Therefore, some lots within the Precinct may not be suitable for further intensification.
- Open front gardens will blend into the public realm, with minimal or low scale front fencing.
- Built form will not dominate the lot which will allow for generous private open space and garden plantings.
- Increasing canopy tree cover within lots will assist in improving the landscape within the Precinct, while also achieving a balance between open space and built form.
- New development located in close proximity to dwellings that exhibit historical architectural styles should ensure built form complements these dwellings.
- Increasing the diversity in housing products within the Precinct is desirable including alternative housing products that allow for a variety of housing choices in areas accessible to services and facilities.

Overall, the proposal is inconsistent with the above design objectives, as discussed below.

### **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 being 5% of the value of the subject site. This should be required as a condition of any approval.

#### Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being one space for each two bedroom dwelling. The proposed crossover and accessway widths satisfy the minimum requirements and the garage and car space dimensions meet the standard.

#### Clause 55 Two or More Dwellings on a Lot

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

The proposal complies with ResCode (Clause 55), with the exception of the following:

<b>ResCode clause</b>	<b>Title</b>	<b>Response</b>
Clause 55.02-1	Neighbourhood character	The proposal does not respect the modest spacious character of this area of Ballan, typified by single dwelling development with large outdoor areas, including spacious front gardens.
Clause 55.03-3	Site coverage	The proposed 38% site coverage meets the standard, but the design response would result in Units 1 and 2 being crowded behind the existing dwelling, impacting on the spacious character of the area and the Atkinson Street streetscape.
Clause 55.03-8	Landscaping	The spaces provided around proposed Units 1 and 2 are too small to plant landscaping and trees which would be in keeping with the surrounding area, and the proposed trees are too large with regard to the area provided. The landscape plan does not incorporate the area around the existing dwelling.
Clause 55.04-6	Overlooking	Existing side and rear boundary fence heights notated on the plans as 1.8m high appear to be inaccurate. A condition of any approval should require fences to be constructed to a minimum 1.8m height.

### Clause 56 Residential Subdivision

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

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

ResCode clause	Title	Response
Clause 56.03-4	Built environment	The proposal does not respect the modest spacious character of this area of Ballan, typified by single dwelling development with large outdoor areas, including spacious front gardens.
Clause 56.06-1	Integrated mobility	The subject site is not within convenient walking distance of most facilities and does not meet the objective.

### **Discussion**

Overall, the proposal is considered to be inconsistent with relevant State and Local Planning Policy, the General Residential Zone and Clauses 55 and 56 of the Moorabool Planning Scheme, and Council's adopted Ballan Strategic Directions plan.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as one of several towns which will support an increased population to absorb growth pressures in the region. The proposal would contribute to consolidated growth of the town, take advantage of existing infrastructure, and contribute to housing diversity and affordability. However, 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 in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings with few examples of medium density housing and associated subdivision nearby. The purpose of the GRZ includes the following:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly 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 proposal must satisfy Clauses 55 and 56 of the Moorabool Planning Scheme for, respectively, medium density dwelling development and subdivision. Development must meet all of the relevant objectives and should meet all of the standards but, as outlined above, not all of the objectives have been met.

Clause 21.08 of the Moorabool Planning Scheme is specific to Ballan and includes the following policy objective for housing:

- To provide diversity in housing that is in character with the township and provides for continued growth of the town as a regional centre.

The identified strategy to achieve this objective is stated as follows:

- Encourage re-subdivision of large lots including limited well designed medium-density development within 500 metres of the town centre and railway station.

As previously stated, the site is 1.0km from the town centre and 900m from the railway station, and whilst it is acknowledged that this policy does not prevent such development occurring in other parts of the town, it clearly identifies where more intensive growth is particularly desirable, noting that the objective is to encourage growth which achieves a balance between consolidation and respect for the township character.

Guidance as to the desired township character is provided by the design objectives in Ballan Strategic Directions for Precinct A, set out earlier in this report, with the following objectives particularly relevant to this application:

- Maintain a streetscape rhythm of detached dwellings with conventional front and side setbacks.
- Multi-dwelling developments should minimise the need for additional crossovers to the street, be located on lots within the Precinct that are within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Therefore, some lots within the Precinct may not be suitable for further intensification.
- Built form will not dominate the lot which will allow for generous private open space and garden plantings.
- Increasing canopy tree cover within lots will assist in improving the landscape within the Precinct, while also achieving a balance between open space and built form.

These objectives give particular guidance to the desirability for new dwellings to be in areas well located to services and facilities and responsive to key elements of the identified township character.

Fundamentally, the proposal is considered to be an overdevelopment of the site. The existing dwelling is both an opportunity and a constraint – an opportunity given it can be maintained as a functional dwelling, but a constraint given its substantial front setback from Jopling Street limits the site's potential to accommodate the proposed dwellings in a design which respects the neighbourhood character and amenity of the area.

The subject site, as previously stated, is towards the eastern edge of Ballan's urban area and not within convenient walking distance of most town facilities. The proposed development and subdivision represents a relatively intensive development of the site, particularly its rear half, noting that Units 1 and 2 would be semi-detached, and Unit 1 setback 2.2m from the rear of the existing dwelling on the site. Units 1 and 2 would be set back 4.0 metres from Atkinson Street, and their attached construction, visibility from Atkinson Street and proximity to the rear of the existing dwelling would combine to create a substantial built form particularly at odds with the character of the area. Aside from considering Clause 56 for subdivision, under the General Residential Zone, Council must also consider:

- The pattern of subdivision and its effect on the spacing of buildings.

The proposed lot sizes for Units 1 and 2, respectively 234sq m and 260sq m, reflect the constrained nature of the proposed development, with the proposed lot frontage widths of 9.27m and 10.27m significantly less than the surrounding frontages widths of generally 19.0m or more. The proposed lot sizes for Units 1 and 2 are also markedly smaller than all other lots in this part of Ballan.

In addition to the appearance of the dwellings in the streetscape, the design objectives support maintaining the spacious character of the area by providing generous private open space areas allowing for landscaping and canopy tree plantings, and avoiding dominance of buildings on the lot. Whilst the private open space areas exceed the minimum areas under ResCode, the size of these areas for Units 1 and 2 do not provide generous space for landscaping, and overall there is not a suitable balance between buildings and open space, in particular for the rear half of the property.

It is noted that most of the objectors specifically stated they could accept, in principle, one additional dwelling on the site.

### **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 development plan.

<b>Authority</b>	<b>Response</b>
Downer Utilities	Consent with conditions
Powercor	Consent with conditions
Western Water	Consent
Melbourne Water	Consent with conditions
Southern Rural Water	Consent with conditions
Central Highlands Water	Consent with conditions
Infrastructure	Consent with conditions

### **Financial Implications**

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

### **Risk and Occupational Health and Safety Issues**

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

### **Communications Strategy**

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

### **Options**

An alternative option would be to approve the application subject to conditions, however based on the above assessment the key issues identified cannot be resolved by permit conditions. Approving the application may result in the objectors lodging an application for review of Council's decision with VCAT.

## **Conclusion**

Overall, the proposal is inconsistent with the relevant Moorabool Planning Scheme provisions. The development of two (2) additional dwellings on the lot and a three (3) lot subdivision would generally satisfy State and local planning objectives to increase Ballan's population but would not be in keeping with the township character. Whilst the proposal satisfies some of the relevant provisions for medium density housing and subdivision, it is not adequately site responsive, being inconsistent with the amenity of the surrounding area and the design objectives for new development in Council's adopted Ballan Strategic Directions plan.

## **Recommendation**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018001 for Three Lot Subdivision and Development of Two Additional Dwellings at Lot 4 on PS 210622J, 8 Jopling Street, Ballan 3342 on the following grounds:**

- 1. The application does not satisfy State and local planning policy in the Moorabool Planning Scheme in relation to neighbourhood character.**
- 2. The application does not satisfy the purpose of the General Residential Zone.**
- 3. The application does not satisfy the relevant provisions of Clause 55 of the Moorabool Planning Scheme.**
- 4. The application does not satisfy the relevant provisions of Clause 56 of the Moorabool Planning Scheme.**
- 5. The application is inconsistent with the relevant design objectives in Part 4.2.3 of Ballan Strategic Directions.**

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### **Report Authorisation:**

**Authorised by:**

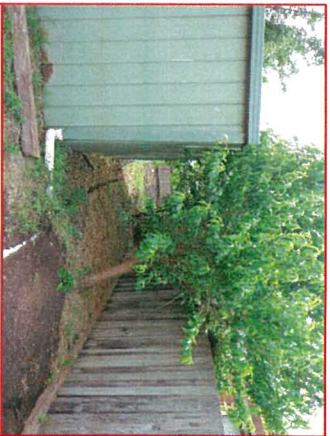
**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 25 July, 2018







existing fruit trees to be removed  
existing garage to be removed



14 Atkinson St  
Neighbouring residence East of Subject site



Subject site  
showing current conditions  
5th December 2017



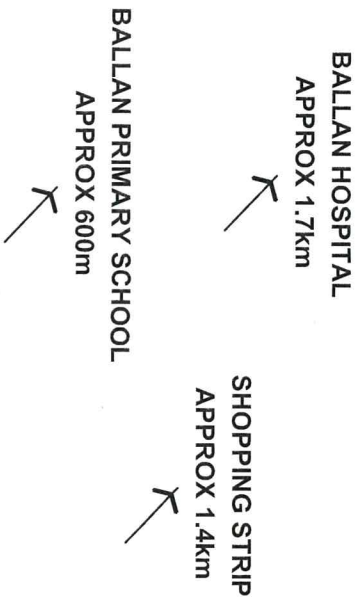
Subject site  
showing current conditions  
5th December 2017



14 Atkinson St  
Neighbouring residence East of Subject site

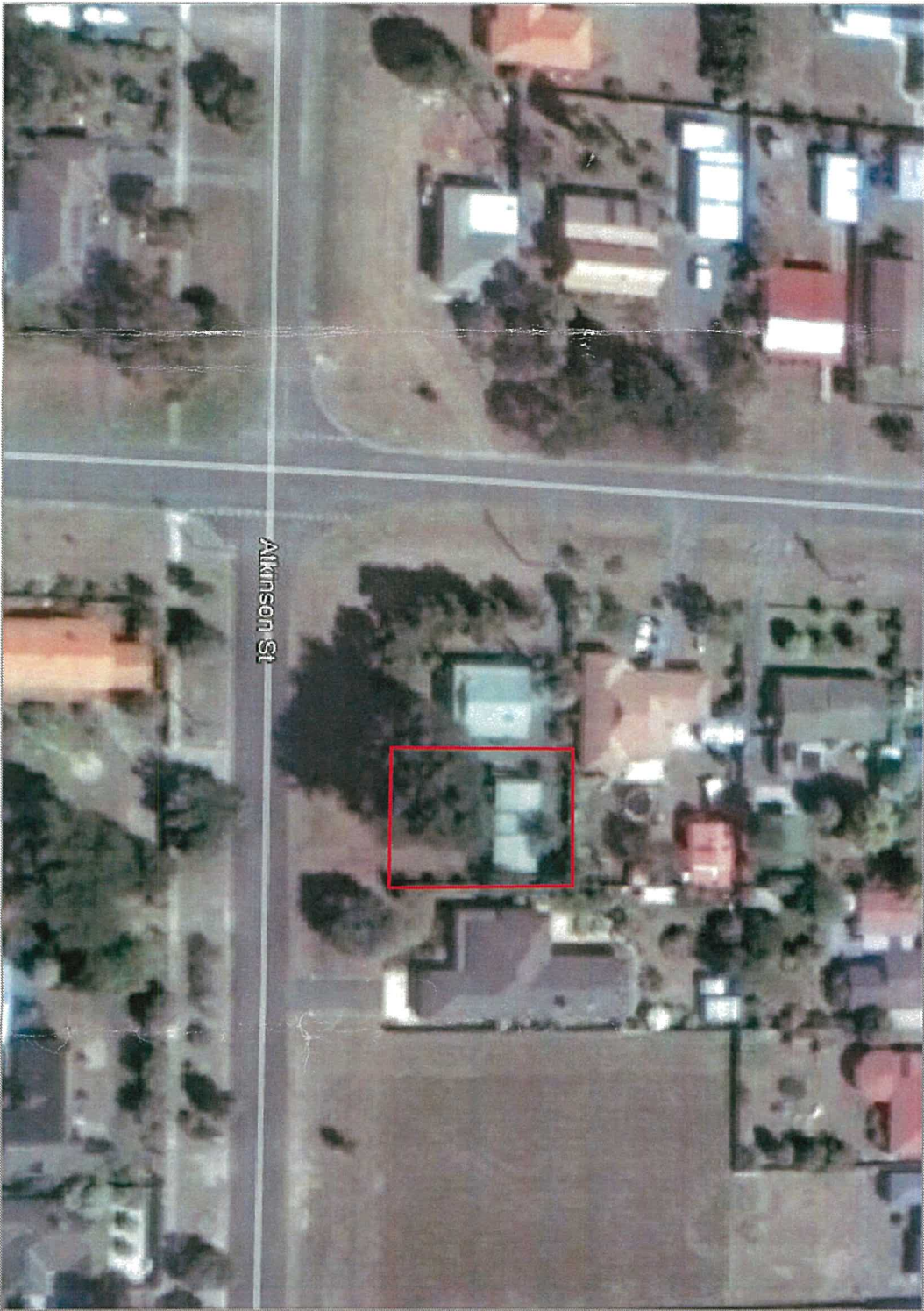


existing garage to be removed  
existing fruit trees to be removed



# ADVERTISED PLANS

FREEWAY TO MELBOURNE  
APPROX 2.5km



BALLAN TRAIN STATION  
APPROX 980m

## Tony De Jong Drafting P/L

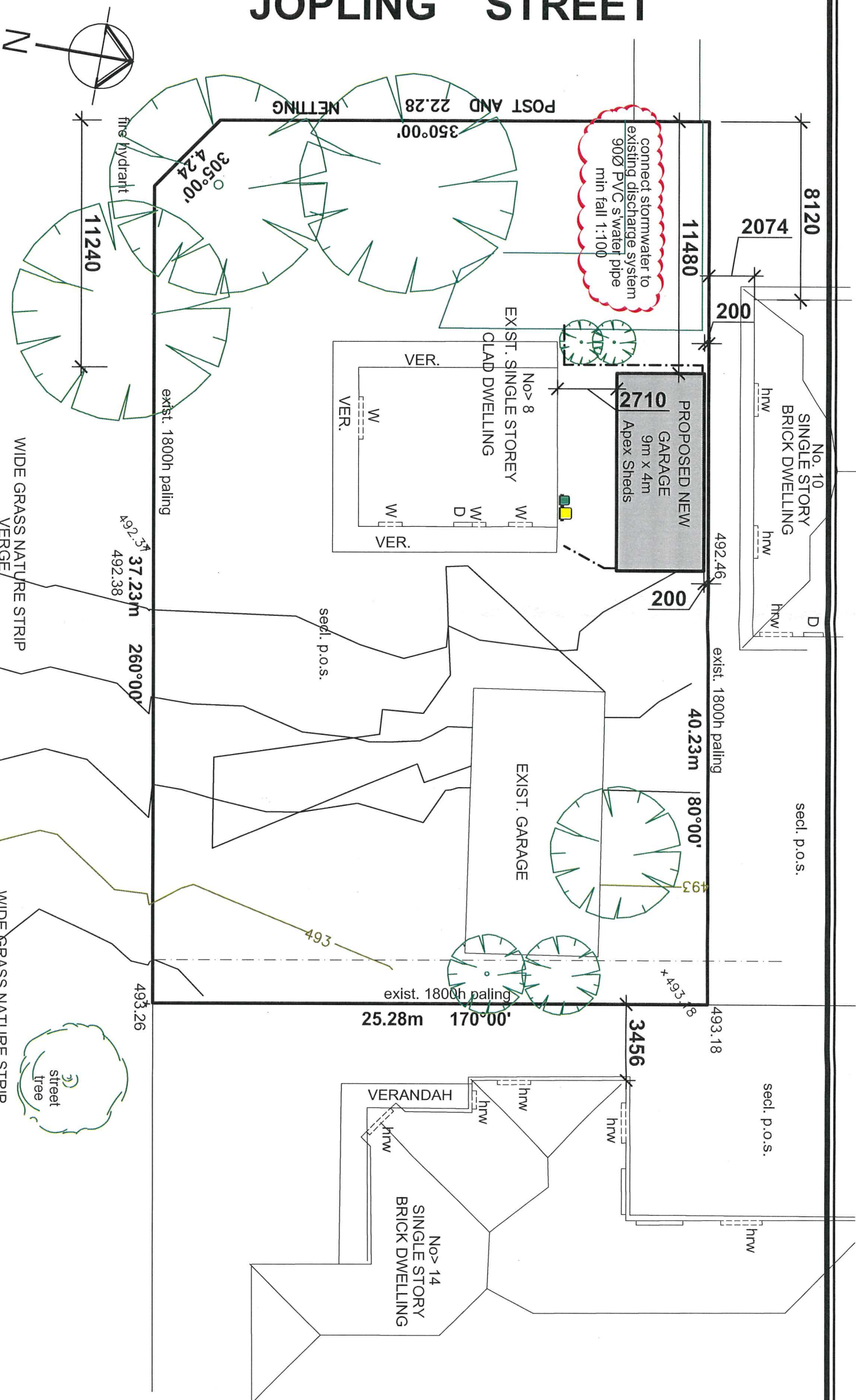
D.P. AD 244  
A.B.N: 38 233 853 783  
Phones: 53 322468 / 0419 538 580  
Email: dejongdrafting@ncable.net.au

project name: **PROPOSED DUAL OCCUPANCY**  
client: **EMIL DELEKTA**  
address: **No. 8 Jopling Street  
Ballan**

scale:	N.T.S.
print date:	
sheet no:	01
drg no:	17476



# JOPLING STREET



## site plan

SITE	AREA	%
BLOCK	1006m2	100
PAVING AS SHOWN	123.11m2	12.23
BUILDINGS (FOOTPRINT)	206.73m2	20.55
GARDEN LAWN ETC	676.16m2	67.22

ATKINSON STREET

**Tony De Jong Drafting P/L**

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**Phones: 53 322468 / 0419 538 580**  
**Email: [dejongdrafting@ncable.net.au](mailto:dejongdrafting@ncable.net.au)**

project name: **PROPOSED NEW GARAGE**

client:  
address:  
**EMIL DELEKTA**  
**No. 8 Jopling Street**  
**Ballan**

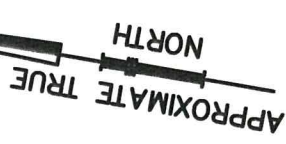
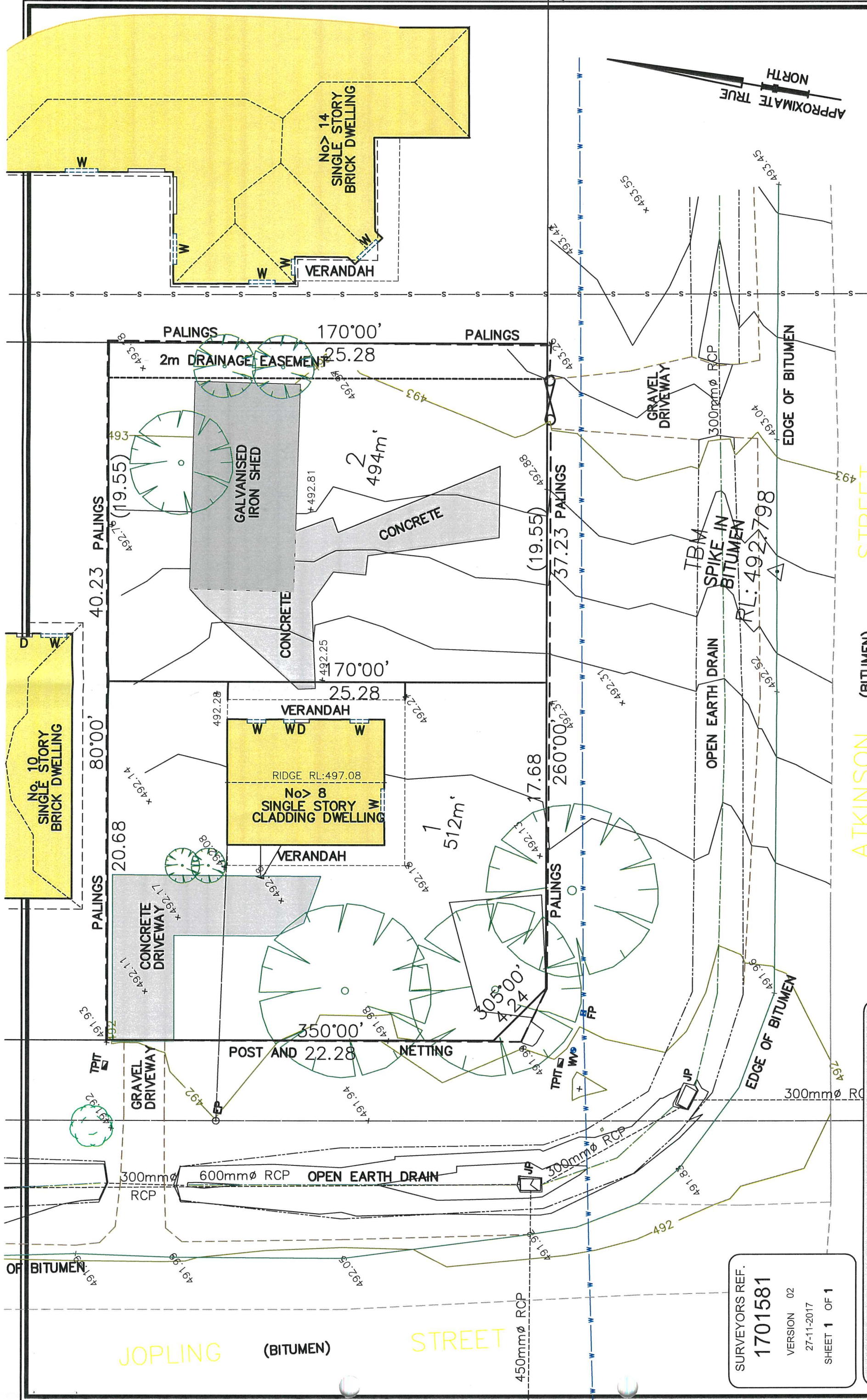
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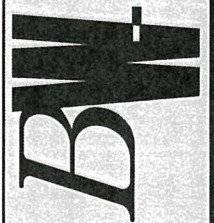
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drg no: 17476

project name: **PROPOSED DUAL OCCUPANCY**  
client: **EMIL DELEKTA**  
address: **No. 8 Jopling Street Ballan**

**ATKINSON** (BITUMEN) **STREET**

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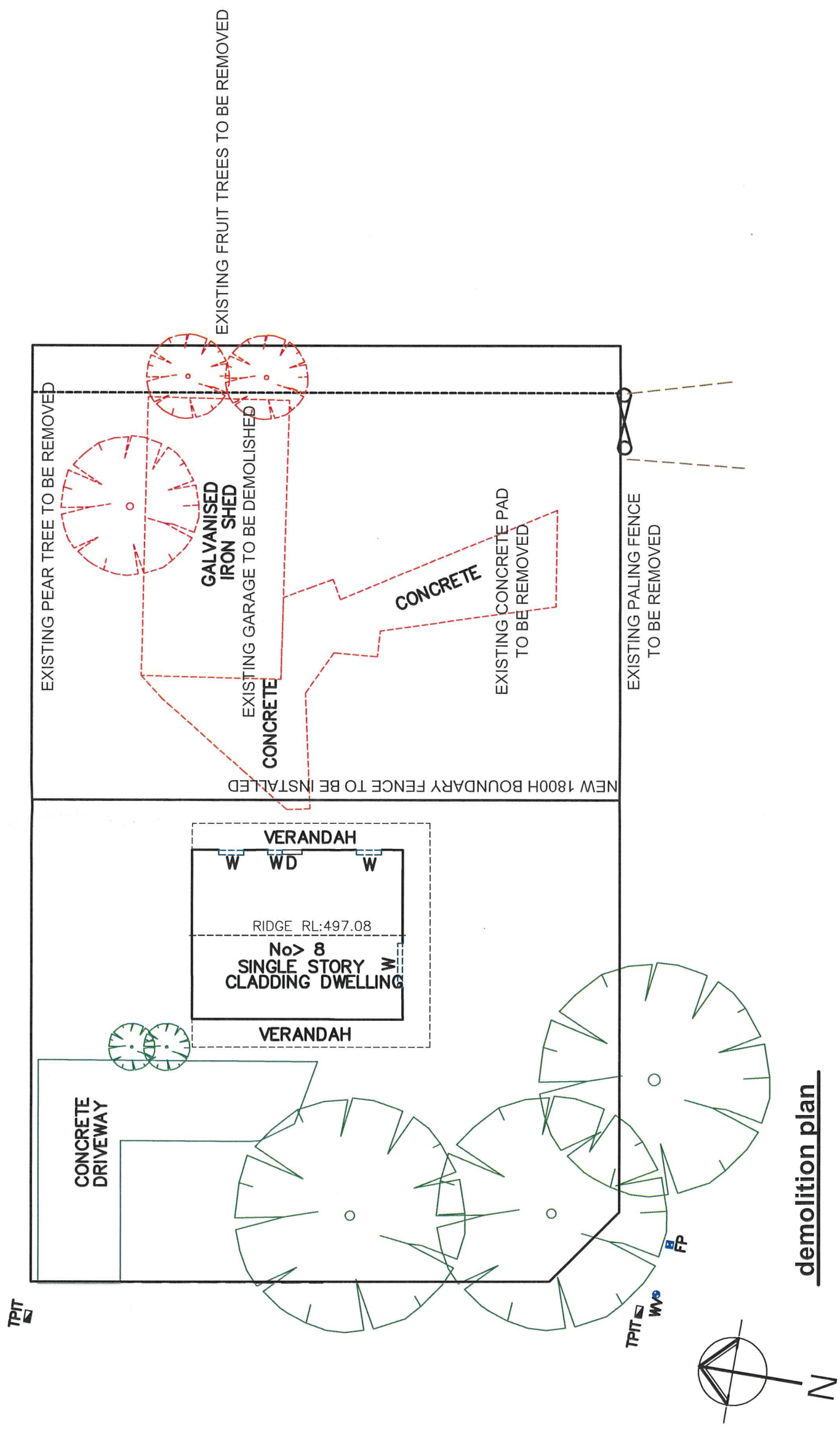
**Beveridge Williams**  
development & environment consultants  
96 Main Road Ballarat  
PO Box 1465 Bakery Hill 3354  
Ph: 53272000 Fax: 53272099



SURVEYORS REF. **1701581**  
VERSION 02  
27-11-2017  
SHEET 1 OF 1

**JOPLING** (BITUMEN) **STREET**

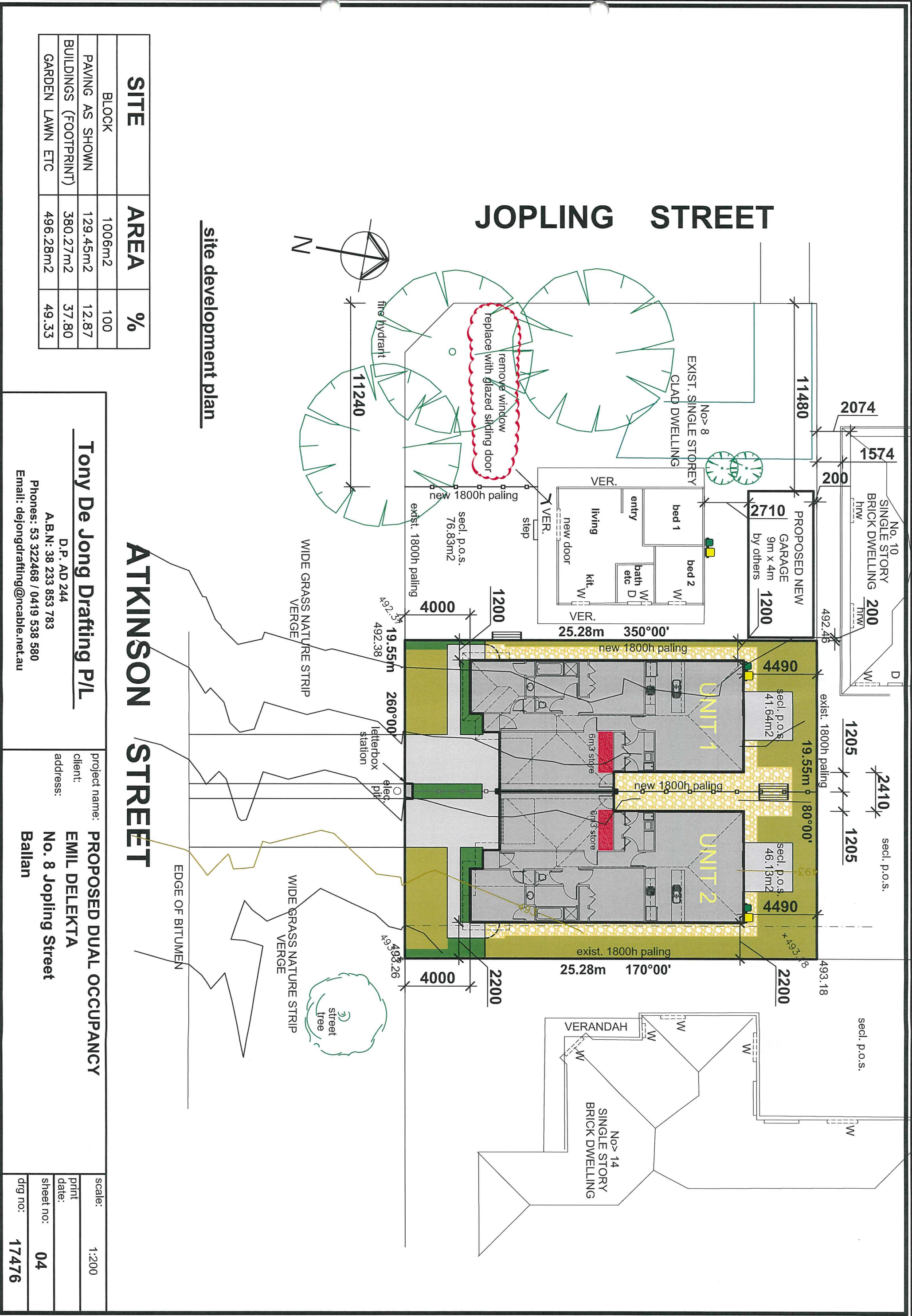




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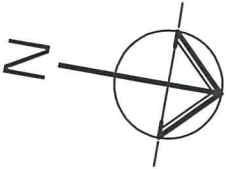
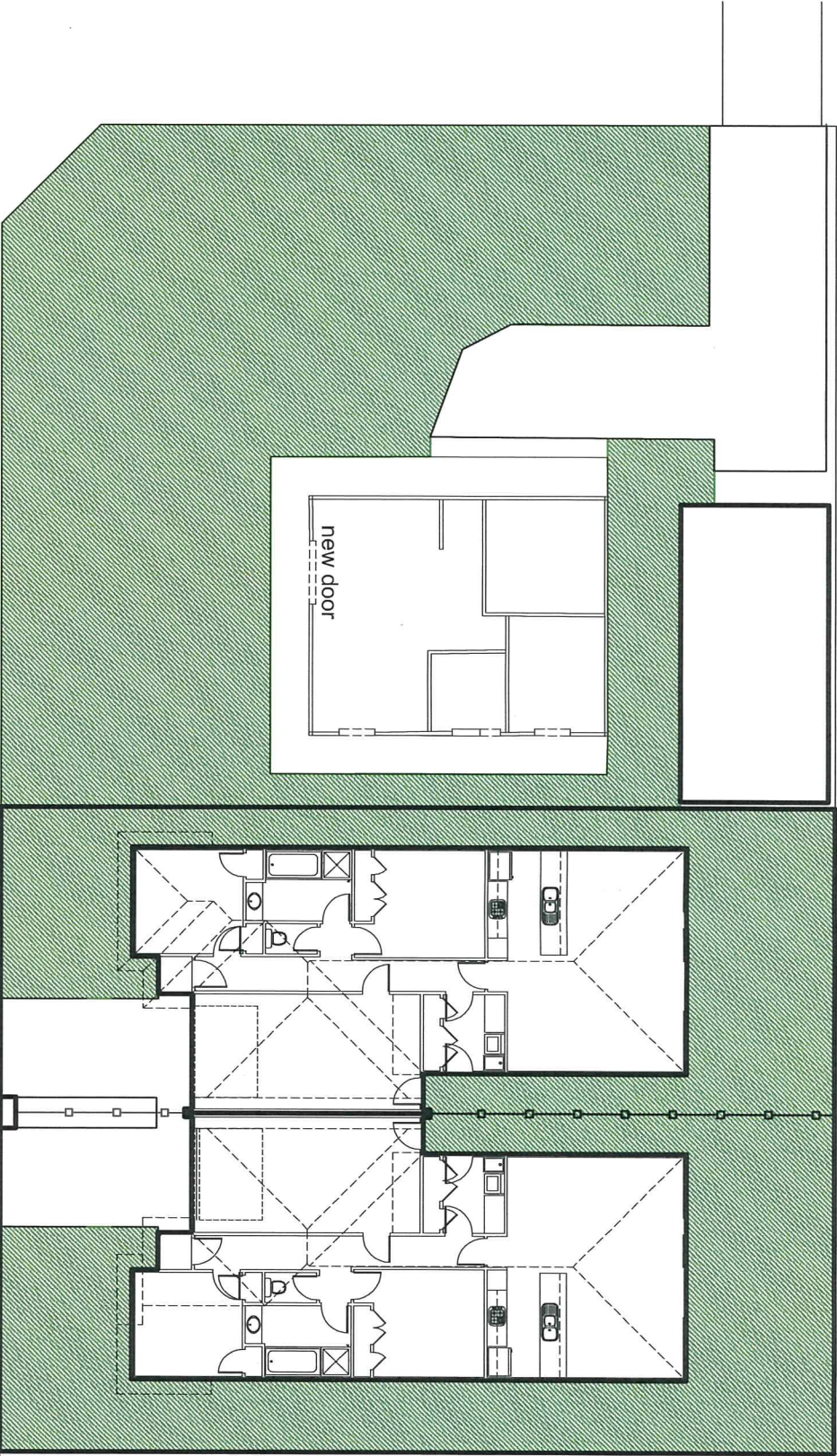
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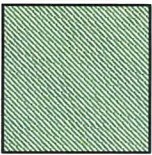




JOPLING STREET



landscaped area requirement plan



landscaped area (min. width 1m)  
site area - 1006m<sup>2</sup>  
required landscaped area - 352.1m<sup>2</sup> (35%)  
lanscaped area as per diagram - 597.36m<sup>2</sup> (59.38 %)

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No. 8 Jopling Street  
Ballan

25% GARDEN AREA (CLAUSE 72)

Proposed lot 1 Area = 512m <sup>2</sup>
Garden Area = 303.28m <sup>2</sup> (59.23%)
Proposed sublot 1 Area = 234.47m <sup>2</sup>
Garden Area = 95.68m <sup>2</sup> (40.81%)
Proposed sublot 2 Area = 259.66m <sup>2</sup>
Garden Area = 120.96m <sup>2</sup> (46.58%)

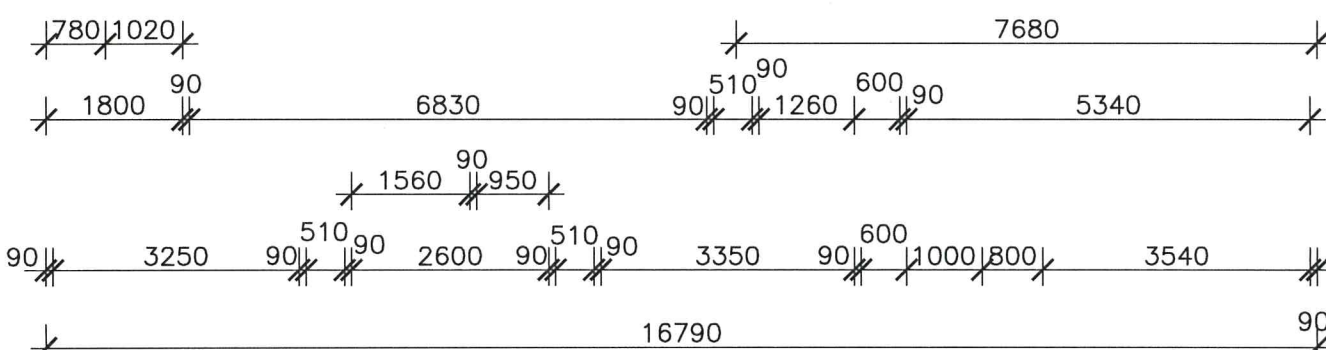
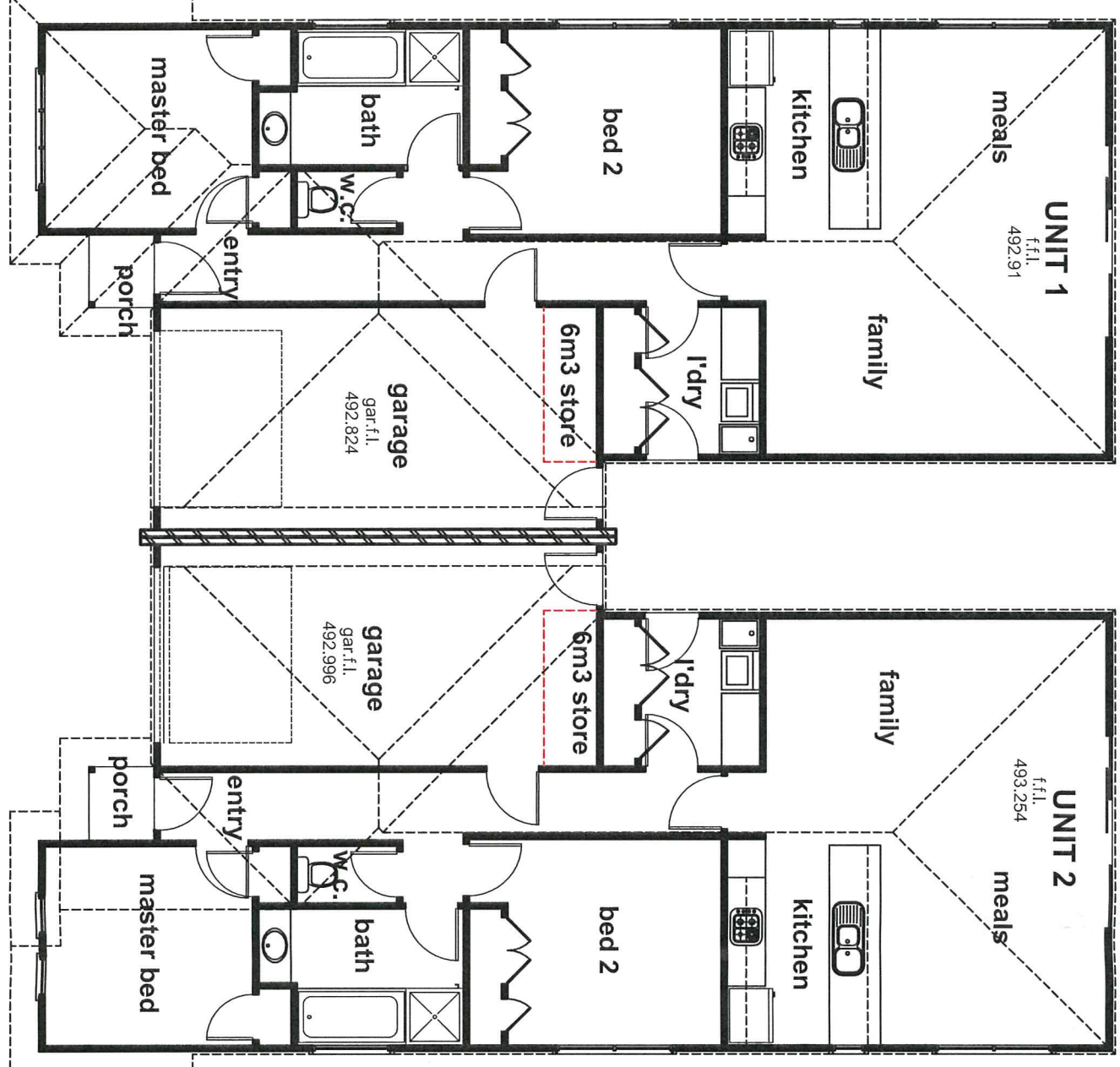
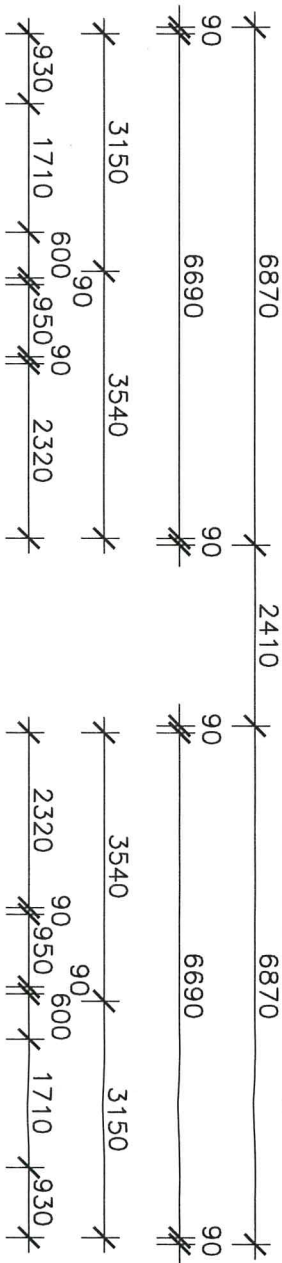
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sheet no: 05

drg no: 17476





AREAS: (both units same)

living = 92.28m2. 9.93sq  
garage = 25.12m2. 2.70sq  
porch = 1.16m2.

**floor plans**

project name: **PROPOSED DUAL OCCUPANCY**  
client: **EMIL DELEKTA**  
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**Ballan**

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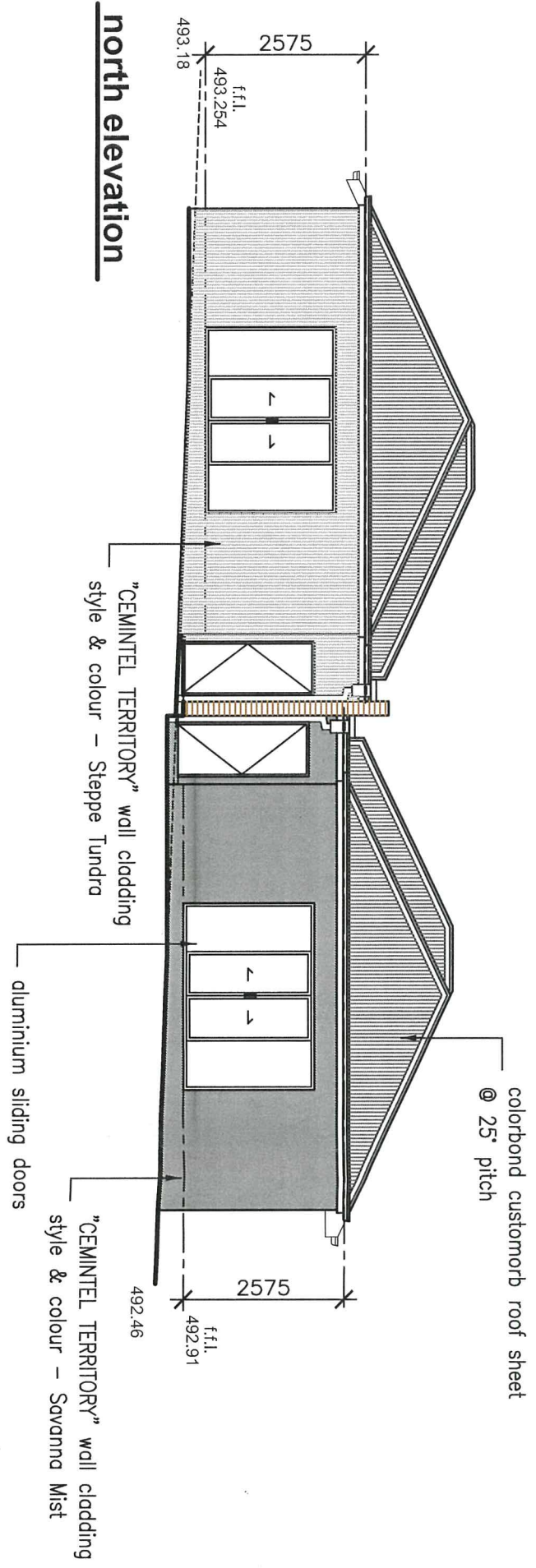
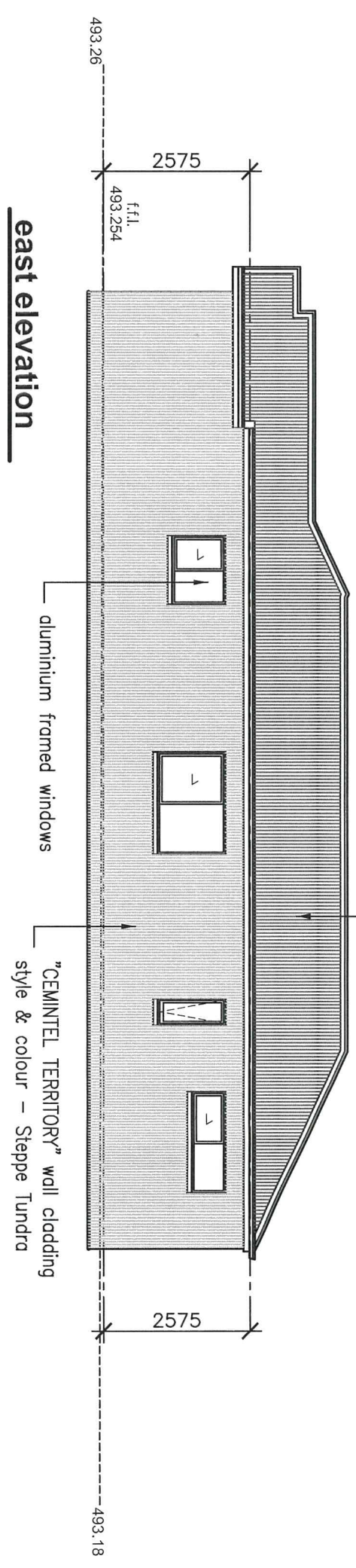
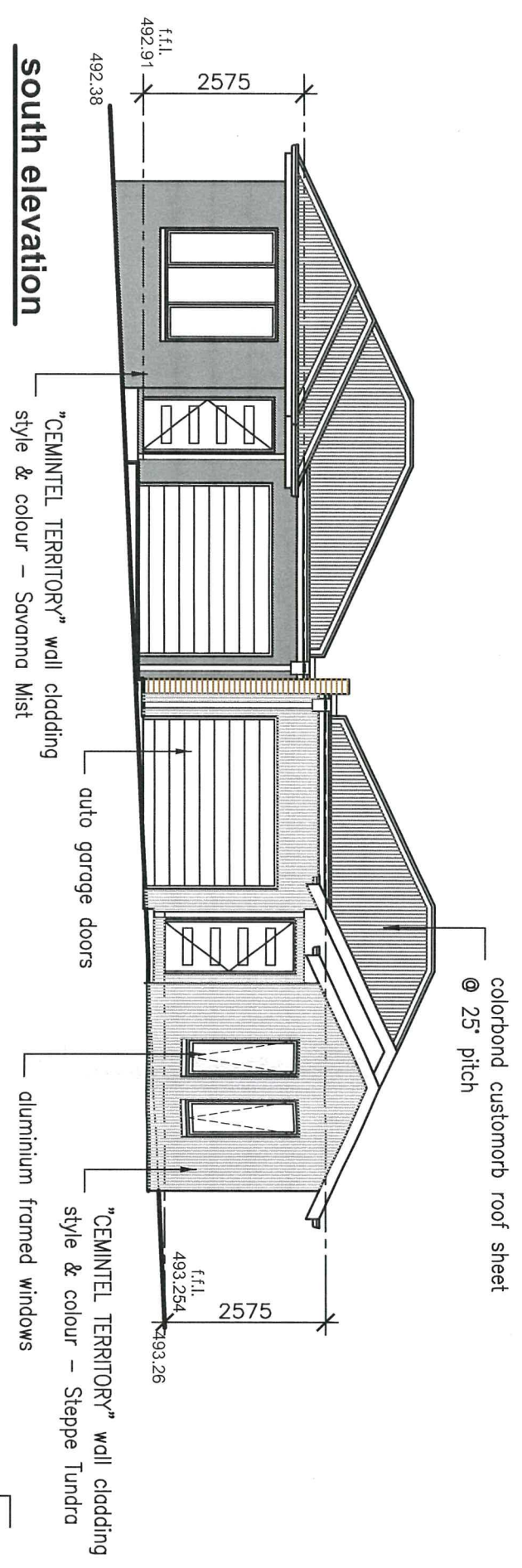
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sheet no: **06**

drg no: **17476**





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## PROPOSED DUAL OCCUPANCY

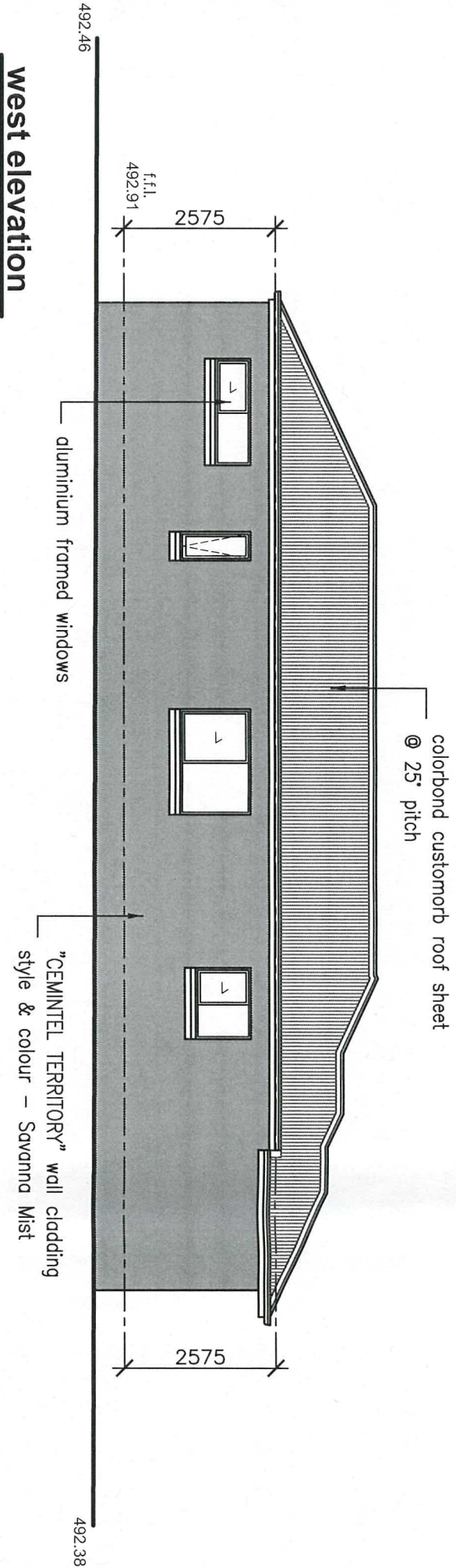
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**EMIL DELEKTA**  
**No. 8 Jopling Street**  
**Ballan**

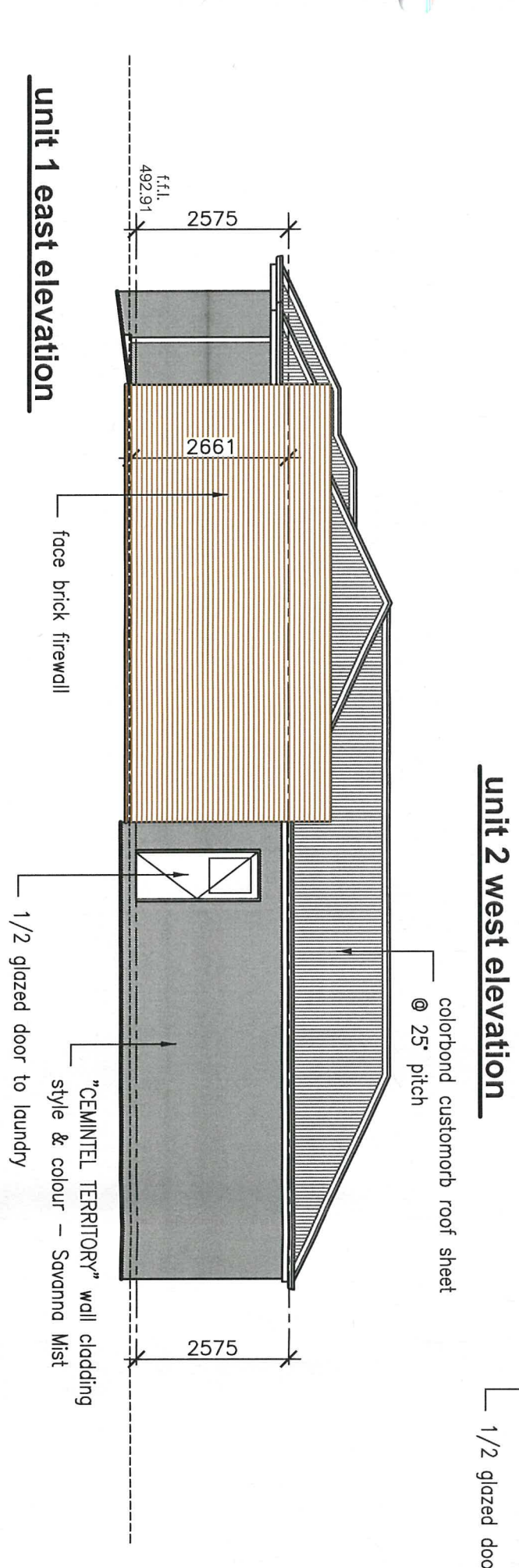
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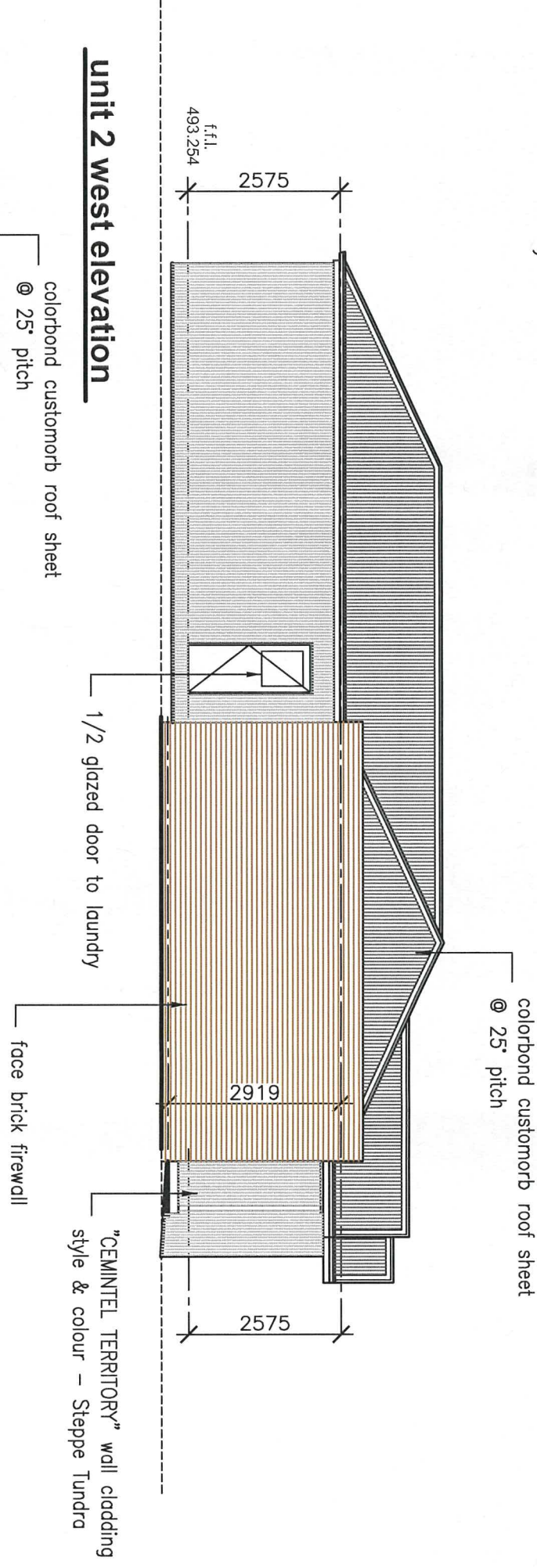




**west elevation**



**unit 1 east elevation**



**unit 2 west elevation**

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project name:

**PROPOSED DUAL OCCUPANCY**

client:

**EMIL DELEKTA**

address:

**No. 8 Jopling Street**

**Ballan**

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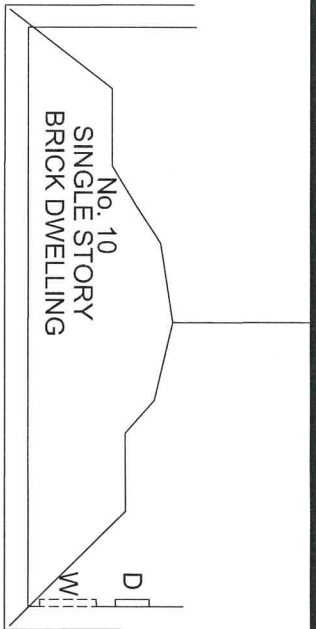
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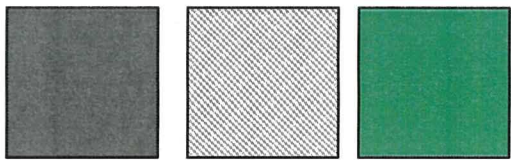
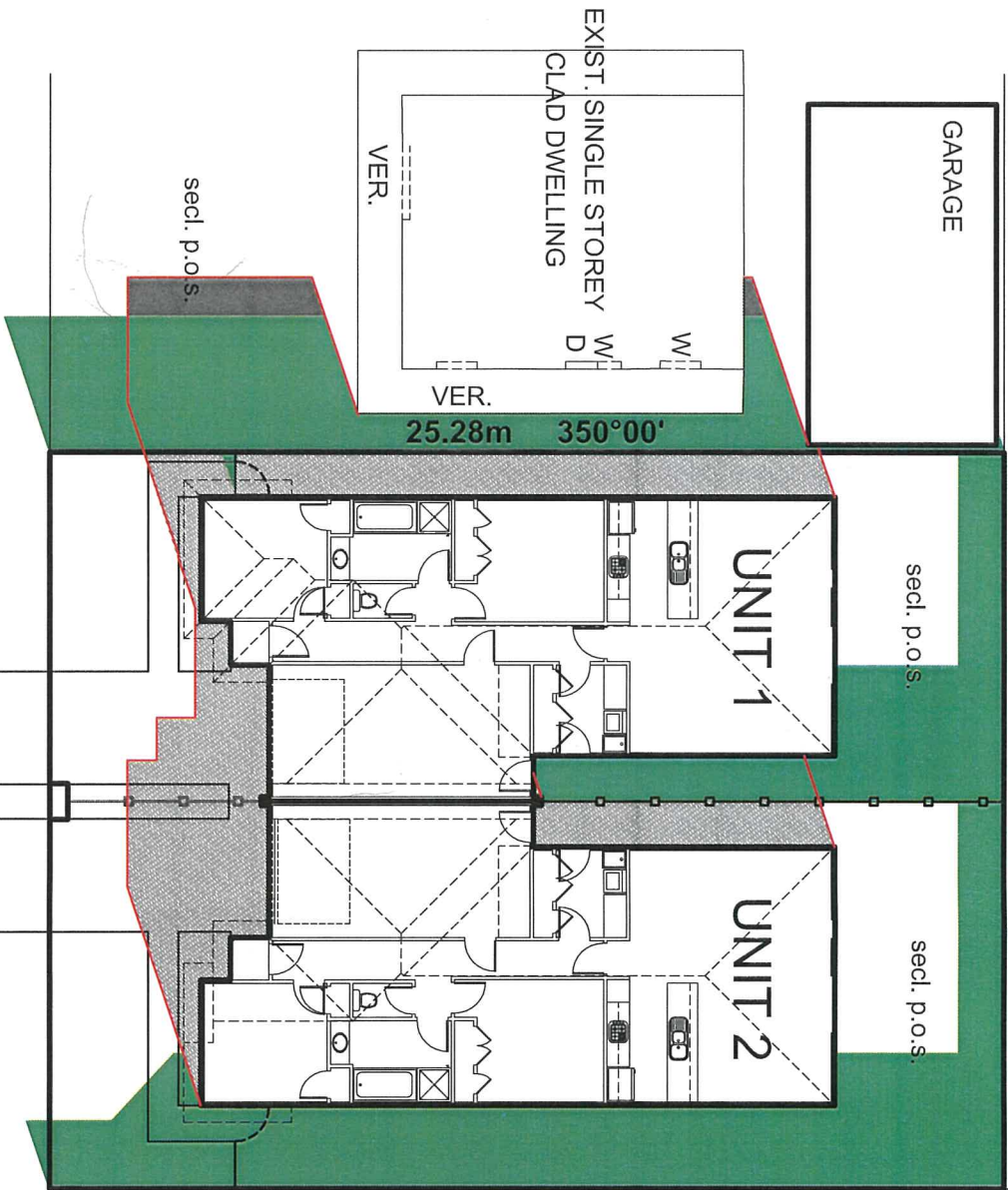
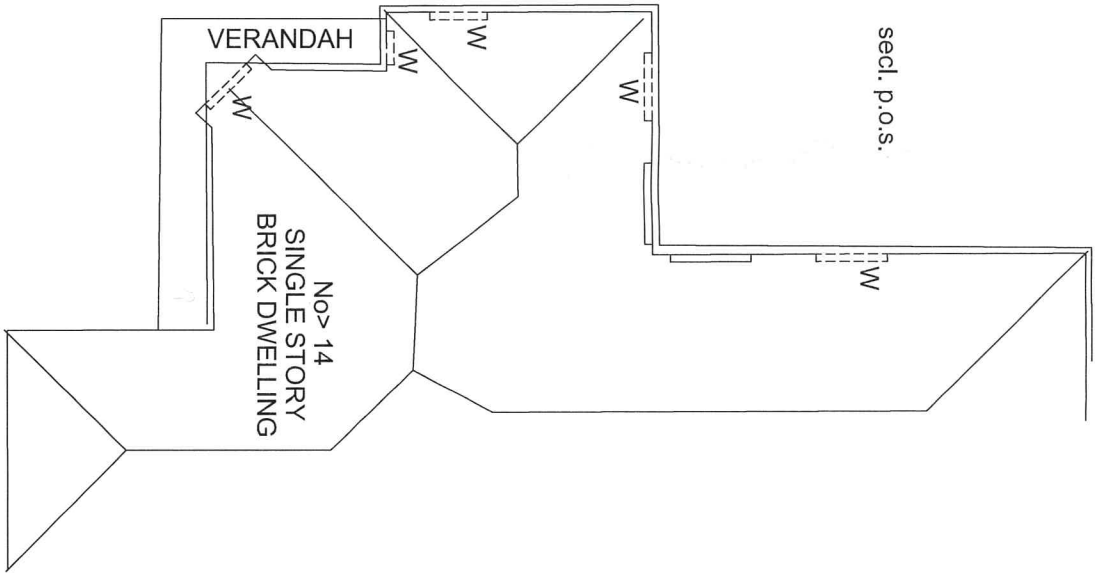
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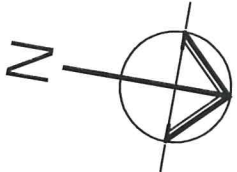
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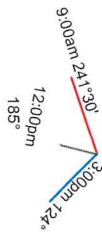
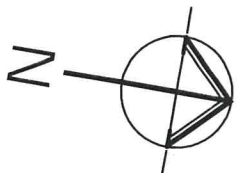
represents area of shadow as cast by 1800 boundary fencing

represents area of shadow as cast by new buildings onto subject site

represents area of shadow as cast by new buildings beyond subject site



WIDE GRASS NATURE STRIP  
VERGE



9:00am 2.09m shadow per 1m high (shown as red lines)  
12:00pm 1.0m shadow per 1m high (shown as grey lines)  
3:00pm 1.79m shadow per 1m high (shown as blue lines)

shadow heights and directions per m high

# ATKINSON STREET

9:00am shadow diagram

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**PROPOSED DUAL OCCUPANCY**  
**EMIL DELEKTA**  
**No. 8 Jopling Street**  
**Ballan**

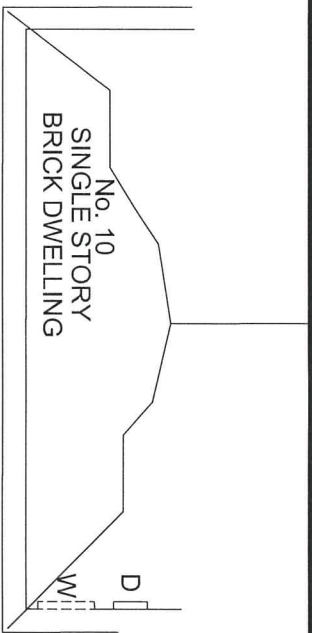
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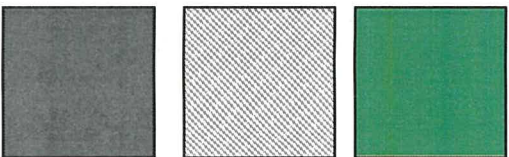
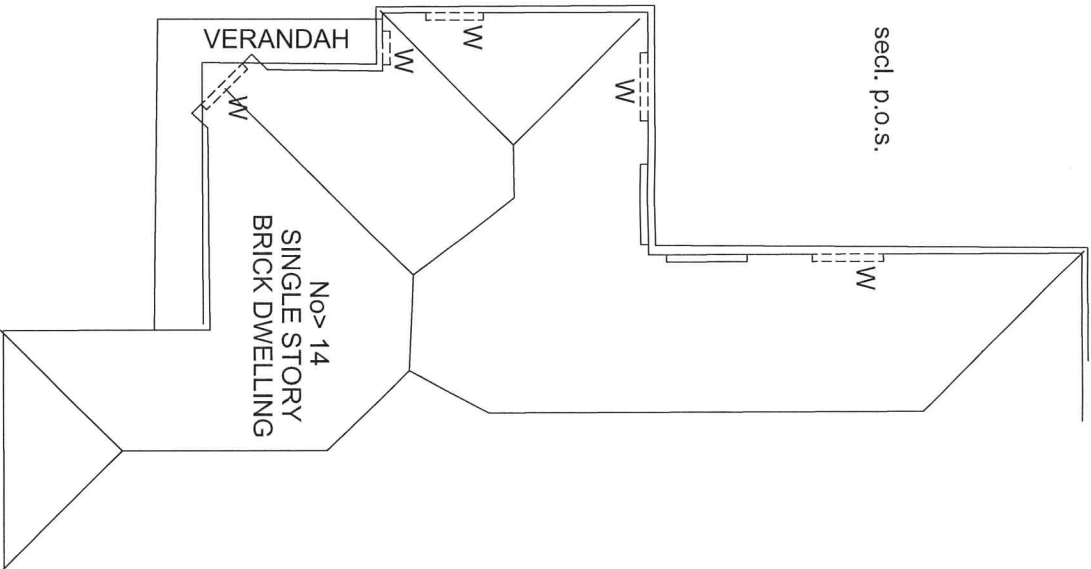
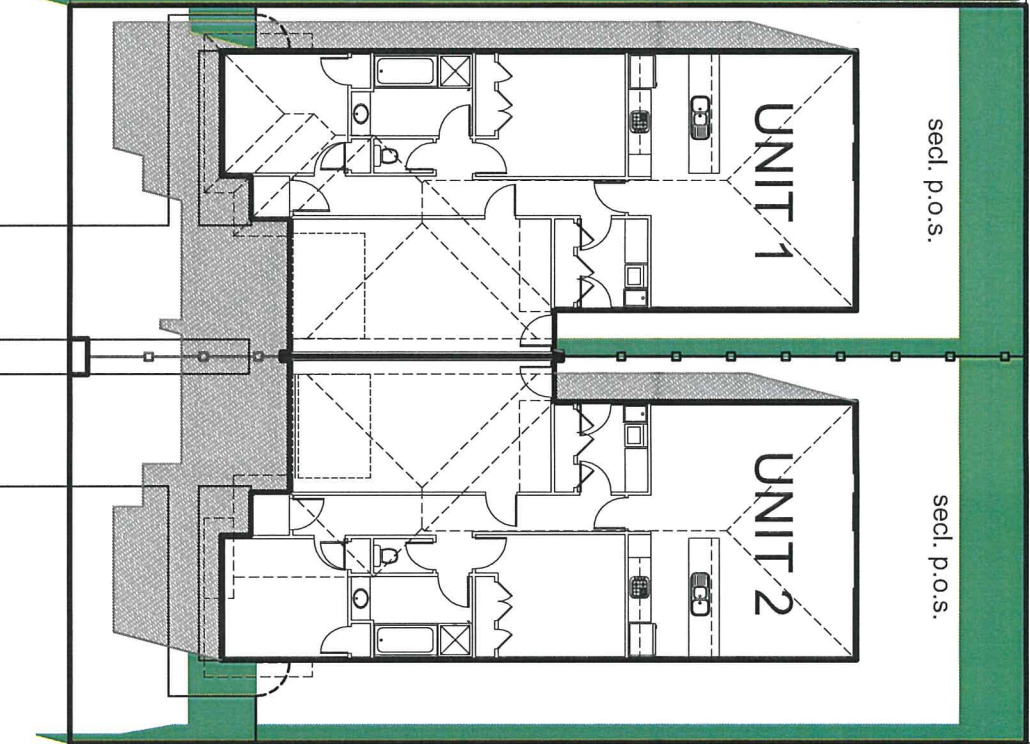
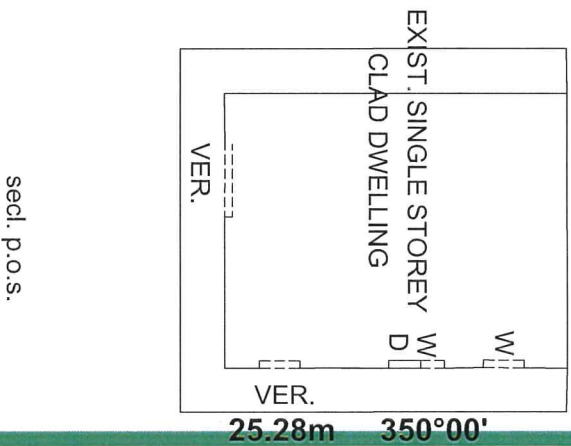
drg no: 17476





sect. p.o.s.

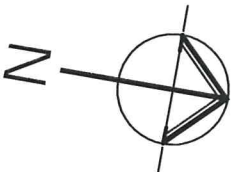
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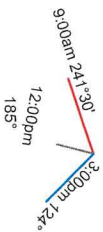
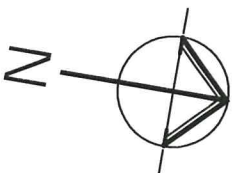
represents area of shadow as cast by 1800 boundary fencing

represents area of shadow as cast by new buildings onto subject site

represents area of shadow as cast by new buildings beyond subject site



WIDE GRASS NATURE STRIP  
VERGE



9:00am 2.09m shadow per 1m high (shown as red lines)  
12:00pm 1.0m shadow per 1m high (shown as grey lines)  
3:00pm 1.79m shadow per 1m high (shown as blue lines)

shadow heights and directions per m high

# ATKINSON STREET

12:00pm shadow diagram

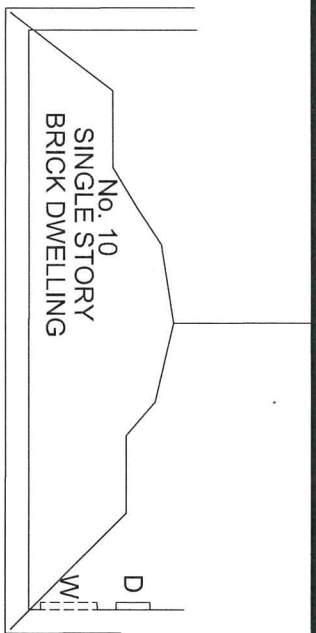
Tony De Jong Drafting P/L

D.P. AD 244  
A.B.N: 38 233 853 783  
Phones: 53 322468 / 0419 538 580  
Email: dejongdrafting@ncable.net.au

project name: **PROPOSED DUAL OCCUPANCY**  
client: **EMIL DELEKTA**  
address: **No. 8 Jopling Street**  
**Ballan**

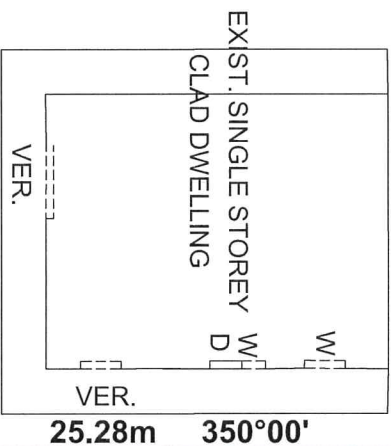
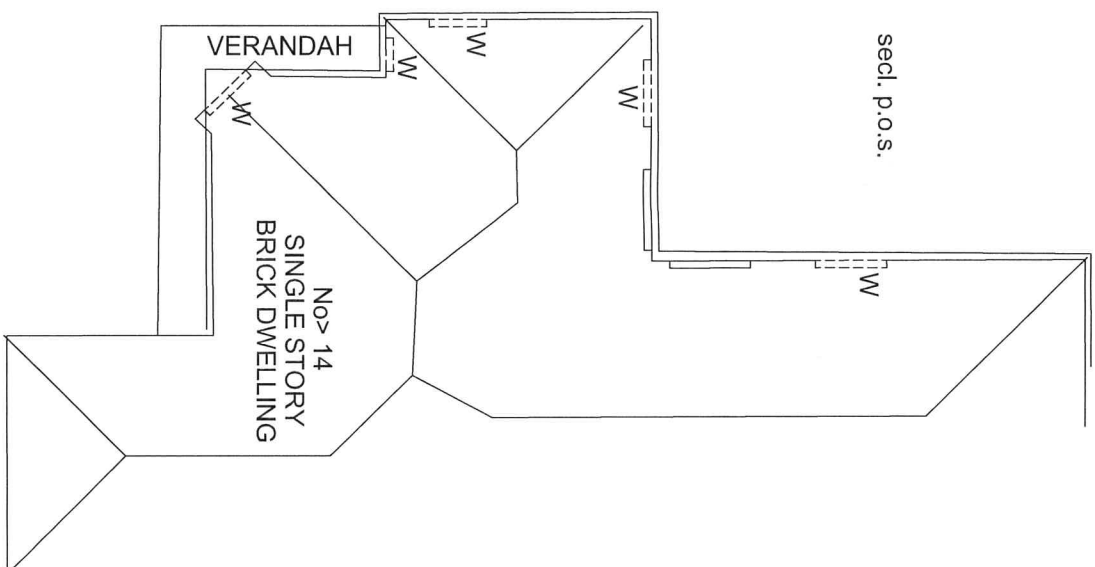
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print date:  
sheet no: **10**  
drg no: **17476**



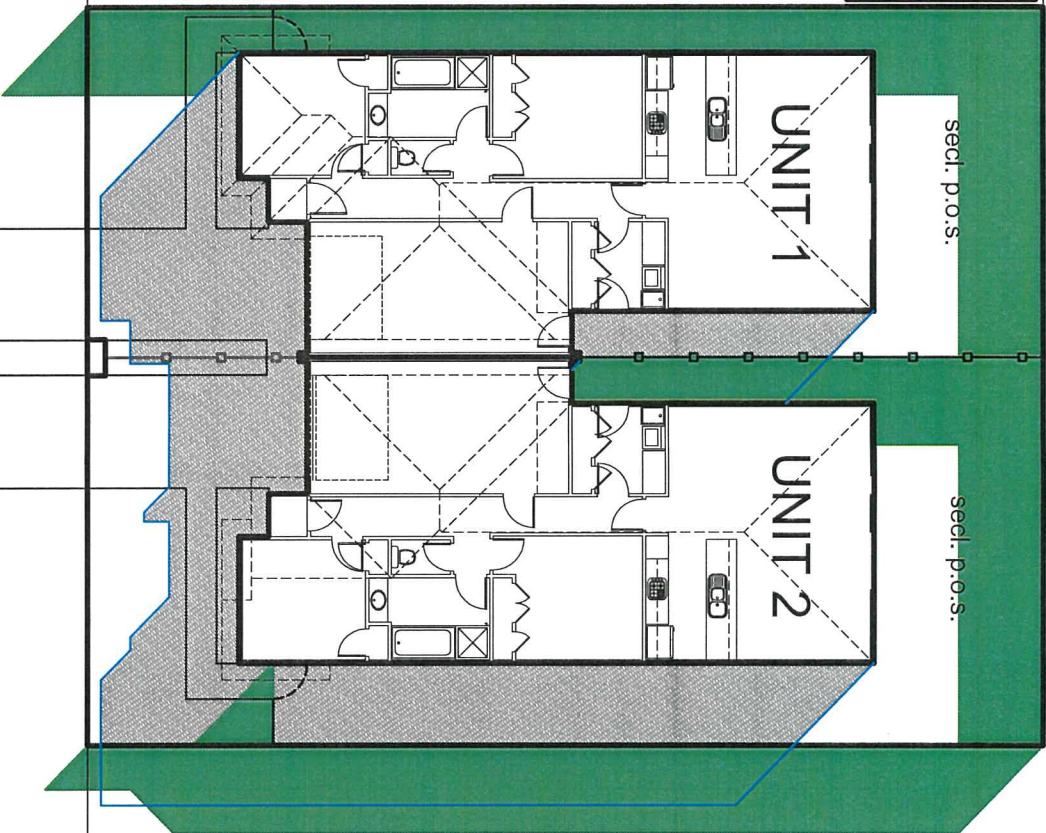


secl. p.o.s.

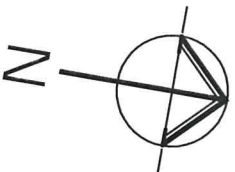
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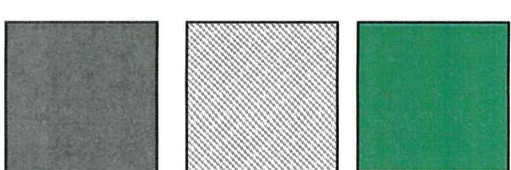
25.28m 350°00'



secl. p.o.s.



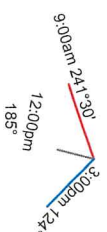
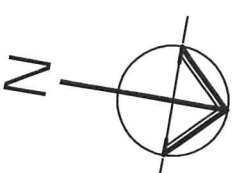
WIDE GRASS NATURE STRIP  
VERGE



represents area of shadow as cast by 1800 boundary fencing

represents area of shadow as cast by new buildings onto subject site

represents area of shadow as cast by new buildings beyond subject site



shadow heights and directions per m high

9:00am 2.09m shadow per 1m high (shown as red lines)  
12:00pm 1.0m shadow per 1m high (shown as grey lines)  
3:00pm 1.79m shadow per 1m high (shown as blue lines)

# ATKINSON STREET

3:00pm shadow diagram

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project name:  
client:  
address:

PROPOSED DUAL OCCUPANCY

EMIL DELEKTA

No. 8 Jopling Street

Ballan

scale: 1:100

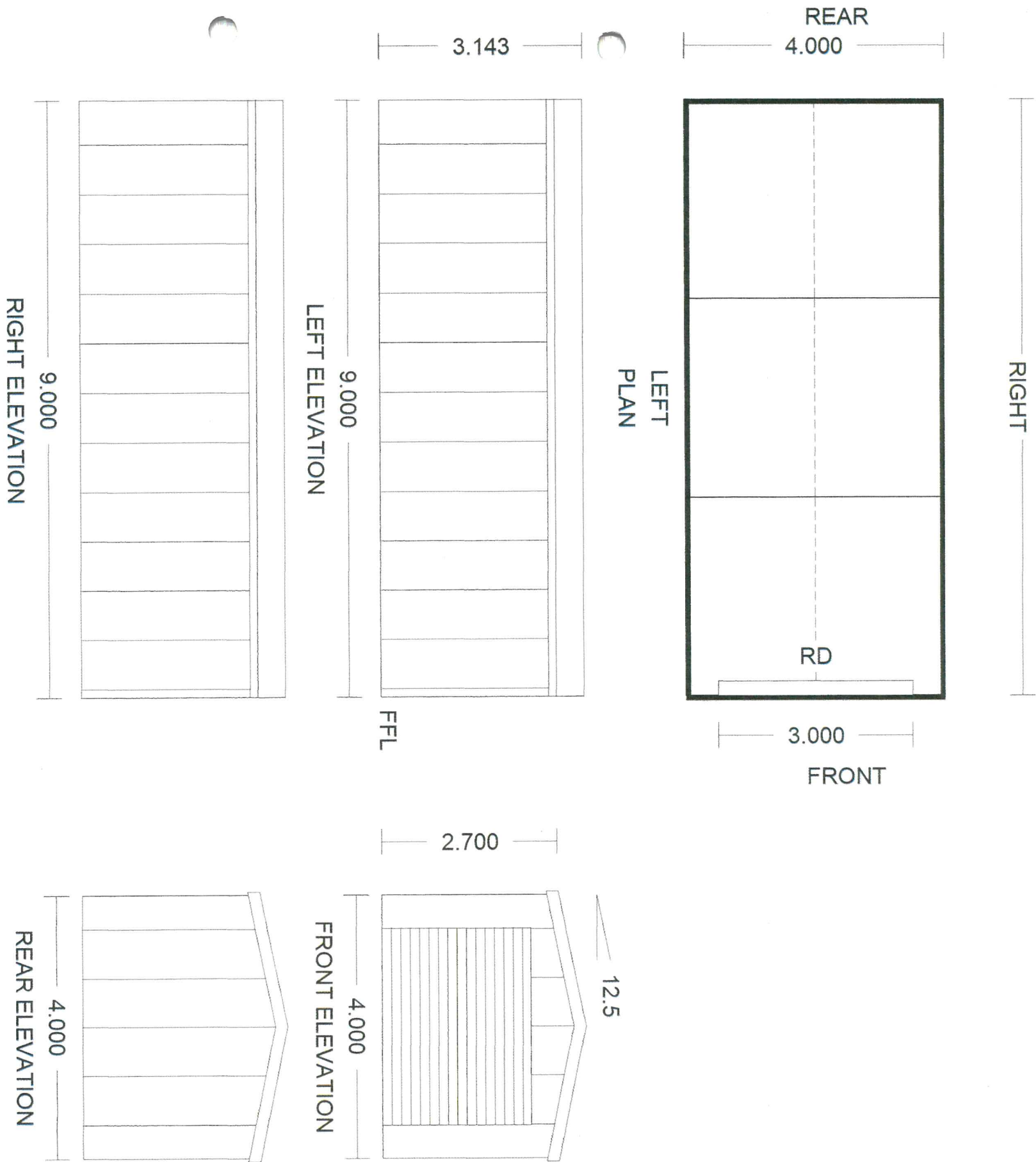
print date:

sheet no: 11

drg no: 17476







Plans Drawn By

Apex Sheds

PO Box 211  
Ballan VIC 3342  
Ph: 0421 845 258 or 035368 1507 (answer machine only) Fax: 03 5368 2044  
Email: gavin@apexsheds.com.au

For Customer

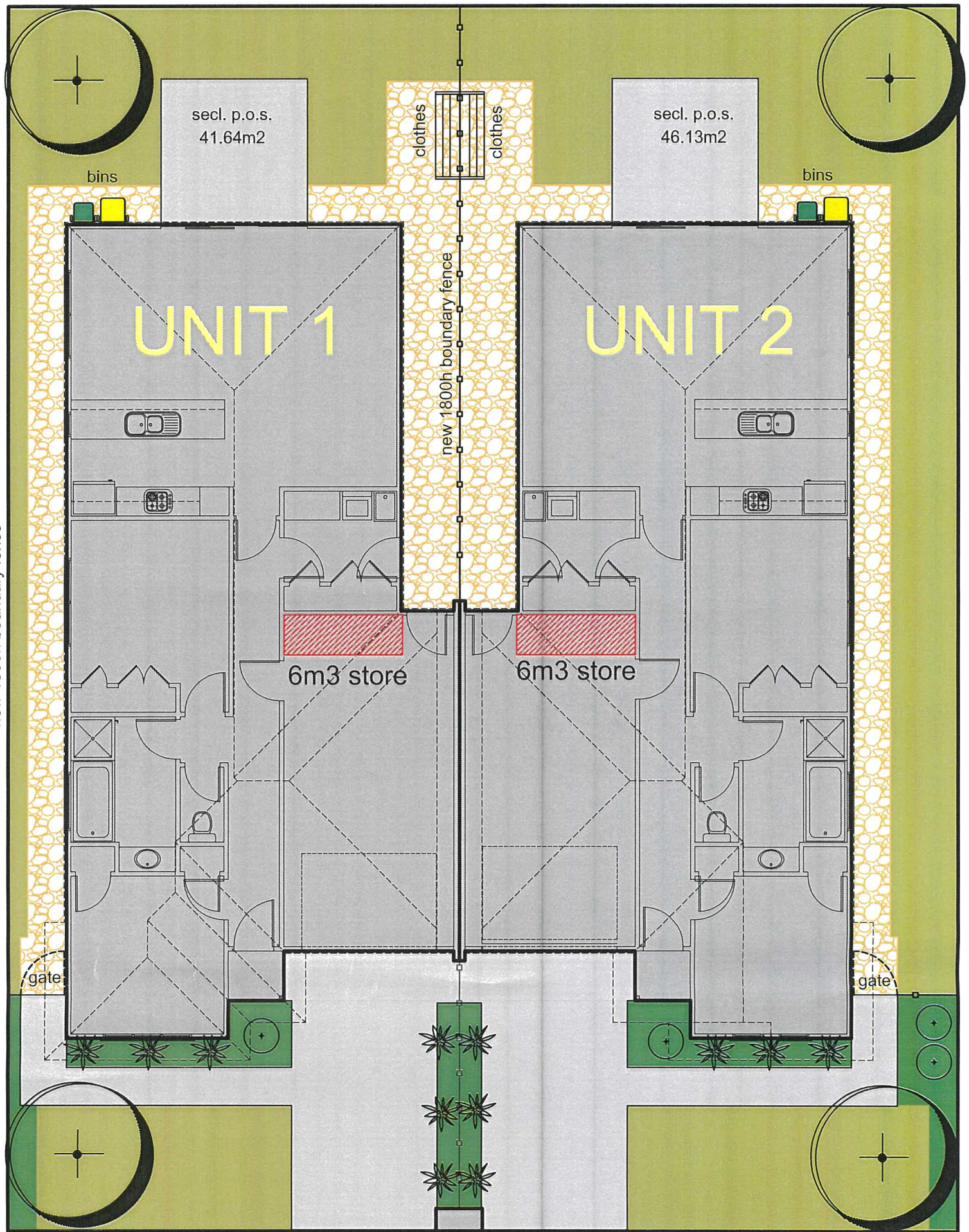
Proposed Project:  
Client: Emeril TBC  
Site: Atkinson st Ballan

All Work To Be In Accordance With Accompanying Engineers Details

Architectural Drawings

Quote: TBC00001592  
Drawing:





new 1800h boundary fence

letterbox station

new c/o  
to council req's

new c/o  
to council req's

## landscape plan



Eucalyptus Leucoxylon



Hakea Pink pokers



Lomandra Longifolia



Eucalyptus Leucoxylon



Hakea Pink pokers



Lomandra Longifolia

## Tony De Jong Drafting P/L

D.P. AD 244  
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Phones: 53 322468 / 0419 538 580  
Email: dejongdrafting@ncable.net.au

project name: **PROPOSED DUAL OCCUPANCY**  
client: **EMIL DELEKTA**  
address: **No. 8 Jopling Street**  
**Ballan**

scale: 1:100  
print date:  
sheet no: **13**  
drg no: **17476**