

AGENDA

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

19 December, 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
Mr. Ewen Nevett	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 November, 2018.			Resolution
4.	Conflict of Interest	Chair		Noting
5.	Growth & Development Reports	S. Sandhu		Discussion
5.1	Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley	T. Tonkin	Page 3	Resolution
5.2	Planning Permit Number PA2018 253 – Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at 97 Main Street, Bacchus Marsh	T. Tonkin	Page 16	Resolution

5.3	Planning Permit Number PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon	T. Tonkin	Page 40	Resolution
5.4	Planning Permit Number PA2018169 – Proposed Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – ‘The Plough’ 17 Main Street, Myrniong.	B. Southee	Page 55	Resolution
5.5	Planning Permit application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek	R. Fillisch	Page 74	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 20 February, 2019
5.00pm
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley

9.	Meeting Close	Chair	Noting
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GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley

Application Summary:	
Permit No:	PA2018211
Lodgement Date:	17 August, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot S2 on PS 600483G, 128 Holts Lane, Darley 3340
Proposal:	Three (3) Lot Subdivision
Lot size:	2778sq m
Why is a permit required?	Clause 32.09 – Neighbourhood Residential Zone – Subdivision.
Reason for being presented to S86 Development Assessment Committee.	Recommendation for refusal and receipt of an objection.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation Meeting:	No. The objection does not have any bearing on the officer's recommendation.
Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.	
<i>Manager – Robert Fillisch</i>	
In providing this advice to Council as the Manager, I have no interests to disclose in this report.	
<i>Author – Tom Tonkin</i>	
In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Yes – to Infrastructure, Strategic Planning and the relevant utility providers.
Any issues raised in referral responses?	Yes – Strategic Planning object to the proposal because the proposed lot sizes do not comply with the 1500sq m minimum lot sizes proposed in Planning Scheme Amendment C79.
Preliminary concerns?	As per Strategic Planning's objection.
Any discussions with applicant regarding concerns?	Prior to advertising the application, the Council officer wrote to the applicant and advised that the proposal would be unlikely to receive officer support.
Any changes made to the application since being lodged?	No.
Brief history	See 'Background to Current Proposal' and 'History' below.
Previous applications for the site?	None
General summary	It is proposed to subdivide a vacant site into three (3) lots of 702sq m, 714sq m and 872sq m, all accessed from Holts Lane via a 5.0m wide area of common property. The site is in the Neighbourhood Residential Zone, Schedule 5 which specifies a minimum lot size of 1500sq m. The proposal is in breach of this requirement and is also inconsistent with State and local planning policy relating to neighbourhood character and the location of residential development.
Summary Recommendation	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the grounds included at the end of this report.	

Site Description

The site, identified as Lot S2 on PS 600483G and known as 128 Holts Lane, Darley, is a rectangular shaped lot, with a maximum 39m width, 100m length and total area of 2778sq m, incorporating a 5.0m wide x 33.0m long axe handle for access. The site has minimal fall, is vacant apart from the foundations of a demolished outbuilding, contains several scattered trees and is located on the north side of Holts Lane approximately 180m west of Halletts Way. There is no existing vehicle crossover and the site is encumbered by a 2.0m wide drainage and sewerage easement parallel to the rear boundary.

The site and surrounding land mostly to the north and east is in the Neighbourhood Residential Zone, Schedule 5, and characterised by a range of lot sizes generally between 3900-5500sq m, mostly developed with large single storey dwellings with spacious boundary setbacks on hilly or undulating land.

To the south of the site and abutting the axe handle access is a square shaped 1122sq m lot also in the Neighbourhood Residential Zone which contains a single storey dwelling fronting Holts Lane. Further to the south, across Holts Lane, is land in the General Residential Zone comprising lots of approximately 750sq m containing single dwellings. To the west is a vacant lot of approximately 4.0ha in the General Residential Zone. To the east of Holts Lane is a 3900sq m lot containing a single dwelling and ancillary outbuildings. To the north is a 5842sq m battle axe lot containing a single dwelling and ancillary outbuildings accessed from Halletts Way.

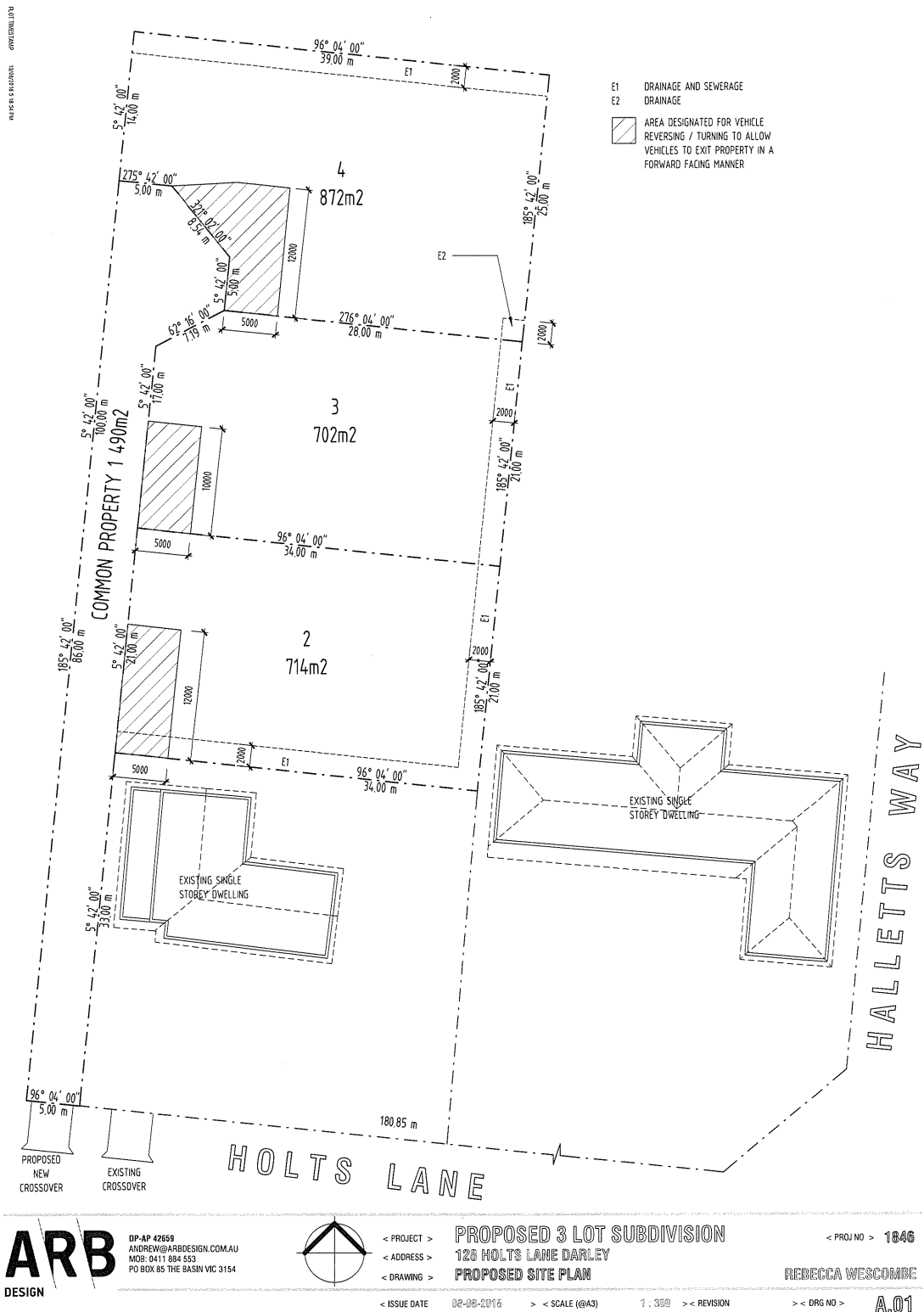
The site is close to the Western Freeway via the Halletts Way interchange and a local bus service but is otherwise relatively isolated from most other services and facilities.

All reticulated services are available to the site.



Proposal

It is proposed to subdivide the site into three (3) lots. Vehicle access to each lot would be via a 490sq m area of common property, with each lot provided with a designated area for vehicles to turn and reverse to exit the site in a forward direction. The proposed lot sizes are 702sq m, 714sq m and 872sq m. Each lot would be encumbered by a proposed 2.0m wide drainage easement parallel to the site's east (part) and south boundaries.



Background to Current Proposal

Amendment C79 to the Moorabool Planning Scheme was gazetted on 15 November, 2018 and implemented the findings of the Bacchus Marsh Housing Strategy which sets the direction for residential development in the town up until 2041. Implementation of the Strategy included rezoning some land to guide how and where housing growth shall occur. As part of Amendment C79 the subject site was rezoned from General Residential Zone, Schedule 1 to Neighbourhood Residential Zone, Schedule 5. One of the key changes resulting from the rezoning is the requirement for minimum 1500sq m lot sizes where a subdivision proposal is approved.

The current permit application was submitted to Council on 17 August, 2018 before Amendment C79 was gazetted. However, there are no applicable transitional arrangements under Clause 32.09-15 of the Moorabool Planning Scheme, therefore Council is required to decide the application based on the Scheme provisions current at the time of the decision.

History

Planning permit PA2005-250 for Staged Four (4) Lot Subdivision was approved by Council on 14 March, 2006 and created the subject site Lot S2 (Stage 2) on PS 600483G. Stage 1 of that subdivision created the property identified as Lot 1 on PS 600483G known as 126 Holts Lane. Statement of Compliance to subdivide Stage 2 was not achieved and PA2005-250 expired in 2014.

Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 27 September, 2018 and a sign erected on site from 1 October to 15 October, 2018. One (1) objection was received.

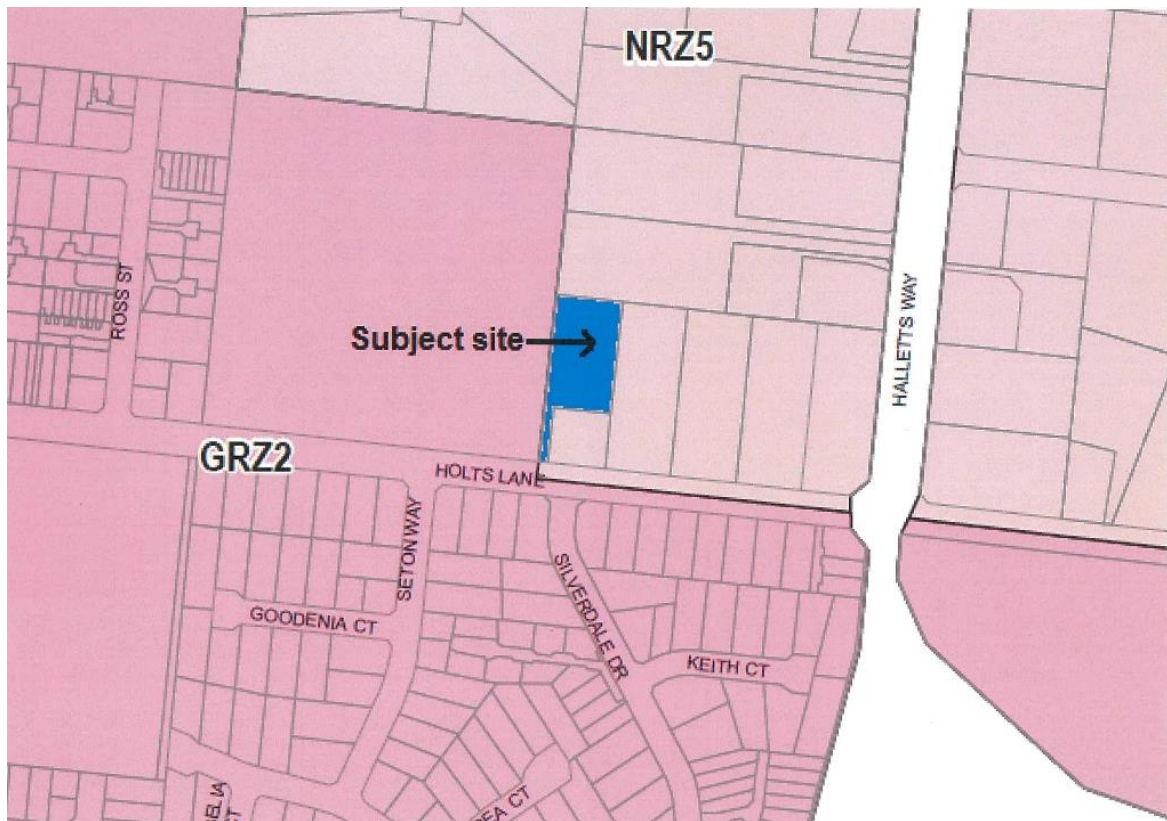
Summary of Objections

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

Objection	Any Relevant Requirements
The only objection is that two storey dwellings not be built on the proposed lots.	N/A
Officer's Response: The application is for subdivision only and the assessment does not include consideration of any specific dwelling design. If the application is approved, consideration could be given to imposing a restriction on the proposed lots to limit future development to single storey construction. However, the site is zoned for residential purposes and accordingly double storey development could reasonably be expected to occur, particularly given the site is not affected by any overlays which would restrict such development.	

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.03-3S Peri-urban areas
- 15.01-5S Neighbourhood character
- 16.01-2S Location of residential development
- 21.03-2 Urban Growth Management
- 21.03-3 Residential Development
- 21.03-4 Landscape and Neighbourhood Character
- 21.07-2 Managing Urban Growth

The proposal is mostly non-compliant with the relevant sections of the PPF and LPPF, in particular the clauses outlined in the table below:

PPF	Title	Response
Clause 11.03-3S	Per-urban areas	The proposal would not enhance the character, identity or amenity of the surrounding neighbourhood.
Clause 15.01-5S	Neighbourhood character	The proposal would not contribute to the preferred neighbourhood character, or respond to the site's physical context.
Clause 16.01-2S	Location of residential development	The proposal would not contribute to housing growth in a suitable location.
LPPF		
Clause 21.03-2	Urban Growth Management	The proposal directs growth to a non-preferred location, inconsistent with the site's zoning.
Clause 21.03-4	Landscape and Neighbourhood Character	The proposal does not respect the existing neighbourhood character.
Clause 21.07-2	Managing urban growth	The proposal does not support the implementation of the Residential Settlement Framework for the Bacchus Marsh urban area.

Zone

The subject site is in the Neighbourhood Residential Zone, Schedule 5 (NRZ5).

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.09-3 a permit is required to subdivide land. Each lot must be at least the area specified in Schedule 5 to the zone, which is 1500sq m. Subdivision must meet the requirements of Clause 55.

Pursuant to Clause 32.09-1, Schedule 5 includes the following neighbourhood character objectives:

- To maintain an open and spacious character through retaining large lots that are occupied by single dwellings, wide frontages and generous setbacks around the dwellings.
- To encourage built form to occupy a low proportion of the lot which will allow for openness, landscaping and vegetation to dominate.
- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.
- To discourage front fencing or where front fencing is proposed to ensure it is of a low scale.
- To ensure garages, carports, and second storey development that does not visually dominate dwellings or streetscapes.

The proposed subdivision is inconsistent with the zone provisions.

Overlays

The site is not affected by any Overlays.

Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document under the provisions of section 60(1A) (g) of the *Planning and Environment Act* 1987. The Housing Bacchus Marsh to 2041 strategy was adopted by Council on 3 August, 2016 and is a reference document under Clause 21.11 of the Moorabool Planning Scheme.

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

A relevant objective 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 10 of the Settlement Framework Plan, identified as a 'Minimal Residential Growth Area', which "generally applies to residential land on the fringe of the township that does not have direct access to services and facilities and often has limitations to further development, e.g. topography, connectivity, existing development. May also include residential land that has been identified as having strong characteristics that requires protection from further development."

The Preferred Character Statement for Precinct 10 gives direction to the following:

- Due to proximity to some services and facilities, and being surrounded by more intense residential development, further subdivision which complements the precinct's natural characteristics may be appropriate.
- Subdivision should enhance the precinct and retain the natural landscape by maintaining large lots with low building coverage to complement the topography and retain substantial setbacks around dwellings.
- Front fencing is discouraged. Any front or side fencing should continue the existing post and wire theme.
- The design of battle axe allotments must not compromise the precinct character and should include substantial driveway widths which allow for increased landscaping.

Overall, the proposal is inconsistent with the Preferred Character Statement above for the reasons discussed throughout this report.

Particular Provisions

Clause 53.01 Public Open Space Contribution and Subdivision

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

The title documents indicate that a public open space requirement was not made when the subdivision which created the subject site was approved, therefore it is recommended that if a permit is granted a condition of approval should require a public open space contribution equivalent to 5% of the site's value.

Clause 56 Residential Subdivision

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

Clause ResCode	Title	Response
56.03-5	Neighbourhood character	The proposal would not achieve the preferred neighbourhood character consistent with the Residential Settlement Framework at Clause 21.07, or integrate with surrounding development within the NRZ5.

Discussion

Overall, the proposed three (3) lot subdivision is inconsistent with State and Local Planning Policy, the Neighbourhood Residential Zone Schedule 5, and relevant Particular and General Provisions of the Moorabool Planning Scheme.

The proposal would create lots of 702sq m, 714sq m and 872sq m, which are substantially less than the minimum 1500sq m required under the Neighbourhood Residential Zone, Schedule 5, and would breach the Moorabool Planning Scheme. The proposed lot sizes would be inconsistent with the preferred neighbourhood character for the area which relevant State and Local Planning Policy and Schedule 5's neighbourhood character objectives all seek to protect and enhance. The proposed lots would not facilitate future development consistent with surrounding development in the same zone.

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. However, whilst the proposal would facilitate consolidated growth within the existing township, and take advantage of existing infrastructure, the site is relatively isolated from most services and facilities.

Housing growth must be balanced with the need for new development to respond positively to neighbourhood character, and the recent rezoning of the area gives clear direction to Council's strategic intention for how this site should be developed to support Council's objectives for the growth of Bacchus Marsh. The proposal is wholly inconsistent with Council's housing policy for Bacchus Marsh and does not comply with the Moorabool Planning Scheme, as described in this report.

General Provisions

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

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

Referrals

Authority	Response
Western Water	Consent with conditions
Melbourne Water	Consent
Powercor	Consent with conditions
Downer Utilities	Consent with conditions
Infrastructure	Consent with conditions
Strategic Planning	Refusal

Council's Strategic Planning unit object to the application for the following reasons:

- Non-compliance with the minimum lot size requirement of the Neighbourhood Residential Zone, Schedule 5.
- The site is identified for 'Minimum Residential Growth' in the Settlement Framework Plan in Clause 21.07 of the Moorabool Planning Scheme.
- Planning Scheme Amendment C79 has been adopted by Council and submitted to the Minister for Planning for approval, consistent with the recommendations of Planning Panels Victoria. C79 has since been gazetted and the Moorabool Planning Scheme amended accordingly.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

Options

Council could consider the following options:

- Issue a refusal in accordance with the recommendations of this report;
- Issue a refusal with amendments to the grounds within the recommendation of this report.
- Note: Council does not have any discretion to approve this subdivision due to the lot sizes not meeting the minimum lot sizes in the Neighbourhood Residential Zone, Schedule 5.

Conclusion

The proposed three (3) lot subdivision to create vacant lots of 702sq m, 714sq m and 872sq m is not supported by State or Local Planning Policy, or the Neighbourhood Residential Zone, Schedule 5, of the Moorabool Planning Scheme. Under the zone provisions the proposed lots must each have a minimum size of 1500sq m. The proposal is in breach of the Moorabool Planning Scheme, therefore the application should be refused.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018211 for Three (3) Lot Subdivision at Lot S2 on PS 600483G, 128 Holts Lane, Darley 3340 on the following grounds:

- 1. The proposed lot sizes do not comply with the minimum lot size requirements of Schedule 5 to Clause 32.09 (Neighbourhood Residential Zone) of the Moorabool Planning Scheme.**
- 2. The proposal does not comply with the Planning Policy Framework or Local Planning Policy Framework of the Moorabool Planning Scheme relevant to residential growth or neighbourhood character.**
- 3. The proposal does not comply with all relevant provisions of Clause 56 of the Moorabool Planning Scheme.**

Report Authorisation:

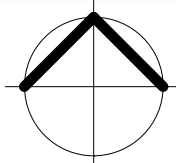
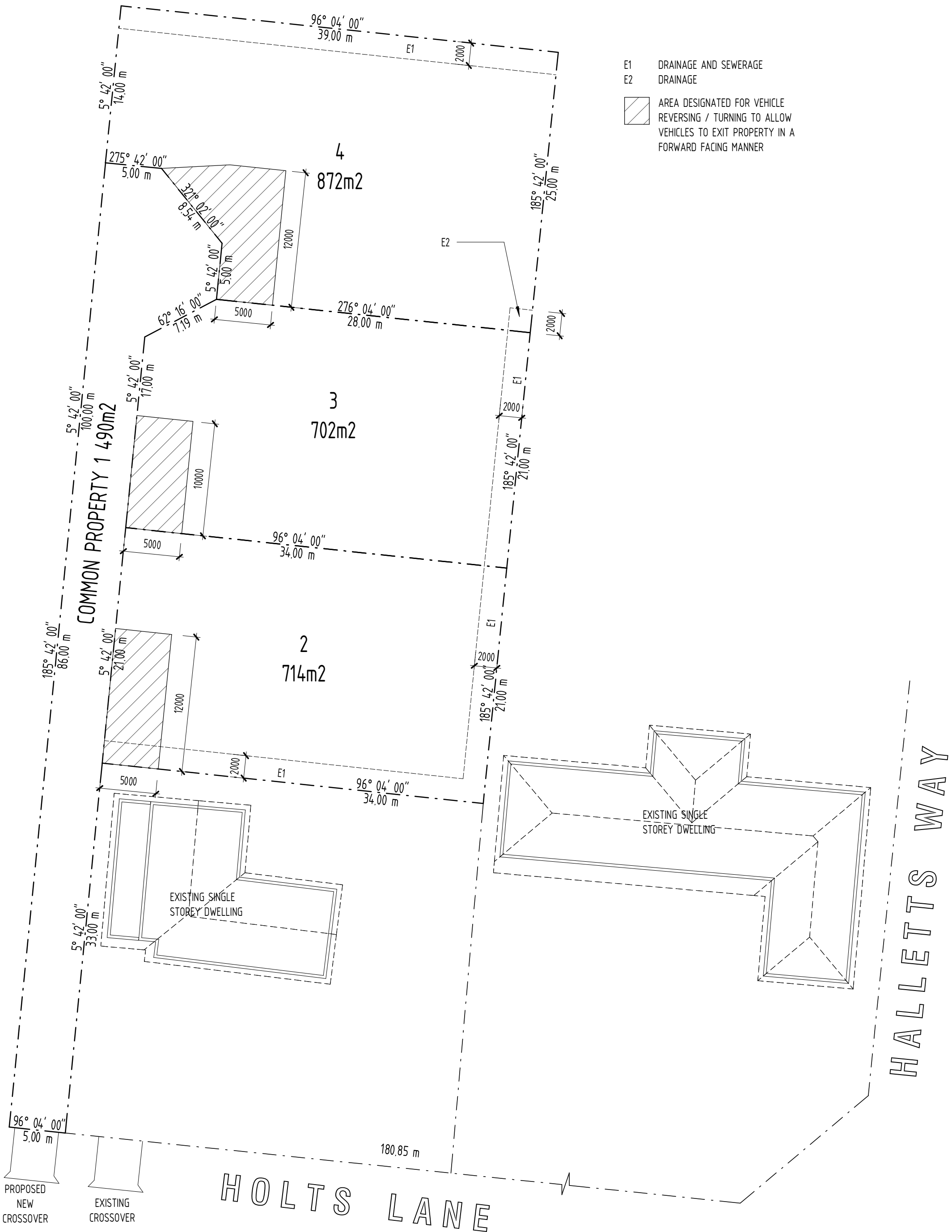


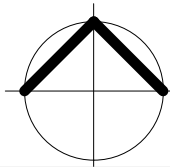
Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 6 December, 2018





Item 5.2 Planning Permit Number PA2018 253 – Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at 97 Main Street, Bacchus Marsh.

Application Summary:	
Permit No:	PA2018253
Lodgement Date:	1 October, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on TP 399859N, 97 Main Street, Bacchus Marsh 3340
Proposal:	Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office.
Lot size:	2778sq m
Why is a permit required?	Clause 34.01 – Commercial 1 Zone – Buildings and works Clause 43.01 – Heritage Overlay, Schedule 103 – Demolition and buildings and works Clause 43.02 – Design and Development Overlay, Schedules 11 & 15 – Buildings and works Clause 52.06 – Car Parking – Reduction of car parking spaces
Reason for being presented to S86 Development Assessment Committee.	Objections received and proposed car parking reduction.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	Three (3)
Consultation Meeting:	No.
Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests

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

Manager – Robert Fillisch

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

Author – Tom Tonkin

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

Executive Summary

Application Referred?	Yes – to Infrastructure, Strategic & Sustainable Development, and externally to Melbourne Water, Western Water and the Department of Health and Human Services.
Any issues raised in referral responses?	No
Preliminary concerns?	No, but further information was requested in relation to the proposed staff car parking arrangements on St Bernard's Primary School land accessed via Convent Lane.
Any discussions with applicant regarding concerns?	The Council officer wrote to the applicant regarding the above matters.
Any changes made to the application since being lodged?	Yes. The proposed location for staff car parking was changed to the Holy Trinity Anglican Church car park on Lerderberg Street.
Brief history	See 'Background to Current Proposal' and 'History' below.
Previous applications for the site?	PA2018202 – Proposed building façade alterations currently being assessed by Council officers.
General summary	<p>It is proposed to develop a second storey addition to the existing building and waive the parking requirement associated with the site's proposed use for an office. The existing building has heritage significance as a former motor workshop built in 1921, and the proposed upper storey would be designed to respect the heritage values and streetscape, and be in keeping with the scale of surrounding development.</p> <p>Regarding the proposed parking reduction, five spaces would be provided on another site within convenient walking distance, and within 200m of the site there are more than 10 on-street unrestricted parking spaces. The site is well-located to take advantage of multi-purpose trips and within a walkable catchment of numerous other commercial and residential properties, reducing the need for parking. The proposed parking reduction is acceptable.</p>

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 Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.

Site Description

The site, identified as Lot 1 on TP 399859N and known as 97 Main Street, Bacchus Marsh, is a rectangular shaped lot of approximately 260sq m located on the south side of Main Street approximately 40m west of Grant Street. The site contains a single storey bluestone building which occupies the entire site, most recently used for a restricted retail premises (furniture and homewares).

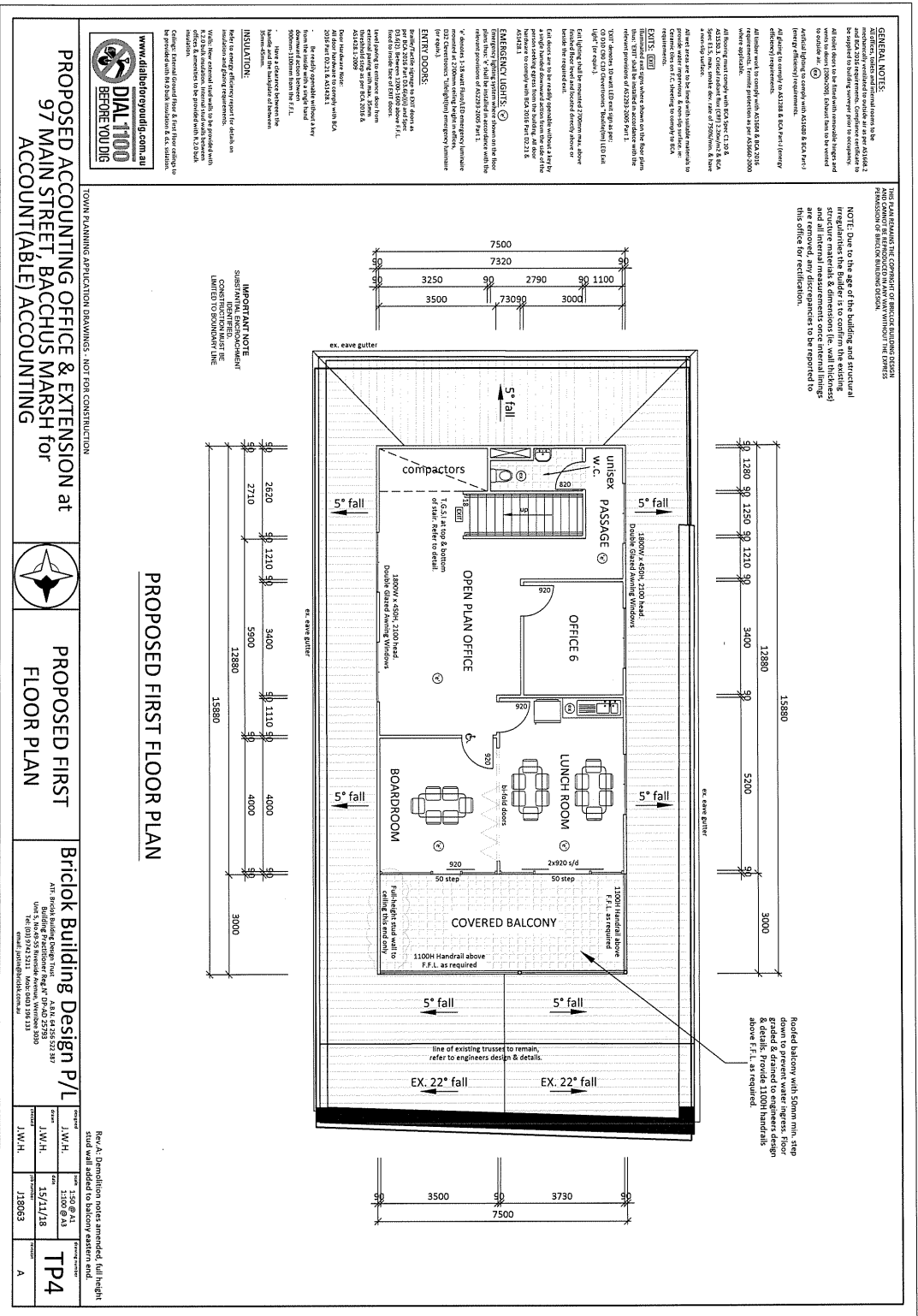
The site and surrounding land to south and east is in the Commercial 1 Zone and lies at the western edge of the town's commercial centre which accommodates a mix of mostly retail and office uses. To the west is a laneway which runs between Main and Millbank Streets, beyond which is land in the Public Use Zone occupied by the local CFA brigade. Further to the west, and across Main Street to the north, is land in the General Residential Zone mostly developed with single dwellings. The subject site is one of several properties in the nearby area with an individual heritage listing in the Moorabool Planning Scheme.

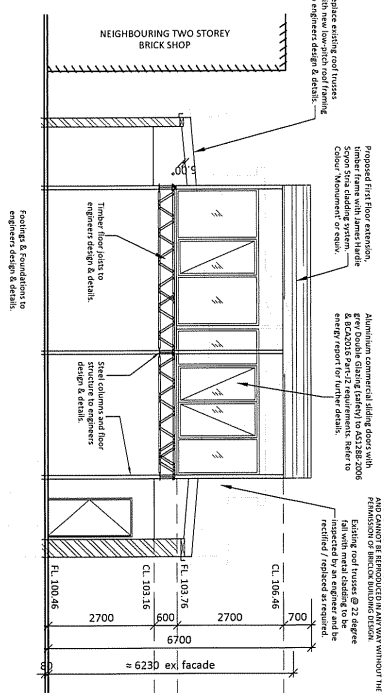
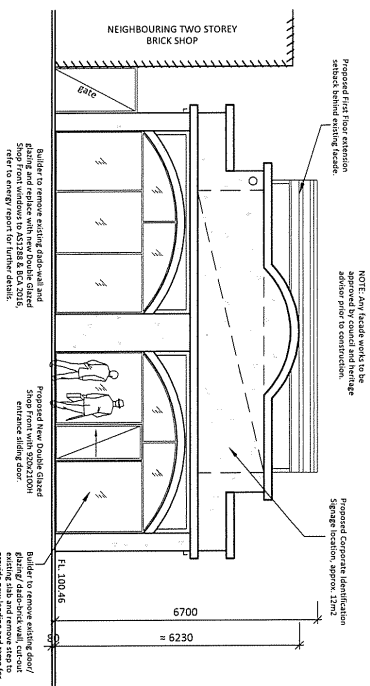


The site was recently bought by an accounting firm currently located in Grant Street Bacchus Marsh, who due to a business restructure wish to relocate to the subject site. To accommodate their business requirements, the owners have applied for a planning permit to extend the building, as described below, and intend to develop the site accordingly prior to occupying the premises, to ensure a smooth transition from their current location.

It is proposed to partially demolish the building, construct a second storey addition and waive the car parking requirement associated with the site's use for an office. The existing roof would be substantially demolished to facilitate construction of a 120sq m second storey addition which would comprise office space, lunch room, boardroom, toilet and balcony. The addition would be clad with fibre cement sheeting, 'Monument' colour or equivalent, and have a low pitched metal roof with a 6.7m overall height.

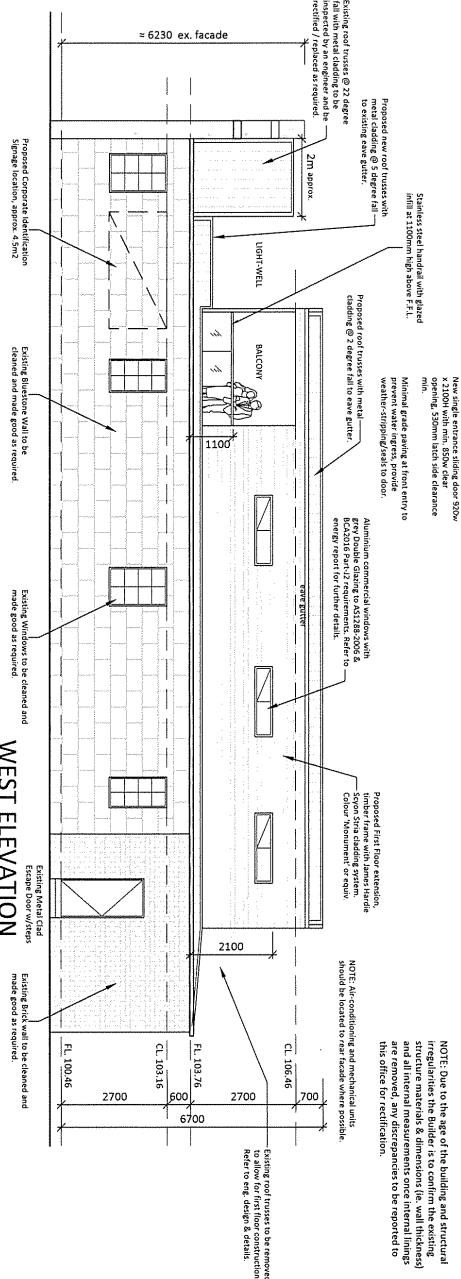






NORTH ELEVATION - MAIN STREET

NORTH ELEVATION - FIRST FLOOR BALCONY



PROPOSED ACCOUNTING OFFICE & EXTENSION at
97 MAIN STREET, BACCHUS MARSH for
ACCOUNT(ABLE) ACCOUNTING



Bricklok Building Design P/L

ATT: Bricklok Building Design Trust
A.B.N. 64 236 527 387
Building Practitioner Reg. N° DP-AD 25793
Unit 5, No 9-55 Riverside Avenue, Werribee 3030
Tel: (03) 9742 3211 Mob: 0401 196 111
email: j.pattin@bricklok.com.au

TP5		grossing number
date	15/11/18	1:50 @ A1 1:100 @ A3
drawn	J.W.H.	
checked	J.W.H.	
job number	J18063	A

Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 15 November, 2018 and a sign erected on site from 16 November until 1 December, 2018. Three (3) objections were received.

Summary of Objections

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

Objection	Any Relevant Requirements
Excessive noise, dust, pollution, risk of falling debris into our shop and its entrance way (during development). Recent works on the site caused dust emissions which contaminated shop stock.	N/A
Officer's Response: These concerns relate to the demolition and construction phase and would be addressed as part of the building permit conditions.	
Builders would use our alleyway meaning we would need to remove existing displays and prevent customers from entering the shop.	N/A
Officer's Response: These concerns relate to the demolition and construction phase. Consent for construction workers to enter an adjoining private property would require that landowner's consent.	
Builders would occupy the limited on-street parking in the immediate vicinity.	N/A
Officer's Response: These concerns relate to the demolition and construction phase. Construction vehicles may use on-street parking provided it is done legally.	
The proposed upper storey would reduce natural light into the shop, which relies on light through the open front door.	Clause 34.01-8 and 42.03, Schedule 11.
Officer's Response: Overshadowing of commercial premises is not considered to be unreasonable, and the proposal otherwise generally satisfies the design objectives for the Main Street precinct under DDO11, in particular for building height.	
Parking in Bacchus Marsh is already inadequate and this proposal contributes to worsening the situation.	Clause 52.06
Officer's Response: See 'Discussion' below.	
Construction activities and associated vehicles impinging on the adjoining laneway and fire station apron affecting egress from the station and brigade members access to parking in the event of an emergency call out.	N/A
Officer's Response: These concerns relate to the demolition and construction phase. Construction workers should not enter an adjoining private property without that landowner's consent. Any illegal use of the adjoining laneway would be policed by Council officers.	

Planning Scheme Provisions

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

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 15.01-2S Building design.
- 15.03-1S Heritage conservation.
- 17.01-1S Diversified economy.
- 21.04-3 Commerce.
- 21.06-2 Enhance and Preserve Cultural Heritage.
- 21.07-3 Consolidating land uses within the inner areas of Bacchus Marsh.

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

Zone

The subject site is in the Commercial 1 Zone (C1Z).

The purpose of the Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Under Clause 34.01-1 an office is an 'as of right' Section 1 use which does not require a permit, although a permit is required to construct associated buildings and works under Clause 34.01-4.

The proposed development is generally consistent with the Commercial 1 Zone provisions.

Overlays

The site is affected by Heritage Overlay, Schedule 103, and Design and Development Overlay, Schedules 11 & 15.

Under Clause 43.01 (Heritage Overlay), a permit is required to demolish a building and construct buildings and works.

Under Clause 43.02 (Design and Development Overlay) a permit is required to construct buildings and works. There are no relevant exemptions under Schedules 11 or 15.

Relevant Policies

Council adopted the Urban Growth Policy Statement on 19 September, 2012 and can give weight to this document 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.

Particular Provisions

Clause 52.06 Car Parking

Under Clause 52.06-3 a permit is required to reduce the number of car parking spaces associated with a new use of land required under Clause 52.06-5 and provide any of the parking spaces on another site. Under Clause 52.06-5, the proposed use of land for an office requires 13 car spaces. No parking is proposed on the site, therefore a full reduction of 13 spaces is required. However, it is noted that the use of the *existing* building for an office would not require a parking assessment under the provisions of Clause 52.06-3, meaning the applicant could use the existing premises without a planning permit. It should be noted that if an application to extend the building was made after the office use had commenced, a reduction of only four car spaces would be required under Clause 52.06, which is considered relevant to the assessment of the current application, as discussed below. The applicant has agreed to make a voluntary financial contribution in lieu of three on site spaces.

Clause 52.34 Bicycle Facilities

Under Clause 52.34-5 an office requires one bicycle space for employees to each 300sq m of net floor area if the net floor area exceeds 1000sq m, and one space to each 1000sq m for visitors. The proposed net floor area is less than 400sq m, thus there is no statutory requirement for bicycle parking for this proposal.

Discussion

Overall, the proposal is considered to be generally in accordance with relevant State and local planning policy, the Commercial 1 Zone, Heritage and Design and Development Overlays, Clause 52.06 and the Decision Guidelines at Clause 65.01 of the Moorabool Planning Scheme.

The proposed development of the site to increase the floor area of the existing building to accommodate an office would be generally consistent with nearby commercial development, which is generally 1-2 storeys. The proposal would have a negligible effect on the streetscape and pedestrian experience, with no overshadowing of the public footpath on Main Street and visibility largely limited to views when approaching the site along Main Street from the west. The proposal generally satisfies the design objectives of DDO11 and, subject to conditions, DDO15.

The existing building was built in 1921, originally as a motor mechanics workshop, in a stripped Classical style with a stepped parapet with a curved top and flat moulds, and constructed of bluestone obtained from a site on Mount Blackwood. The applicant has provided a heritage assessment of the proposal by a qualified heritage consultant, with advice that the proposed upper storey's setbacks from the existing ground floor front façade and side walls and would occupy a substantial portion of the existing roof space. The proposed upper storey setbacks would retain the existing building façade and three-dimensional building form, which is appropriate. The proposed Colorbond 'Monument' wall colour is appropriate.

The application proposes a reduction of the car spaces required under Clause 52.06. The proposed office use is an accounting firm owned by two (2) partners who employ nine (9) full-time staff and four (4) part-time staff, and operate from 9.00am until 5.30pm, Monday to Friday. The majority of customers would attend the premises by appointment only, with the busiest period being from July until September when there is an average of 20 appointments per week, and extended opening hours until 7.00pm by appointment during these months.

Parking is otherwise available on-street, with time restricted on-street parking available in the immediate vicinity of the site on Main Street where there are ten (10) x one (1) hour and three (3) x ½ hour spaces, restricted from 8.30am to 5.00pm Monday to Friday. Further to the west on Main Street is unrestricted on-street parking for more than ten (10) cars.

As previously stated, the calculation of the parking reduction being four spaces is considered to be relevant in this instance, considering the provisions of Clause 52.06-3 and that the timing of the application affects the calculation of the parking requirement. The proposed reduction of parking is considered to be acceptable for the following reasons:

- The applicant has volunteered to make a financial contribution in lieu of providing on site car parks.
- If the applicant moved into the site without the extension, no carparking would be required. This equates to nine (9) spaces.
- There is ample unrestricted on-street parking within 200m of the site on Main Street for staff and visitors to the site, without any detrimental impact on residential amenity.
- Customer parking can be readily absorbed by the existing on-street parking supply, particularly considering that the spread of customers across any given week during peak periods July-September would average four (4) customers per day, with less expected during the remainder of the year.
- The site is within the commercial centre of Bacchus Marsh, increasing the likelihood of multi-purpose trips to the site and the potential for customers to park further afield from the site in other parts of the commercial district and walk between destinations.
- The site's proximity to residential and commercial areas creates opportunities for customers, and potentially staff, to walk or cycle to the site, with a shower available for staff use.
- Subject to conditions, provision within the building for two (2) staff bicycle parking spaces.
- The site is within 100m of a bus stop on Gisborne Road used by four (4) local services which also connect to Bacchus Marsh railway station.
- The most recent use of the site, for a restricted retail premises, operated with a reduction of seven car spaces.
- There is no opportunity to park vehicles on the site, as for numerous other commercial premises in Bacchus Marsh.

In addition, the proposal would retain a local business in Bacchus Marsh which employs mostly locals and would contribute positively to local economic growth and employment.

It is recommended that the application be approved, subject to conditions.

General Provisions

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

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

Referrals

Authority	Response
Western Water	Consent
Melbourne Water	Consent with conditions
Department of Health & Human Services	Consent with conditions
Infrastructure	Consent with conditions
Strategic Planning	Consent
Economic Development	Consent

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

Options

Council could consider the following options:

- Issue a Notice of Decision to Grant a Permit in accordance with the recommendations of this report;
- Issue a Notice of Decision to Grant a Permit with amendments to the permit conditions within the recommendation of this report; or
- Should Council consider refusing the application, Councillors need to explore potential reasons consistent with the Moorabool Planning Scheme provisions.

Conclusion

The proposed development of a second storey addition to the existing building and reduction of the parking requirement associated with the proposed use for an office are considered to be generally acceptable.

The existing building has heritage significance as a former motor workshop built in 1921, and the proposed upper storey would be designed to respect the heritage values and streetscape, and be in keeping with the scale of surrounding development.

Regarding the proposed parking reduction, five (5) spaces would be provided on another site within convenient walking distance, and within 200m of the site there are more than ten (10) on-street unrestricted parking spaces. The site is well-located to take advantage of multi-purpose trips and within a walkable catchment of numerous other commercial and residential properties, reducing the need for parking. The proposed parking reduction is acceptable. It is recommended that the application be approved, subject to conditions.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018253 for Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at Lot 1 on TP 399859N, 97 Main Street, Bacchus Marsh 3340 subject to the following conditions:

Endorsed plans:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans identified as Job No. J18063, Drawing No.'s TP1-TP6, rev. A dated 15/11/2018 prepared by Briclok Building Design P/L but modified to show:**
 - a. A minimum of two (2) staff bicycle parking spaces within the building.**
 - b. Provision of a shower clearly shown.**
- 2. 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.**

Section 173 Agreement

- 3. The landowner is required to enter into an agreement under S173 of *the Planning and Environment Act*, unless the payment in part (a) of the agreement is made prior to the Occupancy Permit being issued, which stipulates the following:**
 - a. For the outstanding three (3) parking spaces required a contribution of \$5000 per car parking space in lieu of providing it on site is required.**
 - b. The payment is required to be paid to council in full by 1 December, 2019.**
 - c. Before the issue of the Occupancy Permit, an application must be made to the Register of Titles to register the S173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration agreement to the Responsible Authority as soon as possible after the registration has occurred.**
 - d. The owner/operator under this permit must arrange for the preparation of the S173 Agreement at his/her cost before submitting it to the Responsible Authority for Approval.**
 - e. The Owner/Operator under this permit must pay the costs of execution and registration of the section 173 agreement.**

Amenity:

- 4. Any security alarm or similar device installed must be of a silent type.**
- 5. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site, except to the adjoining laneway to the west.**

Infrastructure:

- 6. Storm water drainage from the proposed building works and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.**
- 7. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
- 8. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 9. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**
- 10. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.**

Melbourne Water:

- 11. The ground floor finished floor levels of the building must be maintained no lower than the existing floor level of the building.**
- 12. Imported fill must be kept to a minimum on the property and should only be used for the subfloor area of the building.**

Department of Health and Human Services:

- 13. If cranes are to be used on site during construction details of crane location and height must be provided to the Department of Health and Human Services at least three (3) days prior to commencement.**
- 14. Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the Civil Aviation Safety Authority Manual of Standards Part 139 at their highest point(s) to ensure that they can be seen within the helicopter flight paths.**

Permit expiry:

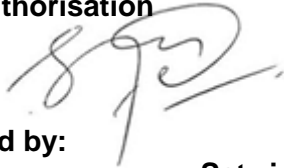
- 15. This permit will expire if one of the following circumstances applies:**
 - a. The development is not started within two years of the date of this permit;**
 - b. The development is not completed within four years of the date of this permit.**

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.

Melbourne Water permit note:

This property is subject to flooding from the Bacchus Marsh catchment. when the capacity of the drainage system is exceeded. The applicable flood level is 100.15 metres to Australian Height Datum (AHD).

Report Authorisation



Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

6 December, 2018



Bricklok Building Design P/L

A/F, Bricklok Building Design Trust
Building Practitioner Reg. No DP-AD 25793
Unit 5, No.49-55 Riverside Avenue, Werribee 3030
Tel: (03) 9742 5211 Mob: 0403 196 133
email: justin@bricklok.com.au






































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designed	scale	drawing number TP1
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J.W.H.	date 15/11/18	
J.W.H.	job number J18063	revision A

Rev.A: Demolition notes amended, full height stud wall added to balcony eastern end.

TITLE PARTICULARS:	
Vol. 4639 Fol. 764	Area 259m ²
EASEMENT DETAILS	
Nil Registered	
PARCEL PARTICULARS:	
TP 399859N Lot 1	
COUNTY OF BOURKE PARISH OF KORKUPERRIMUL CROWN PORTION 6 (PART)	
LEGEND:	

LEGEND:

	TBM		Water Meter
	Reduced Level		Water Tap
	Elevation		Water Stop Valve
	Significant Tree		Fire Hydrant/Plug
	Street Sign		Fence Post
	Stay		Fence Pillar - Brick
	Power Pole		Private Open Space
	Power Point		Habitable Window
	Power Pit		Non Habitable Window
	Utility Pit/Water Unclassified		Window Head RL
	Tele. Comm Pit		Window Sill RL
	Gas Pn/Valve		Ridge Level RL
	Gas Meter		Eave Level RL
	Gated Pit		Underside Gutter RL
	Drainage Pit		Top of Wall
	Side Entry Pit		Top of Retaining Wall RL
	Sewer Pit		Base (Toe) Wall RL
	Sewer Vent / Access Point		Top of Kerb
			Invert of Kerb

SITE ANALYSIS

TOTAL SITE AREA	= 259 m2
EXISTING GROUND FLOOR AREA	= 259 m2
PROPOSED FIRST FLOOR AREA	= 97 m2
PROPOSED BALCONY	= 23 m2
TOTAL PROPOSED FLOOR AREA	= 379 m2
100 % COVERAGE OF SITE	

CAR PARKING ANALYSIS

TOTAL SITE AREA	= 259 m ²
TOTAL FLOOR AREA	= 379 m ²
LESS LOADING BALCONY	= 356 m ²
CARPARKS REQ. @ 3.5/100m ²	= 13 CARS
DEDICATED PARKING SUPPLIED ON SITE	= 0 CARS
DEDICATED PARKING SUPPLIED OFF SITE	= <u>5 CARS</u>

CAR PARKING COMPENSATION OF 13 ON SITE CARS REQUIRED FOR 5 OFF SITE PARKING SPACES AVAILABLE

NOTE: STREET PARKING IS AVAILABLE ADJACENT

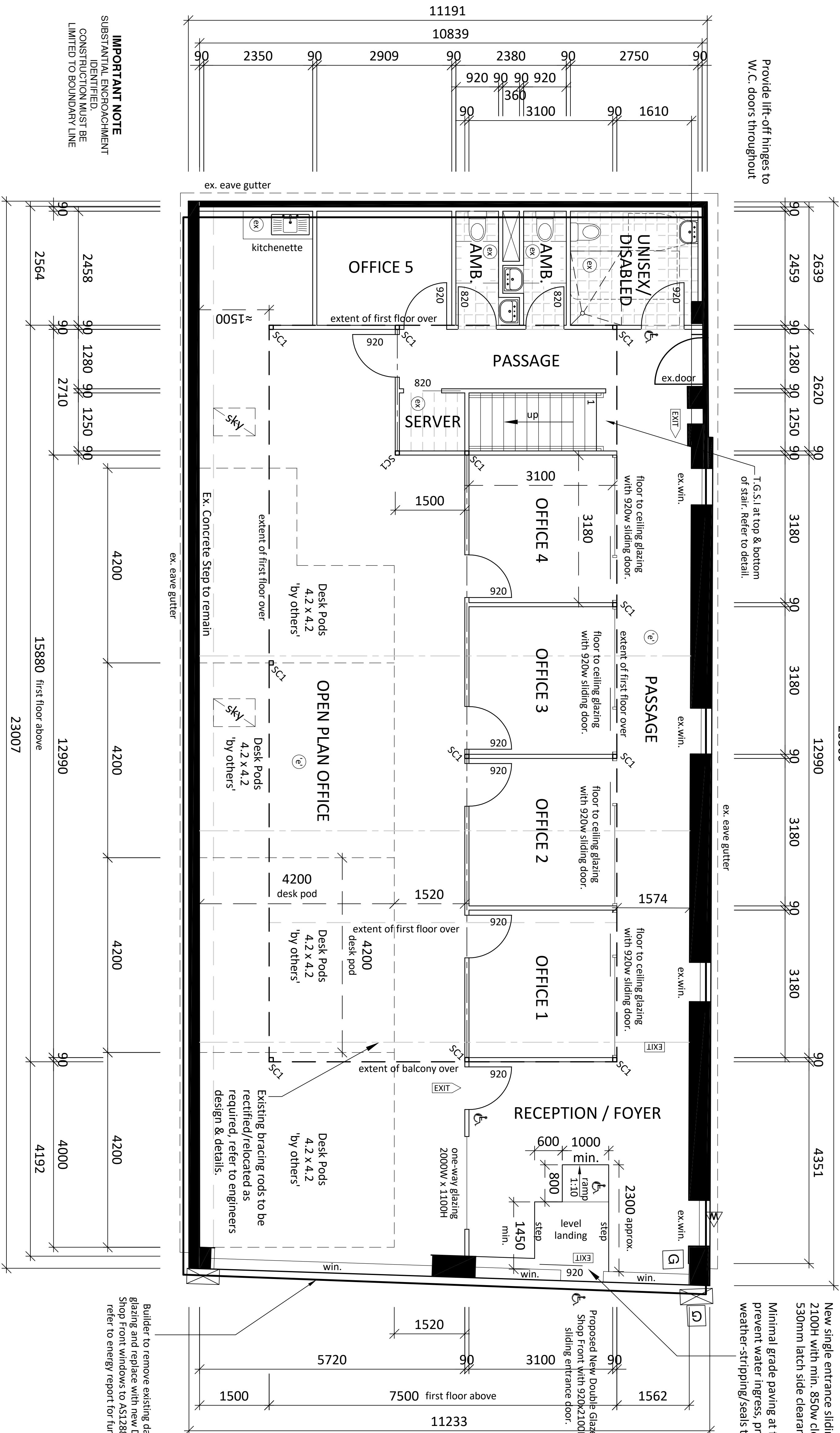
THIS PLAN REMAINS THE COPYRIGHT OF BRICLOK BUILDING DESIGN AND CANNOT BE REPRODUCED IN ANY WAY WITHOUT THE EXPRESS PERMISSION OF BRICLOK BUILDING DESIGN.

GENERAL NOTES:
All offices, toilets and internal rooms to be mechanically ventilated to outside air as per AS1668.2 and BCA 2016 requirements. Compliance certificate to be supplied to building surveyor prior to occupancy.
All toilet doors to be fitted with removable hinges and vents to doors (200x200). Exhaust fans to be vented to outside air. (ex)
Artificial lighting to comply with AS1680 & BCA Part-I (energy efficiency) requirements.
All glazing to comply to AS1288 & BCA Part-I (energy efficiency) requirements.
All timber work to comply with AS1684 & BCA 2016 requirements. Termite protection as per AS3660-2000 where applicable.
All flooring must comply with BCA Spec CL10 & AS1530.3. Critical radiant flux (CRF) 2.2kx/m² & BCA Spec CL1.5. max. smoke dev. rate of 750%/min. & have a non-slip surface.
All wet areas are to be lined with suitable materials to provide water impervious & non-slip surface i.e. Ceramic tiles on F.C. sheeting to comply to BCA requirements.
EXITS: (EXIT)
Illuminated exit signs where shown on the floor plans thus: EXIT shall be installed in accordance with the relevant provisions of AS2293-2005 Part 1.
"EXIT" denotes 10 watt LED exit sign as per CO D10 C90 C10 Clevertronics' Booklet(tm) LED Exit Light" (or equiv.).
Exit lighting shall be mounted 2700mm max. above finished floor level and located directly above or beside the required exit.
Exit doors are to be readily operable without a key by a single handed downward action from the side of the person seeking egress from the building. All door hardware to comply with BCA 2016 Part D2.21 & AS1428.1
EMERGENCY LIGHTS: (E)
Emergency lighting system where shown on the floor plans thus: 'e' shall be installed in accordance with the relevant provisions of AS2293-2005 Part 1.
'e' denotes 1-18 watt Fluoro/LED emergency luminaire mounted at 2700mm ceiling height in offices, D32 Clevertronics' Ulight(tm) emergency luminaire (or equiv.).
ENTRY DOORS:
Braille/Tactile signage to EXIT doors as per BCA 2016 Part D3.61a(ii) and Spec D3.61(2). Between 1200-1600 above F.F.L. fixed to inside face of EXIT doors.
Level paving to entrance door from external paving with max. 35mm threshold step as per BCA 2016 & AS1428.1-2009
Door Hardware Note:
All door hardware to comply with BCA 2016 Part D2.21 & AS1428.1
- Be readily operable without a key from the inside with a single hand downward action between 900mm-1100mm from the F.F.L.
- Have a clearance between the handle and the backplate of between 35mm-45mm.

INSULATION:
Refer to energy efficiency report for details on insulation and glazing requirements.
Walls- New external stud walls to be provided with R 2.0 bulk insulation. Internal stud walls between offices & amenities to be provided with R 2.0 bulk insulation.
Ceilings: External Ground Floor & First Floor ceilings to be provided with R4.0 bulk insulation & d.s. s/sation.



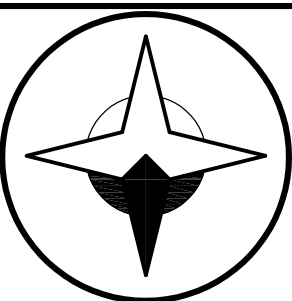
NOTE: Due to the age of the building and structural irregularities the Builder is to confirm the existing structure materials & dimensions (i.e. wall thickness) and all internal measurements once internal linings are removed, any discrepancies to be reported to this office for rectification.



PROPOSED GROUND FLOOR PLAN

TOWN PLANNING APPLICATION DRAWINGS - NOT FOR CONSTRUCTION

PROPOSED ACCOUNTING OFFICE & EXTENSION at
97 MAIN STREET, BACCHUS MARSH for
ACCOUNT(ABLE) ACCOUNTING



PROPOSED GROUND
FLOOR PLAN

Briclok Building Design P/L
ATF: Briclok Building Design Trust
Building Practitioner Reg.N° DP-AD 25793
Unit 5, No.49-55 Riverside Avenue, Werribee 3030
Tel: (03) 9742 5211 Mob: 0403 196 133
email: justin@briclok.com.au
A.B.N. 64 256 572 387

designed		scale		drawing number	
drawn	J.W.H.	1:50 @ A1	date	15/11/18	TP3
checked	J.W.H.	1:100 @ A3	job number	J18063	revision
	J.W.H.				A

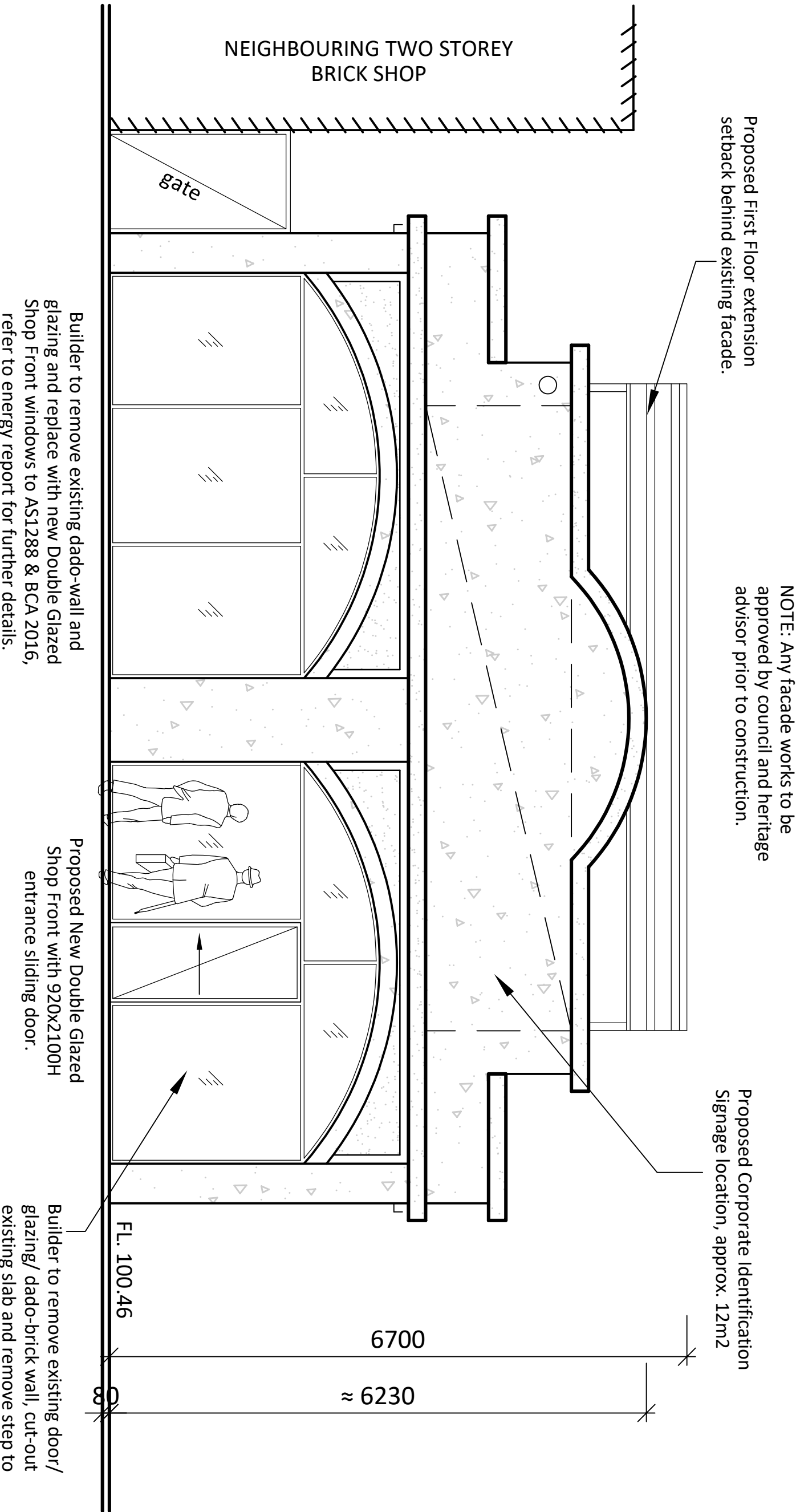
Rev.A: Demolition notes amended, full height stud wall added to balcony eastern end.

Builder to remove existing door/ glazing/ dado-brick wall, cut-out existing slab and remove step to provide new landing and ramp for disabled access.
Ramp grade no steeper than 1:10 to AS1428.1-2009.

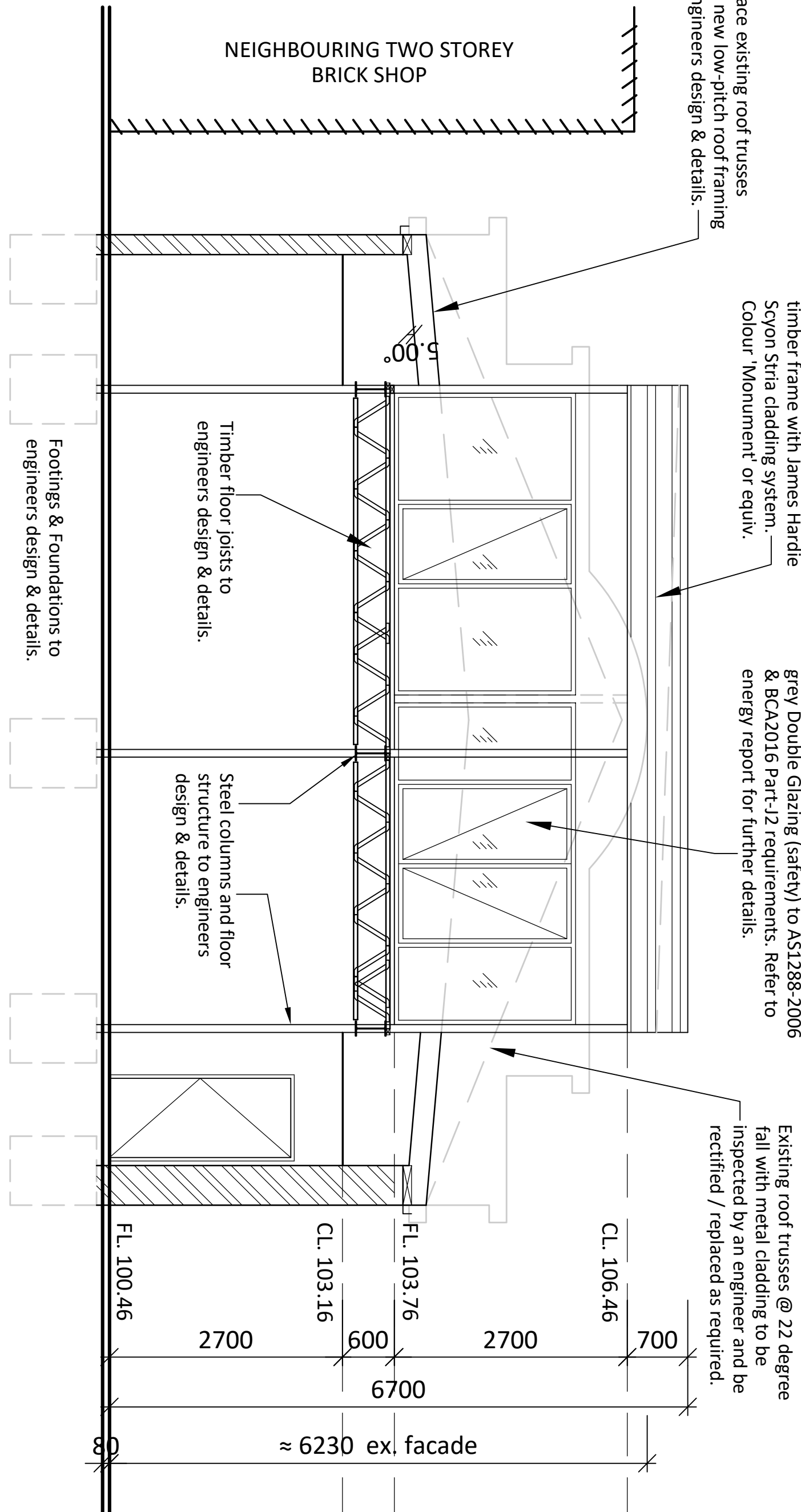
New single entrance sliding door 920w x 2100h with min. 850w clear opening, 530mm latch side clearance min.
Minimal grade paving at front entry to prevent water ingress, provide weather-stripping/seals to door.

Proposed New Double Glazed Shop Front with 920x2100H sliding entrance door.

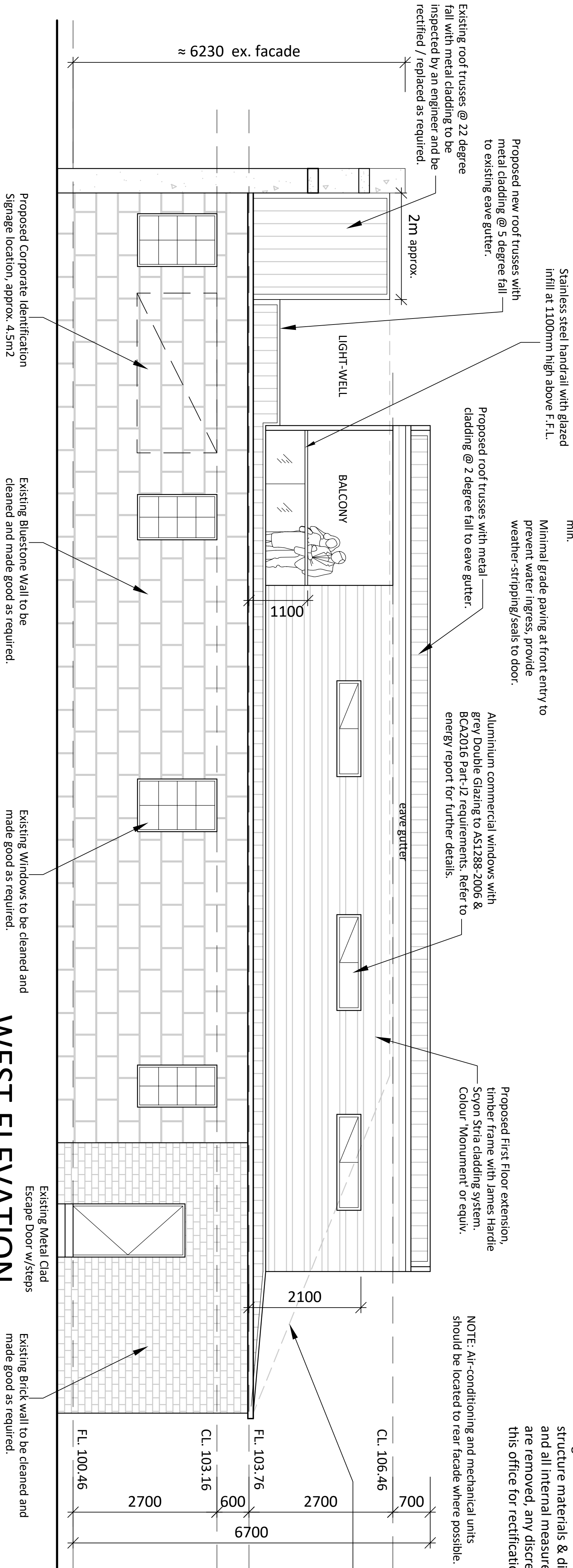
Builder to remove existing dado-wall and glazing and replace with new Double Glazed Shop Front windows to AS1288 & BCA 2016, refer to energy report for further details.



NORTH ELEVATION - MAIN STREET



NORTH ELEVATION - FIRST FLOOR BALCONY

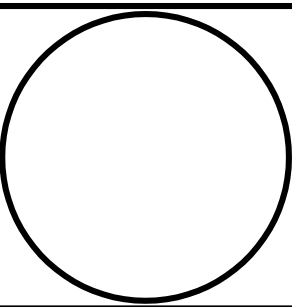


WEST ELEVATION

TOWN PLANNING APPLICATION DRAWINGS - NOT FOR CONSTRUCTION

Rev.A: Demolition notes amended, full height Stud wall added to balcony eastern end.

PROPOSED ACCOUNTING OFFICE & EXTENSION at
97 MAIN STREET, BACCHUS MARSH for
ACCOUNT(ABLE) ACCOUNTING



ELEVATIONS 1

Briclok Building Design P/L

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Unit 5, No.49-55 Riverside Avenue, Werbee 3030
Tel: (03) 9742 5211 Mob: 0403 196 133
email: justin@briclok.com.au

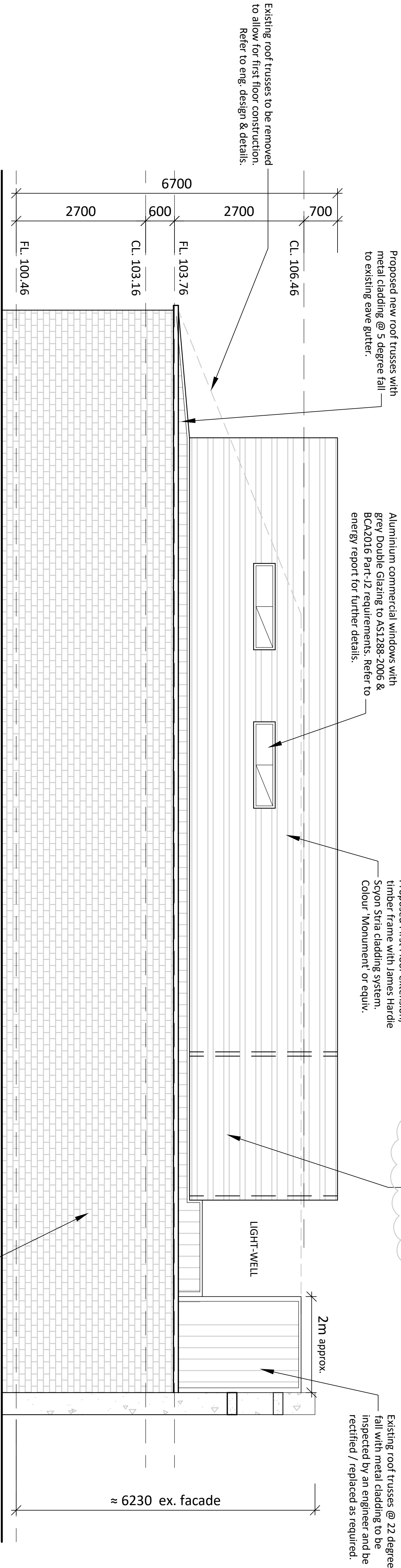
A.B.N. 64 256 522 387

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J.W.H.	1:100 @ A3	
J.W.H.	15/11/18	
J.W.H.	118063	A

TP5

NOTE: Due to the age of the building and structural irregularities the Builder is to confirm the existing structure materials & dimensions (ie. wall thickness) and all internal measurements once internal linings are removed, any discrepancies to be reported to this office for rectification.

NOTE: Air-conditioning and mechanical units should be located to rear facade where possible.

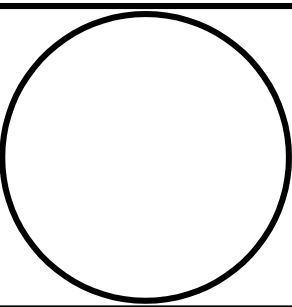


SOUTH ELEVATION

EAST ELEVATION

TOWN PLANNING APPLICATION DRAWINGS - NOT FOR CONSTRUCTION

PROPOSED ACCOUNTING OFFICE & EXTENSION at
97 MAIN STREET, BACCHUS MARSH for
ACCOUNT(ABLE) ACCOUNTING



ELEVATIONS 2

Bricklok Building Design P/L

ATF: Bricklok Building Design Trust
Building Practitioner Reg.N° DP-AD 25793
Unit 5, No.49-55 Riverside Avenue, Werribee 3030
Tel: (03) 9742 5211 Mob: 0403 196 133
email: justin@bricklok.com.au

A.B.N. 64 256 522 387

designed	scale	drawing number
J.W.H.	1:50 @ A1	TP6
drawn	date	revision
J.W.H.	15/11/18	A
checked	job number	
J.W.H.	J18063	

Rev.A: Demolition notes amended, full height
stud wall added to balcony eastern end.

Item 5.3 Planning Permit Number PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon

Application Summary:	
Permit No:	PA2018111
Lodgement Date:	17 May, 2018
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on TP 806534F, 34 Gascards Lane, Gordon 3345
Proposal:	Two (2) Lot Subdivision and Development and Use of a Dwelling
Lot size:	22.15ha
Why is a permit required?	Clause 35.07 – Farming Zone – Subdivision and Use and Development of a Dwelling. Clause 42.01 – Environmental Significance Overlay – Subdivision and buildings and works.
Reason for being presented to S86 Development Assessment Committee.	Recommendation for refusal.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	Two (2)
Notice in Moorabool Newspaper:	No
Number of Objections:	None
Consultation Meeting:	Not applicable.
Policy Implications	
Strategy Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary	
Application Referred?	Yes – To Infrastructure, Environmental Health and Barwon Water.
Any issues raised in referral responses?	Yes – Barwon Water requested further information by way of changes to the Land Capability Assessment. The applicant made the requested changes to Barwon Water's satisfaction.
Preliminary concerns?	<p>Inadequate justification for the proposed dwelling and subdivision's benefit to farming the property, considering there is already an existing dwelling on the property.</p> <p>Fragmentation of farmland due to the proposed dwelling's location on the site.</p> <p>Further information was requested in relation to the farm management plan and assessment against the Farming Zone provisions.</p>
Any discussions with applicant regarding concerns?	Prior to advertising the application, the Council officer wrote to the applicant about the abovementioned concerns.
Any changes made to the application since being lodged?	Plans and documentation amended in accordance with the further information request.
Brief history	None applicable.
Previous applications for the site?	None.
General summary	<p>It is proposed to excise the existing dwelling on a 2.0ha lot, and use and develop the balance lot of 20.5ha for a dwelling in support of a beef cattle breeding enterprise. The proposal is not supported by State or local planning policy for the retention of productive agricultural land for farming purposes given there is insufficient justification for the proposal, which only contributes to the intensification of residential activity in an area zoned to support agriculture.</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 Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the grounds included at the end of this report.

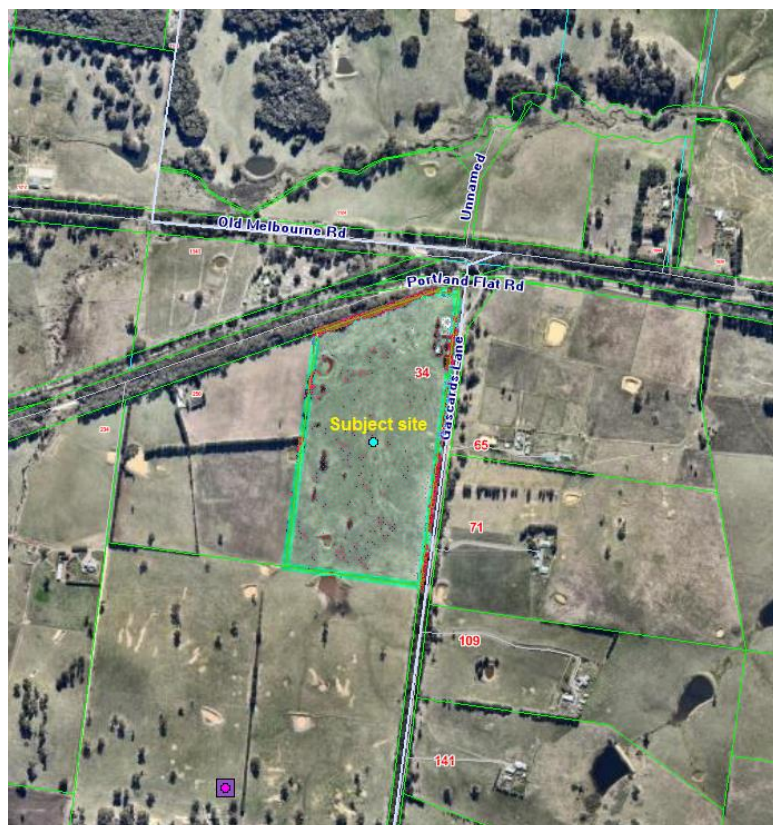
Site Description

The site, identified as Lot 1 on TP 806534F and known as 34 Gascards Lane, Gordon, is an irregular shaped lot, with a 331.93m width, maximum 724.2m length and total area of 22.15ha. The site lies at the southwest corner of Gascards Lane and Portland Flat Road and contains a single storey brick dwelling and ancillary outbuildings constructed towards the northeast corner of the site, with vehicle access obtained via a crossover to Gascards Lane. The site has undulating topography but falls generally from south to north, and features tributaries of Paddock Creek which flow generally north through the site. The site is largely cleared of vegetation apart from scattered native trees and is otherwise used for cattle grazing.

Across Portland Flat Road to the north is the Melbourne to Ballarat railway line, beyond which is Old Melbourne Road. The site and most surrounding land is in the Farming Zone where there are numerous lots of a similar size to the subject site, mostly located south of Old Melbourne Road to the north of which are generally larger landholdings. Numerous nearby lots contain single dwellings, and the immediate area is substantially cleared of vegetation, with extensive forested areas located further to the south and northwest.

To the south of the site is a single dwelling on a lot of 77.15ha, approximately two thirds of which is substantially cleared and used predominantly for grazing and an animal rescue shelter. To the west is a lot of approximately 20.15ha which contains a single dwelling near the Portland Flat Road frontage. To the east, across Gascards Lane, are two (2) lots each of approximately 27.15ha and 26.65ha, both containing single dwellings.

The site has a power supply but no other reticulated services.



It is proposed to subdivide the land into two (2) lots and use and develop the larger lot for a dwelling. Lot 1, with an area of 2.0ha occupying the northeast corner of the site, would be a roughly rectangular shape containing the existing dwelling and ancillary outbuildings and utilize existing vehicle access from Gascards Lane. Lot 2, with an area of 20.5ha would comprise the balance of the site and is proposed to be used and developed for a single dwelling. The dwelling would be single storey and located towards the centre of Lot 2, and comprise four (4) bedrooms, main with ensuite, a powder room, laundry, bathroom, study nook, lounge, rumpus and open plan kitchen, dining and family area leading to a covered alfresco area to the rear, and also incorporate a double garage, with a total floor area of 317.9sq m. The dwelling would be of a traditional design with 27 degree pitched hipped Colorbond roof incorporating gabled elements, with weatherboard and rendered cladding. Vehicle access would be via a proposed crossover to Gascards Lane. No vegetation removal would be required.

34 Gascards Lane

34 Gascards Ln

Legend

- Cattle Yards
- Fence
- Gate
- House
- Trough
- Dam

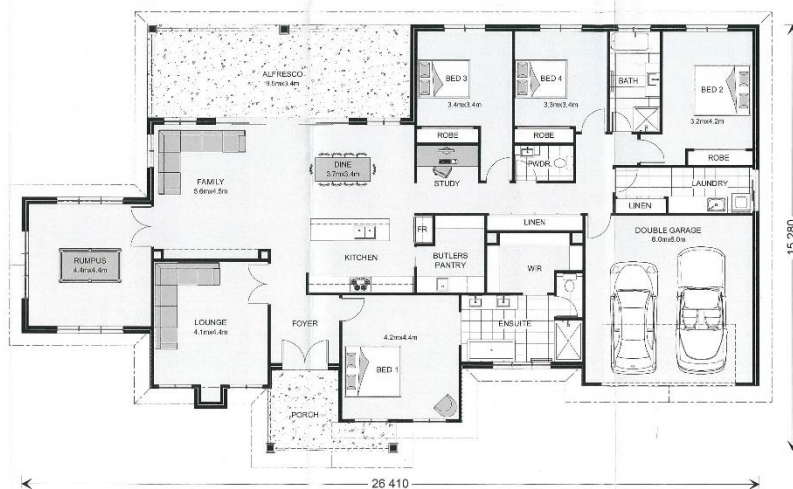
Google earth

400 m

OAKDALE 320 ESTATE	
"Element" Hamptons Streetscape	
FLOOR AREAS	
INTERNAL	238.6 m ²
GARAGE	38.1 m ²
ALFRESCO	31.7 m ²
PORCH	9.5 m ²
TOTAL	317.9m ²
29m+ Lot Width	
CONCEPT	
DATE:	27/04/16
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PRESENTATION PLAN	
G.J. Gardner. HOMES	

PLANS ARE SUBJECT TO LOCAL COUNCIL & DEVELOPERS GUIDELINES (COVENANTS).

Element Series



OAKDALE 320 ESTATE	
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Element Series

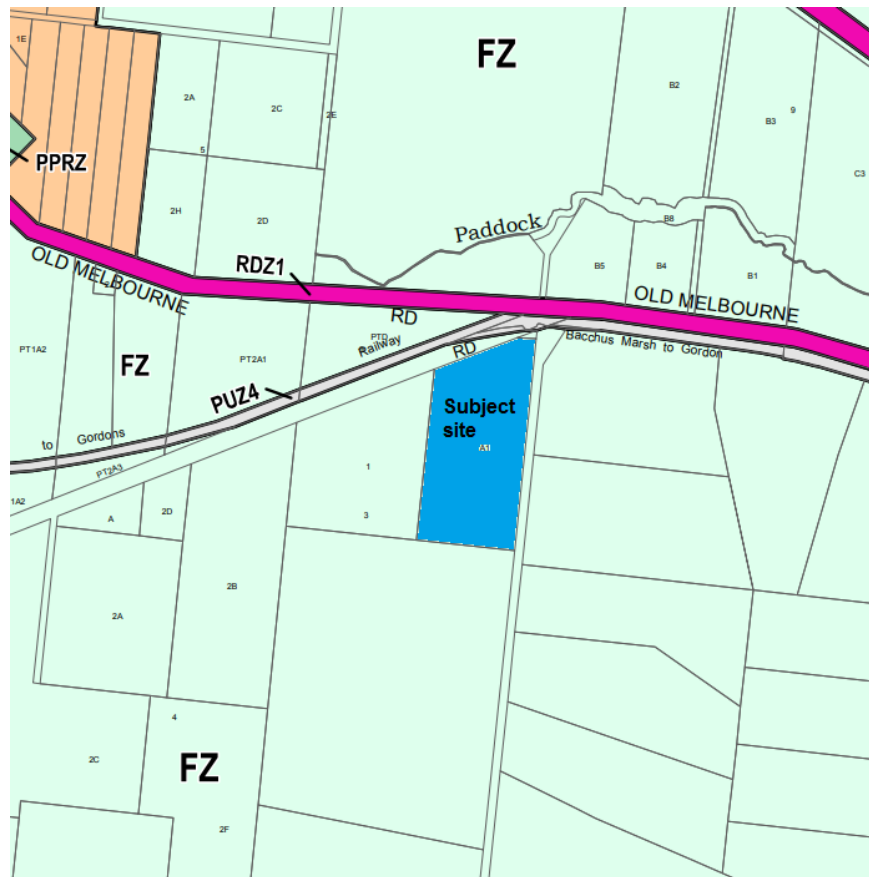


Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 3 September, 2018 and a sign erected on site from 10 to 28 September, 2018. No objections were received.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 14.01-1S Protection of agricultural land.
- 14.02 Water.
- 15.01-6S Design for rural areas.
- 21.02-2 Non-Urban Landscapes.
- 21.02-3 Water and Catchment Management.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.03-6 Rural Lifestyle Opportunities.
- 21.04-2 Agriculture.
- 22.02 Special Water Supply Catchments.
- 22.03 Houses and House Lot Excisions in Rural Areas.

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

PPF	Title	Response
Clause 11.03-3S	Per-urban areas	The proposal would intensify residential use of the site, resulting in loss of farm land.
Clause 14.01-1S	Protection of agricultural land	The proposal increases residential use of farm land and diminishes the capacity of the land to support agriculture.
LPPF		
Clause 21.02-2	Non-Urban Landscapes	The proposal would increase residential development in a rural location which erodes the rural character of the area.
Clause 21.03-4	Landscape and Neighbourhood Character	The proposed dwelling's benefit to agriculture is not sufficiently justified.
Clause 21.03-6	Rural Lifestyle Opportunities	The proposal would fragment farm land.
Clause 21.04-2	Agriculture	The proposal would not support productive, sustainable farming in both the short and longer term.
Clause 22.03	Houses and House Lot Excisions in Rural Areas	The proposed agricultural activity is not considered sufficient justification for the proposed subdivision and dwelling.

Zone

The subject site is in the Farming Zone. The purpose of the Zone is:

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

Under Clause 35.07-1 a permit is required to use and develop a lot of less than 40ha for a dwelling, and under Clause 35.07-3 a permit is required to subdivide land.

Overall, the proposed subdivision and development of a dwelling is inconsistent with the zone provisions.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 due to the site being in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required for development and subdivision. Reticulated sewer is not available to the site, and there are no relevant exemptions under the Schedule. The application was referred to Barwon Water as the determining referral authority, and to Council's Environmental Health officer, who both consented subject to conditions.

The site is also affected by Design and Development Overlay, Schedule 2. A permit is required to construct buildings and works and subdivide land, however there is an exemption under Schedule 2 where non-reflective building cladding is proposed, as in this instance. Accordingly, no permit is required under this overlay.

Relevant Policies

Council's Rural Housing Policy, adopted on 19 September, 2012 gives direction for assessing planning permit applications which propose new residential development of land in the Farming Zone. The Policy encourages residential development in farming areas which satisfies the purpose of the Farming Zone and supports agricultural opportunities. The proposal is broadly in accordance with this policy for sites of 20-40ha, although it is noted that the site is not located in an area where development is particularly encouraged due to its proposed siting in the middle of the lot which is not consistent with Council's Rural Housing Policy and, Map 1 – Rural Development Areas.

Particular Provisions

None applicable.

Discussion

Overall, the proposed subdivision and use and development for a dwelling is considered to be inconsistent with relevant State and local planning policy, the Farming Zone and relevant decision guidelines at Clause 65 of the Moorabool Planning Scheme. Nor does it meet the assessment principals of Council's Rural Housing Policy.

The Moorabool Planning Scheme provides discretion for a permit to be granted to use and develop land for a dwelling on a lot less than 40ha. Where a permit is required, the decision guidelines of the Farming zone require a range of matters be considered.

In relation to dwellings in the Farming Zone, the decision guidelines require that the responsible authority consider whether a dwelling:

- *Will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

In relation to agricultural issues in the Farming Zone the decision guidelines require that the responsible authority also consider:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

The proposed dwelling is stated to be in support of a beef cattle breeding and associated cropping enterprise. The proposed subdivision would excise the existing dwelling on a 2.0ha lot, with the proposed dwelling to be sited on a proposed 20.5ha lot.

The application includes a detailed farm management plan in support of the proposed dwelling. The plan includes details of how rotational grazing will be used to enhance agricultural production and contribute to a more agriculturally sustainable use of the property, with the proposed dwelling to benefit that enterprise by providing a 'round the clock' presence, particularly important during calving. However, whilst the proposed dwelling is purported to benefit the proposed farming enterprise, there is an existing dwelling on the property which could readily serve the function of the proposed dwelling. Although the existing dwelling is not positioned to surveil the entire property this is not essential and indeed there would be no detriment to the proposed farming enterprise by utilising the existing dwelling. Rather, it is considered that the proposed subdivision and dwelling development will not only fragment the property without any tangible benefit to agricultural output or sustainable land practices but also result in an additional dwelling in a rural zone, which contributes to inflated land values ultimately hindering the site's viability for bona fide agricultural uses in the longer term. State and Local Planning Policy seeks to protect viable agricultural land for that purpose, and prevent incompatible land uses from encroaching and permanently removing that land from agricultural use. The proposal represents the incremental loss of land from productive agricultural use for conversion to 'rural lifestyle' lots.

By allowing the proposed dwelling on the land, when the existing dwelling would readily serve the same function in support of the proposed farming activity, the site's use for residential purposes is intensified, and its agricultural viability eroded.

This is characteristic of incremental fragmentation of farming land. Such an outcome is not supported by either State or local planning policy which includes the following objectives:

- To manage growth in peri-urban areas to protect and enhance their identified valued attributes. (Clause 11.03-3S);
- To protect the state's agricultural base by preserving productive farmland. (Clause 14.01-1S); and
- To maintain and enhance the natural environment and the Shire's rural identity and character (Clause 21.02-2).

Further to these objectives, State and local planning policy includes the following relevant strategies:

- Prevent dispersed settlement and provide for non-urban breaks between urban areas (Clause 11.03-3S);
- Protect productive agricultural land from unplanned loss due to permanent changes in land use (Clause 14.01-1S);
- Prevent inappropriately dispersed urban activities in rural area. (Clause 14.01-1S);

- Limit new housing development in rural areas by directing housing growth into existing settlements (Clause 14.01-1S);
- In considering a proposal to use, subdivide or develop agricultural land, consider the desirability and impacts of removing the land from primary production, given its agricultural productivity (Clause 14.01-1S);
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land (Clause 14.01-1S); and
- Focus rural living development in areas close to urban centres with good access to services and facilities where there is minimal impact on productive agriculture and horticulture or areas with environmental values.(Clause 21.03-5).

The site is evidently productive for grazing, in terms of the climate, soil conditions and water supply, and forms part of a larger rural area in the wider Melbourne and Ballarat rural hinterland. The proposal undermines these attributes for the reasons outlined above, and Council must consider the potential for this application to set a precedent if approved.

General Provisions

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

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

Referrals

Authority	Response
Barwon Water	Consent with conditions
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

Options

Council could consider the following options:

- Issue a refusal in accordance with the recommendations of this report;
- Issue a refusal with amendments to the grounds within the recommendation of this report; or
- Should Council wish to consider approving the application, Councillor's need to explore reasons/conditions which may be contrary to the objectives, provisions and clauses of the Moorabool Planning Scheme.

Conclusion

Overall, the proposed use and development for a dwelling and two (2) lot subdivision, is considered to be inconsistent with relevant State and Local Planning Policy and the Farming Zone in respect of agricultural land use and rural housing development. The proposal is inconsistent with the orderly planning of rural land, resulting in the loss of agricultural land to rural residential use, detrimental impacts on sustainable agricultural land use and would set a precedent for inappropriate development of rural land to the long term detriment of the Shire's agricultural base.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018111 for Two (2) Lot Subdivision and Development and Use of a Dwelling at Lot 1 on TP 806534F, 34 Gascards Lane, Gordon 3345 on the following grounds:

- 1. The proposal is inconsistent with the purpose of the Farming Zone.**
- 2. The proposal does not comply with the Planning Policy Framework or Local Planning Policy Framework of the Moorabool Planning Scheme relevant to the development of rural land.**

Report Authorisation:


Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 6 December, 2018



Note: This plan has been prepared based on preliminary information only. Detailed site and internal dimensions will need to be confirmed by survey.
 The plan is subject to review and approval by relevant authorities, and is subject to change.



Element Series

PLANS ARE SUBJECT TO LOCAL COUNCIL & DEVELOPERS GUIDELINES (COVENANTS).

OAKDALE 320 ESTATE

"Element" Hamptons
Streetscape

FLOOR AREAS

INTERNAL	238.6 m ²
GARAGE	38.1 m ²
ALFRESCO	31.7 m ²
PORCH	9.5 m ²
TOTAL	317.9m ²

29m+ Lot Width

CONCEPT

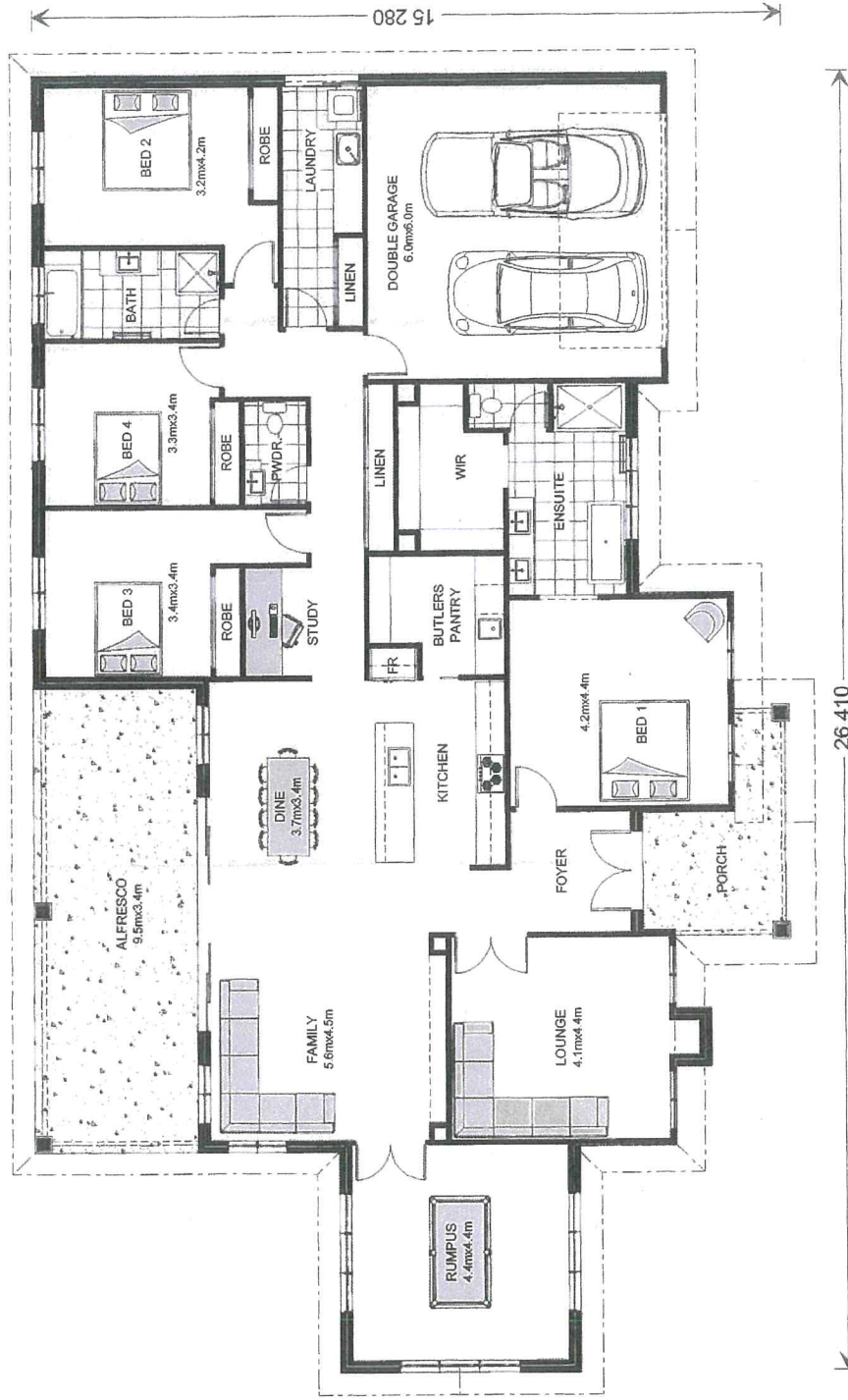
DATE:

27/04/16

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PRESENTATION PLAN

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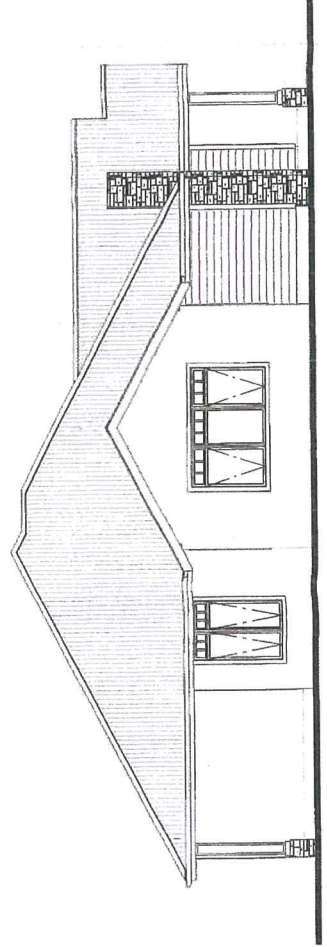
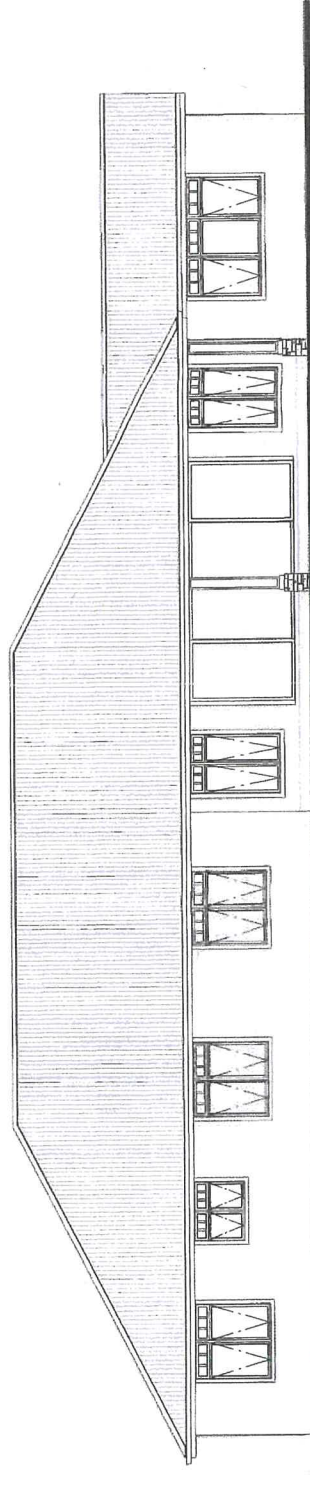
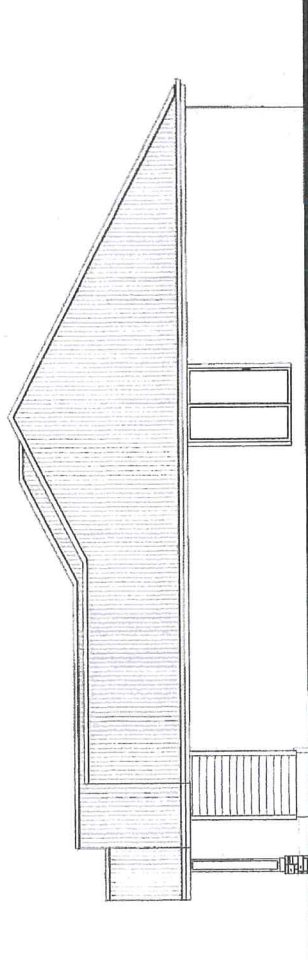
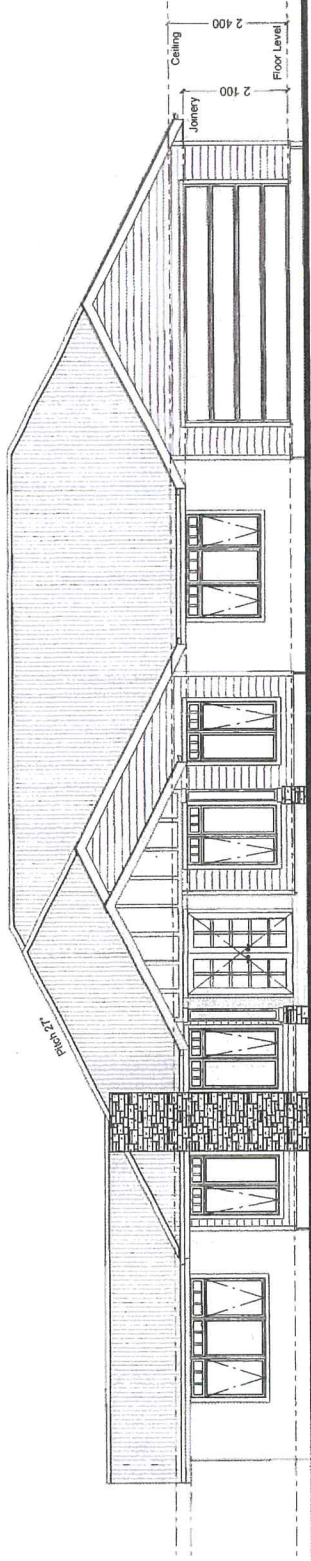
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ELEVATIONS
Scale 1:100

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Item 5.4 Planning Permit Number PA2018169– Use, Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking at ‘The Plough’ 17 Main Street, Myrniong.

Application Summary:	
Permit No:	PA2018169
Lodgement Date:	25 July, 2018
Planning Officer:	Bronwyn Southee
Address of the land:	Lot 1 on PS 324527B otherwise known as 17 Main Street, Myrniong.
Proposal:	Use, Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – ‘The Plough’ 17 Main Street, Myrniong.
Lot size:	3165m ²
Why is a permit required?	Clause 32.05-2 – Place of Assembly (Function Centre) Clause 32.05-10 – Buildings and works associated with a Section 2 use. Clause 43.02-2 – Reflective Materials Clause 43.01-1 Buildings and Works Clause 52.06-3 Car parking
Reason for being presented to S86 Development Assessment Committee.	Car parking waiver and one (1) objection was received.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No.
Number of Objections:	One (1).
Consultation Meeting:	Offered but declined.
Policy Implications	
Strategy Objective 2:	Stimulating Economic Development
Context 3A:	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Bronwyn Southee</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 Environmental Health and Infrastructure.
Any issues raised in referral responses?	No.
Preliminary concerns?	We required further information which was supplied 14 September, 2018.
Any discussions with applicant regarding concerns?	No.
Any changes made to the application since being lodged?	No.
Brief history	<p>In late 2016, it was brought to the Shire's attention that unauthorised works had been undertaken at the subject site in the form of refurbishment of the existing stables on site and the erection of a marquee.</p> <p>Council Officers sent a building notice to the landowner in April, 2017 requiring rectification of unauthorised works.</p> <p>In November, 2017 Council Officers sent a letter to the landowner advising planning approval is required for the unauthorised works.</p> <p>In April, 2018 a further letter was sent advising the landowner they must apply and obtain a planning permit from council.</p> <p>On 27 July, 2018 an application was received for retrospective approval as listed above.</p> <p>The landowner is still working through the building notice with Council's building department.</p>
Previous applications for the site?	Nil.

General Summary	<p>The subject site 'The Plough' has been owned and run by the landowners since 2010. The Plough is a successful popular local business that contributes community and social capital to the Myrniong residents and far beyond. The applicant has undertaken unauthorised works in the form of refurbishing an 'old stables' to fit it out to be a reception area, toilets etc. and have also erected a large marquee. This has also change the use of the site from a traditional pub with a restaurant to a function centre.</p> <p>It is considered the utilisation of this site as a restaurant, place of assembly for functions is appropriate, however as the public is utilising a site that has structures that haven't been certified, it is important that we ensure that this process is undertaken.</p> <p>A complete application has been submitted detailing all of the works completed without an approval and works required to make the use/development comply. It is considered that subject to appropriate conditions and the applicant obtaining approvals for unauthorised structures through a registered building surveyor this application should be supported by Council.</p>
Summary Recommendation	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for Use, Buildings and Works Associated with an Existing Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – 'The Plough' 17 Main Street, Myrniong.</p>	

Site Description

The subject lot commonly referred to as 'The Plough Myrniong' is located centrally on Main Street Myrniong. The subject lot is 3165m² with two road frontages the primary being Main Street. The subject site is zoned Township zone and is predominately located within existing residential area. The site is developed with approximately 46% site coverage containing the following:

- Six (6) accommodation units;
- Two (2) cool rooms;
- Stables function area and associated bathrooms;
- Existing Plough Hotel;
- Existing dwelling/Managers residence;
- Marquee; and
- Kitchen/food preparation area.

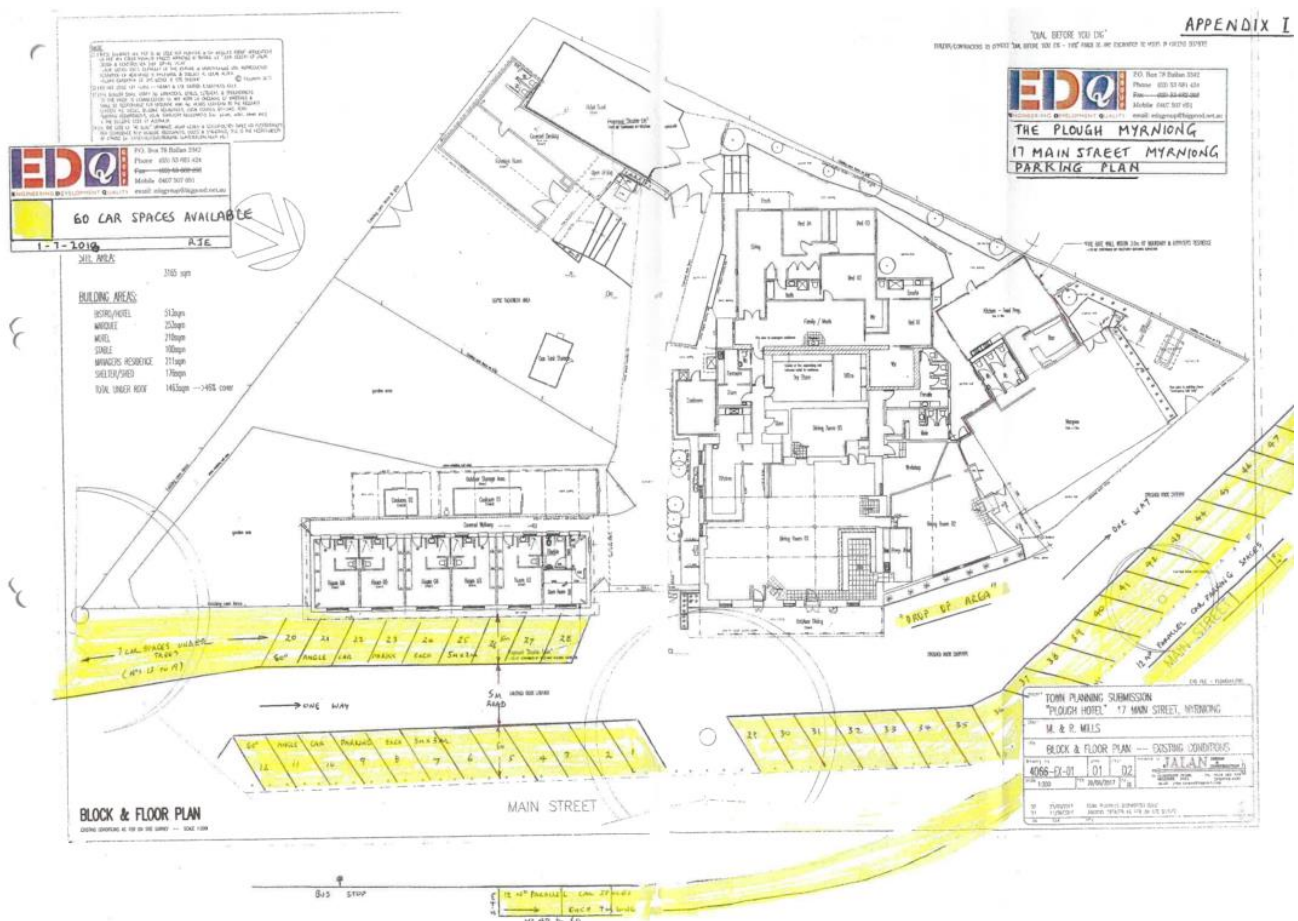
Totaling Area = 1463m²

The site is utilised for weddings, dining, functions and catering. Site car parking is catered for Road Reserve between the subject site and Main Street. It should be noted that the site has capacity to be used for two separate functions and as a restaurant at the same time.

The subject application is for retrospective approval of a function centre use, refurbishment of the existing stables (100m²), cool rooms and a marquee (253m²).

The marquee consists of two structures the dining area of 150m² and a second structure which is the kitchen/preparation area 81m². There is an outdoor courtyard with an emergency exit to the Main Street. The marquee area is used independently as a function centre.

The applicant has detailed that the maximum capacity of the site at any one time is 270 patrons and that there are already 60 car bays utilised as part of the existing uses. It is considered that the Marquee can hold a total of 100 patrons and the stables can hold 45, on this basis is assessed by Moorabool Planning Scheme Car parking requirements for a 'Place of Assembly' 145 patrons x 0.3 = 43 car parking bays required in addition to the existing, this means the applicant is seeking a waiver of 43 parking bays.



The subject site is considered to have an established 'Existing Use Right' for a hotel and accommodation units which has been operating for several years, prior to the current ownership. Since the unauthorised use/development for a function centre/stables/marquee/cool rooms was brought to Councils attention the applicant had been requested to apply for retrospective approval for a function centre and associated buildings and works.

History

Planning wrote to the landowner in late 2017 requesting them to apply for retrospective planning application, which was formally received by Council late July, 2018. There have been a number of building orders issued on the site to rectify unauthorised works as of April, 2017.

Public Notice

The application was notified to adjoining and surrounding landowners. One (1) objection was received.

Summary of Objections

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

Objection	Any Relevant Requirements
Does the Managers Residence have approval?	Nil.
Officer's Response: It is understood that the subject caretakers/managers residence has been on the property for over 20 years and on this basis is considered to be an existing use which does not require planning approval. Any structural modifications would be subject to a separate building approval process.	
The Marquee – What is proposed for drainage? What noise abatement measures are being proposed as the structure abuts the boundary fence? The Marquee doesn't have approval.	Nil.
Officer's Response: The applicant has detailed in the Marquee plans that there is a box gutter system that will run into the stormwater drainage system, appropriate stormwater management would also be a condition on the permit should Council choose to grant a permit. The applicant details a proposed noise /fire wall which will help to act as an acoustic buffer for the neighbours. The hours of operation for the Marquee are limited to 11pm and it is predominately used on the weekends.	
Can they use Vicroads road as car parking?	Nil.
Officer's Response: It is acknowledged that there are existing use rights for the hotel, accommodation and car parking on site. For the retrospective aspect of the application which is the marquee and stables the applicant is requesting a car parking waiver of 43 bays onsite and for these bays to be accommodated on the road reserve which is vested with Council. Any proposed car parking waiver is at council's discretion.	

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 13.05 – Noise.
- 15.01-5S – Neighbourhood Character.
- 17 - Economic Development.
- 17.02 – Commercial.
- 17.04 – Tourism.
- 21.04 – 5 – Economic Development and Employment.
- 21.09 – Small Towns and Settlements.

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

Zone

The subject site is in the Township Zone, Schedule 1.

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.05-2 a permit is required for a Place of Assembly - Function Centre. A permit is required for Buildings and Works associated with a Section 2 use is also a trigger for this application.

Overall, the proposed development is consistent with the zone provisions.

Overlays

Design Development Overlay – Schedule 2.

In accordance with Clause 43.02-2 a permit is required for any development with reflective cladding. The applicant has reflective roofing on the stables.

Heritage Overlay – 185.

In accordance with Clause 43.01-1 a permit is required to construct a building or construct or carry out works.

The subject site is covered by Heritage Overlay – 185 that protects the external colours of the Plough Inn Hotel, as the proposal is not modifying the existing colour palette this overlay is not applicable to this application.

Relevant Policies

Nil.

Particular Provisions

Clause 53.06 – Live Music and Entertainment Noise.

Purpose

- To recognise that live music is an important part of the State's culture and economy.
- To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
- To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
- To ensure that the primary responsibility for noise attenuation rests with the agent of change.

53.06-1 Application

This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- A live music entertainment venue.
- A noise sensitive residential use that is within 50 metres of a live music entertainment venue.

This clause does not apply to:

- The extension of an existing dwelling.
- A noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause.

The subject function centre/stables is located on a site within the Township zone with at least one (1) dwelling (sensitive receptor) within 50m of the Marquee. It is considered that there is already an accepted noise level generated from the existing hotel however, it is acknowledged the marquee structure and its proximity to the surrounding sensitive receptors could cause a nuisance. The applicant has acknowledged this and proposes a noise attenuation buffer/wall and capped hours of operation ceasing at 11pm. Should Council issue an approval it is recommended that a condition be imposed requiring compliance with the indoor live music entertainment venue noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).

52.06 – Car Parking

Before deciding that a plan prepared under Clause 52.06-7 is satisfactory, the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.

- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area. Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s if the land is used by more than one occupier.
- Whether the layout of car spaces and access ways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with access ways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

The subject application is proposing an additional 145 possible patrons, as stipulated in the application the function centre aspect of the proposal can work independent to the hotel and therefore we consider for the purpose of car parking to be assessed individually under the 'Place of Assembly' car parking requirements in accordance with Clause 52.06-5. In the table for a Place of Assembly there is a requirement of 0.3 bays per person. Based on the calculation that this proposal could allow for an additional 145 people the applicant would be required to supply an additional 43 bays. Due to the site already being fully developed the applicant is requesting a full waiver in car parking and requesting that the additional car parking can be accommodated on Council land abutting the site. As stipulated in the site plan in the proposal section of this report.

It is considered that there is an area of road reserve (Blow Street) adjoining the east of the site which could be upgraded with gravel to allow the parking of additional vehicles. This should be a condition of any permit to issue.

Discussion

Having regard to State and local planning policies and the objectives of the zone, the proposed retrospective application is considered to positively contribute to the mixed use function of the locality and character of the Myrniong Township Zone/ Main Street.

The subject site is included within Moorabool Planning Scheme - Small towns – Myrniong, it encourages development to be within proximity to 'The Plough' as a central commercial land mark. It is considered important to note the social capital a place such as 'The Plough' provides to the Myrniong community and the greater community of Moorabool Shire Council. The building changes on site are not considered to adversely affect the significance of the heritage place.

Car Parking

As part of the assessment, it is important for Council to consider the proposal's impact on car parking demand, which in the scheme of car parking requirements for the site requires 43 additional bays for the function centre use. It is acknowledged that the site has been developed to its full capacity and there is no more room to accommodate the additional bays required on site. There is ample vacant land (road reserve) access ways and Street parking on Main Street and Bond Street to accommodate the additional requirement. The applicant has advised that it manages the hotel and function bookings to ensure there isn't an over demand on the site, to ensure that there is no over congestion. For the larger functions there is also bus transport which reduces the requirement for individual bays.

The applicant has requesting the following assistance from Council in addition to the 43 bay car parking waiver:

- Asphalt the service-to-pub road immediately outside the front of the hotel;
- Provide line marked bays for car parking;
- Car parking signage; and
- Upgrade Blow Street for Parking.

Whilst it is acknowledged the landowner provides an important business to the local community it is also considered the supply of carparking is part of the cost of 'doing business'. On this basis, it is considered that Council should require the landowner to lease portion of Blow Street and upgrade it to provide ample parking for customers as required in the scheme.

Visual Amenity

From a design perspective, it is considered that the Stables refurbishment is a positive contribution to the site, with limited views from the street. No objections were received regarding the minor use of reflective materials. In relation to the marquee addition, whilst it is considered this type of structure isn't designed to be a permanent structure this is less of a planning consideration and more of a structural concern to be dealt with at the Building compliance stage.

Noise

The Place of Assembly – Function Centre does increase the noise impact on surrounding sensitive receptors, however it is considered it can be appropriately managed through limited hours of operation and noise attenuation wall as provided in the supporting applicants report. Whilst the noise impact is prominently focused on Main Street and the sensitive receptors located on it, it is considered the proposal is unlikely to cause material detriment to any persons subject to the development being appropriately managed through the mitigation measures in the report and through appropriate conditions.

General Provisions

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

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

Referrals

Authority	Response
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions

Financial Implications

It is considered there are no financial impacts to Council by approving this Planning permit. Any request to undertake car parking and road upgrade works on Blow Street should require a contribution from the applicant.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

Options

Council could consider the following options:

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

Conclusion

The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme, in particular balancing support for local business with protection of neighbourhood amenity.

It is proposed to use the site for a function center in addition to the already established hotel would reduce the parking requirement by 43 bays of which some could be accommodated for on unused Council land subject to conditions on the permit which could require a contribution by the applicant. The use is considered consistent with the existing uses on site and does not impose detriment to the immediate area. There is considered sufficient on-street and road reserve parking to absorb the anticipated parking demands, however it is recommended that some of these areas be upgraded to clearly delineate that they are for parking.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for Use, Buildings and Works Associated with an Existing Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – 'The Plough' 17 Main Street, Myrniong. Subject to the following conditions;

Endorsed Plans

- 1. Within sixty (60) days of the date of this permit, 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 site plan demonstrating where the additional 43 bays can be accommodated on or around the site in addition to the 60 bays already specified. The plan must detail the proposed standard of which the carpark (existing and proposed) is to be constructed to and must be approved to the satisfaction of the responsible authority.**

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. The amenity of the area must not be detrimentally affected by the use or development, through the:**
 - a) Transport of materials, goods or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin; or**
 - e) Any other way.**
- 3. Goods, equipment or machinery associated with the residential hotel must not be stored or left exposed in a position that can be seen from the street or common accessways.**
- 4. The owner, the occupier and the manager of the premises must make reasonable endeavors to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.**
- 5. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.**
- 6. Hours of operation for the Function centre (marquee and stables) are limited to 11am-11.30pm Monday to Sunday inclusive. With a maximum of the 'function centre' use being utilised 4days in a row per week.**
- 7. A maximum of 300 people are permitted on site at any one time.**
- 8. Within 120days of this permit being granted, the landowner is required to construct an acoustic buffering wall on the Western boundary of the site in accordance with plans submitted to the satisfaction of the responsible authority.**

Infrastructure

- 9. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.**
- 10. A minimum of 43 sealed car parking spaces are required at all times for the Function Centre use - this includes the inclusion of accessibility bays as per the Australian Standards.**
- 11. 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).**
- 12. Within 12 months of this permit date, the car park areas must be constructed with an all-weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:**
 - i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
 - ii. The parking areas shall be provided with an all-weather surface and associated drainage.**

- iii. Kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - iv. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.
13. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
14. 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.
15. A Maintenance Agreement is to be prepared (at the permit holders expense) for all carparking used for 'The Plough' business on Council land. The agreement is to be entered into with and to the satisfaction of the Responsible Authority.

Environmental Health

16. The applicant to provide an acoustic management report and plan to manage the noise levels when there are functions in the marquee with entertainment.

Permit Expiry

17. This permit will expire if one (1) of the following circumstances applies:
- a) The development and the use are not started within two years of the date of this permit; or
 - b) The development is not completed within four (4) years of the date of this permit.

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

Permit Note(s)

The Function Centre is required to comply with the indoor live music entertainment venue noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2) at all times.

Report Authorisation:

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 6 December, 2018

"DIAL BEFORE YOU DIG"

BUILDER/CONTRACTORS TO CONTACT "DIAL BEFORE YOU DIG" - 1100 PRIOR TO ANY EXCAVATION TO VERIFY ALL RECORD SERVICES



P.O. Box 78 Ballan 3342
Phone (03) 53 681 424
Fax (03) 53 682 208
Mobile 0407 507 651
email: edqgroup@bigpond.net.au

THE PLOUGH MYRMIONG

17 MAIN STREET MYRMIONG

PARKING PLAN

ENGINEERING DEVELOPMENT QUALITY

P.O. Box 78 Ballan 3342
Phone (03) 53 681 424
Fax (03) 53 682 208
Mobile 0407 507 651
email: edqgroup@bigpond.net.au

60 CAR SPACES AVAILABLE

1-7-2018

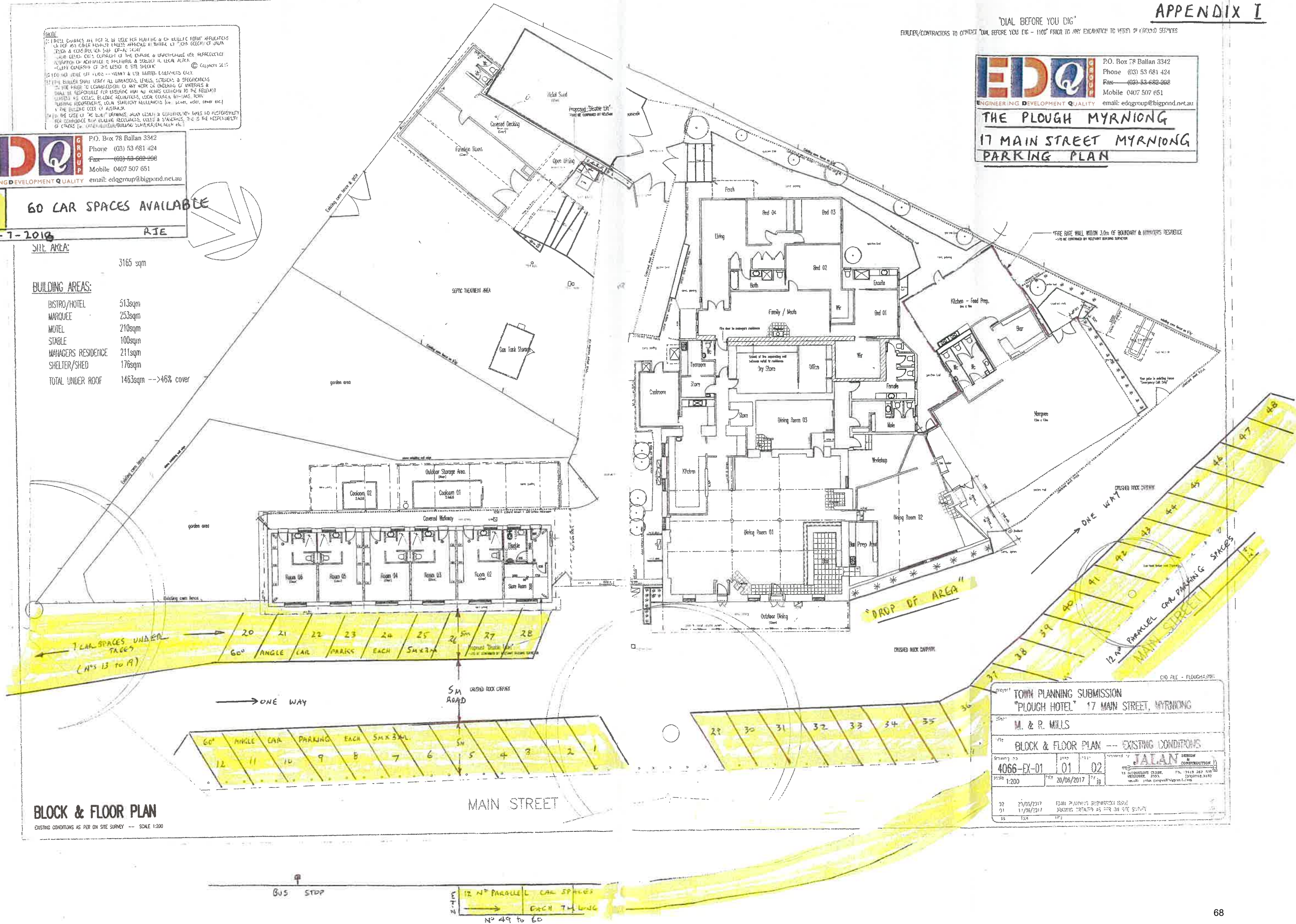
RTE

SITE AREA:

3165 sqm

BUILDING AREAS:

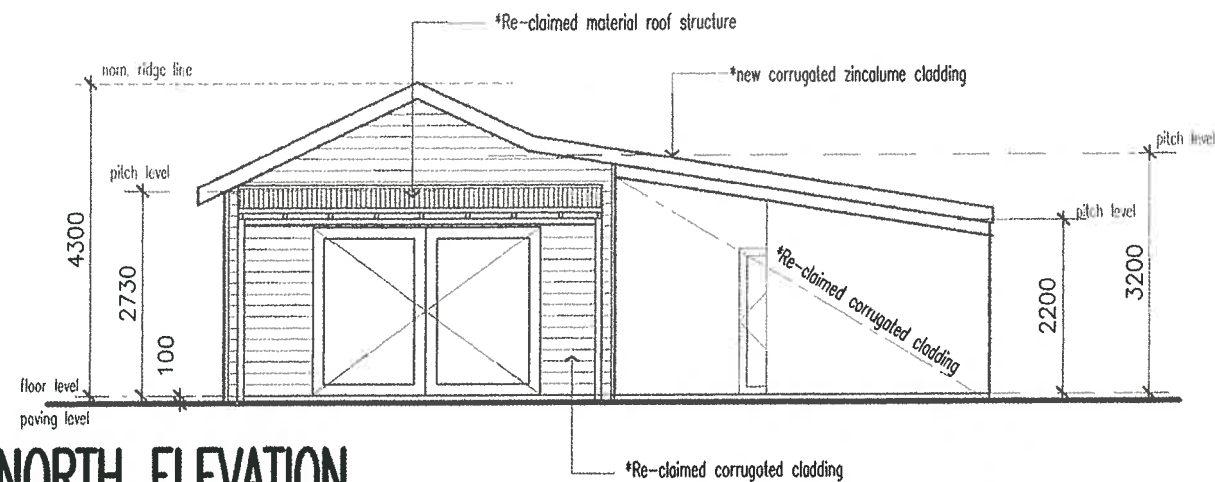
BISTRO/HOTEL	513sqm
MARQUEE	253sqm
MOTEL	210sqm
STABLE	100sqm
MANAGERS RESIDENCE	211sqm
SHELTER/SHED	176sqm
TOTAL UNDER ROOF	1463sqm --> 46% cover



BLOCK & FLOOR PLAN

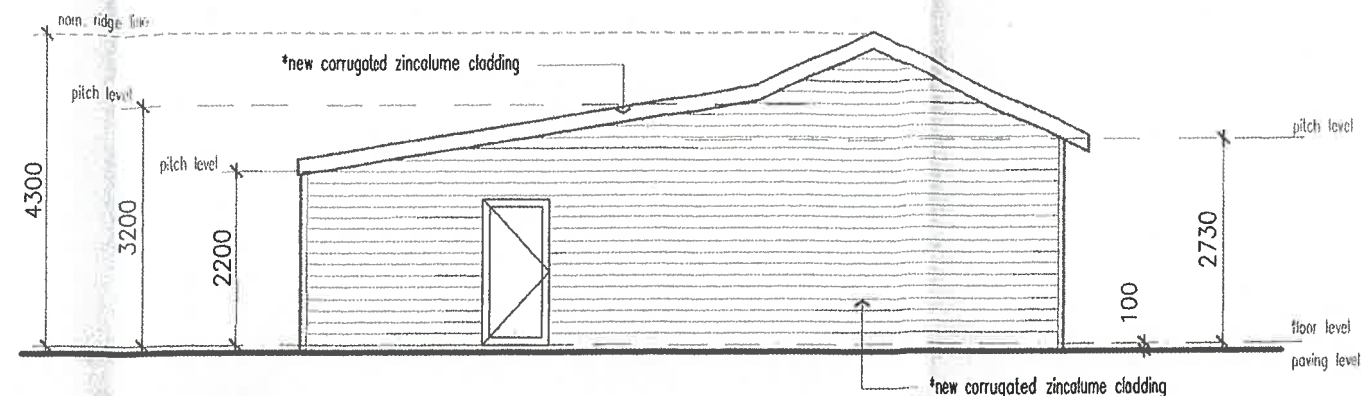
EXISTING CONDITIONS AS PER ON SITE SURVEY -- SCALE 1:200

Project	TOWN PLANNING SUBMISSION
Site	"PLOUGH HOTEL" 17 MAIN STREET, MYRMIONG
Client	M. & R. MILLS
Title	BLOCK & FLOOR PLAN -- EXISTING CONDITIONS
Drawing No.	4066-EX-01
Scale	1:200
Date	20/06/2017
Drawn by	01
Checked by	02
Design	JALAN CONSTRUCTION
10 JACKSON ROAD, BALLAN, VIC 3342	PH: 03 536 536
MOBILE: 0407 507 651	03 536 536
02 27/05/2017	TOWN PLANNING SUBMISSION ISSUE
01 11/06/2017	REVISIONS DETAIL AS PER ON SITE SURVEY
03 12/06/2017	03 536 536



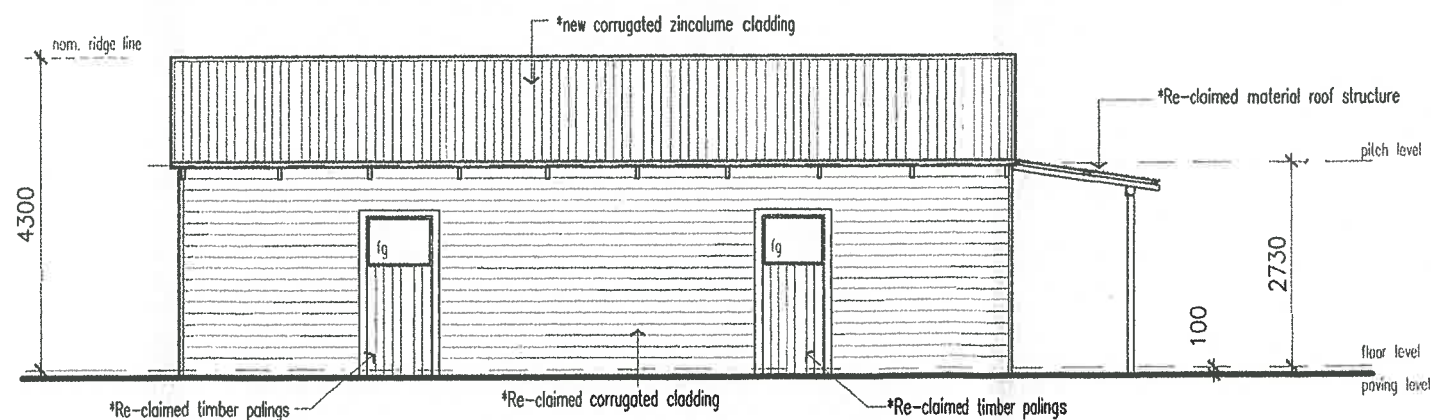
NORTH ELEVATION.

SCALE 1:100



SOUTH ELEVATION.

SCALE 1:100



EAST ELEVATION.

SCALE 1:100

NOTE:

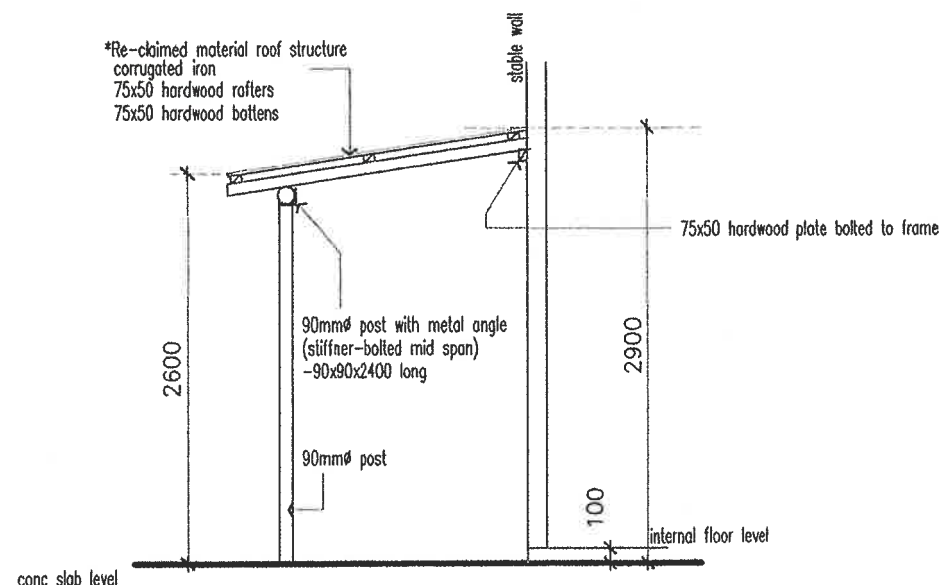
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Clad wall information in accordance with site visit where visible & information provided by owner for concealed sections.

01 30/05/2018 DRAWING CREATED AS PER ON SITE SURVEY JG
iss date title by

CAD FILE - PLOUGH.DWG

project TOWN PLANNING SUBMISSION "PLOUGH HOTEL" 17 MAIN STREET, MYRNIONG			
client M. & R. MILLS			
title STABLE --- EXISTING CONDITIONS --- ELEVATIONS			
drawing no. 4066-EX-01B	sheet 03	issue 01	prepared by JALAN DESIGN & CONSTRUCTION
scale 1:50 1:100	date 30/05/2018	by JG	36 JACQUELINE CLOSE, Ph. 0618 567 500 WARRURRUP, 30090. (as) 0742 9182 email: john.goegan@bigpond.com



CANOPY DETAIL.

SCALE 1:50

Roof Structure.

- *Rafter-140x40 f7 rafters @ 1250c/c max (rafters exposed)
- *Collar ties-140x40 f7
- >every 2nd pair of rafters
- >2/12mm bolts each side
- *Ridge-240x40 f7
- *Timber lining boards on top of rafters
- *Corrugated zincalume roof sheeting
- >on timber battens
- >26° pitch (nominal)
- *300mm exposed eave

01 30/05/2018 DRAWING CREATED AS PER ON SITE SURVEY

Roof Structure.

- *Rafter-140x40 f7 rafters @ 1250c/c max
- *Timber lining boards to u/side of rafters
- *Corrugated zincalume roof sheeting
- >on timber battens
- >9° pitch (nominal)

Wall Cladding (from outside face)

- *re-claimed corrugated iron-horizontal fix
- *sarking foil
- *R2.0 batt insulation between studs
- *timber battens
- *black polythene sheeting
- *re-claimed corrugated iron-horizontal fix

Wall Framing.

- *90x45 msp10 top & bottom plates
- *90x45 msp10 studs @ 450c/c max
- *90x35 msp10 noggins

Wall Cladding (from outside face)

- *re-claimed corrugated iron-horizontal fix
- *sarking foil
- *R2.0 batt insulation between studs
- *timber battens
- *black polythene sheeting
- *re-claimed timber palings (12mm nominal)

Function (Stable) Room
(55sqm)

Covered Decking
timber deck
(37sqm)

Wall Cladding (from outside face)

- *polycarb. sheeting-vertical fix
- *timber battens
- *sarking foil
- *re-claimed corrugated iron-horizontal fix

Timber Decking.

- 19mm treated pine decking boards
- 200x50 hardwood joists & bearers (painted)
- 90mm treated pine stumps

SECTION A-A.

SCALE 1:25

Clad wall information in accordance with site visit where visible
& information provided by owner for concealed sections.

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CAD FILE - PLOUGH8.DWG

project TOWN PLANNING SUBMISSION
"PLOUGH HOTEL" 17 MAIN STREET, MYRNIONG

client M. & R. MILLS

title STABLE -- EXISTING CONDITIONS -- SECTION

drawing no. 4066-EX-01B

sheet 02

scale 1:25

date 30/05/2018

by jg

prepared by JALAN DESIGN & CONSTRUCTION

36 JACQUELINE CLOSE, Ph. 0410 507 500
WERRIBEE, 3030. (03) 9742 3102
email: john.goegan@bigpond.com

Windows/Doors:

Windows (Stable x2)

- 500x880 fixed
- 2200 w.h.height
- hardwood frame.

Windows (Wc)

- 600x600 awning
- 1900 w.h.height
- hardwood frame.

Door 01 (front-stable)

- custom made
- 2240x3030 timber barn style doors
- 120x120 hardwood frame/jamb
- embedded into conc. slab

Door 02 (side stable)

- custom made
- 2040x870 timber barn style door
- 180x50 hardwood frame/jamb

Door 03,04 (toilet)

- custom made
- 2040x820 timber barn style door
- 110x19 pine frame/jamb

Door 05 (Covered decking)

- custom made
- 2040x930 timber barn style door
- 110x19 hardwood frame/jamb
- disable access only.

Clad wall A.

Wall Cladding (from outside face)

- *polycarb. sheeting-vertical fix
- *timber battens
- *sarking foil
- *re-claimed corrugated iron-horizontal fix

Clad wall B.

Wall Cladding (from outside face)

- *new corrugated iron-horizontal fix
- *sarking foil
- *R2.0 batt insulation between studs
- *re-claimed corrugated iron-horizontal fix

Clad wall C.

Wall Cladding (from outside face)

- *re-claimed corrugated iron-horizontal fix
- *sarking foil
- *R2.0 batt insulation between studs
- *timber battens
- *black polythene sheeting
- *re-claimed corrugated iron-horizontal fix

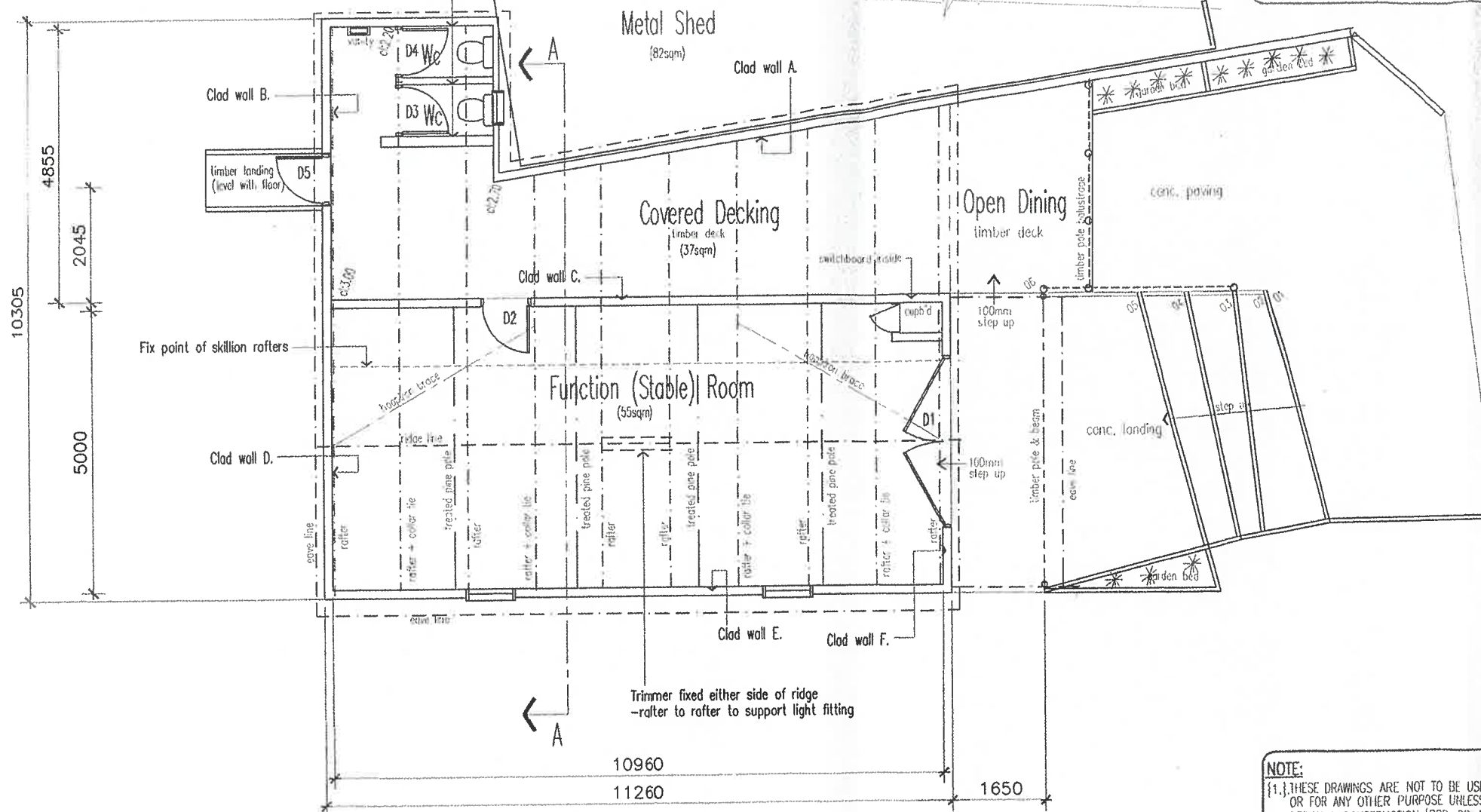
Wall Cladding (from outside face)

- *re-claimed corrugated iron-horizontal fix
- *sarking foil
- *R2.0 batt insulation between studs
- *timber battens
- *black polythene sheeting
- *re-claimed timber palings (12mm nominal)

FLOOR PLAN.

SCALE 1:100

(x) = Walls to Wc's are timber stud lined with timber lining boards.



01 30/05/2018 DRAWING CREATED AS PER ON SITE SURVEY JG
02 date site by

NOTE:

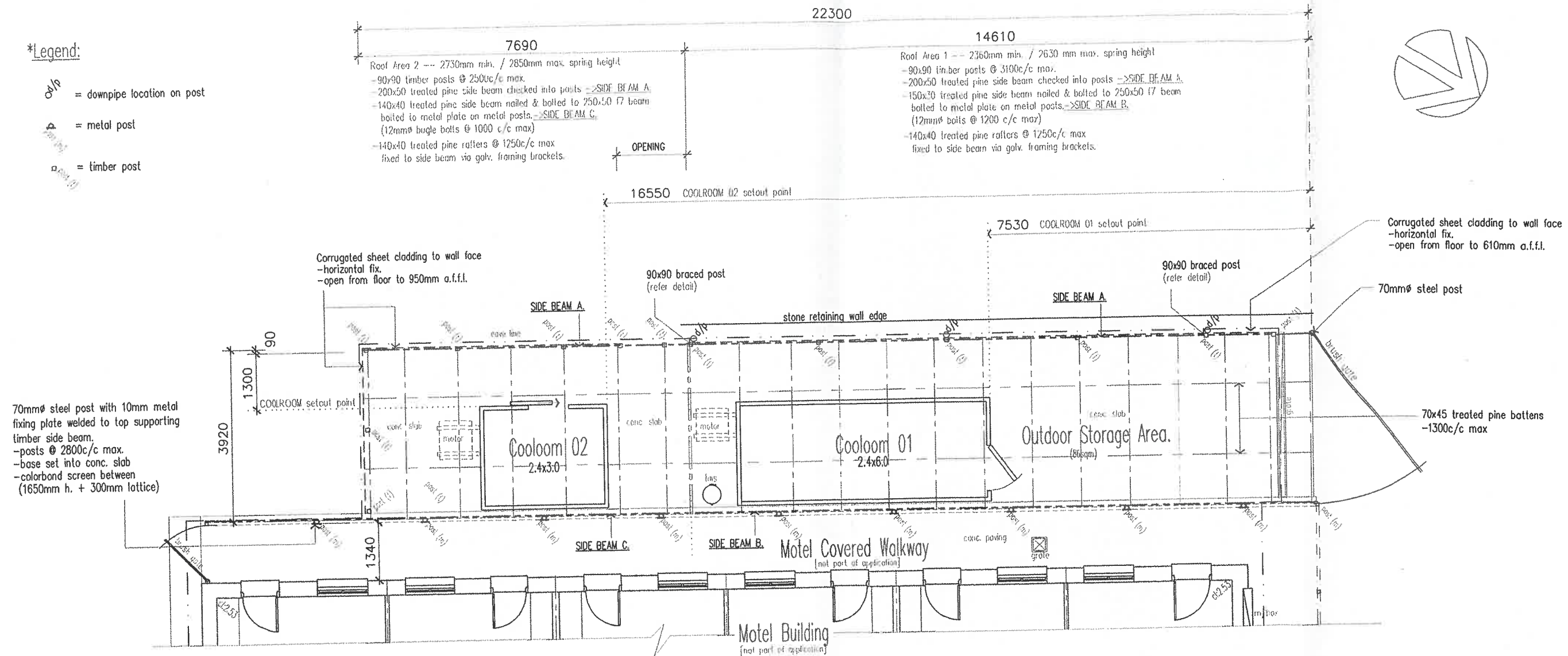
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CAD FILE - PLOUGH.DWG

project TOWN PLANNING SUBMISSION			
"PLOUGH HOTEL" 17 MAIN STREET, MYRNIONG			
client M. & R. MILLS			
title STABLE -- EXISTING CONDITIONS -- PLAN			
drawing no. 4066-EX-01B	sheet 01	of 01	prepared by JALAN DESIGN & CONSTRUCTION
scale 1:25	date 30/05/2018	by JG	30 JACQUELINE CLOSE, MYRNIONG, 3630 PH. (0410 507 599) FAX (0410 742 8182) email: john.gogan@bigpond.com

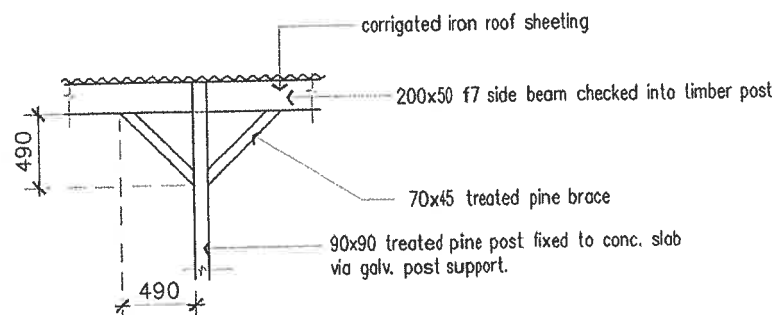
***Legend:**

- o/h = downpipe location on post
 P = metal post
 P = timber post



BLOCK & FLOOR PLAN.

PART ONLY -- SCALE 1:100



BRACED POST DETAIL

SCALE 1:50

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Clad wall information in accordance with site visit where visible & information provided by owner for concealed sections.

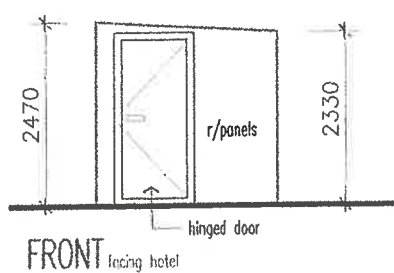
CAD FILE - PLOUGH8.DWG

TOWN PLANNING SUBMISSION
"PLOUGH HOTEL" 17 MAIN STREET, MYRNIONG

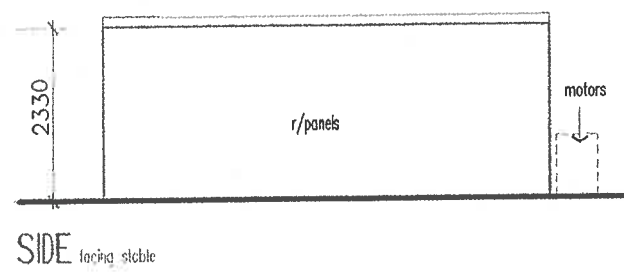
M. & R. MILLS

STORAGE/COOLROOMS-EXISTING CONDITIONS-PLAN

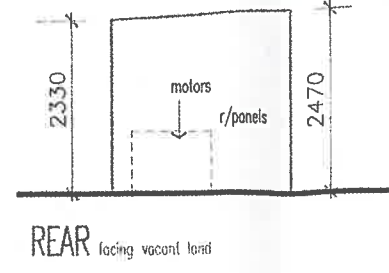
drawing no.	4066-EX-01B	sheet	04	of	01	prepared by	JALAN DESIGN & CONSTRUCTION
scale	1:100	1:50	date	14/06/2018	by	jd	36 JACQUELINE CLOSE, WARRIBEE, 3600. (02)9742 3182 email: john.goegan@bigpond.com



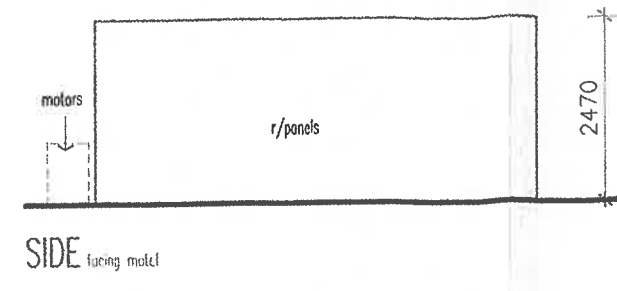
FRONT facing hotel



SIDE facing stable



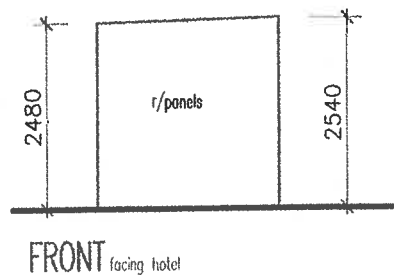
REAR facing vacant land



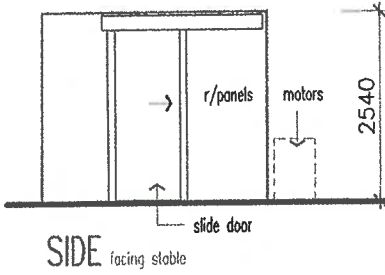
SIDE facing motel

COOLROOM 01.

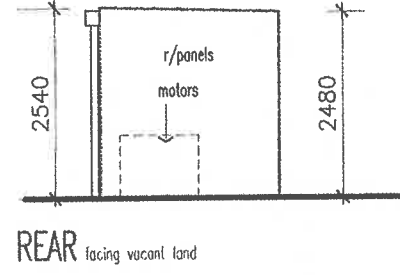
SCALE 1:100



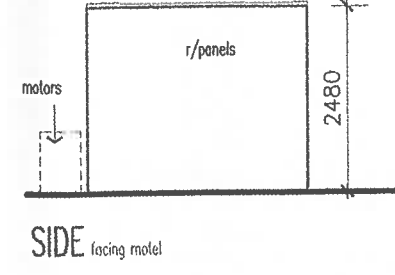
FRONT facing hotel



SIDE facing stable



REAR facing vacant land

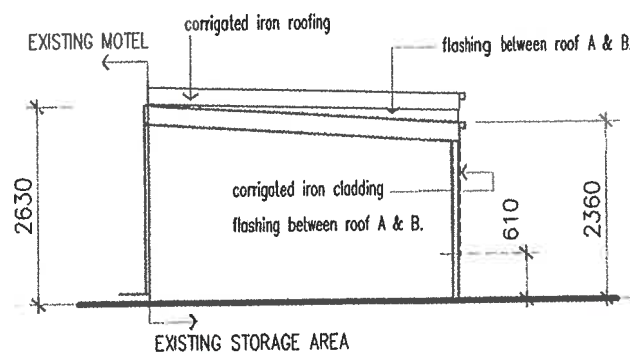


SIDE facing motel

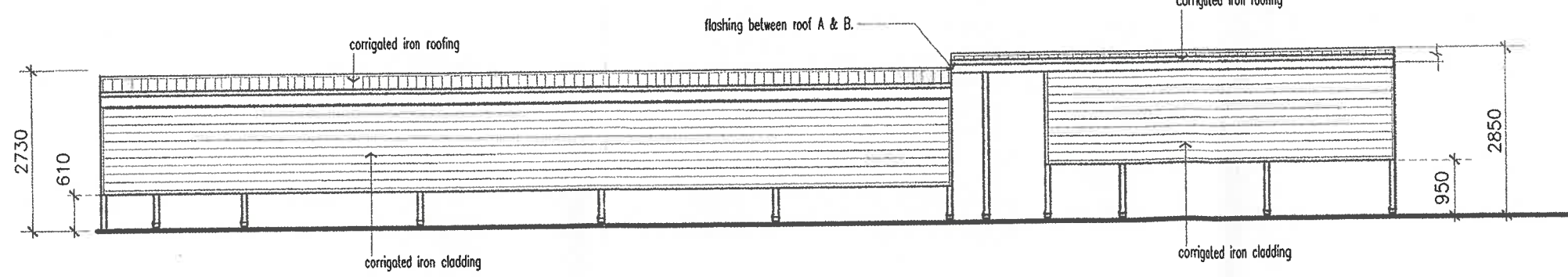
*COOLROOMS MADE FROM METAL CLAD REFRIGERATION PANELS TO WALLS & CEILINGS/ROOF WITH MATCHING DOORS MOUNTED ON EXISTING CONCRETE SLAB FLOOR.
(protected from weather by structure of "Outdoor Storage Area")

COOLROOM 02.

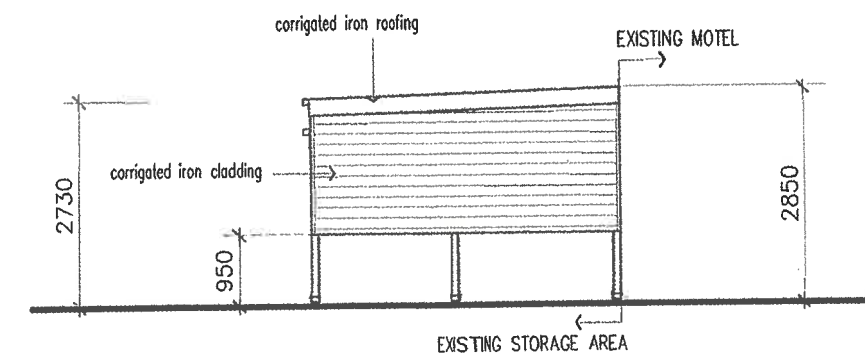
SCALE 1:100



FRONT facing hotel



SIDE facing stable



REAR facing vacant land

OUTDOOR STORAGE AREA.

SCALE 1:100

*ALL HEIGHTS STATED FOR "OUTDOOR STORAGE AREA" ARE TAKEN FROM UNDERSIDE OF ROOF SHEETING TO FINISHED CONCRETE FLOOR LEVEL.

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Clad wall information in accordance with site visit where visible & information provided by owner for concealed sections.

CAD FILE - PLOUGH.DWG

project TOWN PLANNING SUBMISSION			
"PLOUGH HOTEL" 17 MAIN STREET, MYRNIONG			
client M. & R. MILLS			
title STORAGE/COOLROOMS-EXISTING CONDITIONS-ELEVATIONS			
drawing no. 4066-EX-01B	sheet 05	of 01	prepared by JALAN DESIGN & CONSTRUCTION
scale 1:100	date 14/06/2018	by jg	30 JACQUELINE CLOSE, WERRIBEE, 3030. email: john.goughan@bigpond.com

Item 5.5 Planning Permit Application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek.

Application Summary:	
Permit No:	PA2017264
Lodgement Date:	17 November, 2017
Planning Officer:	Robert Fillisch
Address of the land:	Lot 35 on PS 093708 Cowans Drive, Dales Creek 3341
Proposal:	Development and Use of a Dwelling and Removal of Native Vegetation
Lot size:	6200sq m
Why is a permit required	Clause 35.06 – Rural Conservation Zone – Use and development of a Dwelling Clause 44.06 – Bushfire Management Overlay – Buildings and works associated with a Dwelling Clause 52.17 – Native Vegetation – Removal of native vegetation
Why is this application being presented to Council?	Objection received.
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	One (1)
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation meeting:	No, the applicant did not wish to have a consultation meeting.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2A:	Built Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests

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 – Satwinder Sandhu

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

Author – Robert Fillisch

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

Executive Summary:

Application Referred?	Yes – to Infrastructure, Environmental Health, Environmental Planning, the relevant water boards for the Special Water Supply Catchment and the CFA.
Any issues raised in referral responses?	Yes. Western Water initially objected to the application on several grounds.
Preliminary Concerns?	Yes. The original plans were in breach of the covenant which requires a minimum 18.28m front setback.
Any discussions with applicant regarding concerns	The Council officer wrote to the applicant about the abovementioned concern.
Any changes made to the application since being lodged?	Yes, the proposed dwelling site was amended to comply with the covenant.
VCAT history?	Not for the current application.
Previous applications for the site?	Yes, PA2006-273 for Development and Use of a Dwelling and Removal of Native Vegetation was refused by Council on 1 August, 2007. Council's grounds of refusal were that the site was incapable of accommodating a septic tank in accordance with the Septic Tank Code of Practice 2003. Western Water and Southern Rural Water also provided grounds of refusal. The applicant appealed the decision at VCAT but later withdrew that appeal before the matter was heard.
General Summary	<p>Overall, the proposal is generally consistent with State and local planning policy, the Zone, relevant overlays and Decision Guidelines at Clause 65.01.</p> <p>It is proposed to use and develop the site for a dwelling and remove 0.302ha of native vegetation.</p> <p>The site is in a Special Water Supply Catchment and is unsewered, and the proposal makes provision for the treatment of wastewater to Western Water and Southern Rural Water's satisfaction, subject to conditions.</p>

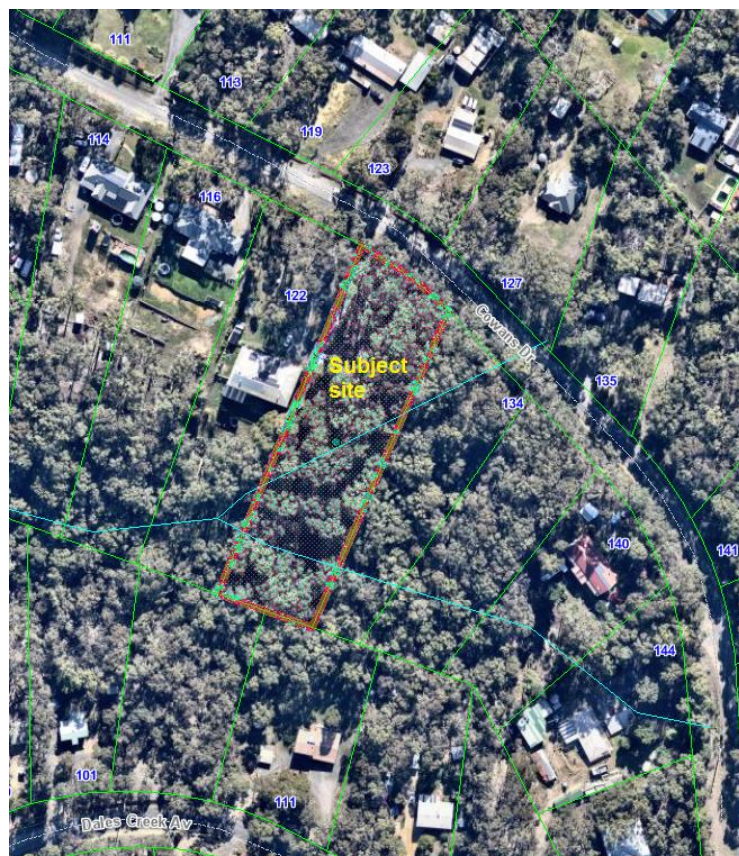
	An objection to the application relates to wastewater treatment and the proposed dwelling's street setback. The bushfire risk-based assessment identifies that a dwelling on the site must achieve a Flame Zone BAL rating (BAL FZ), significantly affecting its ability to withstand a bushfire, however the applicant has submitted plans which demonstrate construction to meet the BAL FZ requirements.
Summary Recommendation:	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Notice of Decision to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to the conditions included at the end of this report.	

Site Description

The site is identified as Lot 35 on PS 093708 and known as Cowans Drive, Dales Creek, and is roughly rectangular shape with an area of 6200sq m. The site is on the south side of the street approximately 300m northwest of the Dales Creek Avenue intersection. The site is vacant and heavily vegetated with native trees, falls generally to the south and is trisected by tributaries of Dales Creek which flow to the southwest of the site.

The site and surrounding land is in the Rural Conservation Zone and comprises mostly lots of 4000-6500sq m size, many developed with single dwellings in a bushland setting. The area has a mostly hilly topography, with land falling generally to the west. Other than adjoining lots to the east and southwest, all other adjoining lots are developed with dwellings.

The site and surrounding area is in a Special Water Supply Catchment and is unsewered.



Proposal

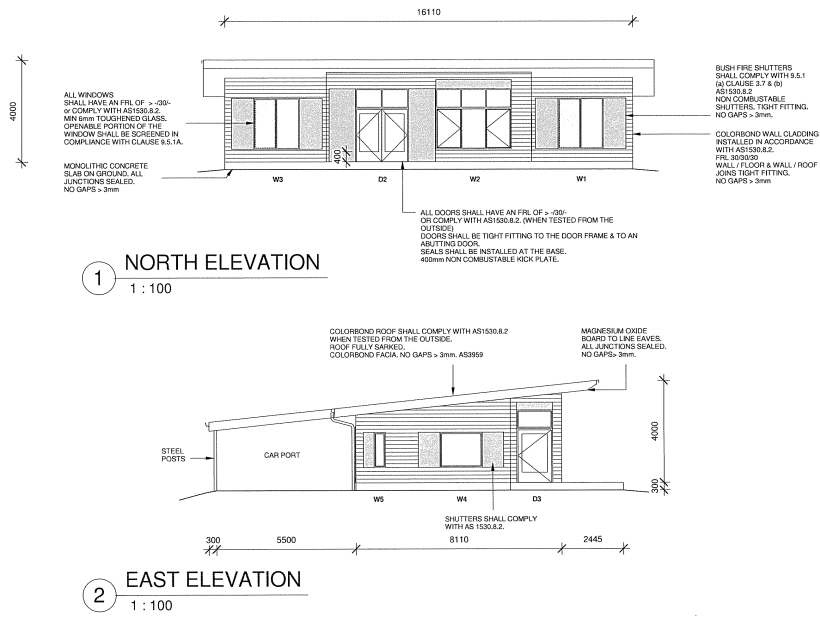
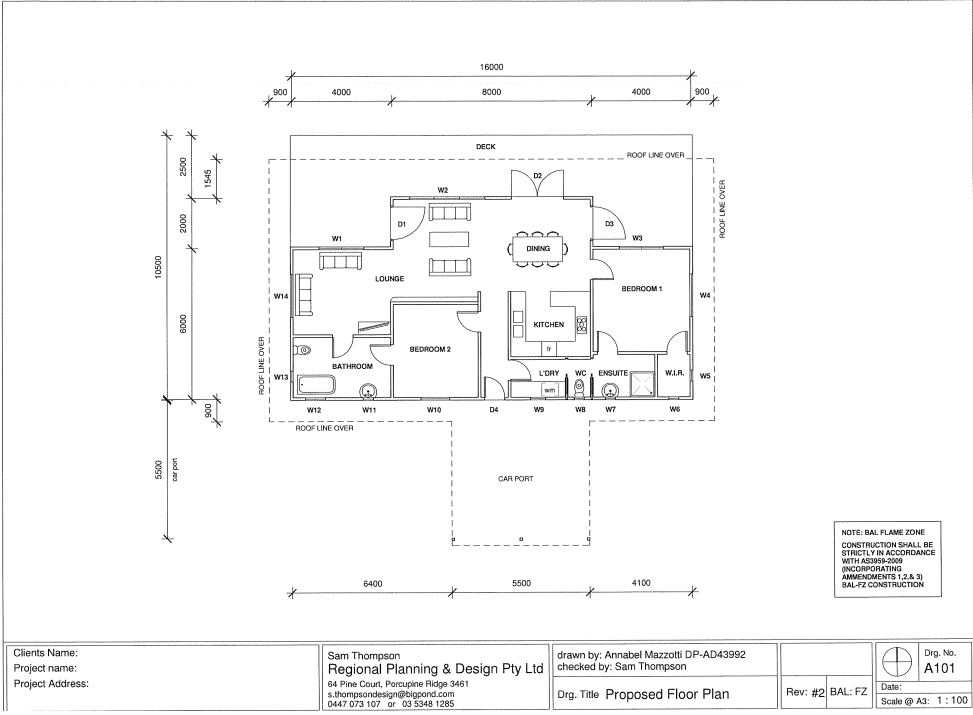
It is proposed to use and develop the site for a dwelling and to remove native vegetation.

The proposed dwelling would be sited towards the front of the lot, set back a minimum 18.3m from the street with minimum side setbacks of 10.0m and 12.0m from the respective west and east boundaries. The dwelling would comprise three bedrooms, main with en suite, laundry, bathroom and open plan kitchen, lounge and dining area leading to a partly covered north-facing deck, and be constructed of brick with a low pitched Colorbond roof. Vehicle access to the site would be gained via a proposed crossover to Cowans Drive, leading to a driveway parallel to the east title boundary and leading to a carport attached to the rear of the dwelling. The septic effluent field would be sited in the dwelling's front and west side setbacks.

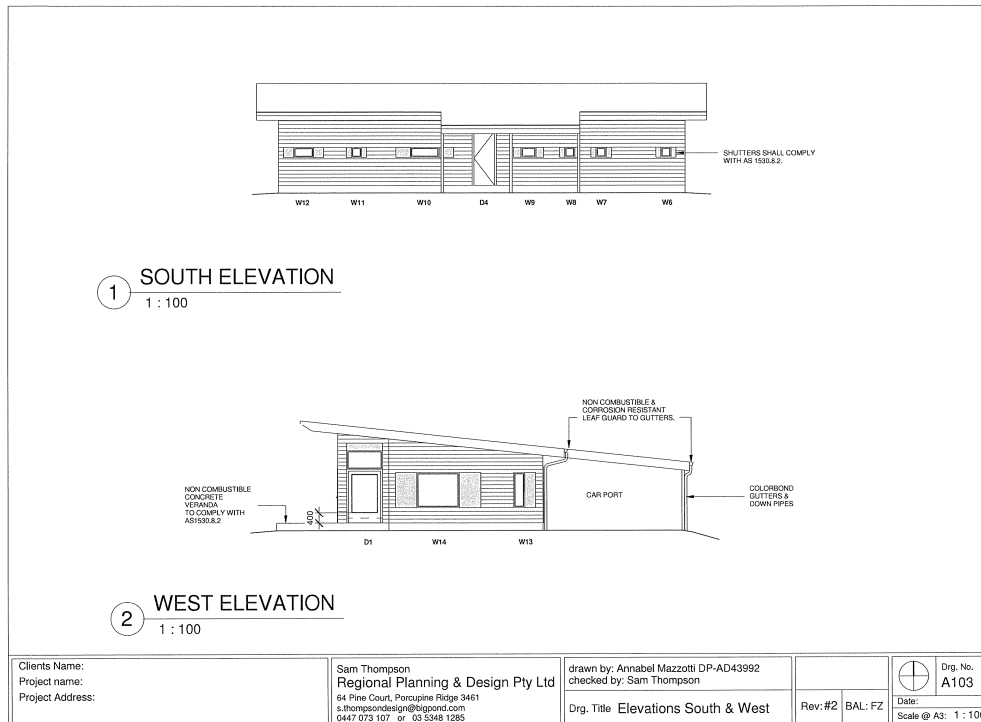
A patch of 0.302ha of native vegetation would be removed, this area being in accordance with the extent of defendable space required around the dwelling to satisfy the Flame Zone Bushfire Attack Level (BAL) rating attributed to this proposal in the bushfire assessment submitted with the application.

The proposed site plan, dwelling floor plans and elevations are provided as follows:





Clients Name: Project name: Project Address:	Sam Thompson Regional Planning & Design Pty Ltd 64 Pine Court, Porcupine Ridge 3461 s.thompsondesign@bigpond.com 0447 073 107 or 03 5348 1285	drawn by: Annabel Mazzotti DP-AD43992 checked by: Sam Thompson Drg. Title Elevations North & East	Rev: #2 BAL: FZ	Drg. No. A102 Date: Scale @ A3: 1 : 100
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Background to Current Proposal

At its September 2018 meeting, Council's s86 Development Assessment Committee meeting resolved to defer its decision on the application at the applicant's request. The officer's recommendation was to refuse the application on a range of grounds, including non-compliance with the objectives of strategies of State and local planning policy in relation to mitigating bushfire hazard based on the proposed dwelling's BAL Flame Zone classification. Following the abovementioned deferral, Council officers requested amended dwelling plans from the applicant showing how the dwelling design would achieve compliance with BAL Flame Zone construction requirements. The amended plans submitted were assessed by officers as acceptable to the extent that the previously recommended grounds of refusal are now resolved.

Public Notice

Notice of the original application was given to adjoining and nearby landowners and occupants by mail on 29 May, 2018 and a sign erected on site from 29 May until 13 June, 2018. One (1) objection was received.

Summary of Objections

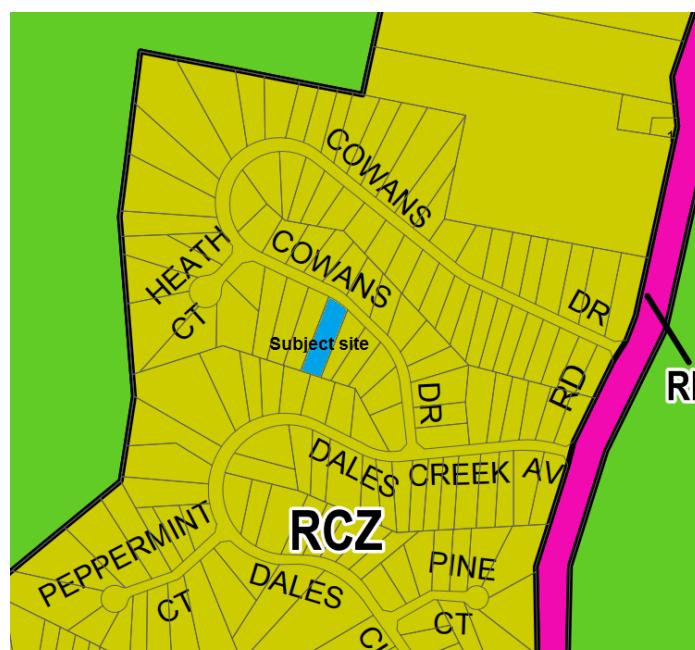
The objection received is detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
The effluent field planned within close proximity of Cowans Road which is regularly used by pedestrians will require an unsightly sign displayed to inform people of the proximity of the land application area (LAA).	Clause 65.01
Officer's response - The signage required to identify the location of the effluent field would be two A4 size signs which are small, relative to the site's frontage width and the neighbourhood character of dwellings in a bushland setting, and would not be particularly prominent let alone dominant in the streetscape.	

Objection	Any relevant requirements
The planned single storey dwelling will not have a similar setback or setting to adjoining properties; rather a design purely based on trying to accommodate a wastewater system on sloping land that leads into a waterway.	Clause 15.01-6S
Officer's response - I agree that the proposed front setback is substantially less than the dwellings to the west and opposite the site. There is no dwelling on the property to the east. Other dwellings further to the west have similar front setbacks to the proposed dwelling. Front boundary setbacks in the area are not uniform, and I do not consider the proposed front setback, or the proposal more generally, to be inconsistent with the area's neighbourhood character.	
The 2014 Moorabool Shire Council Domestic Wastewater Management Plan may have been adopted but it is fair to say it is still a work in progress so I believe the original permit refusal should still stand.	Clauses 14.02-1S, 14.02-2S, 21.02-3, 22.02 & 42.01 Schedule 1
<p>Officer's response - Referral authorities Southern Rural Water and Western Water, along with Council's Environmental Health unit, consent to the proposed dwelling subject to permit conditions.</p> <p>The previous 2006 planning permit application was refused based on the above water authorities' objections and inconsistency with the Septic Tank Code of Practice 2003. State legislation in this area has changed since then, and Council has adopted its Domestic Wastewater Management Plan. The relevant water authorities above consent to the current application, subject to conditions, and without any contrary advice I find no compelling reason to recommend the application be refused on the grounds that there is an unreasonable threat to potable water quality. If a permit is granted the permit holder or any future owner of the site would be legally bound to meet Western Water's requirements for the regular monitoring and maintenance of the wastewater effluent treatment system. Under its DWMP Council has in place a monitoring program to meet Western Water's requirements.</p>	

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.03-3S Peri-urban areas.
- 12.01-2S Native vegetation management.
- 13.02 Bushfire.
- 14.02-1S Catchment planning and management.
- 14.02-2S Water quality.
- 15.01-6S Design for rural areas.
- 16.01-5S Rural residential development.
- 21.02-3 Water and Catchment Management.
- 21.02-5 Bushfire.
- 21.03-5 Small Town Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.09 Small Towns and Settlements.
- 22.02 Special Water Supply Catchments.

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

Zone

The subject site is in the Rural Conservation Zone.

The purpose of the Zone is:

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

Under Clause 35.06-1 a dwelling is a Section 2 use requiring a permit, and must be the only dwelling on the lot and must meet the requirements of Clause 35.08-2 for access, treatment of wastewater, and potable water and power supplies.

Under Clause 35.06-5 a permit is required to construct buildings and works associated with a Section 2 use, within 20.0m of a road, 100m of a dwelling in separate ownership and 100m of a waterway.

Overall, the proposal is generally consistent with the Rural Conservation Zone provisions.

Overlays

The site is affected by the Design and Development Overlay – Schedule 2 – Visual amenity and building design. Under Clause 43.02-2, a permit is required to construct buildings and works. Schedule 2 provides an exemption from this requirement if the external walls and roof are clad with non-reflective materials. In this instance a permit is not required but if a permit were to issue it is recommended that a condition be imposed to ensure no reflective materials are used.

The design objectives for Schedule 2 are:

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

The property is affected by the Bushfire Management Overlay. Under Clause 44.06-1, a permit is required to construct buildings and works associated with a dwelling. There are no relevant exemptions under the Overlay.

The purpose of the Bushfire Management Overlays is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Overall, the proposal is generally consistent with the purpose of the Bushfire Management Overlay.

Relevant Policies

There are no relevant policies additional to those incorporated in the Moorabool Planning Scheme.

Particular Provisions

Clause 52.17 Native Vegetation

The proposed removal of 0.302ha of native vegetation from the site meets the 'Basic assessment pathway', not being in an area mapped as an endangered Ecological Vegetation Class, and the proposed vegetation removal not having a significant impact on any habitat for a rare or threatened species.

Clause 53.02 Bushfire Planning

Clause 53.02-4 applies to an application to construct a single dwelling in the Rural Conservation Zone.

Discussion

The proposal is considered to be generally consistent with relevant State and local planning policy, the Rural Conservation Zone, Bushfire Management Overlay and Clauses 52.17 and 53.02 of the Moorabool Planning Scheme.

The proposed use and development of a dwelling is generally consistent with surrounding use and development for residential purposes. The proposed single storey brick dwelling is relatively modest in size and would generally fit with the surrounding development. Non-reflective exterior cladding is proposed and a recommended permit condition would reinforce this. Although a substantial area of vegetation would require removal to facilitate the development approximately 50% of the site would remain vegetated in support of the bush character of the area, and there would be no adverse impacts on any identified conservation values, or impact on any agricultural activities.

The site is in a Special Water Supply Catchment and is unsewered. A Land Capability Assessment was submitted in support of a wastewater treatment system and the application was referred to Council's Environmental Health Officer and to the relevant water boards Western Water and Southern Rural Water, all of whom consent subject to conditions.

The site is affected by a Bushfire Management Overlay and accordingly a Bushfire Management Statement was submitted which recommended construction to BAL Flame Zone for the dwelling and defendable space extending to both side boundaries and the front boundary. Access would be obtained via the proposed crossover and access way with a turning area for vehicles to manoeuvre in a three point turn to exit forwards. A 10,000L water tank on the southeast side of the dwelling would be for firefighting purposes.

An area of 0.302ha of native vegetation would be removed to facilitate the development and provision of defendable space. The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class and would not have a significant impact on any habitat for rare or threatened species. It is proposed to offset the removal in accordance with the relevant planning scheme provisions.

The key issue for consideration regarding this proposal is the risk that the proposal presents to loss of human life and property.

The purpose of the Bushfire Management Overlay is:

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

The Bushfire Management Statement (BMS) submitted with the application identifies that the proposed development would require a Flame Zone BAL rating, the most extreme rating that can be applied to building design and construction. It is noted that the designation of a Flame Zone BAL to dwellings in the Shire, including Dales Creek, is rare, with no other known examples where development has been subject to planning approval. The Flame Zone BAL rating applies to this property given the extensive forested areas in all directions, with the site being vulnerable to long runs of fire from the southwest, likely to cause ember attack which is the main cause of house loss in a fire. The fire risk is further exacerbated by the steep (10-15 degrees) slope on the rear southeast portion of the site.

Since the application was previously considered at the September 2018 s86 Development Assessment Committee meeting, the applicant has provided amended plans notated to show construction features compliant with the BAL FZ rating, for the roof, eaves, gutters, slab, windows, window shutters and wall cladding.

It is noted that construction costs to achieve a Flame Zone BAL would be substantial compared to a conventional dwelling design, and in a bushfire event the proposed dwelling would be at extreme risk of destruction. Furthermore, Dales Creek's isolated location in a heavily forested area with limited escape routes exacerbates the risk to loss of life in a bushfire event.

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 internal Council departments were provided with an opportunity to make comment on the proposal.

Authority	Response
Western Water	Consent with conditions
Southern Rural Water	Consent with conditions
Country Fire Authority	Consent with conditions
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions
Environmental Planning	Consent with conditions

Financial Implications

The recommendation of approval of this development is unlikely to represent any financial implications for Council. Conditions are proposed to ensure the current or future owners are made aware of the limitations and risks associated with the development.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

Council could consider the following options:

- Issue a permit in accordance with the recommendations of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusing the application, Councillors need to explore potential reasons consistent with the Moorabool Planning Scheme provisions.

Conclusion

Overall, the proposal is generally consistent with State and local planning policy, the Zone, relevant overlays and Decision Guidelines at Clause 65.01.

It is proposed to use and develop the site for a dwelling and remove 0.302ha of native vegetation. The site is in a Special Water Supply Catchment and is unsewered, and the proposal makes provision for the treatment of wastewater, subject to conditions. The bushfire risk-based assessment identifies that a dwelling on the site must achieve a Flame Zone BAL rating (BAL FZ), significantly affecting its ability to withstand a bushfire, however the applicant has submitted plans which demonstrate construction to meet the BAL FZ requirements.

It is recommended that the application be approved, subject to conditions.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2017264 for Development and Use of a Dwelling and Removal of Native Vegetation at Lot 35 on PS 093708, Cowans Drive, Dales Creek 3341, 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) Details of materials/products used in the construction of the dwelling which meet the Flame Zone rating. This must include certification certificates that the materials meet the required building standards.**

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.

Dwelling requirements:

- 2. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
- 3. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
- 4. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
- 5. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

Materials and Colour:

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

Section 173 Agreement:

7. Before the issue of a Building Permit the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority:
 - a) The owner of the land must acknowledge that the site is in a Bushfire Management Overlay and the dwelling construction requirements are extensive due to the building being located within the Flame Zone.
 - b) The owner of the land must maintain vegetation in accordance with the approved Bushfire Management Statement in accordance with Conditions 25 and 26 of PA2017264 at all times.
 - c) Prior to the issue of a building permit the applicant must provide Council with details of materials used in the construction of the dwelling which meet the Flame Zone rating in accordance with the plans endorsed as part of PA2017264. This must include certification certificates that the materials meet the required building standards.
 - d) Before a Building Permit is issued for the dwelling, application must be made to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act and the owner must provide evidence of that registration of the Agreement to the Responsible Authority.
 - e) The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

Environmental Health:

8. An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed.
9. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
10. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
11. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4.
12. A shallow surface water cut off drain or surface water diversion mound should be provided on the high side of the disposal areas to divert any surface water flows around the effluent fields.
13. Subsurface Irrigation system needs to be installed to a depth of 150mm in situ, or if the soil is of poor quality, imported good quality topsoil may be required with a 1.0m spacing in between lines.

14. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Infrastructure:

15. A standard rural vehicle crossing must be provided on Cowans Drive to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
16. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
17. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
18. 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).
19. 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.
20. 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.

Environmental Planning:

21. Offset requirement:

- To offset the removal of 0.302ha approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with DELWP's publication *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*.

22. Offset requirements for the native vegetation to be removed:

- Offset type: General offset
- Offset amount: 0.242 general habitat units
- Offset attributes-
- Vicinity: Be located within the Port Phillip and Westernport Catchment Management Authority (CCMA) boundary or Moorabool Shire Municipal District.
- Minimum strategic biodiversity value score: 0.392

23. Offset evidence:

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of DELWP's publication Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- a) A credit register extract from the Native Vegetation Credit Register (for more information refer to DELWP's publication Permitted clearing of native vegetation Meeting permit conditions – Third party offsets); or
- b) A security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

For more information regarding the requirements for a 'first party offset' go to http://www.depi.vic.gov.au/__data/assets/pdf_file/0006/255048/First-party-general-offset-kit-Version1.1.pdf

Any revegetation must be done in accordance with the minimum planting standard specified in Appendix 2 of DELWP's publication Native vegetation gain scoring manual and revegetation sites must meet the following size requirements:

- i. At least 1 hectare in size;
- ii. Have an average width of at least 20 metres;
- iii. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres²) by the perimeter (metres).

24. Offset Security:

There are two (2) options to achieve security:

- a) A conservation covenant under the Victoria Conservation Trust Act 1972 (agreement with Trust for Nature).
- b) An agreement under Section 69 of the Conservation Forests and Lands Act 1987 (agreement with DELWP).

Country Fire Authority:

- 25. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible 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.
- 26. The Bushfire Management Plan (prepared by Regional Planning & Design Pty Ltd, Bushfire Management Statement – Lot 35 Cowans Drive, Dales Creek Ref No.17.210 – Figure 10, dated 7/06/2018) 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.

Southern Rural Water:

- 27. The recommendations from the Land Capability Assessment produced by Provincial Geotechnical Pty Ltd (Ref No. 9121I, 20th April 2018 re-issue), in particular those listed in Sections 5 & 6, should be implemented to reduce the risk to water quality.**
- 28. The Land Application Area (irrigation area) must be located in the parcel of land designated within the Provincial Geotechnical report to ensure setback distances are met.**
- 29. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution control, shall be employed during works and maintained until the disturbed area has been appropriately finished or revegetated.**
- 30. Any failure of the wastewater treatment system and Land Application Area must be immediately rectified to the satisfaction of Council's Health Officer.**
- 31. Cutoff drains should be constructed to prevent storm water or runoff entering the effluent field.**
- 32. Minimum setback requirements for the effluent disposal area from waterways must be met.**
- 33. Wastewater must be treated to a secondary standard as a minimum (20/30 BOD/suspended solids).**
- 34. The wastewater treatment system (including irrigation) must be installed, maintained and serviced by a suitably qualified contractor as per a maintenance and service contract to be entered into by the owner and verified by Council's Health Officer.**

Western Water:

- 35. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:**
 - a. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.**
 - b. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.**
 - c. The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.**
 - d. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard.**
 - e. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.**
 - f. The Owner shall meet the costs of the inspections and reports referred to in Condition (e).**
 - g. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.**

- h. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
- i. The dwelling must be connected to a reticulated sewer system should it become available for the area.
- j. The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition (e).
- k. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
- l. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 20 April 2018 Reference No 91721 and the accompanying management plan followed and implemented.
- m. The land must not be further subdivided.
- n. No other building works shall be undertaken on the subject land without written approval of Western Water.
- o. Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- p. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- q. The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
- r. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal field.
- s. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
- t. The obligations under this agreement shall run with the land.
- u. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.

Permit Expiry:

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

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


Permit Note:

A permit to install an onsite wastewater management system must be submitted to Environment Health.

Report Authorisation

Authorised by:

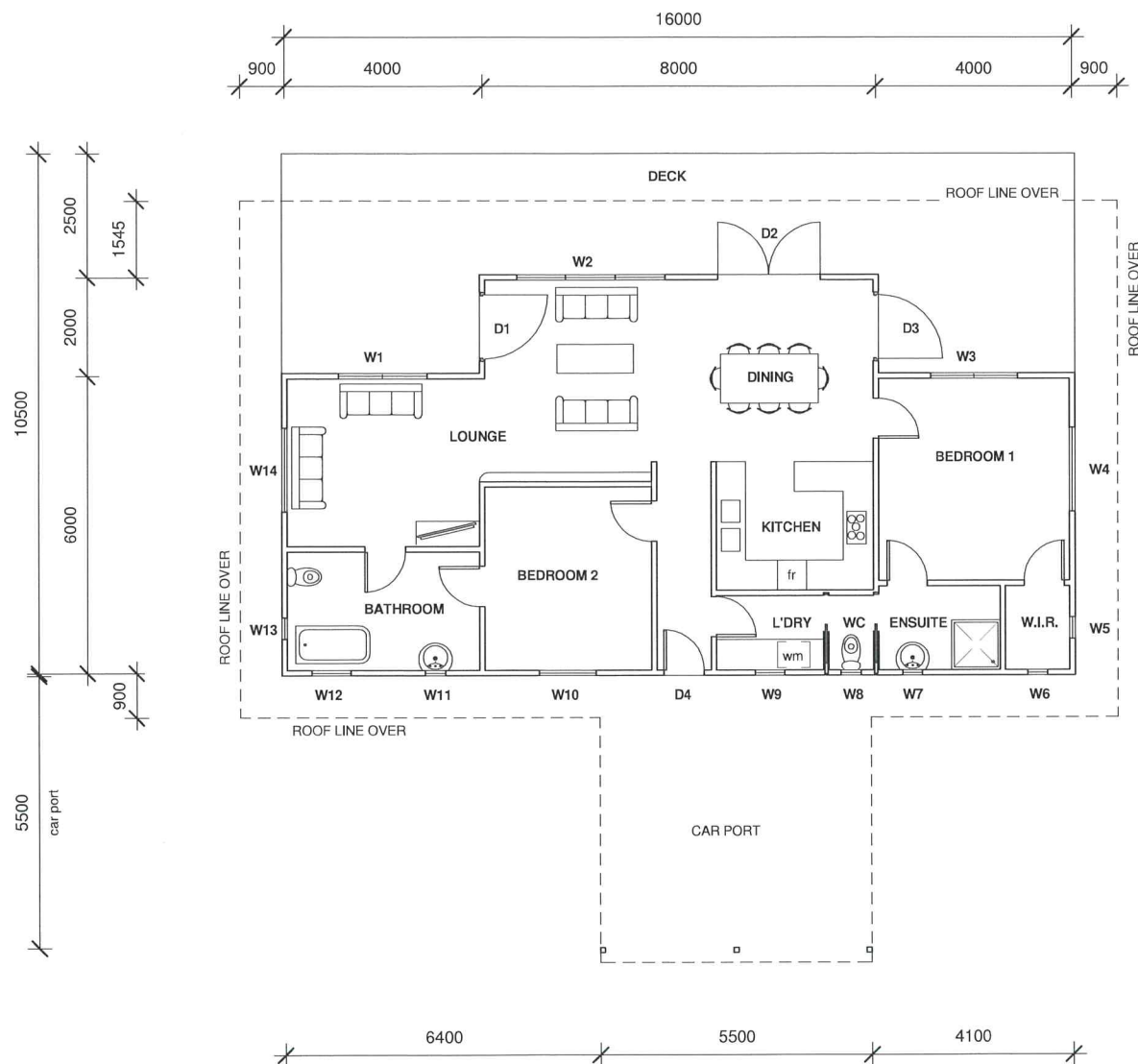
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 6 December, 2018



APPENDIX B - Sheet 1.

NOTE
LEVEL DATUM ARBITRARY
CONTOUR INTERVAL 0-20m
DATE OF SURVEY 6th July 2006
ENTIRE BLOCK COVERED WITH NATIVE TREES
TITLE BOUNDARY NOT MARKED IN THIS SURVEY





NOTE: BAL FLAME ZONE
 CONSTRUCTION SHALL BE
 STRICTLY IN ACCORDANCE
 WITH AS3959-2009
 (INCORPORATING
 AMMENDMENTS 1,2,& 3)
 BAL-FZ CONSTRUCTION

Clients Name:
 Project name:
 Project Address:

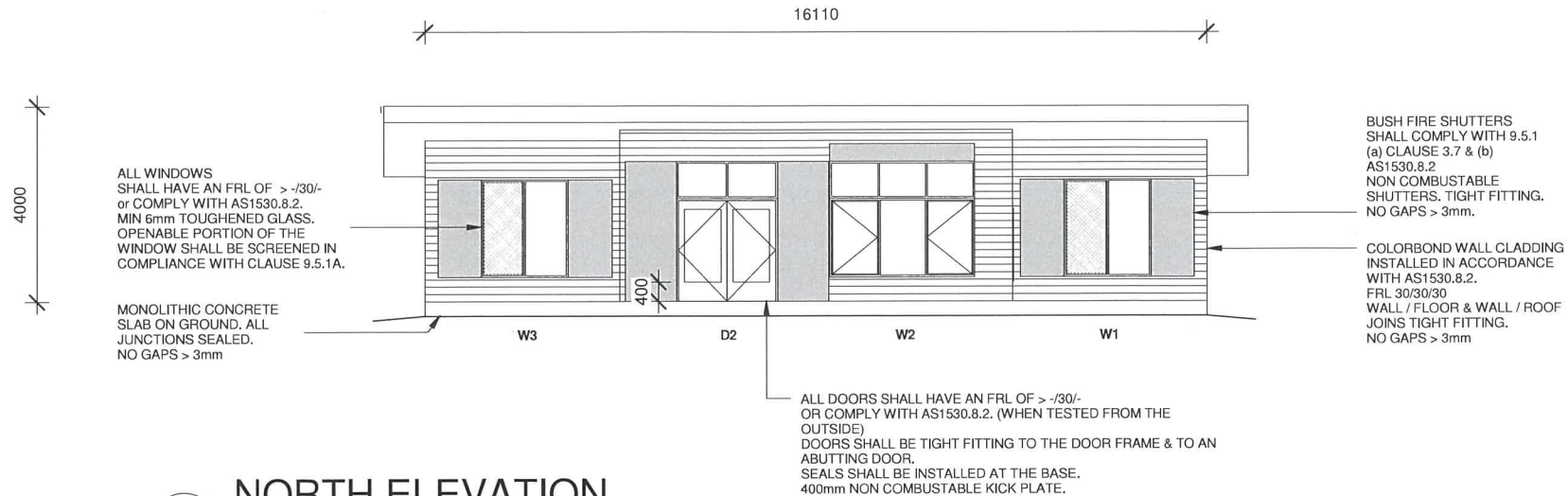
Sam Thompson
Regional Planning & Design Pty Ltd
 64 Pine Court, Porcupine Ridge 3461
 s.thompsondesign@bigpond.com
 0447 073 107 or 03 5348 1285

drawn by: Annabel Mazzotti DP-AD43992
 checked by: Sam Thompson

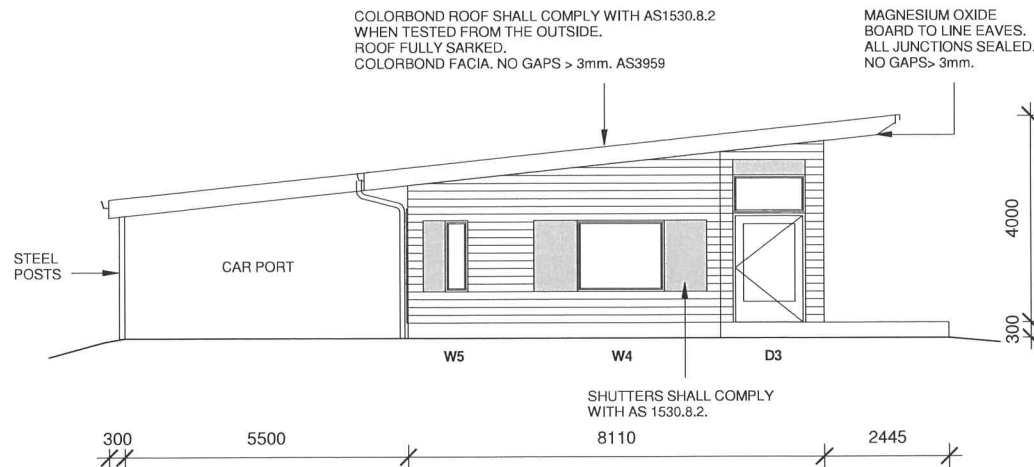
Drg. Title **Proposed Floor Plan**

Rev: #2 BAL: FZ

Drg. No.
A101
 Date:
 Scale @ A3 921 : 100



1 NORTH ELEVATION
1 : 100



2 EAST ELEVATION
1 : 100

Clients Name:
Project name:
Project Address:

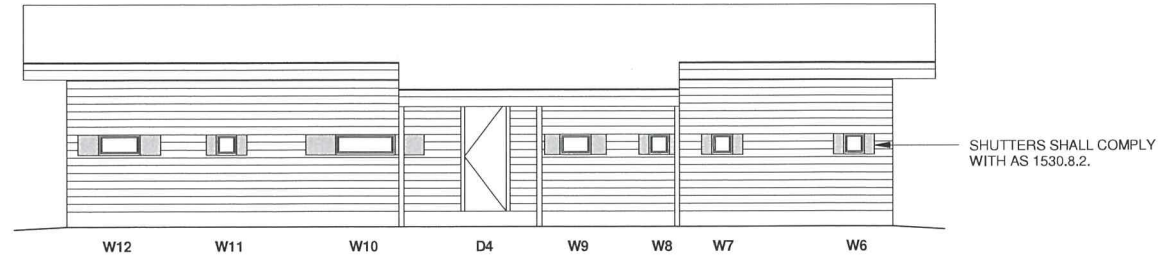
Sam Thompson
Regional Planning & Design Pty Ltd
64 Pine Court, Porcupine Ridge 3461
s.thompsondesign@bigpond.com
0447 073 107 or 03 5348 1285

drawn by: Annabel Mazzotti DP-AD43992
checked by: Sam Thompson

Drg. Title Elevations North & East

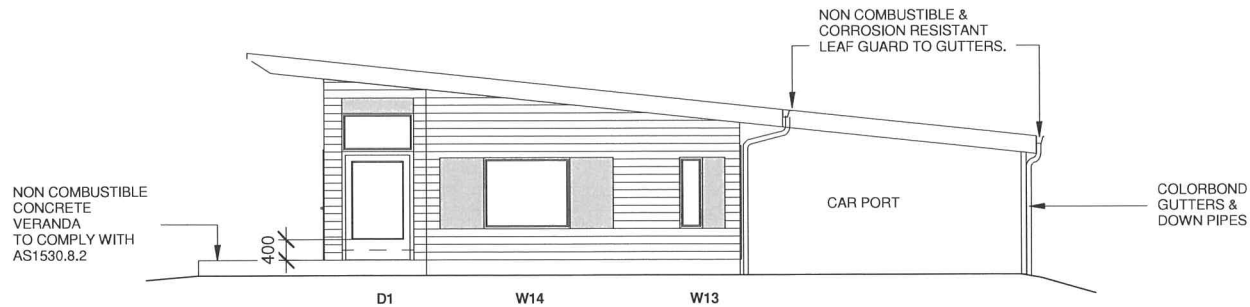
Rev: #2 BAL: FZ

Drg. No.
A102
Date:
Scale @ A3 **g31** : 100



1 SOUTH ELEVATION

1 : 100



2 WEST ELEVATION

1 : 100

Clients Name:
Project name:
Project Address:

Sam Thompson
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drawn by: Annabel Mazzotti DP-AD43992
checked by: Sam Thompson

Drg. Title Elevations South & West

Rev: #2 BAL: FZ

Drg. No.
A103
Date:
Scale @ A3 **941** : 100