

AGENDA

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 18 April, 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. Sam Romaszko	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
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 21 March, 2018.			Resolution
4.	Conflict of Interest	Chair		Noting
5.	Growth & Development Reports	S. Sandhu		Discussion
5.1	Planning Permit Application PA2016 273 – Partial Demolition and Development of Two Dwellings at 62 Grant Street, Bacchus Marsh.	T. Tonkin	Page 3	Resolution

5.2	Planning Permit PA2017 057 – Development of two (2) dwellings behind an existing dwelling at 5 O’Hagan Place, Bacchus Marsh.	V. Mack	Page 27	Resolution
5.3	Planning Permit Application PA2017 273 – Development of a Telecommunications Facility at Sullivans Road, Millbrook.	T. Tonkin	Page 53	Resolution
5.4	Planning Permit Application PA2017 201 – Development of a Single Dwelling and Associated Outbuildings at Lot 2 Grose Road, Gordon.	B. Southee	Page 67	Resolution
6.	Update on Trends, Issues and Other Matters	S. Sandhu		Discussion
7.	Update of VCAT Decisions	Chair		Resolution
8.	Date of Next Meeting	Chair		Noting
8.1	Wednesday 16 May, 2018 5.00pm North Wing Room 2 & 3 Darley Civic and Community Hub, 182 Halletts Way, Darley			
9.	Meeting Close	Chair		Noting

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit application PA2016 273 – Partial Demolition and Development of Two Dwellings at 62 Grant Street, Bacchus Marsh.

Application Summary:	
Permit No:	PA2016 273
Lodgement Date:	13 September 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 2 on PS 318296D, 62 Grant Street, Bacchus Marsh 3340
Proposal:	Partial Demolition and Development of Two Dwellings
Lot size:	620sq m
Why is a permit required	Clause 32.04-6 – Mixed Use Zone – Construct two or more dwellings on a lot Clause 43.01 – Heritage Overlay – Demolition and construction of buildings and works Clause 43.02 – Design and Development Overlay, Schedules 12 & 15 – Construction of buildings and works
Why is this application being presented to Council?	Objections received and recommended for refusal
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	Two
Notice in Moorabool Newspaper:	None
Number of Objections:	Five (5)
Consultation meeting:	No. The applicant did not wish to consult with the objectors.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2A and 2B:	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?	Referred within Council to Infrastructure and Strategic Planning
Any issues raised in referral responses?	Infrastructure requested the applicant provide a car parking demand assessment in support of the requested reduction in car parking.
Preliminary Concerns?	Yes. Aspects of the proposal regarding urban design, energy efficiency, parking provision and vehicle manoeuvrability, and the potential impact on nearby trees.
Any discussions with applicant regarding concerns	The Council officer wrote to the applicant regarding the preliminary concerns raised above.
Any changes made to the application since being lodged?	Yes. Amended plans were submitted which addressed the abovementioned preliminary concerns before the application was initially advertised. For details of further changes see 'Background' below.
VCAT history?	None
Previous applications for the site?	PA067/92 for Use of the land for an Office was approved by Council on 13 August 1992. PA105/99 for Development of an Extension to the Existing Office was approved by Council on 28 January 2000.

General Summary	<p>It is proposed to partially demolish the rear of the existing single storey building and develop two dwellings in a contemporary designed two storey building. Both dwellings would have two bedrooms, the usual utilities, a single garage each and north-facing secluded private open space. The proposal would result in a loss of three car spaces associated with the existing office.</p> <p>Objections relate to loss of car parking and pressure on on-street parking, impacts on neighbourhood character and heritage, and the overdevelopment of the site.</p> <p>Overall the proposal is considered to be inappropriate for several reasons. Whilst planning policy supports housing growth in this location, development must also respond positively to neighbourhood character, which this proposal fails to do. The proposed design does not suitably integrate with the adjoining heritage building on the site. The design response does not satisfy all relevant ResCode requirements, in particular the provision of private open space, and the loss of car spaces for the existing office is not considered appropriate in this location.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the grounds detailed at the end of this report.	

Background

The application was originally submitted to Council on 28 October 2016 for Partial Demolition, Development of Two Dwellings and a Reduction in Car Parking (Two Spaces) for the Existing Office. That application was advertised on 19 April 2017 and three objections were received. There was no consultation with objectors and in June 2017 the applicant indicated that his client intended to amend the proposal. On 13 September 2017 an application to amend an application in process was submitted to Council which proposed to amend the design of the proposed dwellings and car parking spaces, resulting in a further reduction of car spaces from two to three. The Council officer wrote to the applicant on 17 October 2017 with concerns about neighbourhood character and the provision of secluded private open space, but no changes were made to the plans.

Public Notice

Notice of the amended application was given to adjoining and nearby landowners and occupiers by mail on 13 December 2017 and two signs erected on site from 15 December 2017 until 1 January 2018. Two further objections were received, one of whom had objected to the original application.

Summary of Objections

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

Objection	Any relevant requirements
More of the existing building should be retained intact.	Clauses 15.03-1, 21.06-2 & 43.01
Officer's response - The portion of the building proposed to be demolished was approved to be built in 2000, and is not considered to have any heritage significance.	
The proposed design is completely different to anything else in Sydney Street and not in keeping with the street's aesthetic or neighbourhood character.	Clauses 15.01-5, 21.03-4, 32.04, 43.02 & 55.02-1
Officer's response - See 'Discussion' below.	
Overdevelopment.	Clauses 32.04 & 55
Officer's response - See 'Discussion' below	
The proposal does not support the broader country town character of Bacchus Marsh which also benefits local tourism.	Clauses 11.07-2, 21.03-4 & 32.04
Officer's response - See 'Discussion' below.	
The building footprint should be reduced in accordance with the arborist report.	Clause 65.01
Officer's response - The application was subsequently amended by changing the building design, in particular reducing the upper storey meaning the tree canopy on the adjoining property to the north would be unaffected by the current proposal.	
The proposed development would adversely affect the heritage significance of the heritage place.	Clauses 15.03-1, 21.06-2 & 43.01
Officer's response - See 'Discussion' below.	
Traffic congestion, lack of parking and illegal on-street parking in Sydney Street.	Clause 65.01
Officer's response - Existing illegal parking is an enforcement matter separate to the assessment of this application. The traffic assessment provided by the applicant and prepared by a traffic engineering consultant indicates there is substantial on-street parking available within 190m of the site, almost all of which within 100m of the site is restricted to 2 hours Mon-Fri, 8.30am to 5pm and Saturday 9am-12.30pm.	
The allocation of parking for the office is inadequate. The office would have the capacity to accommodate at least 12 people.	Clause 65.01
Officer's response - Two tandem car spaces are proposed for the existing office, accessed from Sydney Street via the rear laneway. The parking assessment provided by the applicant indicates that the current onsite parking was occupied by only 1 or 2 vehicles when they undertook their survey. The office, despite being reduced in size by the proposal, would retain four separate rooms identified as offices, with a separate administration/reception area, storage and staff rooms, and a meeting room. It is considered that this configuration could reasonably be expected to accommodate up to five people present on the premises during normal business hours, with potentially additional visitors to the site such as clients, depending on the particular nature of the office use. A reduction of the existing car spaces to two spaces, in a tandem arrangement, given the context of the site in a regional town and with mostly restricted parking within 100m of the site, is not considered to be appropriate in this instance, having regard for the residential amenity of the area.	

It is proposed to partially demolish the existing building and to construct two double storey dwellings and reduce parking for the existing office by three spaces.

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Site Description

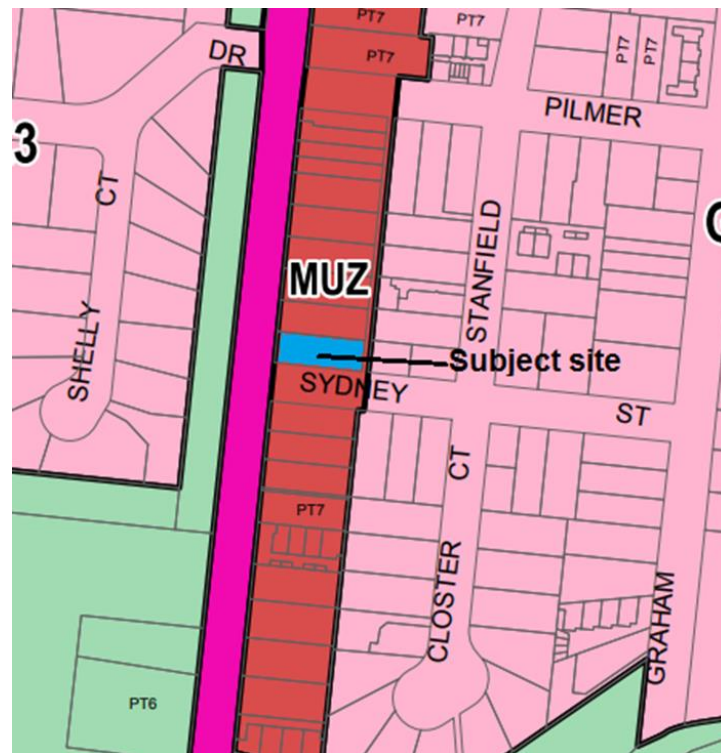
The site is identified as Lot 2 on PS 318296D and known as 62 Grant Street, Bacchus Marsh. The site is a rectangular shaped parcel with a 14.95m width and 41.61m length, yielding an area of 620sq m located on the northeast corner of Grant and Sydney Streets. The site contains a single storey building originally comprising a shop built in 1899 with a dwelling to the rear built in 1911. The building has a hip roof with a parapet front and a timber verandah extending over the Grant Street footpath to the kerb, and brick chimneys. The portion of the building comprising the former dwelling fronts Sydney Street, with a canted and recessed entry with a projecting minor gable roof. The building is currently used for an office with an informal gravel surfaced area for car parking at the rear, accessed from Sydney Street via a right-of-way with space for approximately five cars. The site, and adjoining building at 60 Grant Street, are covered by Heritage Overlay, Schedule 81.

The site and surrounding land to the north and south is in the Mixed Use Zone, and comprises a mix of commercial, including retail and office uses, and residential developments. Buildings are from differing eras and mostly single storey, but with some double storey developments evident. Land to the east is in the General Residential Zone and comprises a well-established residential area of Bacchus Marsh developed with mostly single storey dwellings with occasional infill unit developments. To the west, across Grant Street, is a strip of passive open space in the Public Park and Recreation Zone beyond which is land in the General Residential Zone comprising mostly single dwellings from the 1980s and 1990s.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.07-2 Peri-urban areas.
- 11.08 Central Highlands.
- 15.01-5 Cultural identity and neighbourhood character.
- 15.03-1 Heritage conservation.
- 16.01-1 Integrated housing.
- 16.01-2 Location of residential development.
- 16.01-4 Housing diversity.
- 16.01-5 Housing affordability.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.06-2 Enhance and Preserve Cultural Heritage.
- 21.07 Bacchus Marsh.

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

SPPF	Title	Response
Clause 11.07-2	Peri-urban areas	The proposal does not adequately respond to the neighbourhood character of the area.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal does not adequately respond to the neighbourhood character of the area.
Clause 15.03-1	Heritage conservation	The proposed development does not appropriately integrate with the character and appearance of the heritage place.
Clause 16.01-4	Housing diversity	The proposal does not adequately respond to the neighbourhood character of the area.
LPPF		
Clause 21.03-4	Landscape and Neighbourhood Character	The proposal does not adequately respond to the neighbourhood character of the area.
Clause 21.06-2	Enhance and Preserve Cultural Heritage	The proposed development does not appropriately integrate with the character and appearance of the heritage place.

Zone

The subject site is in the Mixed Use Zone.

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 provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Under Clause 32.08-6 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overall, the proposed development is inconsistent with the purpose of the Mixed Use Zone, in particular State and local planning policy as it relates to the protection of neighbourhood character, discussed in more detail below.

Overlays

The site is affected by Heritage Overlay, Schedule 81, and Design and Development Overlay, Schedules 12 and 15 (part).

The purpose of the Heritage 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 conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Under Clause 43.01-1 (Heritage Overlay), a permit is required to demolish a building and to construct a building or carry out works, and to paint a building if the schedule to the overlay identifies the site as one where external paint controls apply. Schedule 81 specifies that paint controls do apply to the site.

Overall, the proposal is considered to be inconsistent with the purpose of the Heritage Overlay, in particular the integration of the proposed development with the heritage place, discussed in more detail below.

Schedule 12 to the Design and Development Overlay applies to residential land between Waddell Street and the Werribee River east of Grant Street. The design objectives are:

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

Overall, the proposal is considered to be inconsistent with the objectives of Schedule 12.

Schedule 15 to the Design and Development Overlay applies to the Bacchus Marsh Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner Area). The design objectives are:

- *To ensure that the height of buildings and works do not encroach on the flight path areas associated with the Bacchus Marsh Hospital helicopter landing site.*
- *To ensure that the height of development avoids creating a hazard to aircraft using the Bacchus Marsh Hospital helicopter landing site.*

Subject to conditions, the proposal is considered to be consistent with the objectives of Schedule 15.

Relevant Policies

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

Urban Growth Policy

The Urban Growth Policy states that:

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

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

Housing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

Provide a clear direction and policy guidance to enable orderly growth, managed change and retention of key elements of character including neighbourhood character mapping and character precinct brochures.

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

The Preferred Character Statement for Precinct 22 gives direction to the following:

- Site coverage will be increased whilst ensuring adequate private open space and garden plantings are provided
- Front setbacks sufficient to enhance the front garden character including canopy tree plantings
- Front fences shall be low or absent
- Minimise the need for additional crossovers and provide for passive surveillance of the street
- Avoid boundary to boundary development unless the preferred character is uncompromised
- Car parking facilities should be visually recessive
- Innovative and unique development and increased housing diversity is encouraged.

Particular Provisions

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being one space for each two bedroom dwelling and the proposed garage dimensions meet the standard. On-site visitor car spaces are not required given fewer than five dwellings are proposed.

The proposed garage and car space dimensions meet the requirements of Clause 52.06-9.

In relation to the proposed reduction of car spaces for the existing office, the provisions of Clause 52.06 do not apply given the office floor space is not proposed to be increased. Nonetheless, the applicant has provided a parking and traffic impact assessment which has been considered in the assessment of the application in the context of the decision guidelines at Clause 65.01.

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:

Clause Rescode	Title	Response
55.02-1	Neighbourhood character objectives	The proposal does not adequately respond to the neighbourhood character of the area.
55.03-9	Access objective	The proposed number and location of crossovers is excessive and not in keeping with neighbourhood character.
55.05-4	Private open space objective	The private open space provision does not meet the standard or the objective of this clause.
55.06-1	Design detail objective	The design detail does not respect the existing or preferred neighbourhood character.

Discussion

Overall, the proposed development of the subject site is inconsistent with the relevant planning provisions of the Moorabool Planning Scheme. Whilst State and local planning policy and the Mixed Use Zone support increased residential growth in this location, the proposed design does not adequately respond to the preferred neighbourhood character or design objectives for development in the area, or the purpose of the Heritage Overlay.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area generally dominated by single detached dwellings the proposal would also contribute to increased housing choice. However, growth must be balanced with the need for new development to respond positively to neighbourhood character and the identified heritage significance of the site.

The subject site and adjoining land to the north and south is in the Mixed Use Zone, and in the vicinity of the site mainly developed for commercial purposes. Adjoining land to the east is in General Residential Zone, Schedule 2, and mostly developed with single dwellings but with some unit developments evident in the area.

The purpose of the Mixed Use Zone indicates that a balance must be achieved in responding to the range of applicable policies, and 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 provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*

As outlined above, there are range of applicable policies broadly relating to township consolidation, encouraging housing growth and protection of neighbourhood character, which proposed development must respond to to achieve an acceptable outcome. The site is in the Mixed Use Zone and in an area where Council supports increased housing growth but also recognises and encourages development which respects those characteristics which contribute to the country town feel of the area. Overall, whilst there are aspects of the proposal which support Council's desire to encourage residential growth, the design does not respond appropriately to either the preferred neighbourhood character or the heritage values of the site.

The key issues for consideration are:

- Is the proposal an acceptable response to the heritage significance of the heritage place?
- Is the proposal an appropriate response to the preferred neighbourhood character of the area?

Is the proposal an acceptable response to the heritage significance of the heritage place?

It is proposed to partially demolish the existing building and develop an attached two storey building. The proposed building is of a contemporary design, a block form building with a flat roof, and clad with masonry and weatherboard, in contrast to the immediately adjoining heritage building to be retained on the site, which dates from the late 1890's and early 1900's. The heritage citation for the site, which covers both 60 and 62 Grant Street, identifies them as the most complete example of nineteenth century or Edwardian-era shops in the Shire.

Clause 15.03-1 (Heritage conservation) includes the following strategies to ensure the conservation of places of heritage significance:

- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

Similarly, Clause 21.06-2 (Objective-Enhance and Preserve Cultural Heritage) includes the following strategy:

- *Ensure new development is sympathetic to existing heritage places and makes a positive contribution to its heritage value.*

Clause 43.01 (Heritage Overlay) includes several decision guidelines which Council must consider in making its decision, including:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance, heritage study and any applicable conservation policy.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

Council has obtained the advice of a heritage consultant on this application. Considering the proposed design and relevant policies outlined above, the heritage advice is that the proposal is an inappropriate design response for the following reasons:

- The two storey height and bulk of the proposed building is not in keeping with the character of the heritage building on the site, including the contribution the heritage building makes to the streetscape character of Grant and Sydney Streets.
- The long flat roof proposed contrasts with, and is unsympathetic to, the heritage building which has a steeply pitched hipped roof, projecting gable entry and tall chimneys.
- The flat roofed box form and two storey wall height creates an overly bulky appearance compared to the single storey picturesque form and skyline of the heritage building.
- The proposed contrasting paint colours and design of the upper storey, and the window designs, further accentuate the box form and bulk.
- The horizontal axis of the window openings contrast with those of the heritage building which have a vertical axis.
- The proposed ground floor front façade detail does not respond positively to the fine grained façade detailing of the adjoining heritage building.
- The proposed garage locations do not utilise the rear laneway traditionally used for access, and detract from the façade of the adjoining heritage building.

Is the proposal an appropriate response to the preferred neighbourhood character of the area?

The site is located in Precinct 22 as shown on the Settlement Framework Plan of Housing Bacchus Marsh to 2041. The following features of the proposal are inconsistent with the preferred neighbourhood character for Precinct 22:

- The proposed two additional crossovers and prominence of the garages, particularly given the existing rear laneway accessed from Sydney Street provides direct access to the site.
- The proposed private open space provision is inadequate to meet the needs of future residents and limits the available space for garden plantings.
- The proposed development does not complement the architecture of the adjoining heritage building.

Furthermore, the proposal does not sufficiently respond to the design objectives of Design and Development Overlay, Schedule 12, as they relate to neighbourhood character.

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 departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Department of Health & Human Services	Consent with conditions
Infrastructure Strategic Planning	Consent with conditions Consent

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to approve the application, subject to conditions, but it is not considered that suitable permit conditions could be imposed to mitigate the issues discussed above.

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

Conclusion

It is considered that the application is, overall, inconsistent with relevant provisions of the Moorabool Planning Scheme. Although the proposal would contribute to housing growth in an area accessible to services and facilities, the design response does not integrate with the site's heritage values or the preferred neighbourhood character of the area.

It is recommended that the application be refused by Council.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Refusal to Grant Permit PA2016 273; Partial Demolition and Development of Two Dwellings at Lot 2 on PS 318296D, 62 Grant Street, Bacchus Marsh 3340, on the following grounds:

- 1. The proposal does not respect the neighbourhood character or amenity of the area.**
- 2. The proposal does not comply with relevant policies for heritage conservation in the State and Local Planning Policy Frameworks of the Moorabool Planning Scheme.**
- 3. The proposal does not meet the purpose of the Heritage Overlay.**
- 4. The proposal does not comply with the relevant provisions of Clause 55.**
- 5. The proposed reduction in car parking for the existing office is not appropriate.**

Report Authorisation:

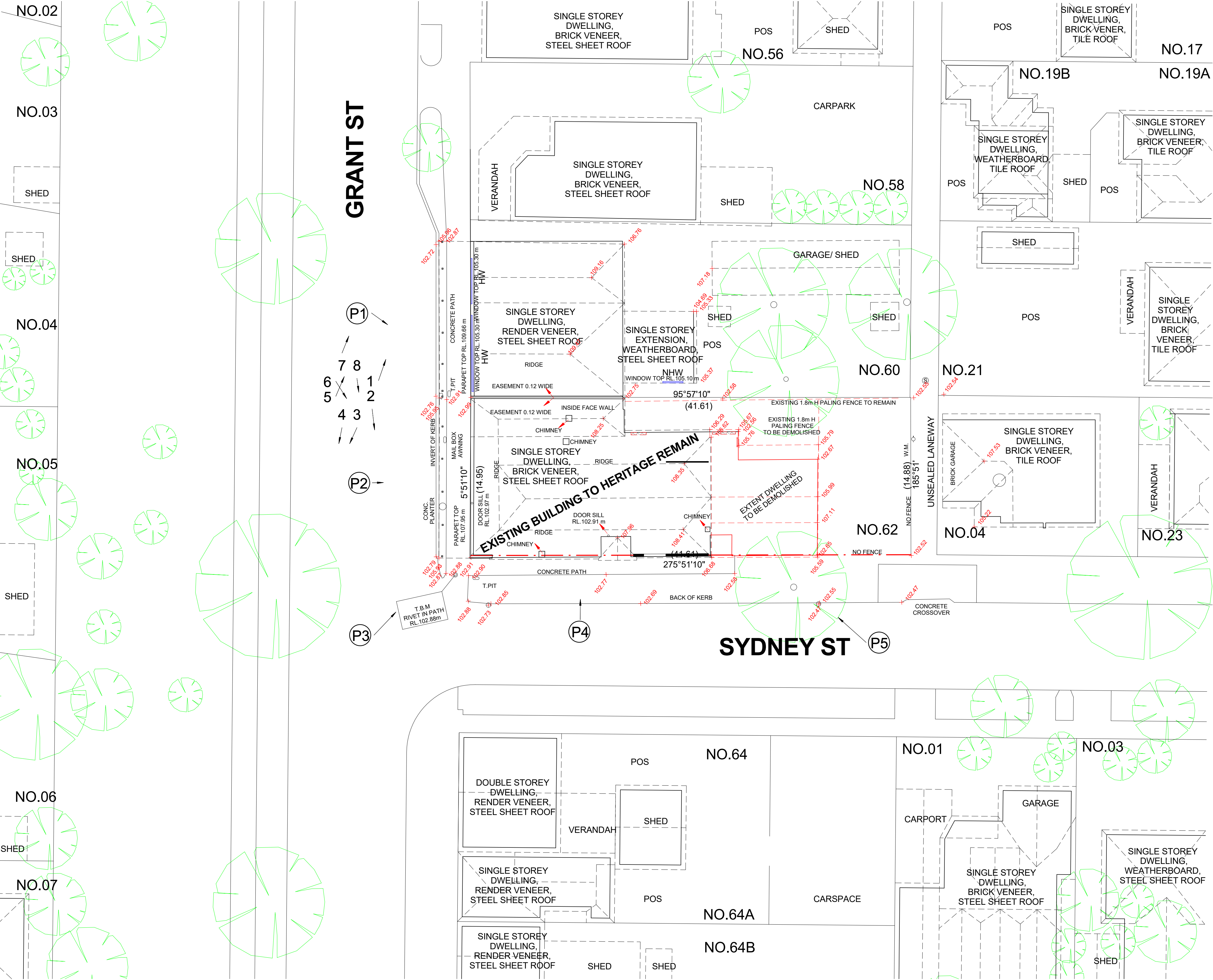
Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 28 March, 2018





SITE ANALYSIS LEGEND

1. GRANT ST MEDICAL CENTRE, 55m
2. BUS ROUTE 433, 89m
3. BACCHUS MARSH AQUATIC CNTRE, 180m
4. BACCHUS MARSH COLLEGE, 500m
5. BACCHUS MARCH POLICE STATION, 525m
6. MADDINGLEY PARK, 620m
7. BACCHUS MARSH VILLAGE SHOPPING CENTRE, 760m
8. BACCHUS MARSH STATION, 765m

LAND LEVEL IS ALMOST FLAT
NO CONTAMINATED OR FILLED SOIL KNOWN

SITE & NEIGHBOURHOOD DESCRIPTION
1 : 200

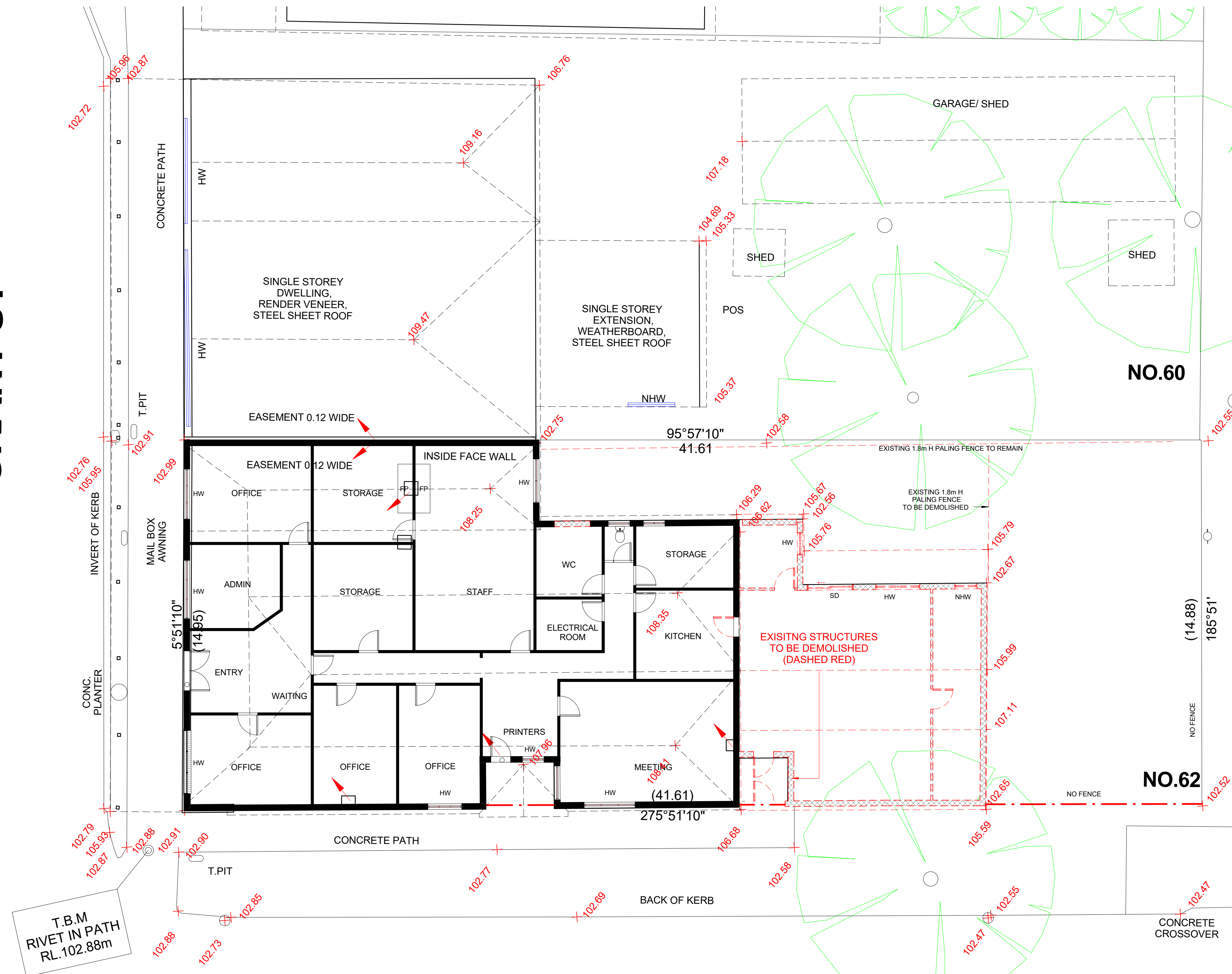
B	AMENDMENT APPLICATION	13/06/2017
A	AS PER COUNCIL RFI LETTER	31/01/2017
NO.	DESCRIPTION	DATE

TQPdesigns

Thai Pham (B.Arch), RBP

a/24 McNicholl Way, Delahey VIC 3037
p: 0411 301 568
e: TQPdesigns@gmail.com

DRAWING: SITE & NEIGHBOURHOOD DESCRIPTION		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE	DRAWN: UTN	CHECKED: TQP	
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-00



SYDNEY ST

B	AMENDMENT APPLICATION	13/06/2017
A	AS PER COUNCIL RFI LETTER	31/01/2017
NO.	DESCRIPTION	DATE

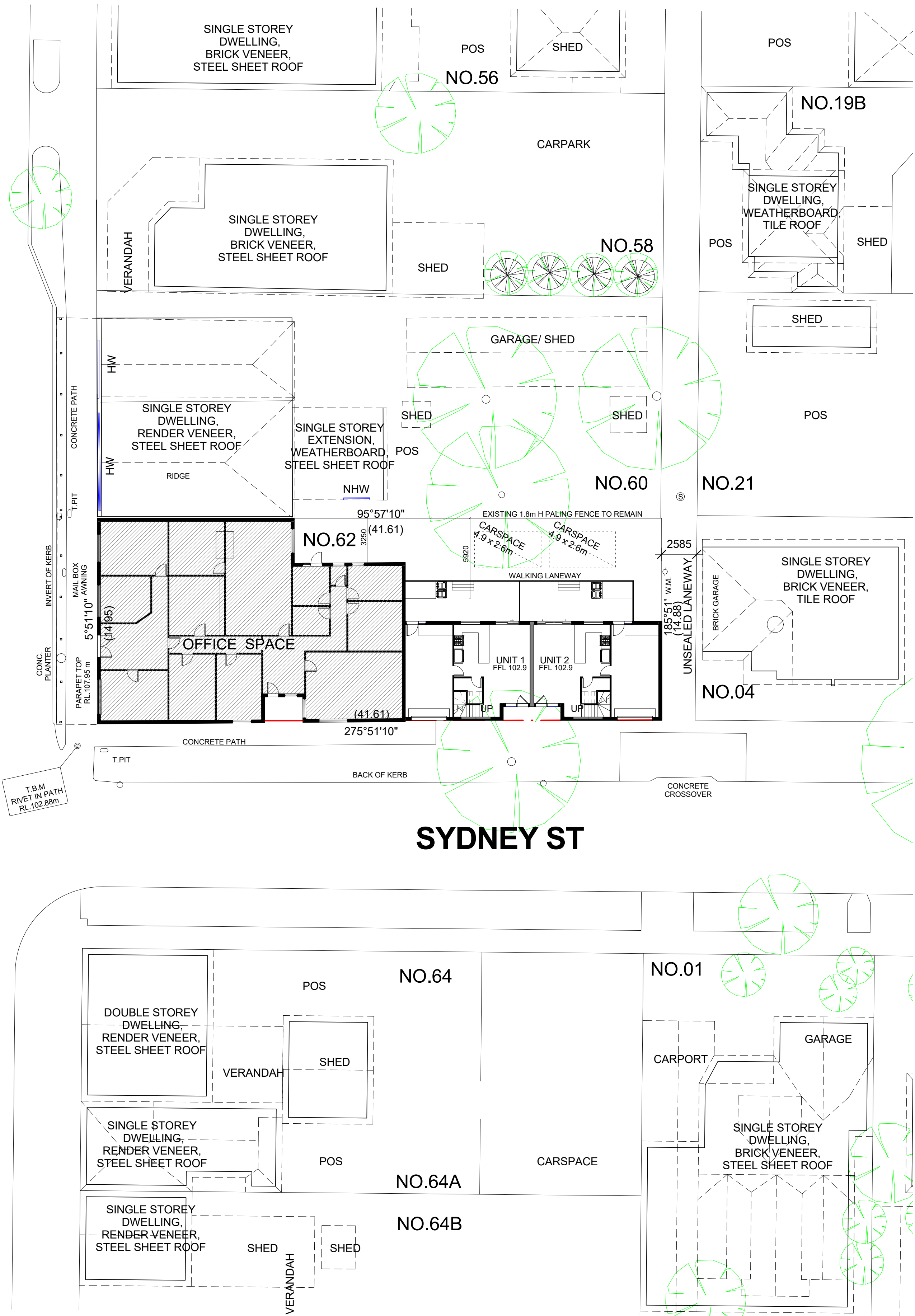
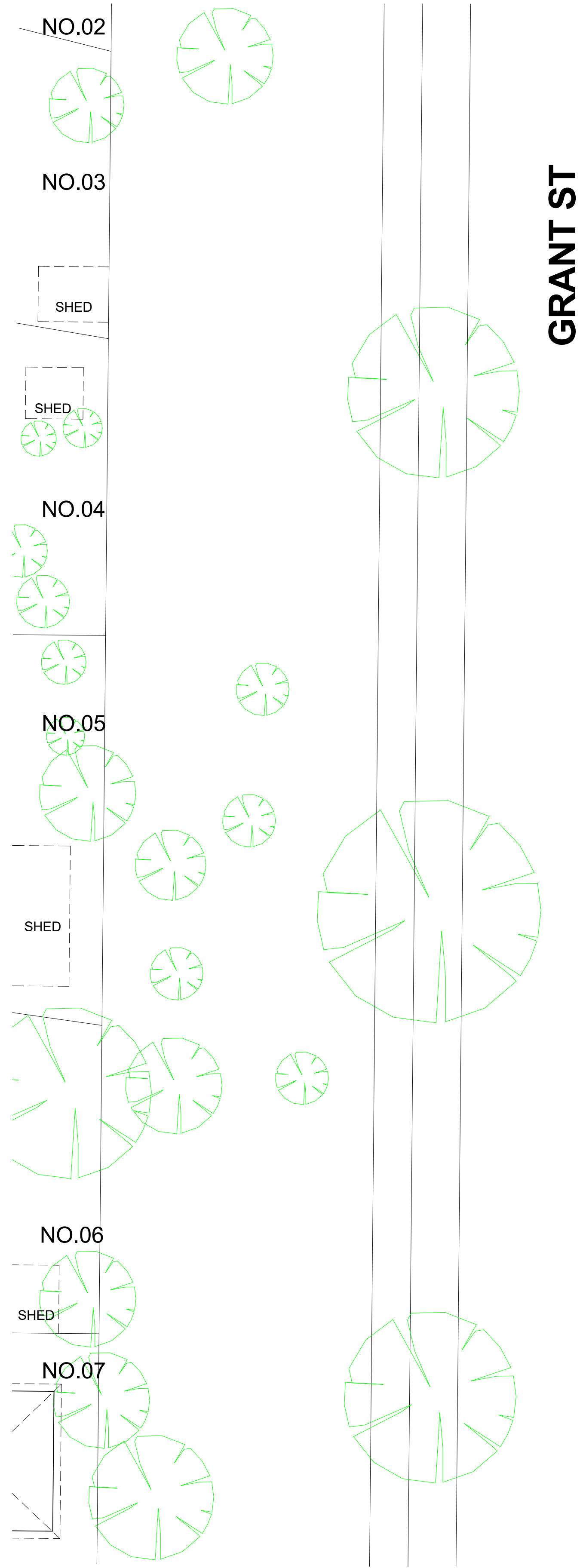
Thai Pham (B.Arch), RBP)

a:24 McNicholl Way, Delahey VIC 3037

p: 0411 301 568

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DRAWING: EXISTING & DEMOLITION PLAN		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE		DRAWN: UTN	CHECKED: TQP
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-01

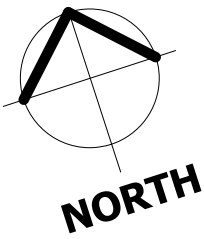


DESIGN RESPONSE

1. DEMOLISH EXISTING ROOF AND EXTEND BUILDING, AS INDICATED ON PLANS.
2. PROPOSED 2 UNITS WITH 2 BED ROOM EACH, 2 CAR SPACES PROVIDED ONSITE.
3. NEW LANDSCAPING WILL BE PROVIDED TO IMPROVE SITE & SURROUNDING AREA.
4. PROPOSED DWELLING WILL BE DESIGNED WITHOUT POTENTIAL FOR OVERLOOKING AND OVERSHADOWING ONTO ADJOINING PROPERTIES.

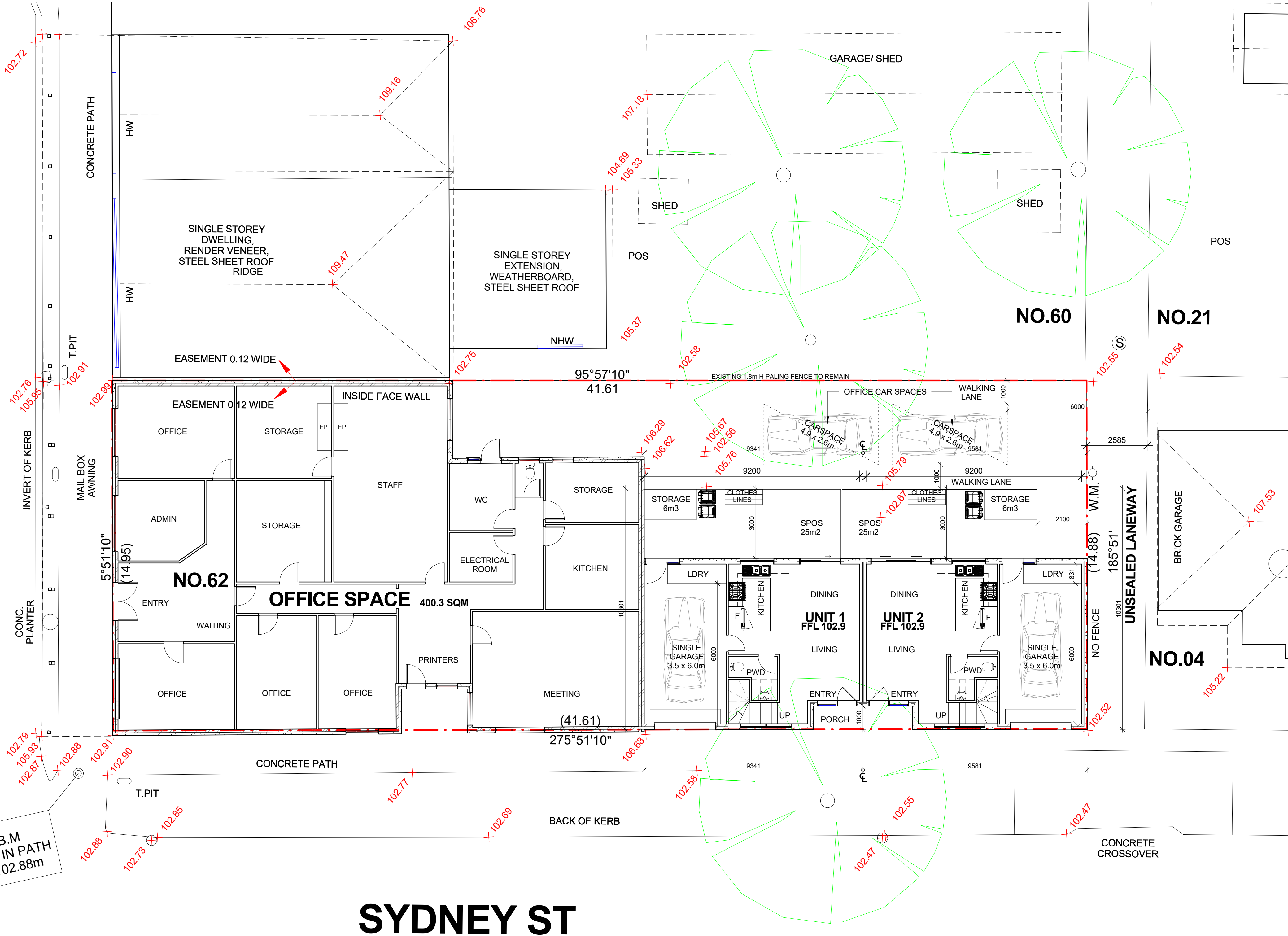
B	AMENDMENT APPLICATION	13/06/2017
A	AS PER COUNCIL RFI LETTER	31/01/2017
NO.	DESCRIPTION	DATE

<div>TQPdesigns</div> <div>Thai Pham (B.Arch), RBP</div> <div>a/24 McNicholl Way, Delahey VIC 3037 p: 0411 301 568 e: TQPdesigns@gmail.com</div>			
DRAWING: DESIGN RESPONSE		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE	DRAWN: UTN	CHECKED: TQP	
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-02



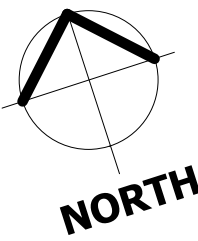
DESIGN RESPONSE
1 : 200

GRANT ST



AREA SCHEDULE

Site Area	620.42m²			
Area Analysis	OFFICE SPACE	UNIT 1	UNIT 2	TOTAL
Ground Floor		68.14m²	69.95m²	138.09m²
First Floor		59.1m²	60.4m²	119.5m²
Carspace				
TOTAL AREA		127.24m²	130.35m²	



GROUND FLOOR PLAN
1 : 100

B	AMENDMENT APPLICATION	13/06/2017
A	AS PER COUNCIL RFI LETTER	31/01/2017
NO.	DESCRIPTION	DATE

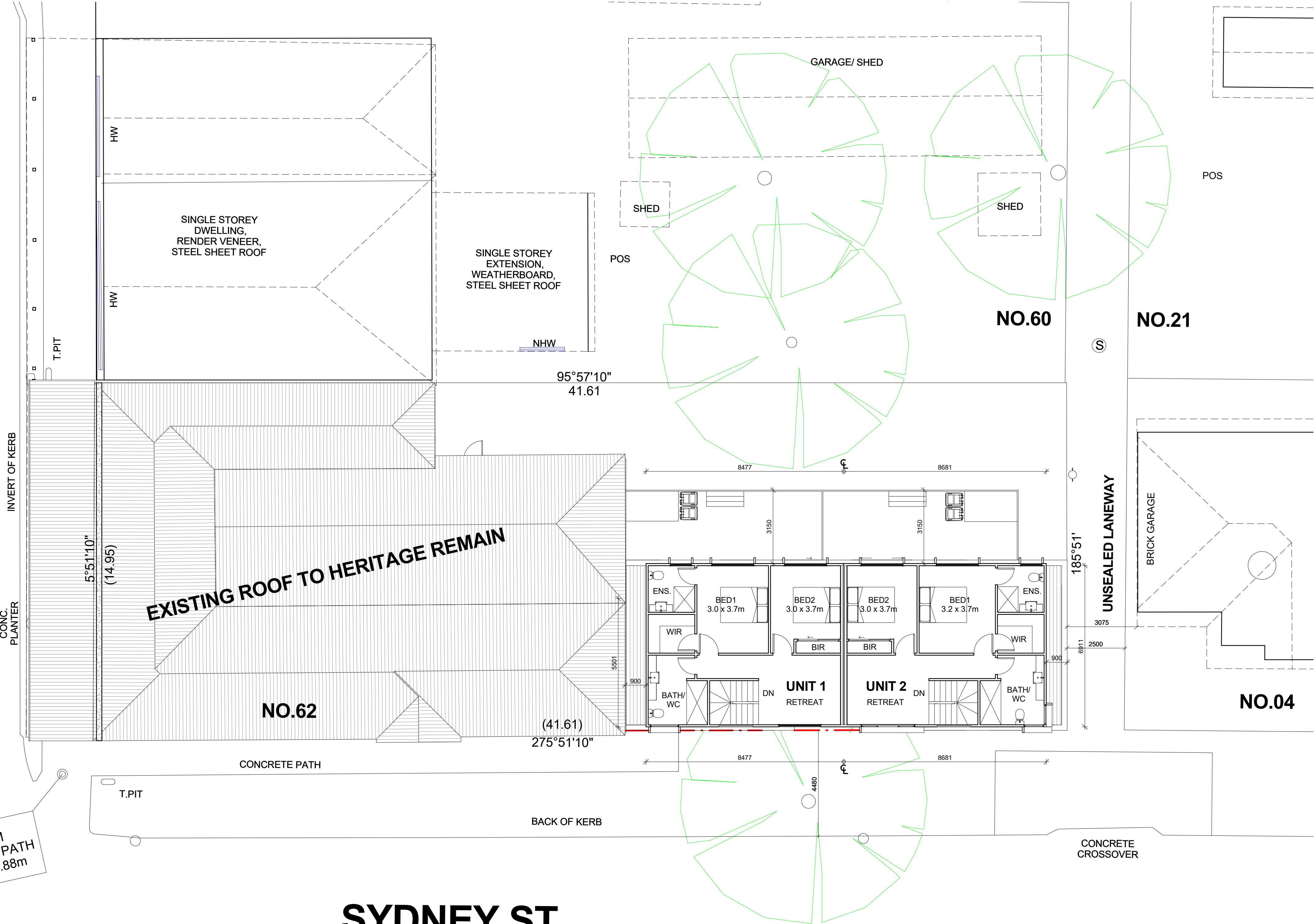
TQPdesigns

Thai Pham (B.Arch), RBP

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p: 0411 301 568
e: TQPdesigns@gmail.com

DRAWING: GROUND FLOOR PLANS		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE	DRAWN: UTN	CHECKED: TQP	
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-03

GRANT ST



AREA SCHEDULE

Site Area		620.42m²		
Area Analysis	OFFICE SPACE	UNIT 1	UNIT 2	TOTAL
Ground Floor		68.14m²	69.95m²	138.09m²
First Floor		59.1m²	60.4m²	119.5m²
Carspace				
TOTAL AREA		127.24m²	130.35m²	



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NO.	DESCRIPTION	DATE

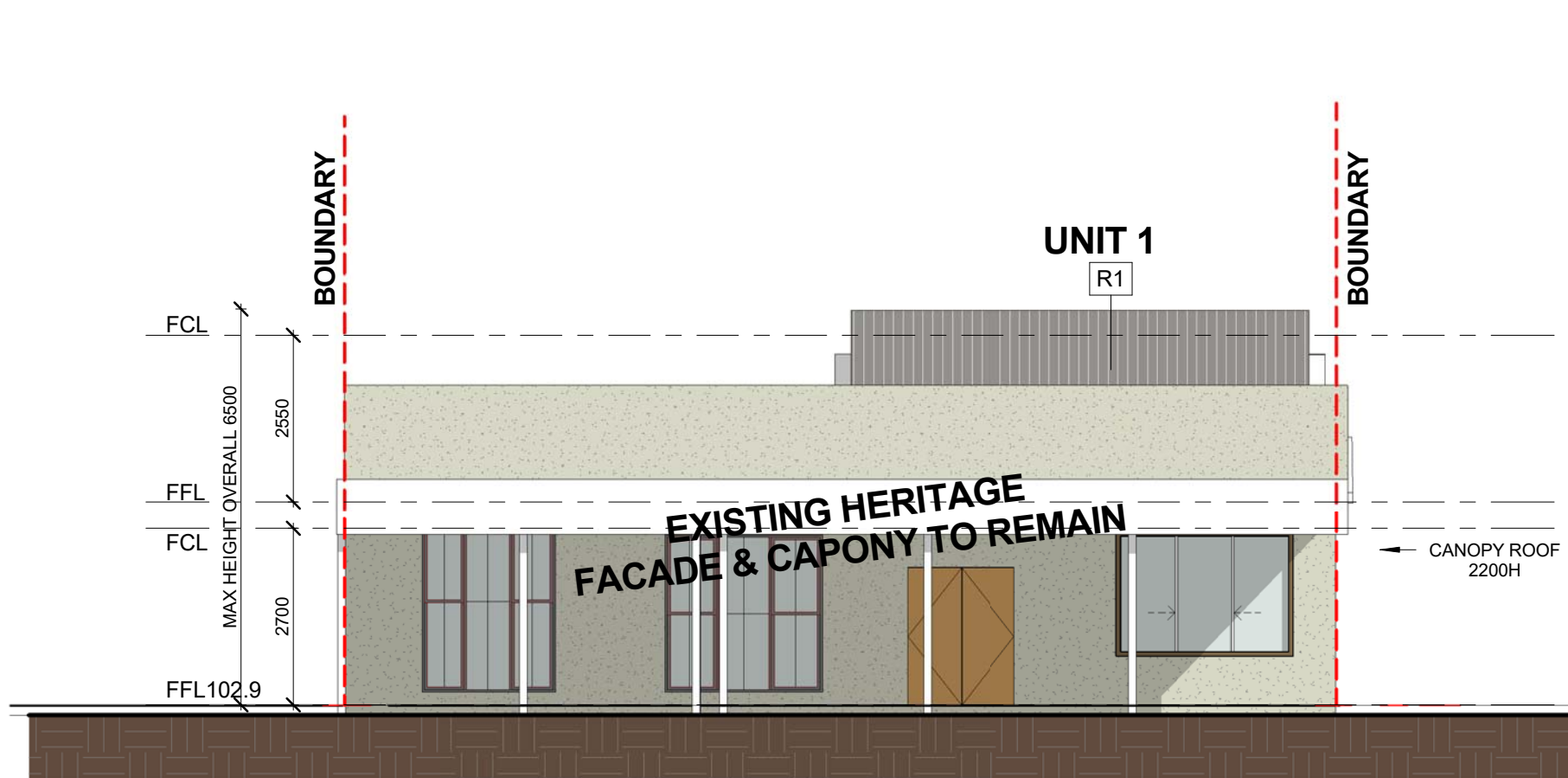
TQPdesigns

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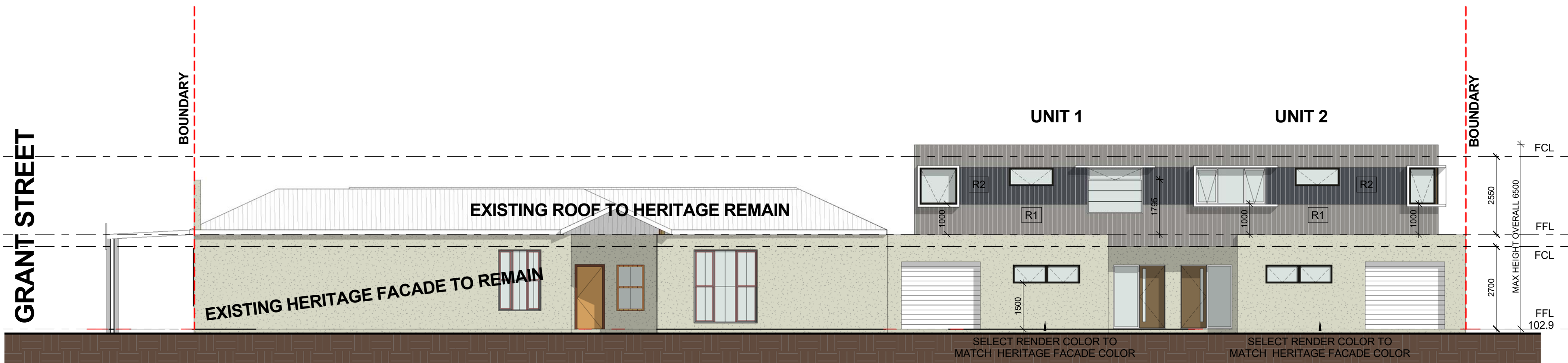
a:24 McNicholl Way, Delahey VIC 3037
p: 0411 301 568
e: TQPdesigns@gmail.com

DRAWING: FIRST FLOOR PLAN		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE		DRAWN: UTN	CHECKED: Checker
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-04

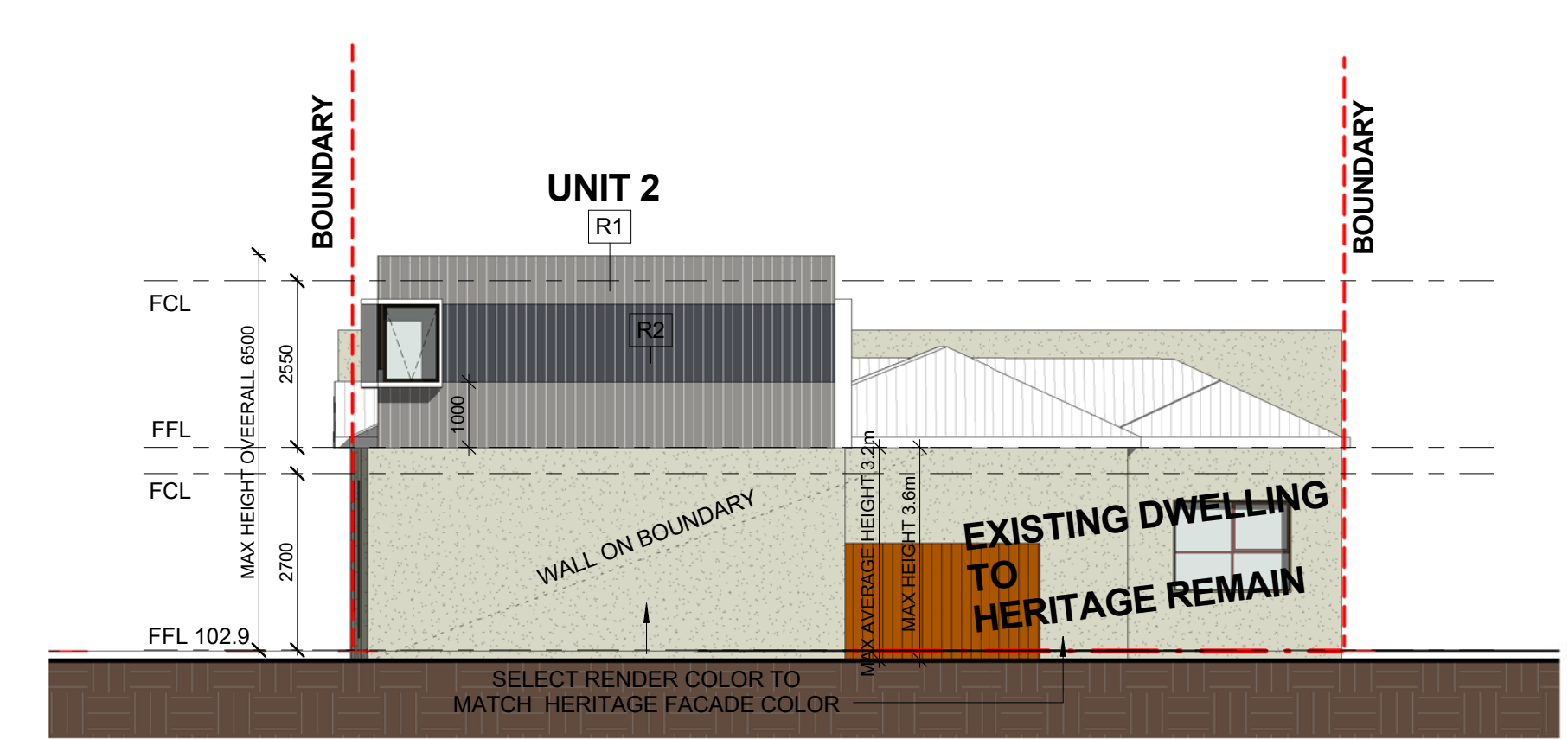
FIRST FLOOR PLAN
1 : 100



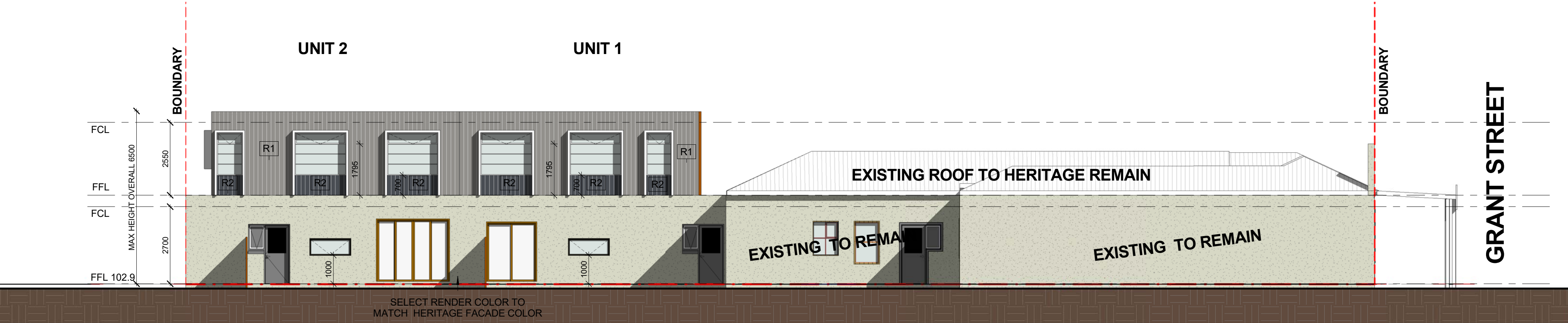
WEST ELEVATION
1 : 100



SOUTH ELEVATION
1 : 100



EAST ELEVATION
1 : 100



NORTH ELEVATION
1 : 100

EXTERNAL FINISHES SCHEDULE

KEY	MATERIAL	CONSTRUCTION	LOCATION	PRODUCT/COLOUR	SAMPLE
R1	WEATHERBOARD CLADDING PAINTED	LIGHTWEIGHT ON 1ST FLOOR	EXTERNAL WALLS - FIRST FLOOR	WEATHERTEX: WEATHER GROOVE 150mm SMOOTH DULUX: RECLESS GREY	
R2	WEATHERBOARD CLADDING PAINTED	LIGHTWEIGHT ON 1ST FLOOR	EXTERNAL WALLS - FIRST FLOOR	WEATHERTEX: WEATHER GROOVE 150mm SMOOTH DULUX: TICKING	

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a:24 McNicholl Way, Delahey VIC 3037
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DRAWING:
ELEVATIONS, EXTERNAL
FINISHES SCHEDULE

PROJECT :
PROPOSED APARTMENT
EXTENSION
ADDRESS:
62 Grant St, Bacchus Marsh,
VIC 3340

CLIENT:
HONG LE

DRAWN:
UTN

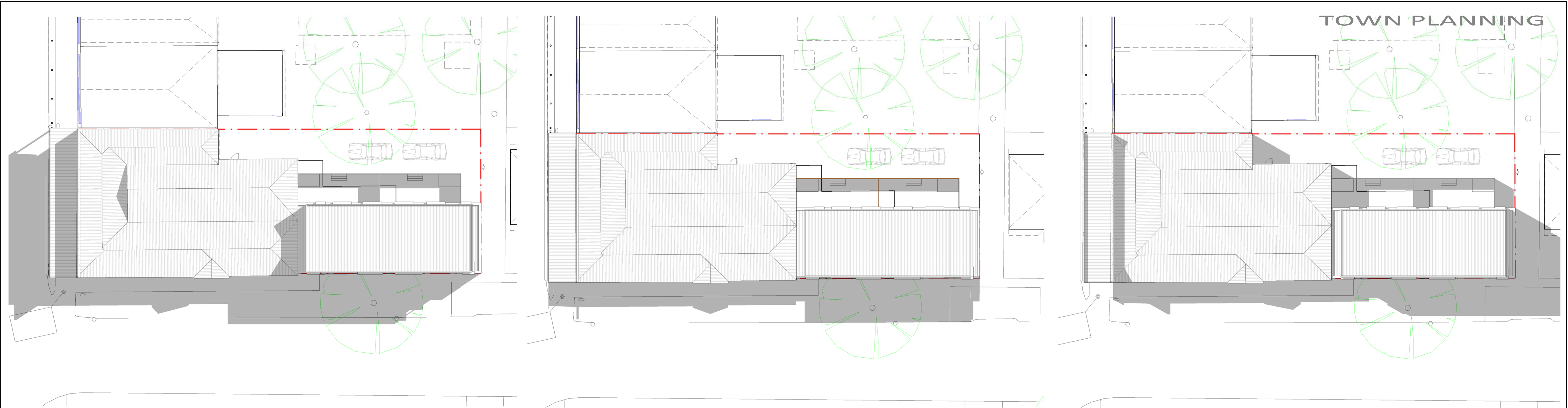
CHECKED:
TQP

JOB NO.:
16026

DATE:
20.06.16

SCALE:
AS @ A1

SHEET:
TP-05



9AM SHADOW DIAGRAM SEPT 22
1 : 200

12PM SHADOW DIAGRAM SEPT 22
1 : 200

3PM SHADOW DIAGRAM SEPT 22
1 : 200

SCHEDULE OF FINISHES OF EXISTING DWELLINGS

60 GRANT STREET

WALL CONSTRUCTION: RENDER VENEER
ROOF FORM: HIP & GABLE
ROOF MATERIAL: STEEL SHEET
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: NO FENCE
SIDE: NO FENCE

4 SYDNEY STREET

WALL CONSTRUCTION: BRICK VENEER
ROOF FORM: HIP & GABLE
ROOF MATERIAL: TILES
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: 600H TIMBER FENCE
SIDE: 1800H TIMBER PALING

58 GRANT STREET

WALL CONSTRUCTION: BRICK VENEER
ROOF FORM: FLAT
ROOF MATERIAL: STEEL SHEET
WINDOW FRAME: WOOD
FENCE: FRONT: NO FENCE
SIDE: NO FENCE

1 SYDNEY STREET

WALL CONSTRUCTION: BRICK VENEER
ROOF FORM: HIP & GABLE
ROOF MATERIAL: STEEL SHEET
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: 1000H STEEL FENCE
SIDE: 1800H TIMBER PALING

64 GRANT STREET

WALL CONSTRUCTION: BRICK VENEER
ROOF FORM: FLAT
ROOF MATERIAL: STEEL SHEET
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: NO FENCE
SIDE: 1800H TIMBER PALING

3 SYDNEY STREET

WALL CONSTRUCTION: WEATHERBOARD
ROOF FORM: HIP
ROOF MATERIAL: STEEL SHEET
WINDOW FRAME: TIMBER
FENCE: FRONT: 1000H TIMBER FENCE
SIDE: 1800H TIMBER PALING

64A GRANT STREET

WALL CONSTRUCTION: RENDER VENEER
ROOF FORM: HIP & GABLE
ROOF MATERIAL: STEEL SHEET
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: NO FENCE
SIDE: NO FENCE

23 STANDFIELD STREET

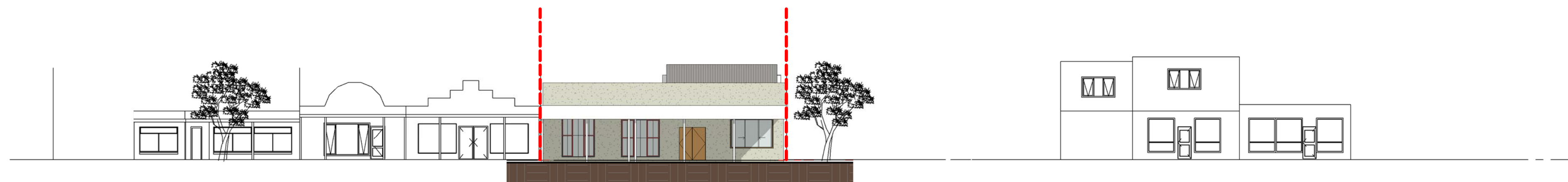
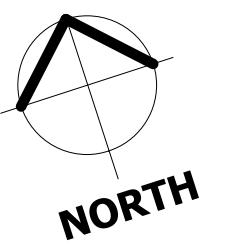
WALL CONSTRUCTION: RENDER VENEER
ROOF FORM: HIP
ROOF MATERIAL: TILES
WINDOW FRAME: TIMBER
FENCE: FRONT: 600H STEEL PALING
SIDE: 1800H STEEL PALING

19 STANDFIELD STREET

WALL CONSTRUCTION: BRICK VENEER
ROOF FORM: GABLE
ROOF MATERIAL: TILES
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: 600H BRICK FENCE
SIDE: 1800H STEEL PALING

21 STANDFIELD STREET

WALL CONSTRUCTION: BRICK VENEER
ROOF FORM: HIP
ROOF MATERIAL: TILES
WINDOW FRAME: ALUMINIUM
FENCE: FRONT: 600H BRICK FENCE
SIDE: 1800H STEEL PALING



GRANT STREET ELEVATION
1 : 200



SYDNEY STREET ELEVATION
1 : 200

B	AMENDMENT APPLICATION	13/06/2017
A	AS PER COUNCIL RFI LETTER	31/01/2017
NO.	DESCRIPTION	DATE

TQPdesigns

Thai Pham (B.Arch), RBP)

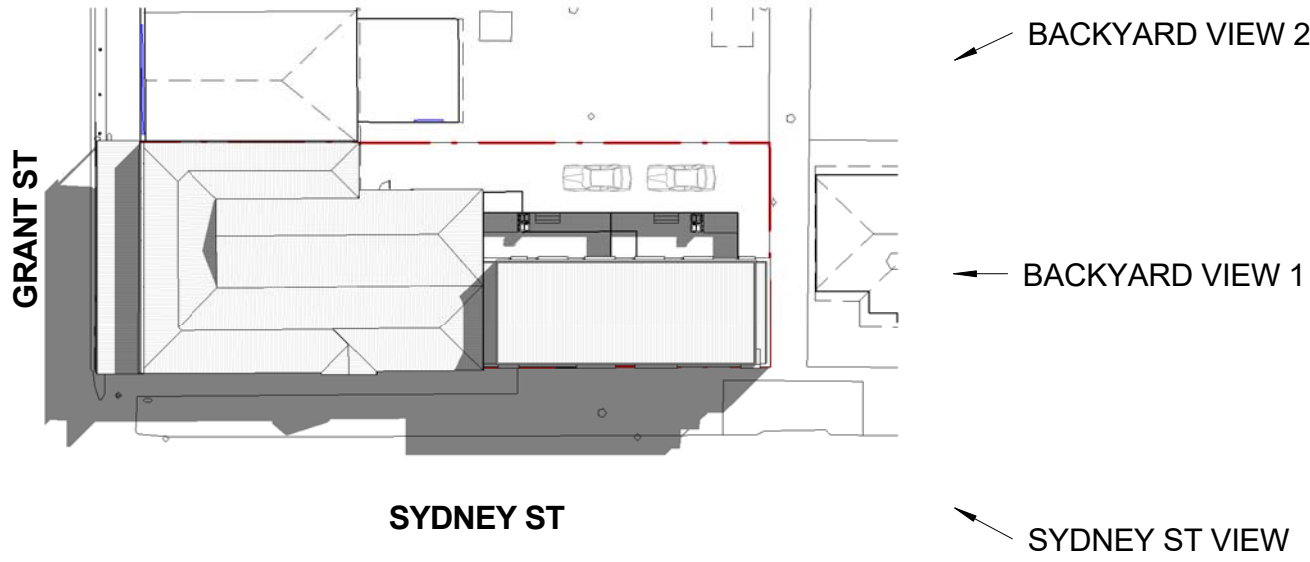
a:24 McNicholl Way, Delahey VIC 3037
p: 0411 301 568
e: TQPdesigns@gmail.com

DRAWING: SHADOW DIAGRAMS, EXISTING FINISHES SCHEDULE, STREETSCAPE		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE		DRAWN: UyenNTN	CHECKED: TQP
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-06

BACKYARD VIEW 2



SYDNEY ST VIEW



SITE
1 : 500

A	AS PER COUNCIL RFI LETTER	31/01/2017
NO.	DESCRIPTION	DATE

<div><div>TQPdesigns</div><div>Thai Pham (B.Arch), RBP</div><div>a/24 McNicholl Way, Delahey VIC 3037 p: 0411 301 568 e: TQPdesigns@gmail.com</div></div>			
DRAWING: 3D VIEWS		PROJECT : PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE		DRAWN: UTN	CHECKED: Checker
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-07

Item 5.2 Planning Permit PA2017 057 – Development of two (2) dwellings behind an existing dwelling at 5 O’Hagan Place, Bacchus Marsh

Application Summary:	
Permit No:	PA2017 057
Lodgement Date:	11 April, 2017
Planning Officer:	Victoria Mack
Address of the land:	5 O’Hagan Place, Bacchus Marsh Lot 15 on PS 127805
Proposal:	Development of two (2) dwellings behind an existing dwelling
Lot size:	1089sqm
Why is a permit required	General Residential Zone - Development of two or more dwellings on a lot
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	8 plus one petition signed by 19 people
Consultation meeting:	Held on 16 January 2018 - attended by 4 objectors, and three people associated with the application.
Policy Implications:	
Strategic Objective 3:	Stimulating Economic Development
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.	
<i>Manager – Rob Fillisch</i>	
In providing this advice to Council as the Manager, I have no interests to disclose in this report.	
<i>Author – Victoria Mack</i>	
In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	The application was referred to Council's Infrastructure Department.
Any issues raised in referral responses?	No. Infrastructure required conditions to be placed on the permit.
Preliminary Concerns?	<p>The original plans did not accord with a number of Rescode standards, the garden area requirements or the preferred Neighbourhood Character statement for precinct 25.</p> <p>In addition to this there were concerns regarding the reverse living arrangement in both dwellings (kitchen etc upstairs) therefore, plans were amended to address these concerns.</p>
Any discussions with applicant regarding concerns	<p>A letter was sent to the applicant detailing concerns with the application. Subsequently the plans were significantly reworked to better meet the requirements.</p> <p>It was also noted that the proposed site plan showing the layout of the development was not in accordance with the surveyed title boundaries, which has been rectified.</p>
Any changes made to the application since being lodged?	The plans were substantially amended.
VCAT history?	Nil
Previous applications for the site?	Nil
General summary	<p>It is proposed to develop two dwellings behind an existing single storey brick veneer dwelling on the subject site which has an area of 1089sqm.</p> <p>Eight (8) objections were received as well as one petition with 19 signatories.</p>

	The proposal generally meets the requirements of the Moorabool Planning Scheme and it is considered that the application should be supported.
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , on the grounds detailed at the end of this report	

Background

The application was lodged with Council in 11 April, 2017. The proposal is for the development of two dwellings behind an existing dwelling on the subject site which has an area of 1089sqm.

The original proposal included a reverse living arrangement in both the new dwellings where the upper floor would have contained an open plan kitchen, living and family area and small powder room. However due to potential overlooking issues the upper floors would have had limited, if any, outlook with highlight windows or obscure glazing required on all elevations.

Concern was expressed that in this location reverse living was not a suitable design. Concern was also expressed in relation to the application according with a number of Rescode standards.

Due to the concerns expressed the application was significantly amended to relocate the kitchen, living and dining areas and the master bedroom to the ground floor with two bedrooms, a bathroom and a retreat on the upper floor. Amended plans were received on 2 October, 2017.

It was also noticed that the surveyed boundary of the site was not in accordance with the existing fences around the site, particularly on the east side boundary. The siting of the development assumed that the current fence lines were the boundary of the site which was not correct. Adjustments were requested to the plans to ensure that the development was constructed to the correct title boundaries, and not to existing fence lines. Amended plans have been provided.

Due to extensive plan changes through the assessment process and also the boundary issued identified in the consultation meeting, which resulted in further amendment to the plans the application is only now being presented at Council.

Public Notice

The application was advertised on 9 October, 2017 to adjoining and surrounding landowners and occupiers. Eight (8) objections were received as well as one petition with 19 signatories.

Summary of Objections

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

Objection	Any relevant requirements
Overlooking risk to neighbouring dwellings. Two-storey dwellings are not in keeping with the neighbourhood character of the precinct.	ResCode Clause 55.04; Housing Bacchus Marsh 2041 – Precinct No. 25
<p>Officer's response – In accordance with the Moorabool Planning Scheme preserving neighbourhood character is an important consideration in development applications. The character of the precinct is discussed further in this report.</p> <p>The proposed double storey height of the dwellings would be 7.49 metres for the new dwellings which complies with the maximum 9 metre height limit outlined under Clause 55.03 (Standard B7) of the Moorabool Planning Scheme. In addition, all first floor habitable room windows would have a minimum 1.7m sill height or obscured glazing to avoid overlooking, complying with Clause 55.04 (Standard B22).</p>	
Lot sizes once subdivided not in keeping with the character of the area.	ResCode and General Residential Zone, Schedule 1.
<p>Officer's response - The land is zoned General Residential, Schedule 1 under the Moorabool Planning Scheme which seeks to encourage development that respects the neighbourhood character of the area with a diversity of housing types.</p> <p>In this way, the proposed development of two additional dwellings on the subject site is considered to be an appropriate response to the Moorabool Planning Scheme as well as State Government initiatives for development in regional areas of Victoria. Further, the retention of the existing dwelling at the front of the site combined with the new development in the backyard area contributes to the retention of existing neighbour character while making efficient use of vacant land to the rear. The proposed site layout will ensure that there is limited visual impact on the existing rhythm of the streetscape.</p>	
Two car garages for each dwelling – a total of 6 or more cars - located at the rear of the site will inevitably result in cars being parked in the street. The site has a narrow street frontage so parking demand will impact on other residents' frontages.	Requirement under ResCode and Clause 56.06 – car parking
<p>Officer's response – the proposal meets the minimum car parking requirement of two car spaces for each 3 bedroom dwelling under Clause 52.06 of the Moorabool Planning Scheme.</p>	
O'Hagen Place is a quiet court with minimal traffic. Two additional dwellings will change the aesthetic and appeal of the street, and will impact on the country feel and rural amenity of the area.	ResCode and Housing Bacchus Marsh 2041 – Precinct No. 25
<p>Officer's response – it is not considered that two additional dwellings would generate an increase in traffic volume that would be unreasonable, or that the street could not readily accommodate.</p>	

Objection	Any relevant requirements
This development will set a precedent if approved and ruin a peaceful quiet street. Additional traffic and parking will become a real concern.	ResCode and Housing Bacchus Marsh 2041 – Precinct No. 25
Officer's response - it is not considered that two additional dwellings would generate an increase in traffic volume that would be unreasonable or that the street could not readily accommodate.	
Increased traffic in O'Hagen Place will impact on children playing in the street.	Requirement under ResCode
Officer's response – children should never play in a street.	
Dwelling design not suited to a court location.	ResCode and Housing Bacchus Marsh 2041 – Precinct No. 25
Officer's response – the dwellings would not be readily discernible from the street and the provision of a variety of housing styles and housing choice provides for differing needs and creates diversity which could be positive.	

The petition focused on the amenity that O'Hagan Place provides its residents including being a quiet and peaceful court that typifies the country town feel that Bacchus Marsh provides. There was concern that the stability of the court would be disrupted by the addition of town houses with associated increase in traffic and visitor numbers.

Proposal

A full set of development plans are included as an attachment to this report.

It is proposed to develop two dwellings behind an existing dwelling on the subject site which has an area of 1089sqm.

The ground floor of both dwellings would contain an open plan kitchen, dining and living area with WIP/laundry, and a separate powder room. Dwelling 1 would have external access to a detached two car space garage and dwelling 2 would have access to a two car space garage attached to the kitchen area.

The upper floor would contain two bedrooms, a bathroom and a retreat area.

The ground floors of each of the proposed dwellings would be constructed with dark grey brick and the upper floors would be rendered cladding and painted with Dulux "white duck". The ground floor roofing would be *klip-lock* 406 profile with "wind spray" colour finish. The upper floor roofs would be clad with dark grey Macquarie Twilight concrete roofing tiles. The garage doors would be constructed with Colorbond "surf-mist" colour finish.

The upper floor would have a significantly smaller footprint than the ground floor providing recessive first floor elements.

The existing dwelling is a single storey brick veneer older style dwelling with three bedrooms. The dwelling comprises an open plan kitchen and dining area, a separate living area, three (3) bedrooms,

a bathroom with separate WC and a separate laundry. A two car garage would be constructed for this dwelling at the rear adjacent to the garage for dwelling 3.

The new dwellings would be accessed via a common property concrete driveway as would the garage for the existing dwelling.

The whole allotment would be fenced with new 1.8m high wooden paling fence.

The dwellings would have the following specification:

	Dwelling 1 (existing)	Dwelling 2	Dwelling 3
Total floor area	113 sqm	150 sqm	156 sqm
Total building footprint including porch and garage	159 sqm	128 sqm	136 sqm
Private open space	89 sqm	87 sqm	196 sqm
Garden area (estimated)	219 (58%)	86 (37%)	106 (43%)
Walls abutting boundaries	5.725m	10.265m	5.725m
Proposed lot size	376 sqm	232 sqm	244 sqm
Front yard area	46 sqm	17sqm	
Site coverage (total)	38%		
Common property area	202 sqm		
Permeability	42%		
Total garden area whole site	37%		

Elevations



MATERIAL SCHEDULE

CODE: A MATERIAL: DARK GREY BRICK METALLIC FINISH LOCATION: OUTSIDE FLOOR EXTERIOR WALLS	CODE: B MATERIAL: LIGHT GREY HORIZONTAL SIDING LOCATION: FIRST FLOOR EXTERIOR WALLS	CODE: C MATERIAL: DARK GREY CORRUGATED METAL WITH THERMOFORM COLOUR FINISH LOCATION: CHIMNEY FLUOR ROOF	CODE: D MATERIAL: DARK GREY CORRUGATED METAL LOCATION: FIRST FLOOR ROOF	CODE: E MATERIAL: LIGHT GREY HORIZONTAL SIDING WITH THERMOFORM COLOUR FINISH LOCATION: GARAGE SECTIONAL DOORS

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REV	DESCRIPTION	DATE
B	EAST FENCE RELOCATE TO TITLE	13/03/2018
A	REVISED	13/03/2017



PROJECT 2 DWELLINGS DEVELOPMENT	ADDRESS 5 OTHAGAN PLACE, SACCHUS MARSH 3340
------------------------------------	--

CLIENT ELEVATIONS	DRAWN DVS/SP	CHECK -	JUNE 16/07/2
PROJECT AS SHOWN @ A1	DATE 04 NOV 2016	SHEET TP 06	

Ground floor plan



[illegible]

Site Description

The site is on the south-east side of O'Hagen Place which is made up of two cul-de-sacs running east and west with single access from Main Road, Bacchus Marsh.

The site is relatively flat but with a slight downward slope from west to east. There are two existing sheds on the site both of which would be removed as well as a water tank and concrete pathways and an existing driveway.

The existing dwelling on the site is single fronted constructed with brick veneer and has a tiled roof. The dwelling comprises an open plan kitchen and dining area, a separate living area, three (3) bedrooms, a bathroom with separate WC and a separate laundry. Garaging for the dwelling is afforded by the sheds on the site.

The dwelling has a front setback of approximately 10m with lawn and shrubs at the front.

The O'Hagen Place subdivision was created in 1979. The precinct is fully constructed on either side of the road generally with established single storey brick veneer dwellings on similar sized or smaller allotments in garden settings. There are only a few lots with a front fence, with the majority without front fencing. O'Hagen Place has concrete kerbing but no footpaths. There have been no multi-dwelling developments in the street prior to this application.

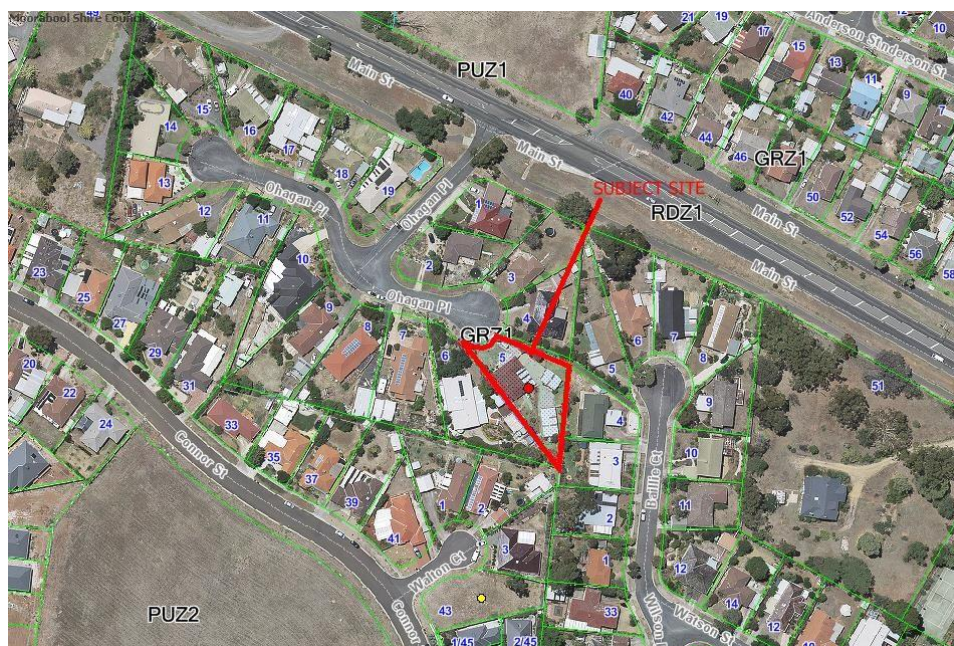
There is a 2.5m wide public walkway linking O'Hagen Place to Baillie Court which runs along the north side boundary of the site.

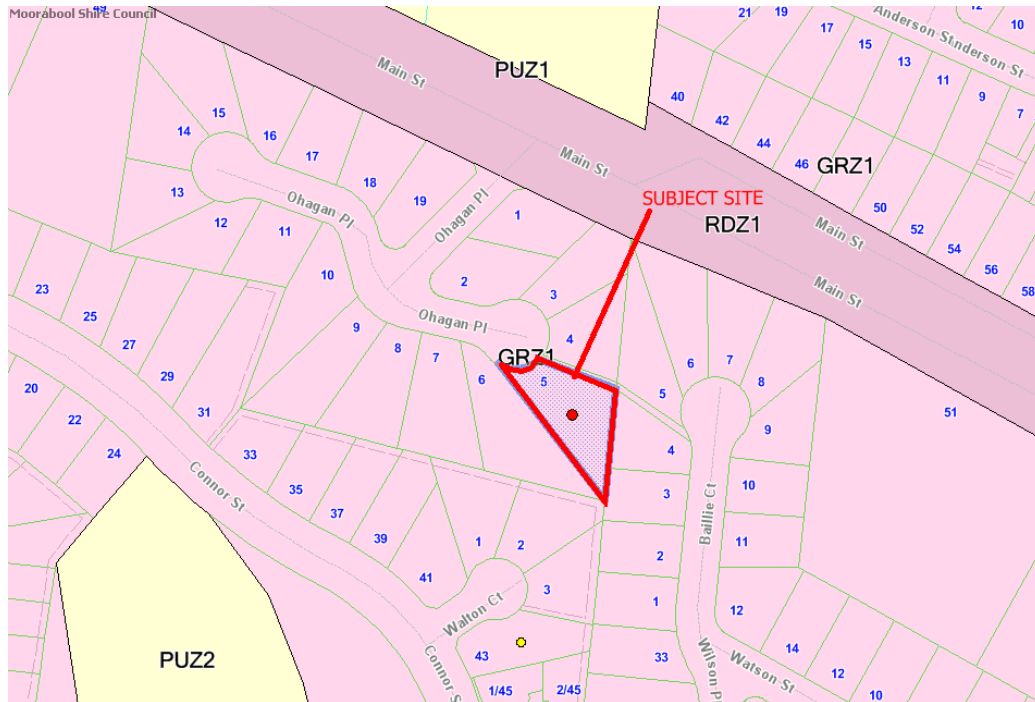
The site is located approximately 830m to the west of the intersection of Main Road with Gisborne Road/Grant Street, and under 1km from the Bacchus Marsh shopping precinct.

A public bus service is accessible in Main Road and provides ready access to the Bacchus Marsh railway station which is approximately 2.2km to the south west of the site.

Locality Map

The maps below indicate the location of the subject site as an aerial photograph and the zoning of the land in 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 Periurban areas.
- 11.08 Central Highlands.
- 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.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.07 Bacchus Marsh.

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

Zone

General Residential Zone – 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.*
- *Encourage development that respects the neighbourhood character of the area.*
- *Encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *Allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

Under Clause 32.08-6 a permit is required to construct one or more dwellings if there is one dwelling existing on the lot. A development must meet the requirements of Clause 55 of the Moorabool Planning Scheme.

Under Clause 32.08-7 a schedule to the zone may specify the requirements of Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of the scheme. Schedule 1 does not specify any changes to the standards.

Overall, the proposed development is consistent with the purpose of the General Residential Zone.

Garden Area

In accordance with Clause 32.08-4 of the General Residential Zone of the Moorabool Planning Scheme a development must meet the minimum garden area requirement for the construction or extension of a dwelling or residential building as follows:

Where a lot is greater than 650 square metres, 35% of a site must be set aside for garden area. Garden area includes an uncovered outdoor area of a dwelling or residential building normally associated with a garden.

It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre.

The proposal meets the garden area requirements with 37% of the site being available for garden area.

Overlays

No overlays apply to the site.

Relevant Policies

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

Urban Growth Policy

The Urban Growth Policy states that:

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

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

Housing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

Provide a clear direction and policy guidance to enable orderly growth, managed change and retention of key elements of character including neighbourhood character mapping and character precinct brochures.

The site is located in Precinct B of the Settlement Framework Plan, identified as an 'Residential area of natural and increased growth (short to long term)', which "generally applies to an established residential area that is well located to services and facilities and has been identified as suitable for infill development. This will include a range of alternative housing options within a walkable catchment of residents' daily needs.

The Existing Character Statement for Precinct 25 in which the subject site is located provides a description of existing character as follows:

This precinct is characterised by two distinct areas due to the topographical variation throughout the precinct. The precinct has a flat and in part undulating topography within a curvilinear and disconnected street network with several cul-de-sacs. However, parts of the southern section of the precinct is also undulating but with a significantly steeper topography than the balance of the precinct. As a result, dwellings in this area are substantially elevated or in some instance sit below street level.

Footpaths are inconsistent throughout the precinct with several streets having no footpaths, and some streets having one sided footpaths. Therefore, pedestrian connectivity is limited throughout the precinct.

Traditional front setbacks, moderate site coverage and conservative front gardens are dominant. Street tree planting are inconsistent and some streets have stronger, established plantings, or garden spill to the kerb that do contribute to the character of the precinct.

Dwellings exhibit varied styles, however brick veneer dwellings from the 1980s through to more current contemporary dwellings are the most common style represented. The dwellings are almost uniformly single storey, although where there is slope, split and double storey dwellings exist.

Dwellings are generally detached in form with off street car parking ranging from carports, single and double storey garaging to the side of the dwelling being the norm. Minimal front fencing exists throughout the precinct, and where they do exist, the fencing is of a low scale.

The Preferred Character Statement for Precinct 25 gives direction to the future preferred character of area surrounding the site as follows:

This precinct will generally maintain a streetscape rhythm of detached dwellings with conventional residential front and side setbacks while avoiding boundary to boundary development. 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, including double storey dwellings that enhances the character of the precinct will be encouraged. Development is encouraged to be sympathetic to the steep landscape and should avoid excessive site disturbance.

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 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.

Particular Provisions

Clause 52.06 Car Parking

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

The proposed crossover and accessways widths satisfy the minimum requirements and the garage dimensions meet the standard.

Clause 55 Two or More Dwellings on a Lot

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

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

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

Clause Rescode	Title	Response
55.03-7	Standard B12	Lighting needs to be provided along common property driveway
55.03-8	Standard B13	Landscape plan needs to be provided
55.06-4	Standard B34	Bin and recycling enclosures need to be marked (or more clearly marked) on the site plan and similarly with storage particularly for Dwelling 1.

Discussion

The application generally accords with Rescode standards except for the relatively minor matters as listed above.

The proposal meets the requirements for private open space, garden area, site coverage and permeability.

The two dwellings would be relatively well screened from the street behind the existing dwelling affording privacy to the residents of both dwellings. It is considered that the proposed dwelling would have limited visual impact on the O'Hagen Place streetscape.

Council's housing strategy entitled *Housing Bacchus Marsh to 2041*, produced Neighbourhood Character brochures covering 32 identified precincts in the Bacchus Marsh and Darley areas. O'Hagan Place is located within Precinct No. 25. The study for each precinct identified existing and preferred neighbourhood character.

The following features of this application generally accord with the preferred neighbourhood character as identified for precinct 25 including that:

- All dwellings would be detached with two new double storey dwellings at the rear of the existing which is considered would have limited impact on the streetscape rhythm.
- The site would have conventional residential front and side setbacks with only the garages and the living room of dwelling 2 being constructed on a boundary. The site generally exceeds the garden area requirements and provides space around all dwellings.
- The built form is sympathetic to the existing character of the precinct, in that the double storey dwellings have effective transition in the height and bulk and they would be well screened from O'Hagen Place. The building footprint on the upper floors has been reduced to provide for articulation and visual interest.
- It is noted that double storey dwellings that enhance the character of the precinct will be encouraged.
- Only one crossover would be required from the street which is the existing crossover.
- The dwellings would be within a walkable distance to services and facilities.
- The front garden would remain open without front fencing which would remain relatively unchanged by the development.
- The built form would not dominate the lot and private open space and garden area exceed the minimum requirements.
- The landscape plan should require canopy trees to be included within the site to achieve a balance between open space and built form.

The application was advertised 8 objections were received from neighbours. A petition with 19 signatures was also received most being residents of either O'Hagan Place or Baillie Court.

The majority of objector concerns related to the impact of the development on neighbourhood character and that the proposed development did not accord with the peaceful amenity and livability afforded to the residents of O'Hagan Place.

Increased traffic was cited in a number of objections, and the impact of the two new dwellings on on-street parking availability

The objectors expressed concern that this type of infill development would disrupt the street and create a precedent for future development of a similar nature.

However the latter concern is not necessarily well founded as there are very few lots in O'Hagan Place that would be capable of accommodating more than one dwelling.

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 departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Infrastructure	Consent with conditions

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

Based on the assessment of the proposal herein, there are not considered to be strong grounds for refusing the application.

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

Conclusion

It is considered that the application is generally consistent with relevant State and Local planning policy, the purpose of the General Residential Zone, and the relevant Particular and General Provisions of the Moorabool Planning Scheme. The proposal would contribute to consolidated residential growth close to services and within walking distance of the centre of the township of Bacchus march without any unreasonable amenity or neighbourhood character impacts.

It is recommended that the application be supported by Council.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the *Planning and Environment Act 1987* subject to the following conditions:

Endorsed Plans

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:**
 - a) A landscape plan in accordance with Condition 11. The landscape plan must provide a generous number of canopy trees across the site and to achieve a balance between the open space and built form.**
 - b) The WIR and ensuite in Dwelling 2 reversed so that the ensuite is not abutting the common property access way.**
 - c) Security lighting along the common property access way.**
 - d) Six cubic metres of externally accessible storage for the existing dwelling, No. 1.**
 - e) Bin and recycling enclosures for all dwellings (clearly marked).**
 - f) All plans must show the development within the true title boundaries, not the fenced boundaries, and all relevant calculations in relation to the site adjusted accordingly.**

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

Amenity

- 2. Any external lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**

Landscape Plans

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

Infrastructure Conditions

- 4. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.**
- 5. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:**
 - a) The development as a whole must be self-draining.**
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.**
 - c) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.**
- 6. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.**
- 7. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.**
- 8. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.**
- 9. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 10. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).**
- 11. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.**
- 12. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**
- 13. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**
 - a) Location of vehicle crossings.**
 - b) Details of the underground drainage.**
 - c) Location of drainage legal points of discharge.**
 - d) Standard details for vehicle crossing and legal point of discharge.**
 - e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.**

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

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

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

Report Authorisation:

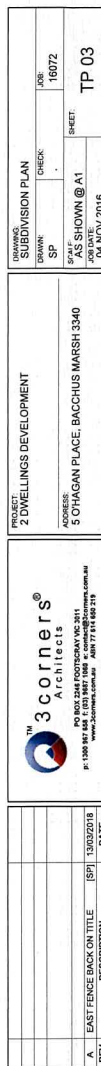
Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 28 March, 2018





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LOT SIZE		DOWELLING 1		DOWELLING 2	
SITE COVERAGE	1.0000%	POUCH	30m ²	POUCH	30m ²
FRONT YARD	42.20%	GARAGE	30m ²	GARAGE	30m ²
REAR YARD	42.20%	GROUND FLOOR	113m ²	GROUND FLOOR	113m ²
GARDEN AREA	44.60%	FIRST FLOOR	50m ²	FIRST FLOOR	50m ²
	44.60%	ALL FLOORS	50m ²	ALL FLOORS	50m ²
<p>NOT TO SCALE</p>		<p>NOT TO SCALE</p>			
TOTAL FLOOR AREA		113m ²		150m ²	
TOTAL BUILDING FOOT PRINT		150m ²		150m ²	
POS	POS	POS	12m ²	POS	12m ²
FRONT YARD	FRONT YARD	FRONT YARD	4m ²	FRONT YARD	4m ²
REAR YARD	REAR YARD	REAR YARD	4m ²	REAR YARD	4m ²
GARDEN COMMON	GARDEN COMMON	GARDEN COMMON	20m ²	GARDEN COMMON	20m ²

[illegible]

LOT SIZE	1.0596 ^{ac}
SITE COVERAGE	42.50% - 35%
MIN. LOT AREA	1.0596 ^{ac} - 1.15 ^{ac}
GARDEN AREA	4116 ^{sq} - 27%
<p>WEATHERED STEEL ROOFING</p> <p>WEATHERED STEEL ROOFING</p>	
<p>DWELLING 1 DWELLING 2 DWELLING 3</p>	
PORCH	20 ^{sq} 20 ^{sq} 20 ^{sq}
GARAGE	20 ^{sq} 20 ^{sq} 20 ^{sq}
GRASSY LOT	113 ^{sq} 105 ^{sq} 105 ^{sq}
FIRST FLOOR	60 ^{sq} 60 ^{sq} 60 ^{sq}
2nd FLOOR	60 ^{sq} 60 ^{sq} 60 ^{sq}
<p>TOTAL LOT AREA</p>	
TOTAL BUILDING SQ FT	113 ^{sq} 105 ^{sq} 105 ^{sq}
POSS	105 ^{sq} 105 ^{sq} 105 ^{sq}
FRONT YARD	60 ^{sq} 60 ^{sq} 60 ^{sq}
REAR YARD	113 ^{sq} 105 ^{sq} 105 ^{sq}
<p>200^{sq} - 200^{sq}</p>	



	B	EAST FENCE RELOCATE ON TITLE	[SPI] 13/03/2018
	A	REVISED	[SPI] 28/08/2017

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PROJECT:
2 DWELLINGS DEVELOPMENT

ADDRESS:
5 O'HAGAN PLACE, BACCHUS MARSH 3340

DRAWING:
FIRST FLOOR PLAN

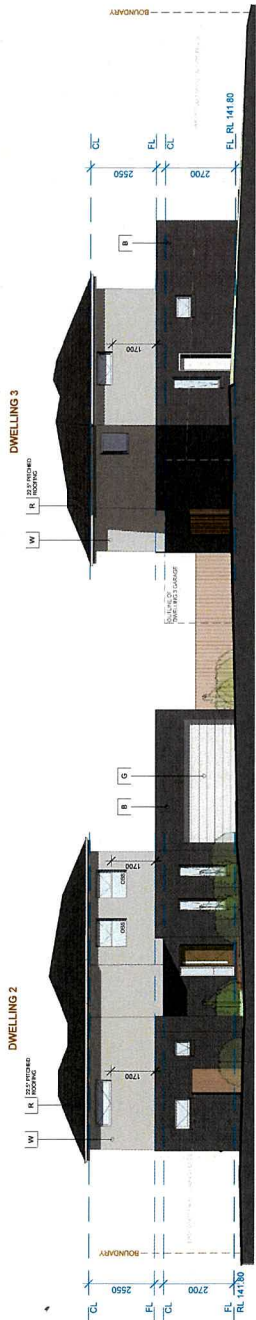
FIRST FLOOR PLAN

AS SHOWN @ A1

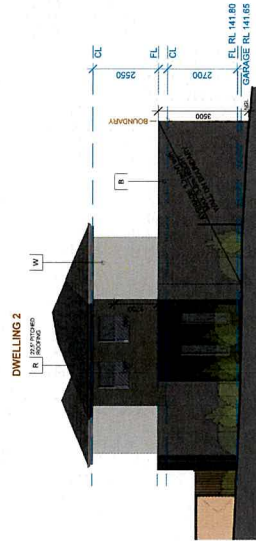
TP 05

PROPOSED FIRST FLOOR PLAN

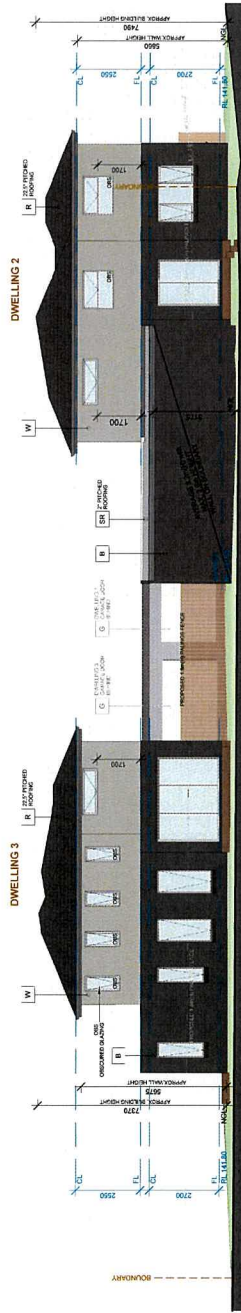
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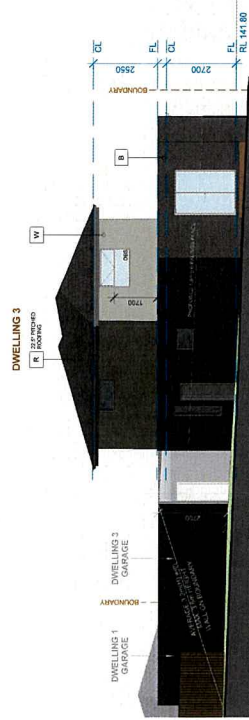
WEST - DWELLING 2 & 3
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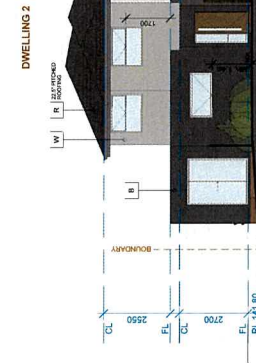
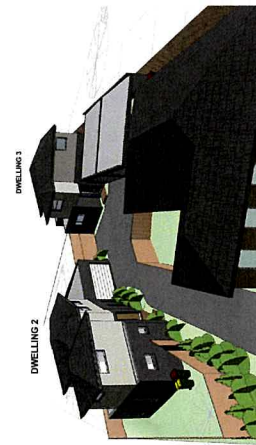
SOUTH - DWELLING 2
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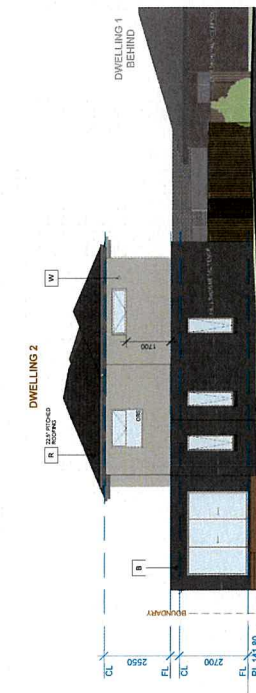
EAST - DWELLING 2 & 3
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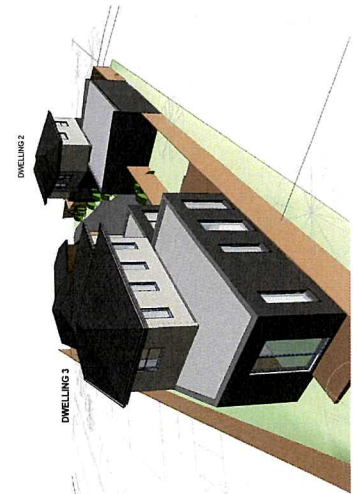
SOUTH - DWELLING 3
1:100



NORTH - DWELLING 3
1:100



NORTH - DWELLING 2
1:100



MATERIAL SCHEDULE

	CODE: B MATERIAL: LOCAL BRICK METALLIC FINISH LOCATION: GROUND FLOOR EXTERIOR WALLS
	CODE: W MATERIAL: LOCAL BRICK METALLIC FINISH LOCATION: FIRST FLOOR EXTERIOR WALLS
	CODE: TR MATERIAL: MACQUARIE TWIGGHT LOCATION: FIRST FLOOR ROOF
	CODE: G MATERIAL: MACQUARIE TWIGGHT LOCATION: GROUND FLOOR ROOF
	CODE: G MATERIAL: MACQUARIE TWIGGHT LOCATION: GROUND FLOOR ROOF

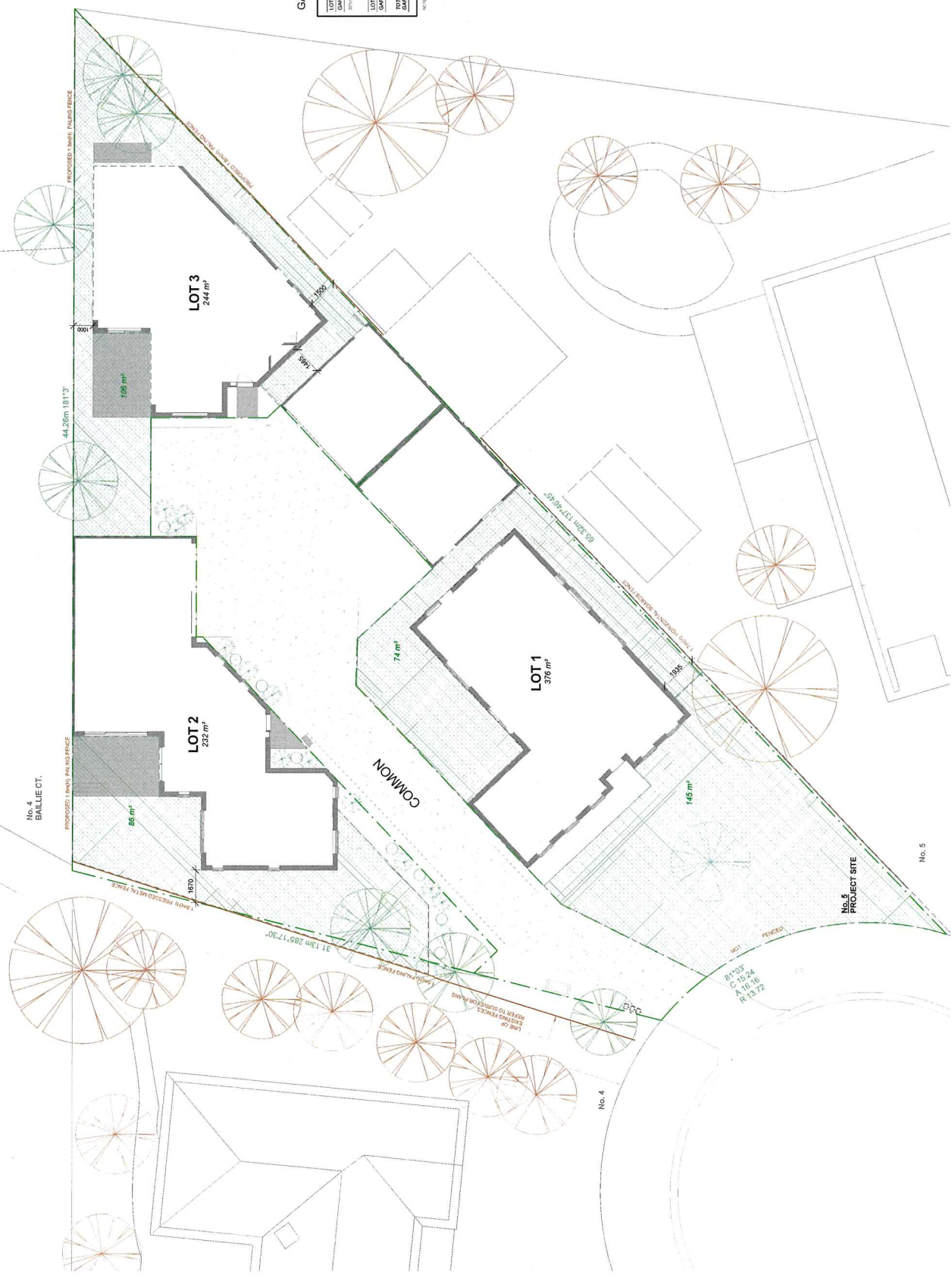
REV	DESCRIPTION	DATE
B	EAST FENCE RELOCATE TO TITLE (SP)	13/03/2018
A	REVISED	28/09/2017

PROJECT	2 DWELLINGS DEVELOPMENT
CLIENT	5 O'HAGAN PLACE, BACCHUS MARSH 3340
DATE	04 NOV 2016

DRAWING	DYSP
CHECKED	16072
SHEET	TP 06

3 corners Architects
PO BOX 2348 FOOTSCRAY VIC 3011
PH: 03 947 4455 E: 03 947 1089 A: 03 947 1089

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ARCHITECTS	3 corners Architects



GARDEN AREA SUMMARY

LOT SIZE	1.000m²
GARDEN AREA REQUIRED	28m² 30%
PROPOSED GARDEN AREA	411m² (37%)
LOT SIZE	232m²
GARDEN AREA	232m² (100%)
LOT SIZE	244m²
GARDEN AREA	244m² (100%)
LOT SIZE	109m²
GARDEN AREA	109m² (100%)
TOTAL PROPOSED GARDEN AREA	411m² (37%)

NOTE: THE GARDEN AREA SUMMARY IS BASED ON THE PROPOSED GARDEN AREA SUMMARY AND THE PROPOSED GARDEN AREA SUMMARY.

PROJECT	2 DWELLINGS DEVELOPMENT
ADDRESS	5 O'HAGAN PLACE, BACCHUS MARSH 3340
DATE	04 NOV 2018
JOB	16072
SHEET	TP 08

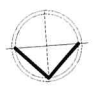
PROJECT	2 DWELLINGS DEVELOPMENT
ADDRESS	5 O'HAGAN PLACE, BACCHUS MARSH 3340
DATE	04 NOV 2018
JOB	16072
SHEET	TP 08

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REV	DESCRIPTION	DATE
B	TABLE UPDATE	15/03/2018
A	EAST FENCE RELOCATE TO TITLE	13/03/2018

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Item 5.3 Planning Permit Application PA2017 273 – Development of a Telecommunications Facility at Sullivans Road, Millbrook

Application Summary	
Permit No:	PA2017 273
Lodgement Date:	24 November, 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on TP 613612M, Sullivans Road Millbrook
Proposal:	Development of a Telecommunications Facility
Lot size:	5100sq m
Why is a permit required	Clause 52.19 – Telecommunications Facility – Buildings and works
Why is this application being presented to Council?	Objection received
Public Consultation	
Was the application advertised?	No (see 'Public Notice' below)
Notices on site:	None
Notice in Moorabool Newspaper:	None
Number of Objections:	One
Consultation meeting:	No
Policy Implications	
Strategic Objective 2:	Minimising Environmental Impact
Context 2A & 2B:	Built Environment & Natural Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	Yes, to Infrastructure and Central Highlands Water
Any issues raised in referral responses?	No
Preliminary Concerns?	None
Any discussions with applicant regarding concerns	Not applicable
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	None
General summary	<p>A proposed telecommunication facility comprising a 30.0m high monopole with four antennas and associated ground level infrastructure within the Melbourne-Ballarat rail corridor. The proposal is part of the Regional Rail Connectivity Project, a State Government initiative to improve mobile phone coverage along Victoria's regional passenger rail lines. An objection raised concerns about damage to property access shared with the development site, however this could be mitigated by permit conditions relating to the construction phase. Given the minimal vehicle access required by the facility it is not considered there would not be any unreasonable amenity impacts.</p> <p>Subject to conditions, the proposal satisfies all relevant planning scheme provisions for the development of telecommunications facilities and protection of landscape and environmental values. Furthermore, the proposal would have a wide net community benefit to not only the Shire but the wider region.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Planning Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, subject to conditions detailed at the end of this report.</p>	

Background

Planning Scheme Amendment VC41, gazetted on 21 November 2017, changed the Victoria Planning Provisions and all Victorian planning schemes, by amending Clause 52.19 – Telecommunications facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Program from the notice and review requirements of the Planning and Environment Act 1987 (the P&E Act). The Amendment was made to more effectively implement telecommunications infrastructure facilities and ensure the timely installation of the new mobile phone towers to isolated communities across Victoria, enabling these communities to realise the social, economic and safety benefits of the new facilities. Council retains the authority to assess local impacts through the permit application process.

Public Notice

Under Clause 52.19-3 of the Moorabool Planning Scheme the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 given the proposal is funded by the Victorian Government.

Although formal notice of the application was not given, the application was publicly visible on Council's planning application database Greenlight, and one submission was received raising concerns which are outlined below. However, it must be noted that if Council decides to support the application it must issue a Permit and not a Notice of Decision to Grant a Permit, and the submitter would not have any right to appeal such a decision at VCAT.

Summary of Objections

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

Objection	Any relevant requirements
Possible damage to our property access which would be shared with vehicles accessing the telecommunications development.	Clause 65.01
Officer's response - The applicant would take pre-development / construction photos of the existing access route / track to ensure any potential access track damage is accordingly rectified / restored. A recommended permit condition would make this a requirement. The applicant advises that construction would be undertaken in accordance with landowner and council recommended hours to ensure minimal disturbance to surrounding uses. Any other necessary permits would be acquired prior to any works being undertaken. The daily construction process would require three (3) to six (6) construction workers on site, with a general construction timeframe, weather dependent, of four (4) weeks. Mobile phone base stations are unmanned, of low maintenance, with the proposed facility to be visited, no more than four (4) times (but normally twice) a year in a standard utility vehicle (Toyota Hilux or similar). Sullivans Road is a Council managed road, and a recommended Infrastructure permit condition would require any damage to Council assets to be repaired to Council's satisfaction.	

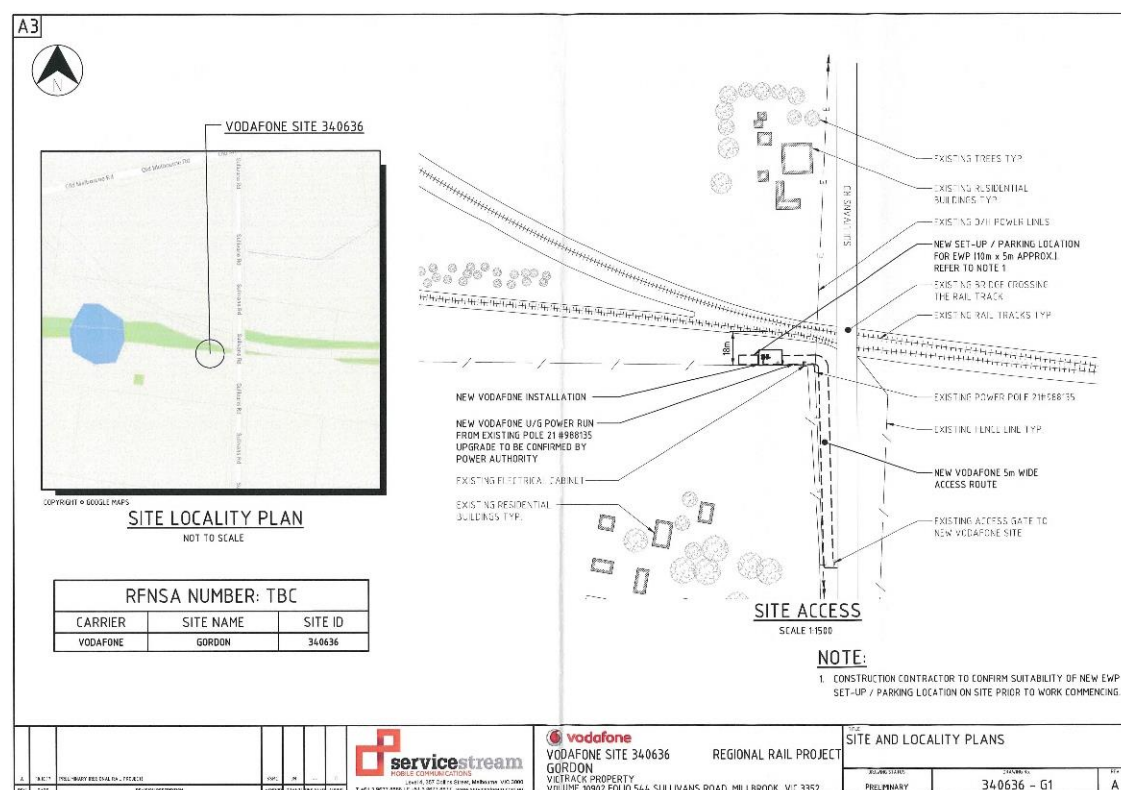
Proposal

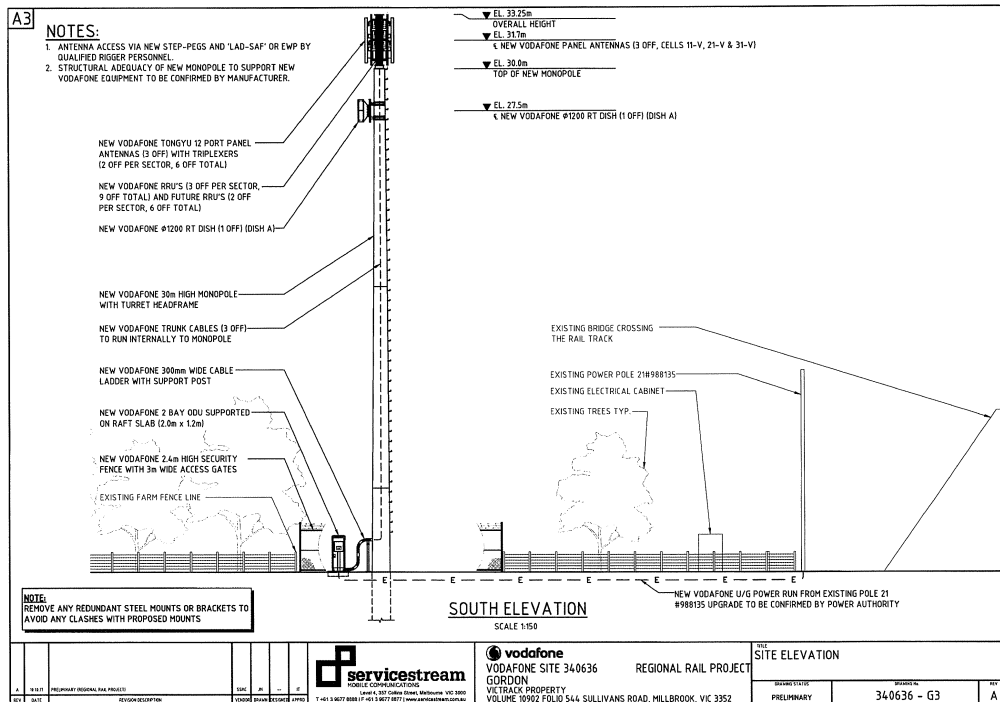
It is proposed to develop a telecommunications facility comprising a 30.0m high monopole containing the following:

- Three antennas mounted on a turret at a centre line position of 31.7m height, resulting in an overall height of 33.25m.
- One 1.2m diameter parabolic antenna mounted at a centre line of 27.5m height.
- A two-bay outdoor unit at the base of the pole on a concrete slab.
- Associated works and minor earthworks.
- A 2.4m high security compound fence and 3.0m access gates surrounding the proposed 8.4m x 12.4m compound area.
- 5.0m wide proposed access track between the site and the Sullivans Road carriageway to the south.

The proposal forms part of the Regional Rail Connectivity Project, an initiative of the Victorian State Government to improve mobile phone coverage along Victoria's regional passenger rail lines. As part of the Project, the State Government has committed \$18m of funds to new telecommunications facilities.

The proposed site plan is provided below and a full set of plans provided as an attachment.

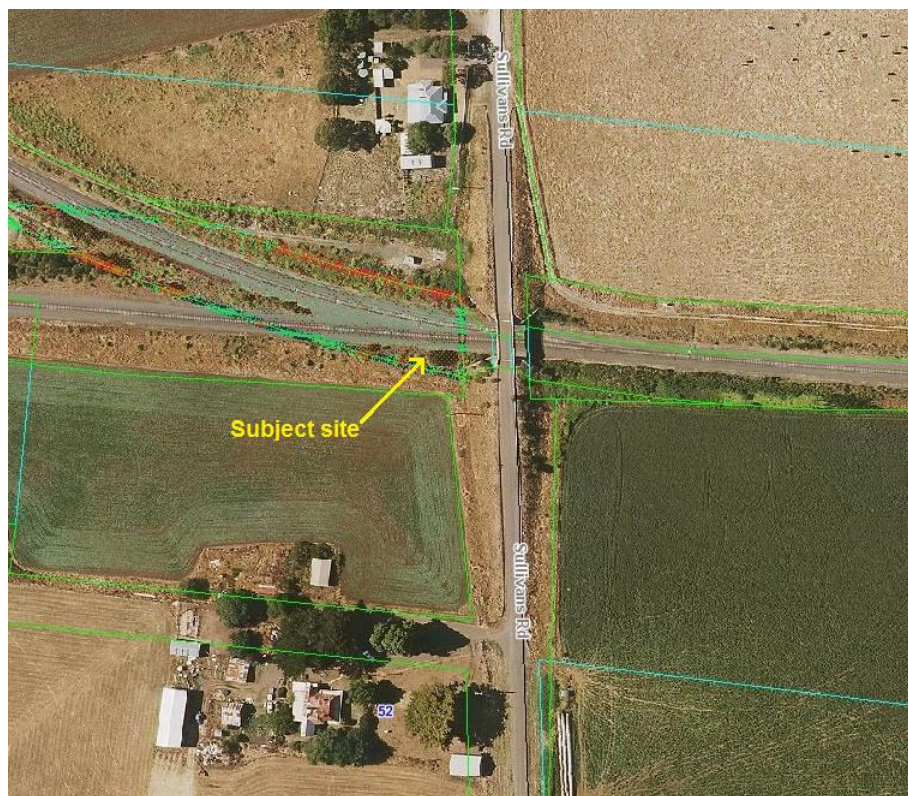




Site Description

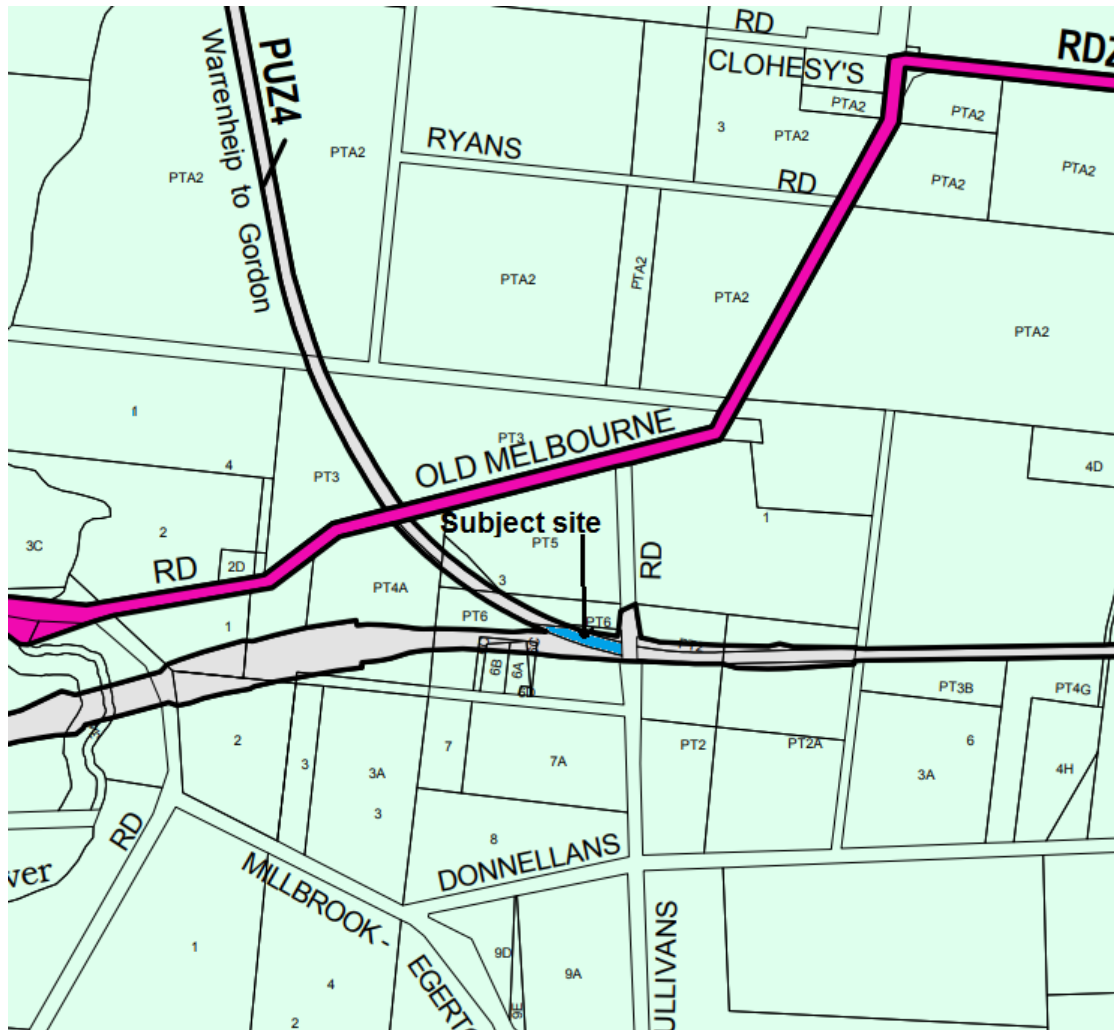
The site is identified as Lot 1 on TP 613612M, Sullivans Road Millbrook, and is an irregular shaped parcel containing a section of the Melbourne-Ballarat and Warrenheip branch railway lines and curtilage on the west side of the Sullivans Road road reserve. The site is relatively flat and contains no significant vegetation.

The site is in the Public Use Zone, Schedule 4 (Transport) consistent with other land in the rail corridor. Other surrounding land is in the Farming Zone and mostly used for farming purposes. There are dwellings in the general vicinity of the site to the south and north on Sullivans Road.



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.
- 12.04-2 Landscapes.
- 14.02 Water.
- 19.03-4 Telecommunications.
- 21.02-2 Non-Urban Landscapes.
- 21.02-3 Water and Catchment Management.
- 22.02 Special Water Supply Catchments.

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

Zone

The subject site is in the Public Use Zone, Schedule 4 and the provisions of Clause 36.01 apply.

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Under Clause 36.01-1, and pursuant to Clause 62.01, a permit is not required under the zone for the use and development of a Telecommunications Facility.

Overlays

The subject site is affected by Environmental Significance Overlay, Schedule 1. Under Clause 42.01-2 a permit is required for buildings and works. However, pursuant to Clause 62.02-1 any requirement in the scheme relating to buildings and works does not apply to buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met. In this instance, a permit is not required under the overlay.

Relevant Policies

There are no Council adopted or draft policies relevant to this application.

Particular Provisions

Clause 52.19 Telecommunications Facility

Under Clause 52.19 a permit is required to develop land for a Telecommunications facility.

The purpose of Clause 52.19 is:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

The responsible authority must consider the following relevant decision guidelines before deciding on an application:

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria, July 2004.
- The effect of the proposal on adjacent land.
- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.

The proposal is considered to satisfy the purpose and decision guidelines of Clause 52.19, as discussed below.

Discussion

Overall, the proposed development is considered to be generally consistent with relevant State and local planning policy, State provisions for telecommunications facilities and the decision guidelines at Clause 65.

The Code of Practice for Telecommunications Facilities in Victoria (July 2004) sets out the following relevant principles, as follows:

- A Telecommunications facility should be sited to minimise visual impact;
- Telecommunications facilities should be co-located wherever practical;
- Health standards for exposure to radio emissions will be met;
- Disturbance and risk relating to siting and construction should be minimised; and
- Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines.

The proposal is generally considered to satisfy Clause 52.19 for the following reasons:

- The site is in a sparsely populated rural area and whilst readily visible in the surrounding landscape would not be a visually dominant structure or impede any views or vistas of landmarks or heritage places.
- The facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz, Arpansa, May 2002.
- The proposal would not obstruct or detrimentally impact on agricultural activities on surrounding land.
- Co-location with existing facilities would not be possible given the coverage requirements of the Regional Rail Connectivity Project.
- The site does not have any features of particular environmental significance or sensitivity which would be disturbed by the proposal.

State and local planning policy recognises the natural landscape and its contribution to the character, identity and sustainability of the State and local areas, and generally seeks to preserve and enhance such areas for these reasons. Council's Municipal Strategic Statement includes the objective at Clause 21.02-2 to maintain and enhance the natural environment and the Shire's rural identity and character. Relevant strategies include:

- Protect the landscape and scenic qualities of forested hill slopes, rural landscapes, and bushland setting of the Shire's rural and urban areas.
- Preserve high quality landscapes by not supporting development on hilltops and ridgelines.

Council must consider the range of applicable policies to this application to decide its suitability in achieving net community benefit. The visual appearance of the proposal is considered acceptable for the following reasons:

- The subject site is not on a hilltop, ridgeline or on sloping land.
- Whilst readily visible, from most vantage points the development would not be a visually dominant feature in the rural landscape.
- This type of development requires a location clear of physical obstructions to achieve its objectives.
- The site is not in a residential area.

It is noted that other sites in the general area were considered by the applicant but based on the applicable criteria were discounted in favour of the proposed site.

The objection made to the application relates to conflicts over shared access to Sullivans Road and potential damage to the objector's existing access within the road reserve. Based on the nature of the proposal, which normally would require only occasional vehicle access by standard utility sized vehicles, and permit conditions to ensure any damage to Council assets during the construction phase is rectified, the proposed development is considered to be acceptable. Amendment VC141 was introduced in recognition of the net community benefit of the proposed facility and the need to streamline the permit application process by removing the applicable notice requirements and review rights.

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 departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Central Highlands Water	Consent with conditions
Infrastructure	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

Considering the nature of the proposal, the applicable planning controls and the net community benefit of the proposal for not only Moorabool but the wider Central Highlands region, and taking account of the concerns raised in the objection, there are no reasonable grounds on which to refuse this application.

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

Conclusion

Subject to conditions, the proposed telecommunications facility satisfies all relevant planning scheme provisions for the development of telecommunications facilities and protection of landscape and environmental values, and would not have any detrimental amenity impacts. The proposal is part of the Regional Rail Connectivity Project, a State Government initiative to improve mobile phone coverage along Victoria's regional passenger rail lines and would have a wide net community benefit to not only the Shire but the wider region.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues Planning Permit PA2017273; Development of a Telecommunications Facility at Lot 1 on TP 613612M, Sullivans Road, Millbrook VIC 3352 subject to the following conditions:

Endorsed Plans

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

Materials and Colour

- 2. All external areas of the proposed building/s are to be clad with non-reflective materials except with the written consent of the Responsible Authority.**

Telecommunications Conditions

- 3. All noise emanating from any mechanical plant on the site must comply with the Environment Protection Authority's (EPA's) regulations and Council Environmental Health department requirements.**
- 4. The telecommunications facility must comply with "A Code of Practice for Telecommunications Facilities in Victoria (July 2004)".**
- 5. The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard- Maximum exposure Levels to Radiofrequency Fields-3kHz to 300 GHz.**

Infrastructure Conditions

6. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
7. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
8. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
9. The applicant is to upgrade the existing crossover to a sealed standard to the satisfaction of the responsible authority.
10. The proponent, at their cost, must construct an all-weather access track from the proposed access point on Sullivans Road to the site of the works, to the satisfaction of the responsible authority. An asset protection permit must be obtained from the responsible authority prior to the commencement of the development.

Central Highlands Water Conditions

11. Erosion control measures must be undertaken to reduce the movement of soil from the site by rain or flowing water.
12. Sediment control measures must be undertaken to minimise the impacts of erosion by capturing sediment before it is discharged to the environment.

Expiry Conditions

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

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

Report Authorisation:

Authorised by:

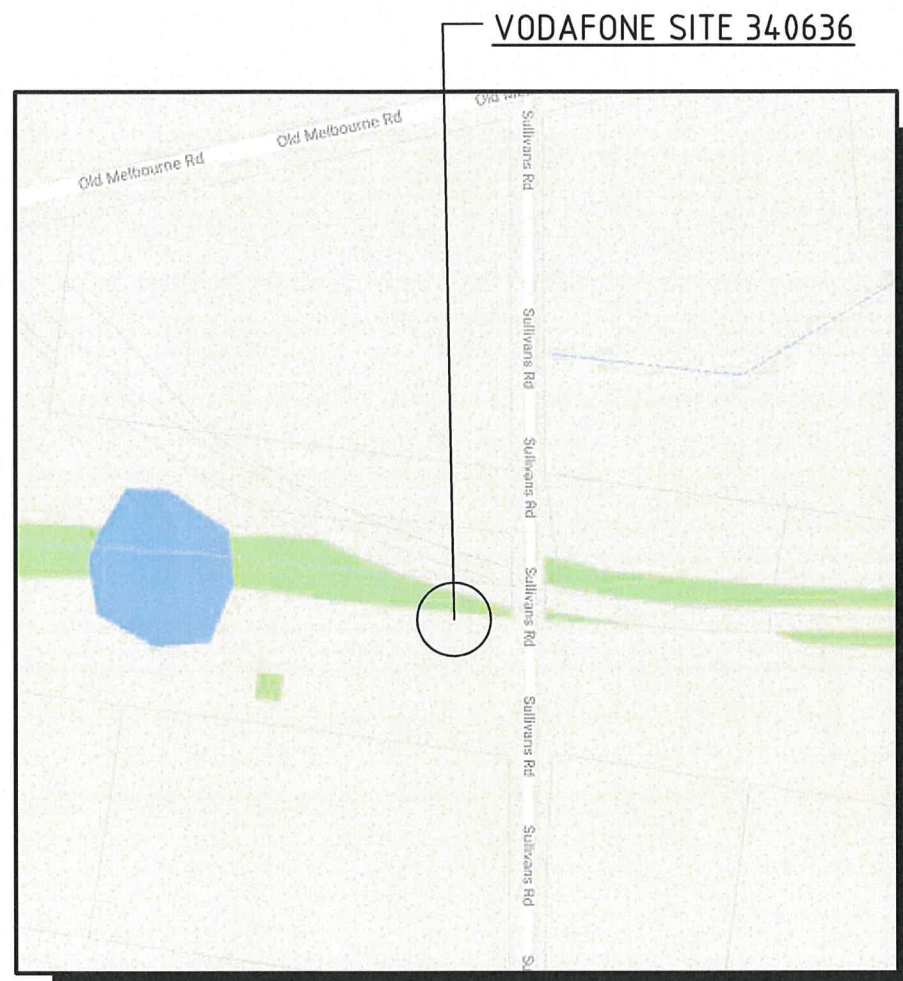
Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 28 March, 2018



A3



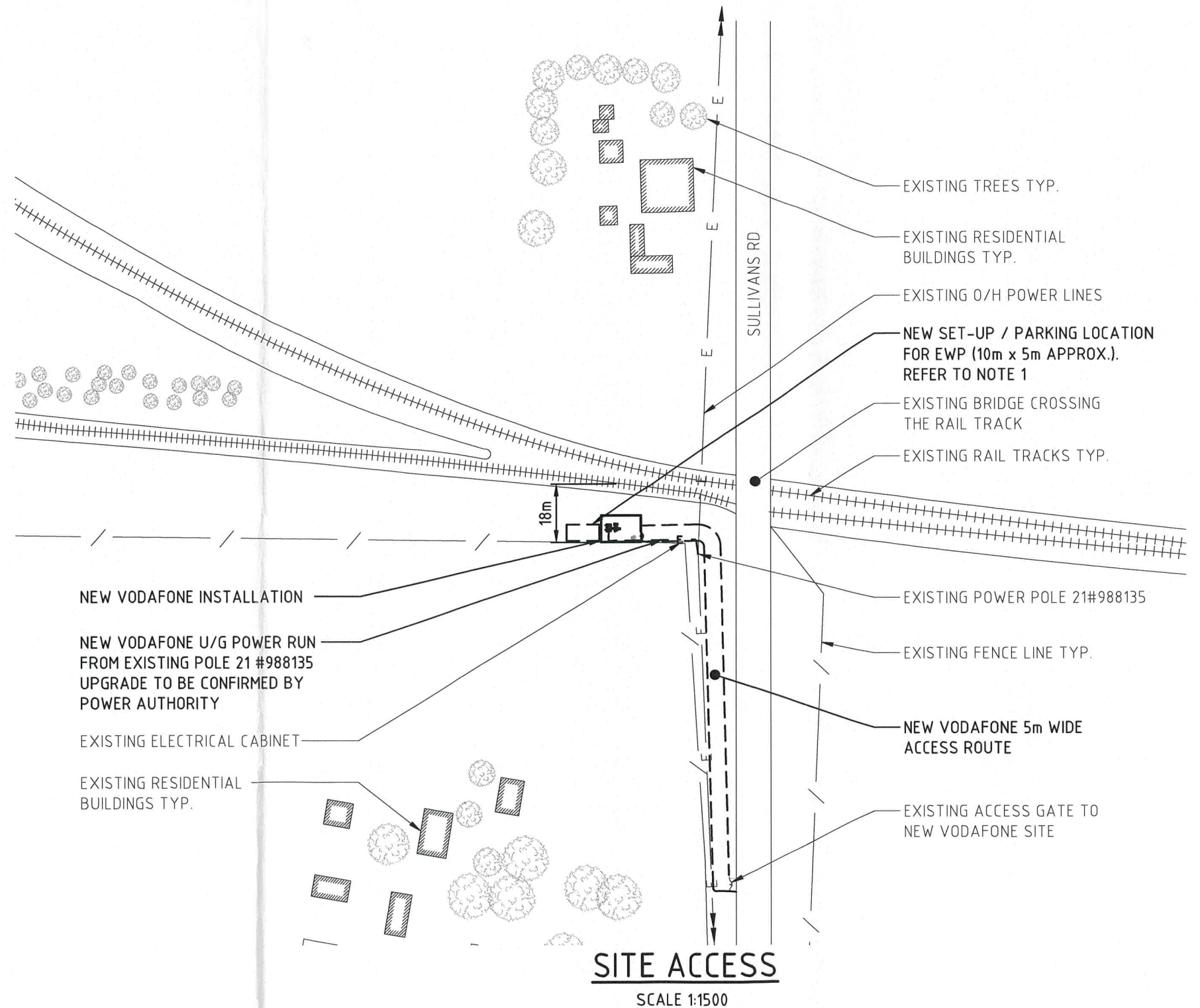
COPYRIGHT © GOOGLE MAPS

SITE LOCALITY PLAN

NOT TO SCALE

RFNSA NUMBER: TBC

CARRIER	SITE NAME	SITE ID
VODAFONE	GORDON	340636



NOTE:

1. CONSTRUCTION CONTRACTOR TO CONFIRM SUITABILITY OF NEW EWP SET-UP / PARKING LOCATION ON SITE PRIOR TO WORK COMMENCING.

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LEGEND:



NEW, REPLACE, ETC

PROPERTY BOUNDARY

VODAFONE U/G ELECTRICITY

LEASE AREA



FENCE LINE

NOTES:

1. ALL DIMENSIONS IN mm UNLESS STATED OTHERWISE.
2. FOR ANTENNA CONFIGURATION TABLES REFER DRAWING 340636-G4.
3. CONSTRUCTION CONTRACTOR TO CONFIRM SUITABILITY OF NEW EWP SET-UP / PARKING LOCATION ON SITE PRIOR TO WORK COMMENCING.



SCALE 1:50

A	10.10.17	PRELIMINARY (REGIONAL RAIL PROJECT)	SSMC	JH	--	IT	 servicestream MOBILE COMMUNICATIONS Level 4, 357 Collins Street, Melbourne VIC 3000 T +61 3 9677 8888 F +61 3 9677 8877 www.servicestream.com.au	 vodafone VODAFONE SITE 340636 GORDON VICTRACK PROPERTY VOLUME 10902 FOLIO 544 SULLIVANS ROAD, MILLBROOK, VIC 3352	REGIONAL RAIL PROJECT	TITLE SITE SETOUT PLAN		
REV	DATE	REVISION DESCRIPTION	VENDOR	DRAWN	DESIGNED	APPRO				DRAWING STATUS PRELIMINARY	DRAWING No. 340636 - G2	REV A

A3

NOTES:

1. ANTENNA ACCESS VIA NEW STEP-PEGS AND 'LAD-SAF' OR EWP BY QUALIFIED RIGGER PERSONNEL.
2. STRUCTURAL ADEQUACY OF NEW MONOPOLE TO SUPPORT NEW VODAFONE EQUIPMENT TO BE CONFIRMED BY MANUFACTURER.

NEW VODAFONE TONGYU 12 PORT PANEL ANTENNAS (3 OFF) WITH TRIPLEXERS (2 OFF PER SECTOR, 6 OFF TOTAL)

NEW VODAFONE RRU'S (3 OFF PER SECTOR, 9 OFF TOTAL) AND FUTURE RRU'S (2 OFF PER SECTOR, 6 OFF TOTAL)

NEW VODAFONE Ø1200 RT DISH (1 OFF) (DISH A)

NEW VODAFONE 30m HIGH MONOPOLE WITH TURRET HEADFRAME

NEW VODAFONE TRUNK CABLES (3 OFF) TO RUN INTERNALLY TO MONOPOLE

NEW VODAFONE 300mm WIDE CABLE LADDER WITH SUPPORT POST

NEW VODAFONE 2 BAY ODU SUPPORTED ON RAFT SLAB (2.0m x 1.2m)

NEW VODAFONE 2.4m HIGH SECURITY FENCE WITH 3m WIDE ACCESS GATES

EXISTING FARM FENCE LINE

EL. 33.25m

OVERALL HEIGHT

EL. 31.7m

NEW VODAFONE PANEL ANTENNAS (3 OFF, CELLS 11-V, 21-V & 31-V)

EL. 30.0m

TOP OF NEW MONOPOLE

EL. 27.5m

NEW VODAFONE Ø1200 RT DISH (1 OFF) (DISH A)

EXISTING BRIDGE CROSSING THE RAIL TRACK

EXISTING POWER POLE 21#988135

EXISTING ELECTRICAL CABINET

EXISTING TREES TYP.

NEW VODAFONE U/G POWER RUN FROM EXISTING POLE 21 #988135 UPGRADE TO BE CONFIRMED BY POWER AUTHORITY

NOTE:
REMOVE ANY REDUNDANT STEEL MOUNTS OR BRACKETS TO AVOID ANY CLASHES WITH PROPOSED MOUNTS

SOUTH ELEVATION

SCALE 1:150

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Item 5.4 Planning Permit Application PA2017 201 – Development of a Single Dwelling and Associated Outbuildings at Lot 2 Grose Road, Gordon.

Application Summary:	
Permit No:	PA2017 201
Lodgement Date:	25 September, 2017
Amended proposal lodged:	23 February, 2018
Planning Officer:	Bronwyn Southee
Address of the land:	Lot 2 on PS803464E, Grose Road Gordon
Proposal:	Development of a single dwelling and ancillary outbuildings
Lot size:	1520sq m
Why is a permit required	Clause 44.06-2 –Bushfire Management Overlay– Buildings and works Clause 42.01 Environmental Management Overlay – Buildings and Works Clause 42.03-2 Significant Landscape Overlay – Removal of Vegetation
Why is this application being presented to Council?	Two objections received.
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	None
Number of Objections:	Two
Consultation meeting:	Yes, A consultation meeting was held on January 8 2018 where a number of concerns were discussed in relation to the proposed clearing of native vegetation, siting of the dwelling and possible disturbance to the mullock heap. The agreed outcome from this meeting would be that the applicant would amend its application to reduce the length of the dwelling and move the proposed outbuildings to allow for a reduced vegetation clearing.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2A & 2B:	Built Environment & 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 – Bronwyn Southee

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, Barwon Water and Country Fire Authority
Any issues raised in referral responses?	No
Preliminary Concerns?	The original dwelling design was proposing the removal of 20 trees which was a concern to objectors. In addition to this the dwelling was elevated on a mullock heap. The applicant has since reviewed and amended the application to reduce the native vegetation removal and reduce the bulk and scale of the dwelling.
Any discussions with applicant regarding concerns	Numerous
Any changes made to the application since being lodged?	Yes, dwelling size has been reduced. Tree clearing has been reduced from 20 to 9trees
VCAT history?	None
Previous applications for the site?	Yes, PA2016010application for a two lot subdivision, which created this site.

General summary	<p>The Council has received an application proposing a single storey 3 bedroom dwelling - 243m² and associated outbuildings, shed 99m² and carport 36m². The application is being referred to Council for determination as two (2) objections were received during the public notification period.</p> <p>The objections predominately referred to the proposed clearing of native vegetation and the height and orientation of the dwelling and outbuildings.</p> <p>A consultation meeting was held on January 8 2018 where a number of concerns were discussed and the applicant amended the application to reduce the dwelling foot print and move the proposed outbuildings to allow for a reduced vegetation clearing.</p> <p>Subject to conditions, the proposal satisfies all relevant planning scheme provisions for the development of a single dwelling and associated outbuildings.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue Notice of Decision for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions detailed at the end of this report.	

Background

The application was lodged with Council on 25 September 2017. The proposal is for the development of a dwelling, shed and carport.

The original proposal was for a single storey weather board cottage 177m², with a detached 36m² carport and 96m² ancillary outbuilding. The original application proposed to remove 20 trees as part of the development footprint. The application was advertised to adjoining landowners where 2 objections were received.

A subsequent consultation meeting was arranged and held on 8 January 2018 between the Coordinator Statutory Planning, one of the objectors and the landowner, the other objector declined to attend. As the primary concerns from the objectors regarded overlooking concerns, disturbance of the existing mullock heap and clearance of native vegetation these were the focus points of the meeting.

The result of the consultation meeting was the landowner agreed to amend its application to reduce the amount of clearing proposed. As a result amended plans were received stipulating the following:

- A reduced dwelling length of 3 meters;
- Carport moved closer to the southern boundary, to allow the dwelling to be moved back further from trees to reduce clearing; and
- Proposed tree clearing was reduced from 20 trees to 9 trees.

One of the objectors advised that this was an improvement to the original/previous proposal. In addition to this during the process the Bushfire Management Overlay was amended to include the subject site. As there is no transitional requirements for this overlay the landowner was required to have a Bushfire Management Plan and Statement prepared and approved as part of this process.

Public Notice

The application was advertised on 20 November, 2017 to adjoining landowners and occupiers. Two (2) objections were received. A statutory declaration verifying display of the large notice was received on 4 December, 2017..

Summary of Objections

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

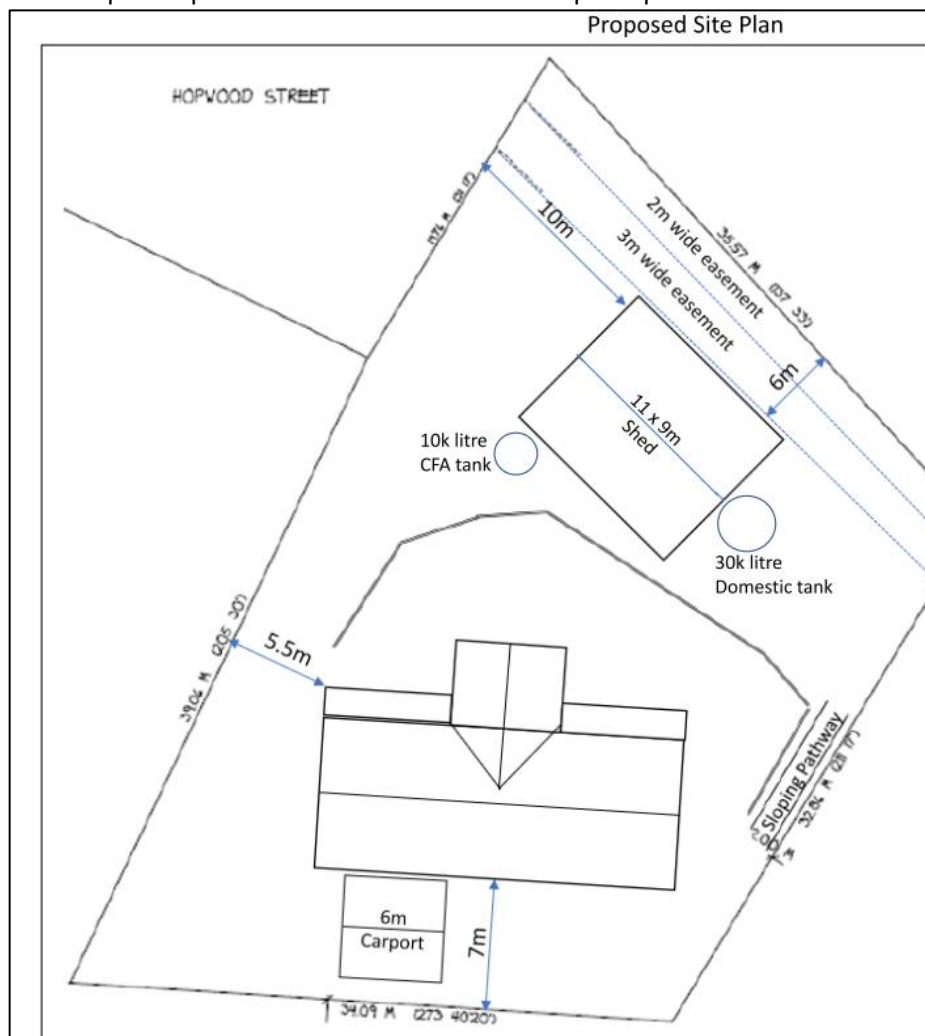
Objection	Any relevant requirements
<p>Objection 1</p> <ul style="list-style-type: none"> • Proposed removal of Native Vegetation • Dwelling – possible overlooking issues • Earthworks – mullock heap 	<p>Clause 65.01</p>
<p>Officer's response –</p> <p>The issues raised were discussed in the consultation meeting and will be responded to in turn;</p> <ol style="list-style-type: none"> 1) The proposed removal of native vegetation has been minimised through the reduction of the dwelling size and through negotiating some of structures positions on the site. The only proposed native vegetation to be cleared now is 9 trees, this makes part of the CFA approved Bushfire Management Statement and is considered necessary for this development. 2) The proposed dwelling would be setback well in excess of the standards required to address any possible overlooking issues. In addition to this the landowner advised it would plant natural screening if required to ensure both properties are screened from each other. 3) The proposed dwelling is proposed to be developed on top of the existing mullock heap on site. As part of this process the landowner had professional testing of the mullock heap undertaken to determine if there is any arsenic present, the results showed that the mullock heap could be used as fill for the development of this dwelling without posing any major health risks to the site or surrounding properties... 	

Objection	Any relevant requirements
Objection 2 - Concerns regarding the disturbance of the mullock heap and the proposed removal of native vegetation.	Clause 65.01
Officers Response - As stipulated above the applicant has modified the proposal to reduce the proposed dwellings footprint which would reduce the proposed tree clearing from 20 to 9 trees proposed to be removed. In addition to this, the landowner had the mullock heap professionally tested to determine that the existing mullock heap is safe to use as fill and that no health risk impacts would be created through its disturbance, the results of this test confirmed that the mullock heap would not cause any health detriment to the surrounding community.	

Proposal

It is proposed to develop a single storey weather board cottage 188m², with a detached 36m² carport and 96m² ancillary outbuilding.

The proposed site plan is provided below and a full set of plans provided as an attachment.



Site Description

The site is identified as Lot 2 on TP 803464E, Grose Road, Gordon, and is an irregular shaped parcel created through a two lot subdivision. The site gradually slopes and has a mullock heap located centrally on the site there are a number of established trees on the site.

The site is in the Neighbourhood Residential Zone and makes part of the greater area which is a mix of Neighbourhood Residential and further out Rural Living and Farming Zone. The majority of surrounding lots are developed for residential use.



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	Settlement
Clause 11.07	Regional Victoria
Clause 12	Environmental and Landscape Values
Clause 13.05	Bushfire
Clause 14.02	Water
Clause 21.02	Natural Environment
Clause 21.03	Settlement and Housing

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

Zone

The subject site is in the Neighborhood Residential Zone.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

Under Clause 32.09-2 a permit is required under the zone for the use and development of a Dwelling.

Overlays

The subject site is affected by the following Overlays;

Design Development Overlay – Schedule 2

Design Development Overlay – Schedule 5

Environmental Sensitive Overlay – Schedule 1

Bushfire Management Overlay; and

Significant Landscape Overlay – Schedule 2

Environmental Significance Overlay Schedule 1 (ES01)

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

The purpose of the overlay is

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

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

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

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

Design & Development Overlay Schedule 2 and 5 (DD02 and DD05)

The subject site is in the Design & Development Overlay Schedules 2 and 5 and provisions of Clause 43.02 apply.

Under Schedule 2, a permit is not required to construct a building or to carry out external works where the walls and roofed areas are not clad in reflective materials.

Under Schedule 5 a permit is required for fencing over 1.2m high.

DD05 has the following objectives.

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

Significant Landscape Overlay Schedule 2 (SLO2)

The subject site is in Significant Landscape Overlay and the provisions of Clause 42.03 apply.

Under the Significant Landscape Overlay schedule 2, clause 42.03-2 a permit is required to remove vegetation.

Bushfire Management Overlay

- 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.

Under section 44.06-2 a permit is required to construct a dwelling within the BMO. As part of the application the applicant was required to have a Bushfire Management Statement undertaken which was referred to and approved by CFA subject to conditions.

Relevant Policies

There are no Council adopted or draft policies relevant to this application.

Particular Provisions

Clause 52.47 Planning for Bushfire

Clause 52.47-1 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling. The applicant has provided a Bushfire Management Statement which details that the site is rated a BAL 12.5 rating with the whole site being included as defensible space, with modified vegetation being permitted to allow the majority of native trees to remain. The Bushfire Management Statement has been supported by the Country Fire Authority and a condition has been recommended to ensure its complied with. The applicant has satisfied the requirements of this provision.

Discussion

Overall, the proposed development is considered to be generally consistent with relevant State and local planning policy, State provisions for telecommunications facilities and the decision guidelines at Clause 65.

The subject proposal has been captured through a number of overlays and received two objections during the public notification period. The objections mainly focused on concerns around the position of the dwelling – perched atop of the mullock heap and the unnecessary clearing of native vegetation. The applicant has taken the objectors concerns on and has modified its proposal to adequately address the adjoining landowners concerns.

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 departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Barwon Water Board	Consent with conditions
Infrastructure	Consent with conditions
Country Fire Authority	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

Council could elect to refuse the application, however, refusing the application may result in the applicant lodging an application for review of Council's decision with VCAT.

Conclusion

Subject to conditions, the proposed development satisfies state and local planning policy. The subject site was created with the intent of being developed for a single dwelling and the landowner has attempted to take on and apply much of the feedback provided by officers and the objectors to achieve the best design for the site and surrounding neighbourhood. Therefore, based on the above, it is recommended that Council grant approval for the development of a dwelling and associated outbuildings at Lot 2 Grose Road, Gordon, subject to conditions.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue Notice of Decision for PA2017201; development of a single dwelling and associated carport and shed at Lot 2 Grose Road, Gordon on TP 803464E subject to the following conditions:

Endorsed Plans

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

Materials and Colour

- 2. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials except with the written consent of the Responsible Authority.**

Infrastructure Conditions

- 3. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.**
- 4. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
- 5. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 6. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Barwon Water Conditions

- 7. The proposed dwelling must be connected to a reticulated sewerage system.**
- 8. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.**
- 9. Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.**

Country Fire Authority

10. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

11. The Bushfire Management Plan (prepared by Regional Planning & Design Pty Ltd, Bushfire Management Statement – 2 Grose Rd, Gordon Ref No.17.202 – Figure 7, (dated 15/02/2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Expiry Conditions

This permit will expire if one the following circumstances apply:

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

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

Report Authorisation:

Authorised by:

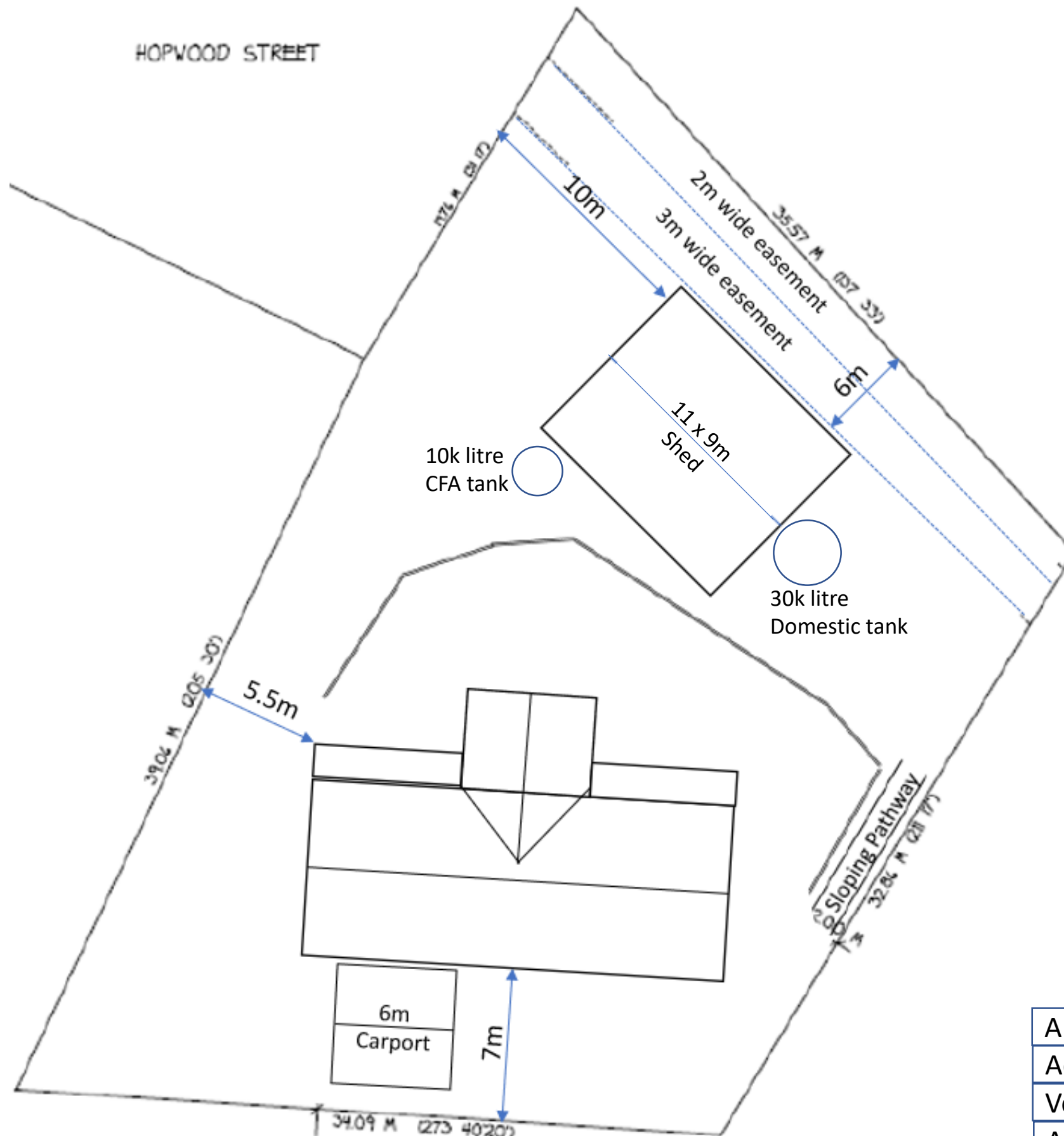
Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 28 March, 2018



Proposed Site Plan



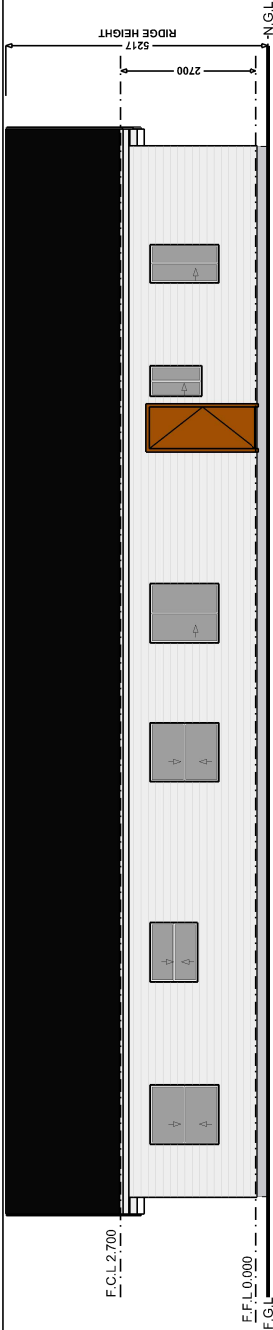
Area

Dwelling Area Internal:	188
External:	55
Shed Area:	99
Carport Area:	36
Total area under roof:	378 Sqm
% of block under roof:	25%

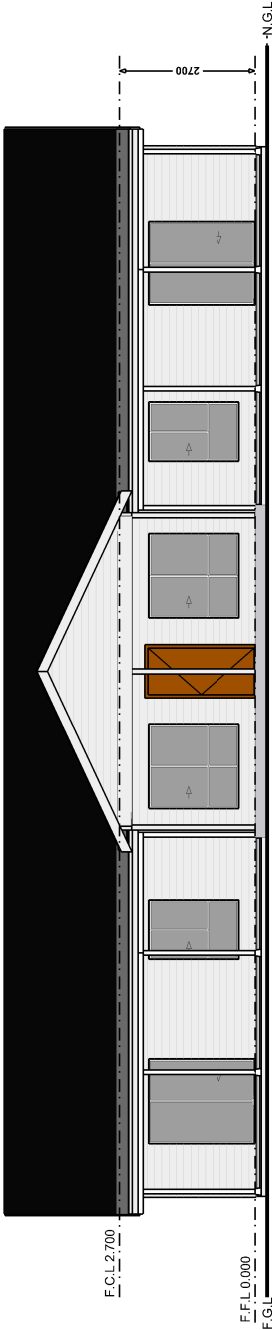
External Finishes

Dwelling Walls	Light Grey Weatherboard
Dwelling Roof	Deep Ocean Colorbond
Dwelling Trim	Stark white
Carport Roof	Matched to dwelling
Carport Trim	Matched to dwelling
Shed Roof	Matched to dwelling
Shed Walls	Shale Grey Colorbond

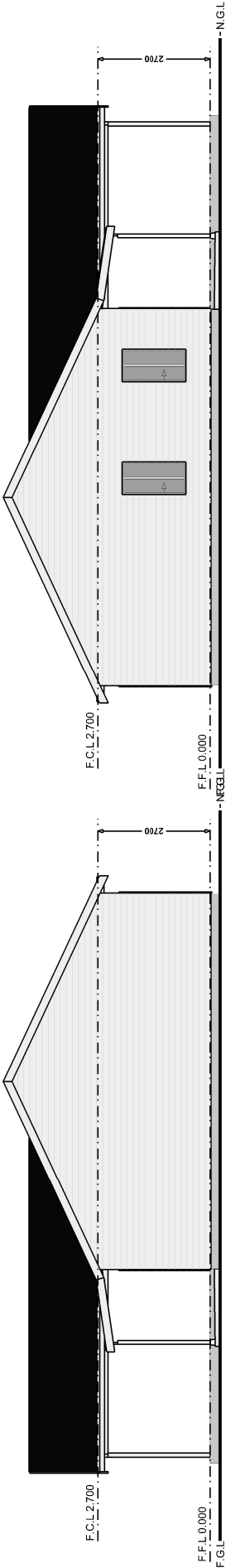
Application	PA2017201 (9/10/2017)
Address	2 Grose Rd, Gordon, 3345
Volume/Folio	11910/295
Applicant	D & C Plenderleith



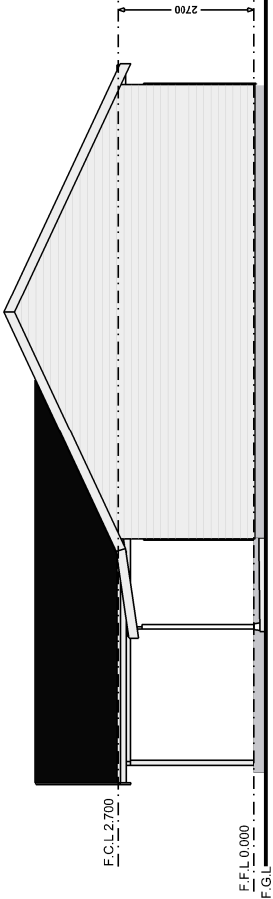
South Elevation



North Elevation



East Elevation



West Elevation

EXTERNAL MATERIAL FINISHES AND COLOURS
 COLORBOND CORRUGATED ROOFING - GALVANISED
 WINDOWS - PRIMROSE
 EXTERNAL CLADDING - PRIMELINE NEWPORT

LEVELS
 ALL LEVELS INDICATED ARE ASSUMED.
 CONFIRM LEVELS ON SITE.

DESIGNED AND SUPPLIED BY PAAL Homes Pty Ltd P.O Box 290 Penrith NSW 2751 Ph: (02) 4735 1377 Copyright PAAL Homes 2018		SCALE 1:100 on A3		PROPOSED NEW RESIDENCE FOR DAVID PLENDERLEITH at -	
		PRINTED ON 17-03-2018			
		DRAWN J.D			
		E.V		JOB No.	
		Issue		DWG No. 4/8	
REV	DESCRIPTION	DATE			

Ceiling Height : 2.7m

Roof Truss Span : 9000, 6300

Roof Pitch : 25°

Cladding : Primeline Newport

Front Door : Raised Timber Moulding

Windows : Aluminium as specified on plan

Eaves Overhang : 250mm

Gable End Overhang : 350 mm

Internal Doors : Oakfield - OAK

Door Architraves : Colonial 67 x 19 mm - Primed Pine Architrave

Window Architraves : Colonial 67 x 19 mm - Primed Pine Architrave

Floor Skirtings : Colonial 89 x 19 mm - Primed Pine Skirting

Kitchen Cupboard Doors : Vinyl 4

Frontage : 20.89m

