

AGENDA

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 21 February, 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. Pat Toohey	Councillor – Woodlands Moorabool Ward

OFFICERS

Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Rob Fillisch	Manager Statutory Planning and Community Safety
Ms. Sam Romaszko	Manager Engineering Services
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 13 December, 2017.			Resolution
4.	Conflict of Interest	Chair		Noting
5.	Growth & Development Reports	S. Sandhu		Discussion
5.1	Planning Permit Application PA2017 237; 11 Russell Street, Darley; Development of a Second Dwelling on the Lot at Lot 3 on PS 124658.	Tom Tonkin	Page 3	Resolution
5.2	Planning Permit PA2016-278; Leonards Hill-South Bullarto Road, South Bullarto - Development and Use of a Dwelling and Ancillary Outbuilding, Native Vegetation Removal and Earthworks.	Mark Lovell	Page 24	Resolution

5.3	Planning Permit PA2017-117; 94 Main Street, Bacchus Marsh – Two lot subdivision.	Mark Lovell	Page 52	Resolution
5.4	Planning Permit PA2017-152; Two lot subdivision at 36 Ingliston Road, Ballan.	Mark Lovell	Page 63	Resolution
5.5	Planning Permit PA2017-248; 156 Main Street, Bacchus Marsh - Reduction in the standard car parking requirement for the use of the land as a restaurant and liquor licence.	Mark Lovell	Page 73	Resolution
6.	Update on Trends, Issues and Other Matters	S. Sandhu		Discussion
7.	Update of VCAT Decisions	Chair		Resolution
8	Update to Terms of Reference	S. Sandhu		Discussion
8.1	Terms of Reference S86 Development Assessment Committee	S. Sandhu	Page 84	Resolution
9.	Date of Next Meeting	Chair		Noting
9.1	Wednesday 21 March, 2018 5.00pm North Wing Room 2 & 3 Darley Civic and Community Hub 182 Halletts Way, Darley			
10.	Meeting Close	Chair		Noting

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2017-237

Planning Permit Application PA2017 237; 11 Russell Street, Darley; Development of a Second Dwelling on the Lot at Lot 3 on PS 124658

Application Summary:	
Permit No:	PA2017237
Lodgement Date:	17 October, 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 3 on PS 124658, 11 Russell Street, Darley 3340
Proposal:	Development of a Second Dwelling on the Lot
Lot size:	1208sq m
Why is a permit required	Clause 32.08-6 – General Residential Zone – Construct a dwelling if there is at least one dwelling existing on the lot
Restrictions registered on title	None
Why is this application being presented to Council?	Two objections were received, one of which was anonymous.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	Two (2)
Consultation meeting:	No. The applicant did not wish to consult with the objectors.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2A and 2B:	Built Environment And Natural Environment
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	Referred within Council to Infrastructure
Any issues raised in referral responses?	No
Preliminary Concerns?	No
Any discussions with applicant regarding concerns	Not applicable
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for the development of a second dwelling to the rear of an existing dwelling. The dwelling would have three (3) bedrooms and the usual utilities with parking provided in a double garage accessed via a common accessway.</p> <p>Objections received against the proposal relate to increased traffic contributing to traffic congestion in Russell Street.</p> <p>Subject to conditions, the proposal meets the relevant objectives of State and local planning policy, and all ResCode requirements.</p> <p>Overall, the proposal is an acceptable response to the character and amenity of the area.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, subject to conditions detailed at the end of this report.</p>	

Public Notice

Notice of this application was given to adjoining and nearby landowners and occupiers by mail on 10 November 2017 and a sign erected on site from 18 November until 3 December, 2017. Two (2) objections were received.

Summary of Objections

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

Objection	Any relevant requirements
Traffic associated with the proposal in addition to traffic and parking associated with existing dwellings and businesses in the street and community facilities nearby.	Clause 65.01
Officer's response - This objection is discussed below.	

Proposal

It is proposed to develop a second dwelling on the lot. The existing dwelling would be retained, and the existing crossover widened to a double width to enable access to both dwellings. The proposed dwelling would be located to the rear of the site and comprise three (3) bedrooms, main with en suite, study, laundry, bathroom, separate toilet and open plan kitchen, meals and living area leading to north-facing secluded private open space. Two (2) car spaces would be provided in an attached double garage. There would be no boundary wall construction and the minimum boundary setback would be 1.2m. The dwelling would have rendered brick walls and a low pitched hipped Colorbond roof.

The plans are provided in Attachment 1.

Site Description

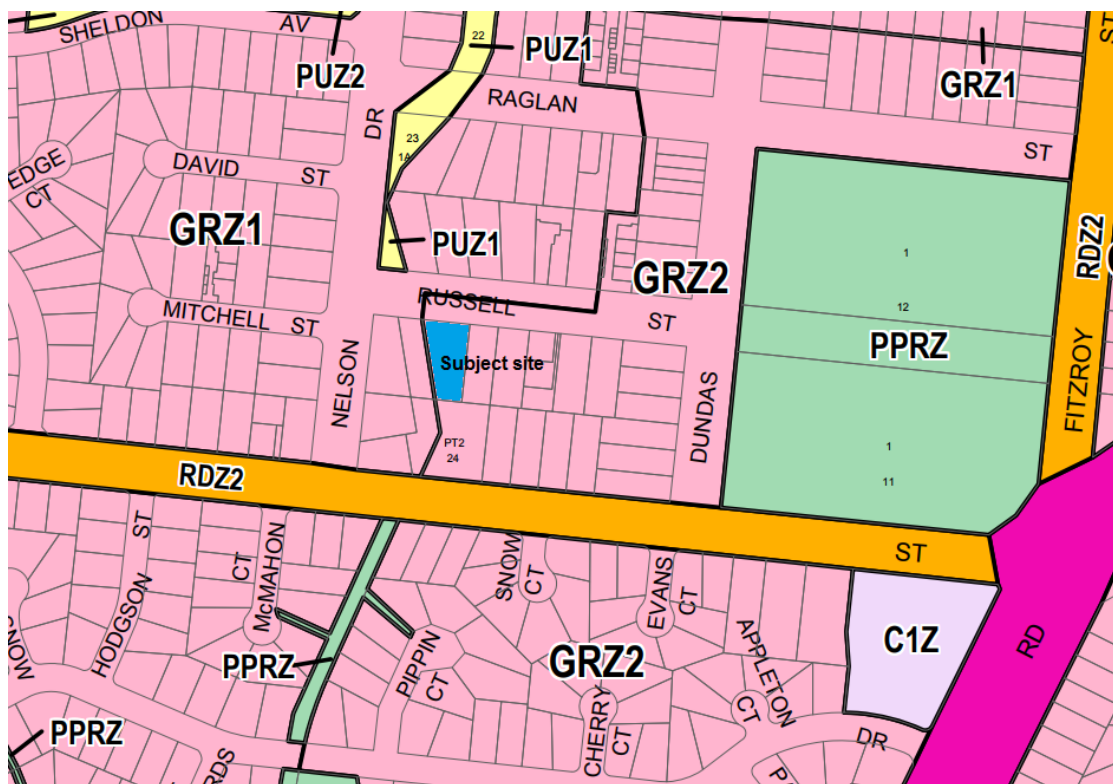
The site is identified as Lot 3 on PS 124658 and known as 11 Russell Street, Darley. The site is an irregular shaped parcel of 1208sq m on the south side of Russell Street, approximately 140m west of Dundas Street. The site contains a single storey brick dwelling with a low pitched Colorbond roof comprising four (4) bedrooms, main with en suite, laundry, bathroom, living room, utility room and open plan kitchen and meals/living area leading to a rear verandah and secluded private open space. Two (2) car spaces are provided in an attached double garage, accessed via a driveway and single crossover to Russell Street. There is no front fence and aside from low level landscaping only one tree, located in the front setback. The site has a fall from the southwest to the northeast of 1.48m.

The site and surrounding land is in the General Residential Zone, and comprises a mix of single and multi-dwelling developments, characterised by single storey brick dwellings with low pitched hipped tiled or Colorbond roofs. Front fences are uncommon, but where existent are typically low or permeable allowing views of dwellings and front gardens. Vehicle access is usually via a single crossover. To the east of the site and to the north, across the street, are single dwellings fronting Russell Street. The dwelling to the east has an ancillary outbuilding constructed to the common boundary for approximately 19.0m length. To the south is the backyard of a dwelling fronting Grey Street, and to the west is a water channel, beyond which are dwellings fronting Nelson Street.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.07-2 Peri-Urban Areas.
- 11.08 Central Highlands.
- 15.01-5 Cultural Identity and Neighbourhood Character.
- 16.01-1 Integrated Housing.
- 16.01-2 Location of Residential Development.
- 16.01-4 Housing Diversity.
- 16.01-5 Housing Affordability.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.07 Bacchus Marsh.

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

Zone

The subject site is in the General Zone, Schedule 2.

The purpose of the Zone is:

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

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

Under Clause 32.08-7 a schedule to the zone may specify the requirements of Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of the scheme. Schedule 2 specifies requirements for Standards B6, B8 and B32.

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

Overlays

The site is not affected by any Overlays.

Relevant Policies

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

Urban Growth Policy

The Urban Growth Policy states that:

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

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

Housing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

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

The site is located in Precinct 6 of the Settlement Framework Plan, identified as an 'Increased Residential Growth Area', which "generally applies to residential land that is well located to services and facilities and has been identified as suitable for infill and increased densities of development. This will include a range of multi units, townhouses and alternative housing options within a walkable catchment of residents' daily needs."

The Preferred Character Statement for Precinct 6 gives direction to the following:

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

Particular Provisions

Clause 52.06 Car Parking

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

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

Clause 55 Two or More Dwellings on a Lot

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

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

Discussion

Overall, the proposed development of a second dwelling on the subject site is generally consistent with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth.

Two objections raising concerns about increased traffic and associated amenity impacts have been considered, but the proposal is deemed acceptable for the following reasons.

The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area generally dominated by single detached dwellings the proposal would also contribute to housing diversity and affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The subject site and most surrounding residential land is in the General Residential Zone, Schedule 2, and mostly developed with single dwellings but with some medium density housing developments located nearby.

The purpose of the GRZ includes the following:

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

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

The proposed dwelling would generally fit with the character of the area being of a similar form and appearance to nearby dwellings, and being positioned at the rear of the site would fit with the prevailing appearance of single dwellings in the surrounding streetscape. The proposed dwelling would be clad with rendered brick with a low pitched roof with space for landscaping and planting of small to medium sized canopy trees. On-site amenity would be generally acceptable, with the proposed dwelling having north-facing living areas and private open space. The dwelling entry would be readily visible and provide shelter and a sense of address.

Off-site amenity impacts would be acceptable, with no boundary walls, no loss of daylight to existing habitable room windows, and overshadowing and overlooking kept to within acceptable limits given the siting of the development and provision of 1.8m boundary fences.

Although traffic counts have not been done for Russell Street, data for Dundas Street, which all Russell Street traffic uses, was collected in October 2016, with the amount of traffic well below the street's capacity of 3000 vehicle movements per day (vpd). Nineteen existing dwellings use Russell Street for access, as do a yoga studio and swim school. The dwellings are estimated to generate 190 vpd, with a peak hour generation of 19 vehicles per hour (vph), the yoga studio 54 vpd with a peak hour generation of 11 vph and the swim school 60 vpd with a peak hour generation of 12 vph. This results in an estimated total of 304 vpd in Russell Street, which is best categorised as an 'Access Street – Level 1', as per the Moorabool Planning Scheme, based on its physical dimensions, capable of carrying up to 1000 vpd. The addition of another dwelling and associated traffic would be within Russell Street's capacity to accommodate the additional traffic. Furthermore, traffic flows through the Dundas/Russell Street intersection are classed as 'uninterrupted' based on the traffic counts and estimates discussed above and criteria set out in the "Austroads Guide to Traffic Engineering – Part 5, Intersections at Grade". It is therefore considered that the proposal would not have any detrimental traffic or road safety impacts for Russell Street residents, drivers or pedestrians.

General Provisions

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

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

Referrals

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

Authority	Response
Infrastructure	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

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

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

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the General Residential Zone, and the relevant Particular and General Provisions of the Moorabool Planning Scheme. The proposal would contribute to consolidated residential growth without any unreasonable amenity or neighbourhood character impacts.

It is recommended that the application be supported by Council.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2017 237; Development of a Second Dwelling on the Lot at Lot 3 on PS 124658, 11 Russell Street, Darley VIC 3340 subject to the following conditions:

Endorsed Plans:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and A3 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application identified as Job No. 17131, Sheet No.'s TP03 & TP05, dated 12/10/2017 prepared by New Dimension Drafting P/L but modified to show:**
 - a. The notation on Sheet No. TP05 for the east elevation corrected to refer to 'proposed', not 'existing'.**
 - b. A landscape plan in accordance with Condition no. 10.**

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

Amenity:

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

Landscape Plans:

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

Infrastructure:

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

Permit Expiry:

13. 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; and**
- b. The development is not completed within four years of the date of this permit.**

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

Report Authorisation:

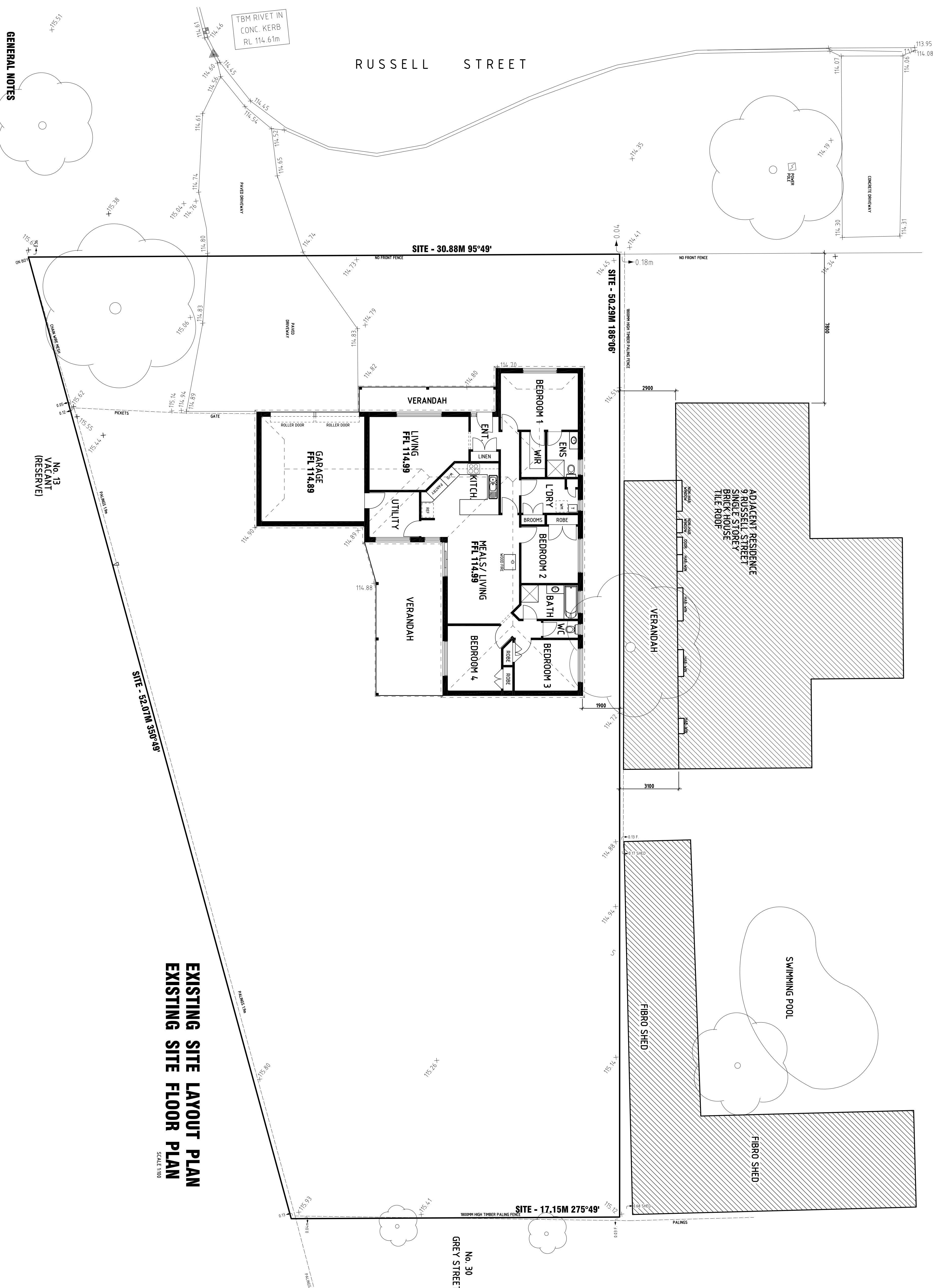
Authorised by:

Name: Satwinder Sandhu

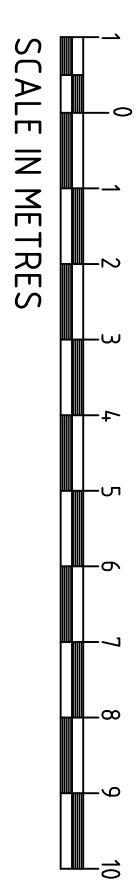
Title: General Manager Growth and Development

Date: 31 January, 2018





- GENERAL NOTES**
1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE WRITTEN SPECIFICATIONS, ALL CONSULTANT'S DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES SHALL BE REFERRED TO NEW DIMENSION DRAFTING
 2. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.
 3. WHEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING AND LARGE DIMENSIONS SHALL TAKE PREFERENCE OVER SMALL DIMENSIONS.
 4. ALL DIMENSIONS ARE IN METRES AND / OR MILLIMETRES.



PROPOSED DUAL OCCUPANCY

11 RUSSELL STREET, DARLEY, VICTORIA 3340

EXISTING SITE LAYOUT PLAN
EXISTING SITE FLOOR PLAN
SCALE 1:100

rev.	date	description
A	12/10/2017	PLANNING PERMIT APPLICATION SUBMISSION ISSUE

PLANNING

DUAL OCCUPANCY
11 RUSSELL STREET
DARLEY, VICTORIA 3340

EXISTING SITE LAYOUT PLAN
EXISTING FLOOR PLAN

North arrow and scale bar.

Scale: 1:100 @ A1 PAPER

Date: OCTOBER 2017

Drawn: N.C.

Checked: S.M.

17131 TP01

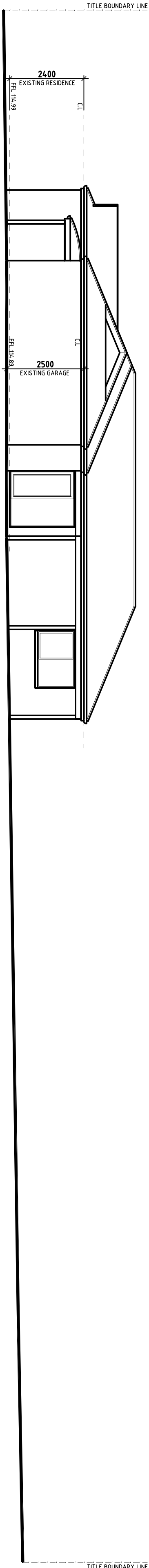
new dimension

168 Pascoe Vale Road
Melbourne, Victoria 3045

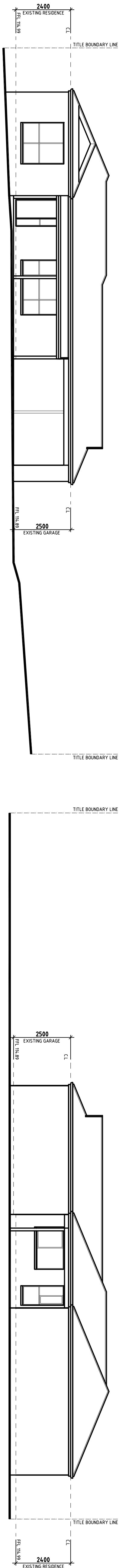
03 9328 2066

www.newdimensiondrafting.com.au

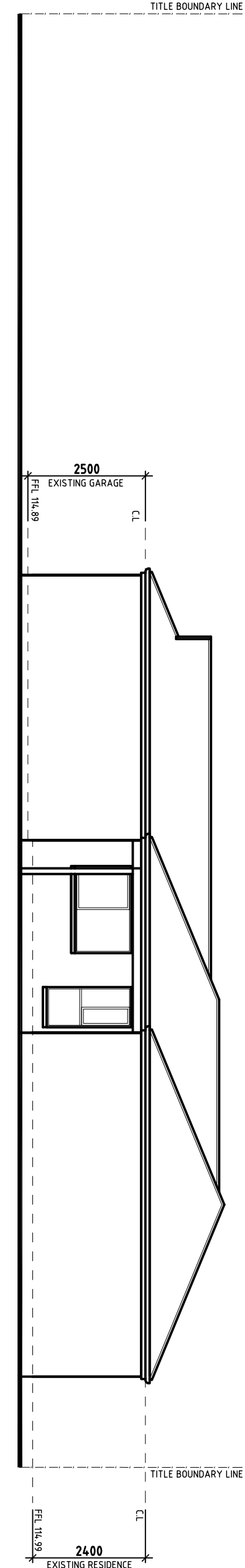
- NOTES -**
- PLEASE NOTE THAT NO POINT THIS DWELLING IS TO EXCEED 8.0M IN HEIGHT FROM GROUND LEVEL.
 - A LEGIBLE STREET NUMBER SIGN SHALL BE PLACED IN A CONSPICUOUS POSITION FRONTING THE UNITS. THE SIGN SHALL CLEARLY INDICATE UNIT NUMBERS.
 - LAUNDRY AREAS SHALL BE SITED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY SO AS NOT TO BE DETRIMENTAL TO THE VISUAL AMENITY OF THE AREA.
 - SPECIFIC MEASURES ARE TO BE UNDERTAKEN TO RETAIN AND PROTECT SOME EXISTING TREES AND VEGETATION ON SITE, WHICH ARE COMPLEMENT TO THE DEVELOPMENT.
 - EXISTING TREES IDENTIFIED ON THE ENDORSED OR LANDSCAPE PLAN SHALL BE RETAINED AND SHALL NOT BE DESTROYED, FILLED, LOPPED, WITHOUT THE PERMISSION FROM THE RESPONSIBLE AUTHORITY.
 - THE DISCHARGE OF ALL MECHANICAL VENTILATION IS TO AWAY FROM ADJOINING NEIGHBOURS.
 - LIGHTING TO THE EXTERNAL BUILDINGS IS TO BE LIMITED NO FLOOD LIGHTING TO BE USED.



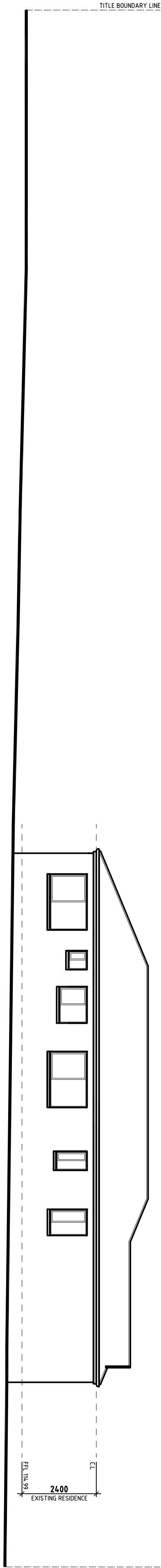
EXISTING WEST ELEVATION
SCALE 1:100



EXISTING NORTH ELEVATION
SCALE 1:100



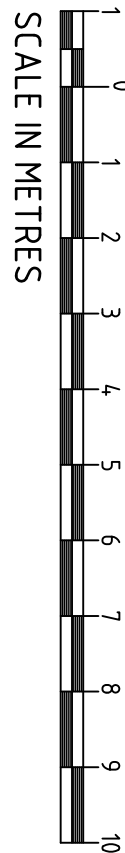
EXISTING SOUTH ELEVATION
SCALE 1:100



EXISTING EAST ELEVATION
SCALE 1:100

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4. ALL DIMENSIONS ARE IN METRES AND / OR MILLIMETRES.



PROPOSED DUAL OCCUPANCY

11 RUSSELL STREET, DARLEY, VICTORIA 3340

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THIS DRAWING REMAINS THE PROPERTY OF NEW DIMENSION
DRAFTING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE
DO NOT SCALE OFF DRAWINGS. USE FIGURED DIMENSIONS
ONLY. CONTRACTOR SHALL CHECK AND VERIFY ALL LEVELS
AND DIMENSIONS ON SITE BEFORE COMMENCING ANY
CONSTRUCTION.

rev.	date	description
A	12/10/2017	PLANNING PERMIT APPLICATION SUBMISSION ISSUE

drawing type
PLANNING

project:

DUAL OCCUPANCY
11 RUSSELL STREET
DARLEY, VICTORIA 3340

title:
EXISTING ELEVATIONS

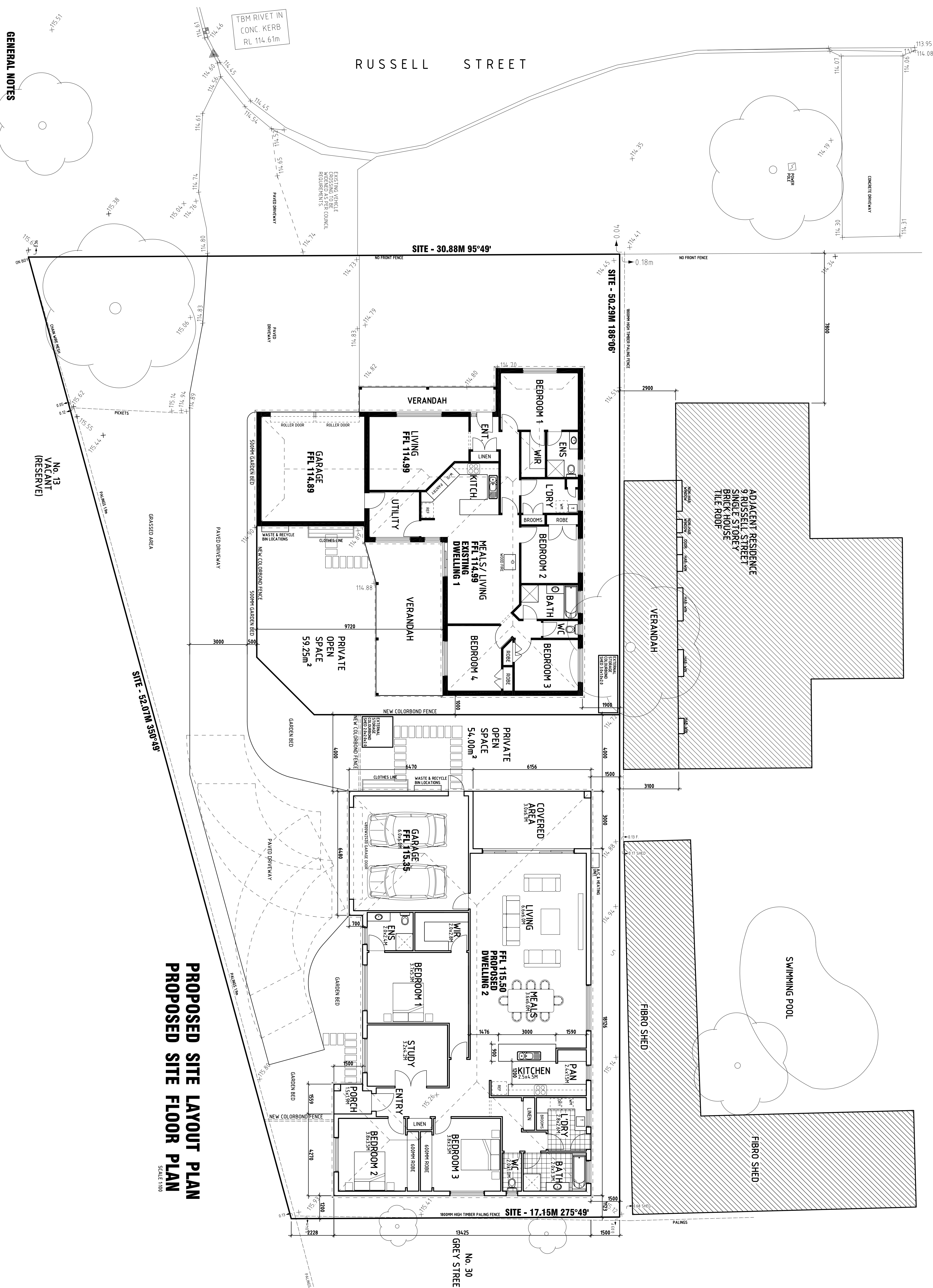
north	scale: 1:100 @ A1 PAPER
	date: OCTOBER 2017
	drawn: N.C.
	checked: S.M.

job no: 17131
sheet no: TP02



new dimension
DRAFTING

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Web www.newdimensiondrafting.com.au



AREA ANALYSIS

EXISTING DWELLING 1	146.28 m ²	15.74 sqs
EXISTING RESIDENCE	33.51 m ²	3.61 sqs
EXISTING GARAGE	9.30 m ²	1.00 sqs
EXISTING PORCH	2.52 m ²	0.27 sqs
EXISTING VERANDAH	27.75 m ²	2.99 sqs
TOTAL	224.35 m ²	24.20 sqs
PROPOSED DWELLING 2	204.02 m ²	21.96 sqs
PROPOSED RESIDENCE	39.82 m ²	4.28 sqs
PROPOSED PORCH	2.91 m ²	0.31 sqs
PROPOSED LOV. AREA	18.67 m ²	2.02 sqs
TOTAL	265.22 m ²	28.54 sqs
PRIVATE OPEN SPACE	54.00 m ²	5.82 sqs
ORIGINAL SITE AREA	1497.86 m ²	161.89 sqs
SITE COVERAGE	148.94 m ²	16.03 sqs
SITE REMAINABLE AREA	524.07 m ²	56.33 sqs
GARAGE AREA	523.89 m ²	56.31 sqs

NOTES -

PLEASE NOTE THAT NO POINT THIS DWELLING IS TO EXCEED 8.0M IN HEIGHT FROM GROUND LEVEL.

A LEGIBLE STREET NUMBER SIGN SHALL BE PLACED IN A CONSPICUOUS POSITION FRONTING THE UNITS. THE SIGN SHALL CLEARLY INDICATE UNIT NUMBERS.

LANDSCAPE AREAS SHALL BE SITED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY SO AS NOT TO BE DETRIMENTAL TO THE VISUAL AMENITY OF THE AREA.

SPECIFIC MEASURES ARE TO BE UNDERTAKEN TO RETAIN AND PROTECT SOME EXISTING TREES AND VEGETATION ON SITE, WHICH ARE COMPLEMENTARY TO THE DEVELOPMENT.

EXISTING TREES IDENTIFIED ON THE ENDORSED OR LANDSCAPE PLAN SHALL BE RETAINED AND SHALL NOT BE DESTROYED, FILLED, LOPPED, WHIPPED, THE PERMISSION FROM THE RESPONSIBLE AUTHORITY.

THE DISCHARGE OF ALL MECHANICAL VENTILATION IS TO AWAY FROM ADJOINING NEIGHBOURS.

LIGHTING TO THE EXTERNAL BUILDINGS IS TO BE LIMITED NO FLOOD LIGHTING TO BE USED.

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PLANNING

Project:

DUAL OCCUPANCY

11 RUSSELL STREET

DARLEY, VICTORIA 3340

Title:

PROPOSED SITE LAYOUT PLAN

PROPOSED FLOOR PLAN

North	Scale: 1:100 @ A1 PAPER
date:	OCTOBER 2017
drawn:	N.C.
checked:	S.M.

Job No: 17131

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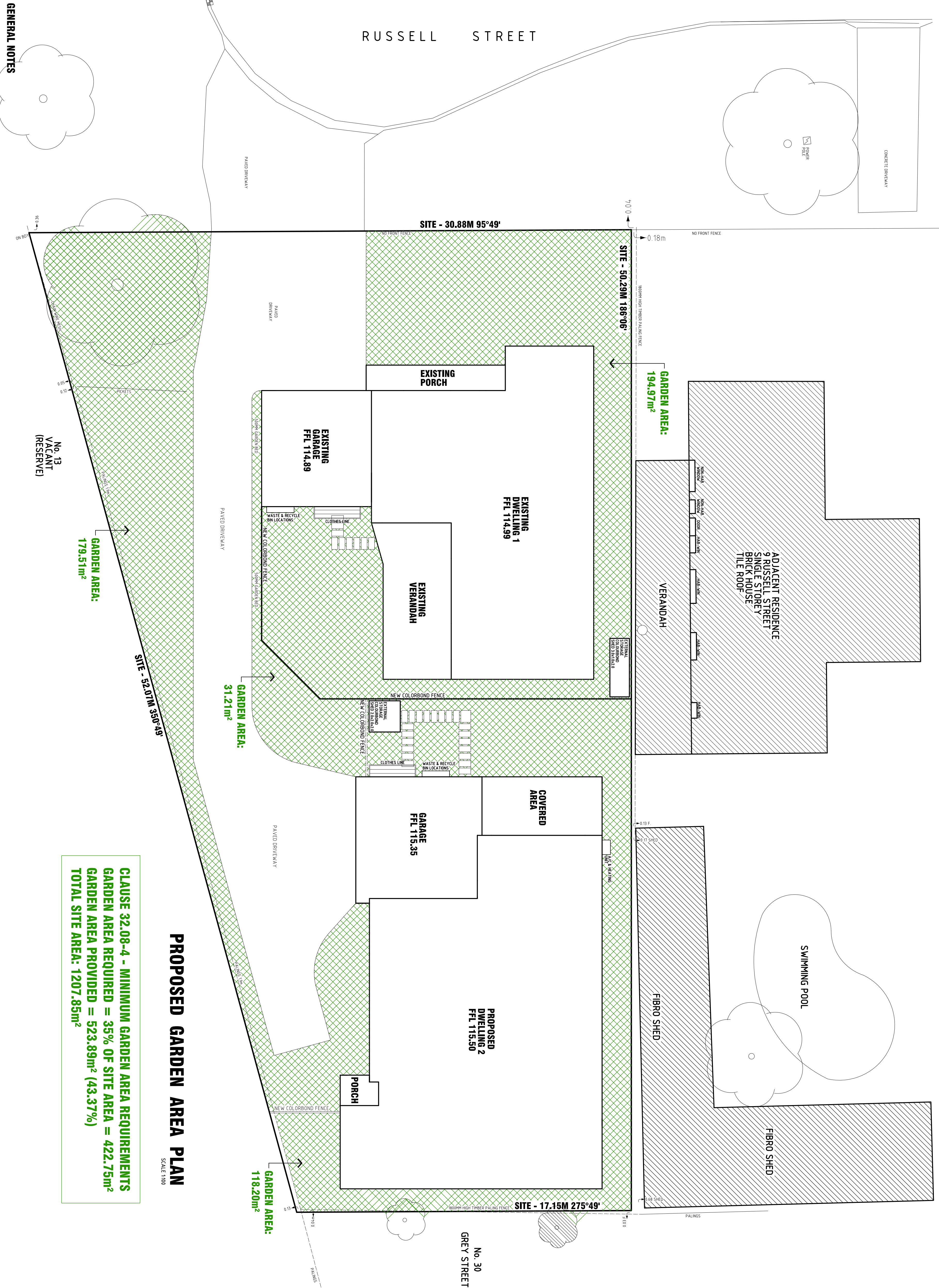
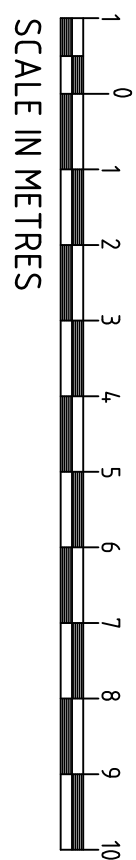
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PROPOSED GARDEN AREA PLAN

SCALE 1:100

CLAUSE 32.08-4 - MINIMUM GARDEN AREA REQUIREMENTS
GARDEN AREA REQUIRED = 35% OF SITE AREA = 422.75m²
GARDEN AREA PROVIDED = 523.89m² (43.37%)
TOTAL SITE AREA: 1207.85m²

PROPOSED DUAL OCCUPANCY
11 RUSSELL STREET, DARLEY, VICTORIA 3340

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Drawing type
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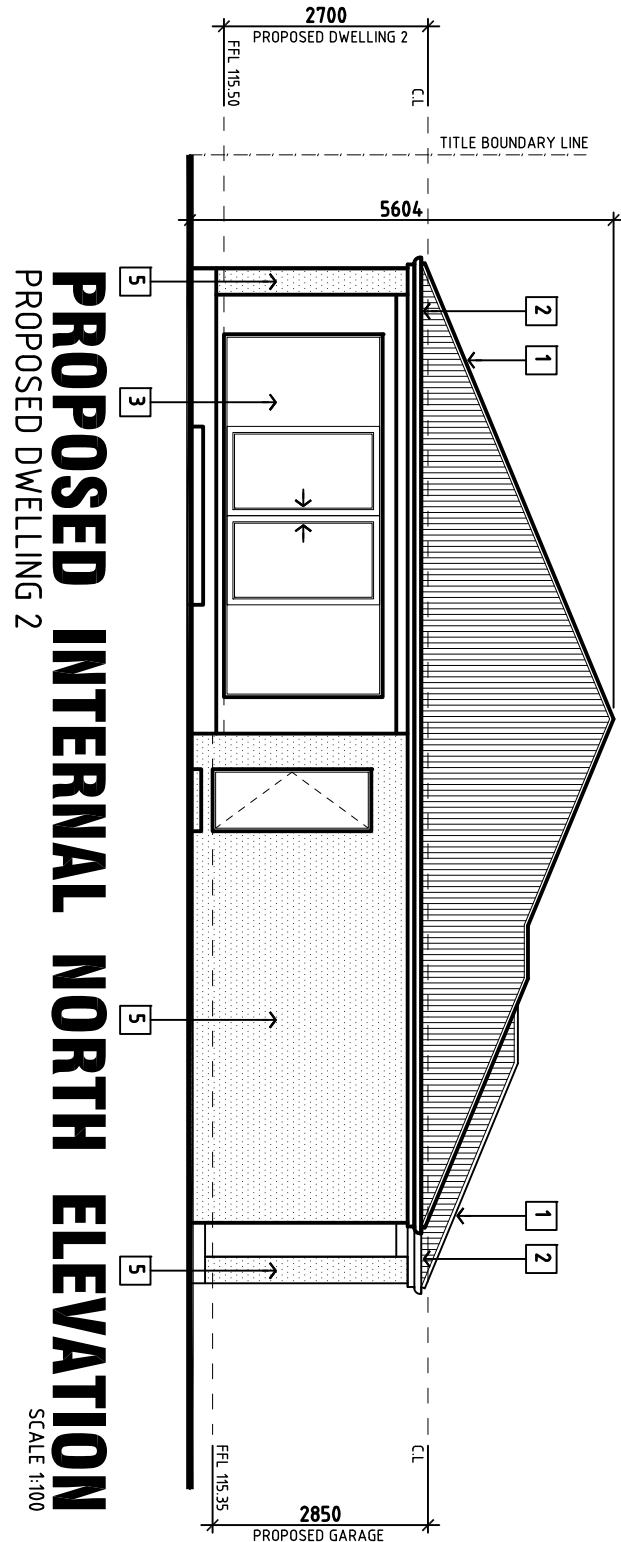
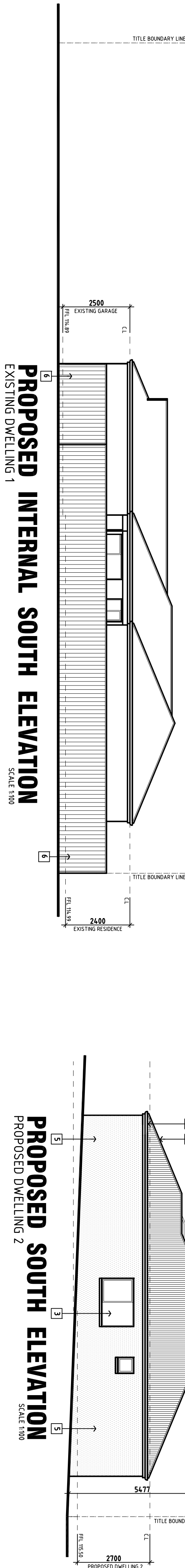
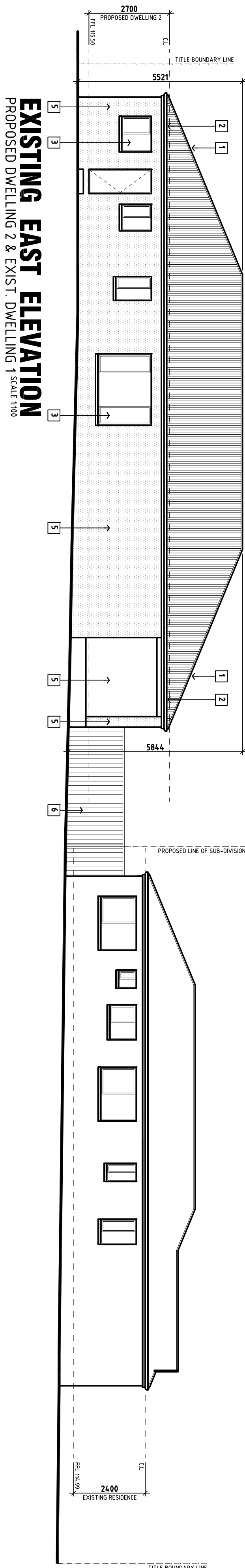
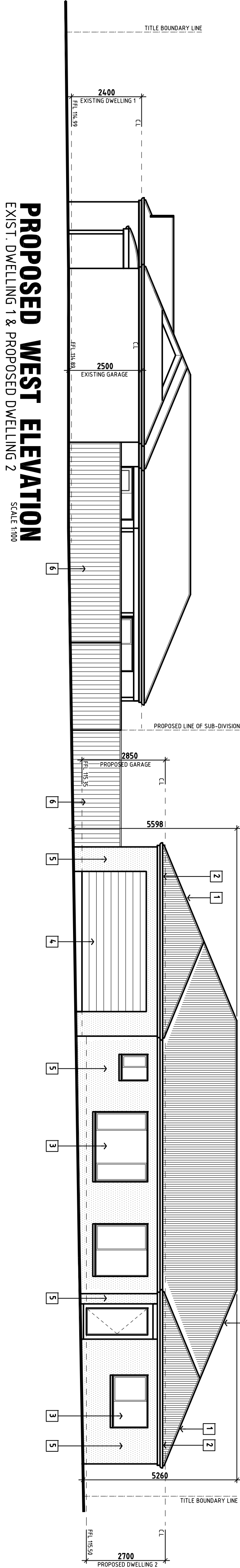
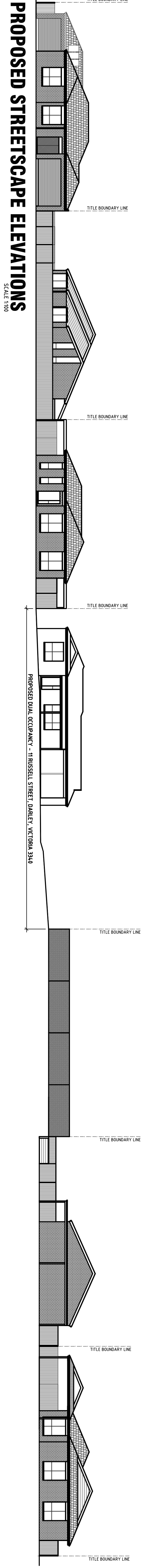
Project:
DUAL OCCUPANCY
11 RUSSELL STREET
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Title:
PROPOSED GARDEN AREA PLAN

North	Scale: 1:100 @ A1 PAPER
date: OCTOBER 2017	drawn: N.C.
checked: S.M.	

Job No: 17131
Sheet No: TP04

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Fax: 03 9328 2066
Email: info@newdimensiondrafting.com.au
Website: www.newdimensiondrafting.com.au



1

METAL ROOF DECKING-
SELECTED 0.42MM THICK COLORBOND MONUMENT
COLOURED CORRUGATED METAL ROOF DECKING SET
TO A 42.5° PITCH.

2

GUTTER, FASCIA & DOWNPipes-
SELECTED WOODLAND GREY COLOURED COLORBOND

3

DOOR & WINDOW FRAMES-
SELECTED CORRUGATED BLACK COLOURED,
SLIDING DOOR AND WINDOW FRAMES.

4

GARAGE DOOR-
MONUMENT COLOURED SECTIONAL
GARAGE DOOR.

5

ROOFER FINISH-
EXTERNAL FACE BRICKWORK TO HAVE A CERAMIC
COLOURED FINISH.
INTERNAL FACE BRICKWORK TO HAVE A CERAMIC
COLOURED FINISH.

6

COLORBOND FENCING-
COLORBOND FENCING TO BE MONUMENT OR
DWELLING 2. GREY COLOURED TO MATCH PROPOSED
DWELLING 2.

1

METAL ROOF DECKING-
SELECTED 0.42MM THICK COLORBOND MONUMENT
COLOURED CORRUGATED METAL ROOF DECKING SET
TO A 42.5° PITCH.

2

GUTTER, FASCIA & DOWNPipes-
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3

DOOR & WINDOW FRAMES-
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SLIDING DOOR AND WINDOW FRAMES.

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GARAGE DOOR-
MONUMENT COLOURED SECTIONAL
GARAGE DOOR.

5

ROOFER FINISH-
EXTERNAL FACE BRICKWORK TO HAVE A CERAMIC
COLOURED FINISH.
INTERNAL FACE BRICKWORK TO HAVE A CERAMIC
COLOURED FINISH.

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COLORBOND FENCING-
COLORBOND FENCING TO BE MONUMENT OR
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SCALE IN METRES

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North

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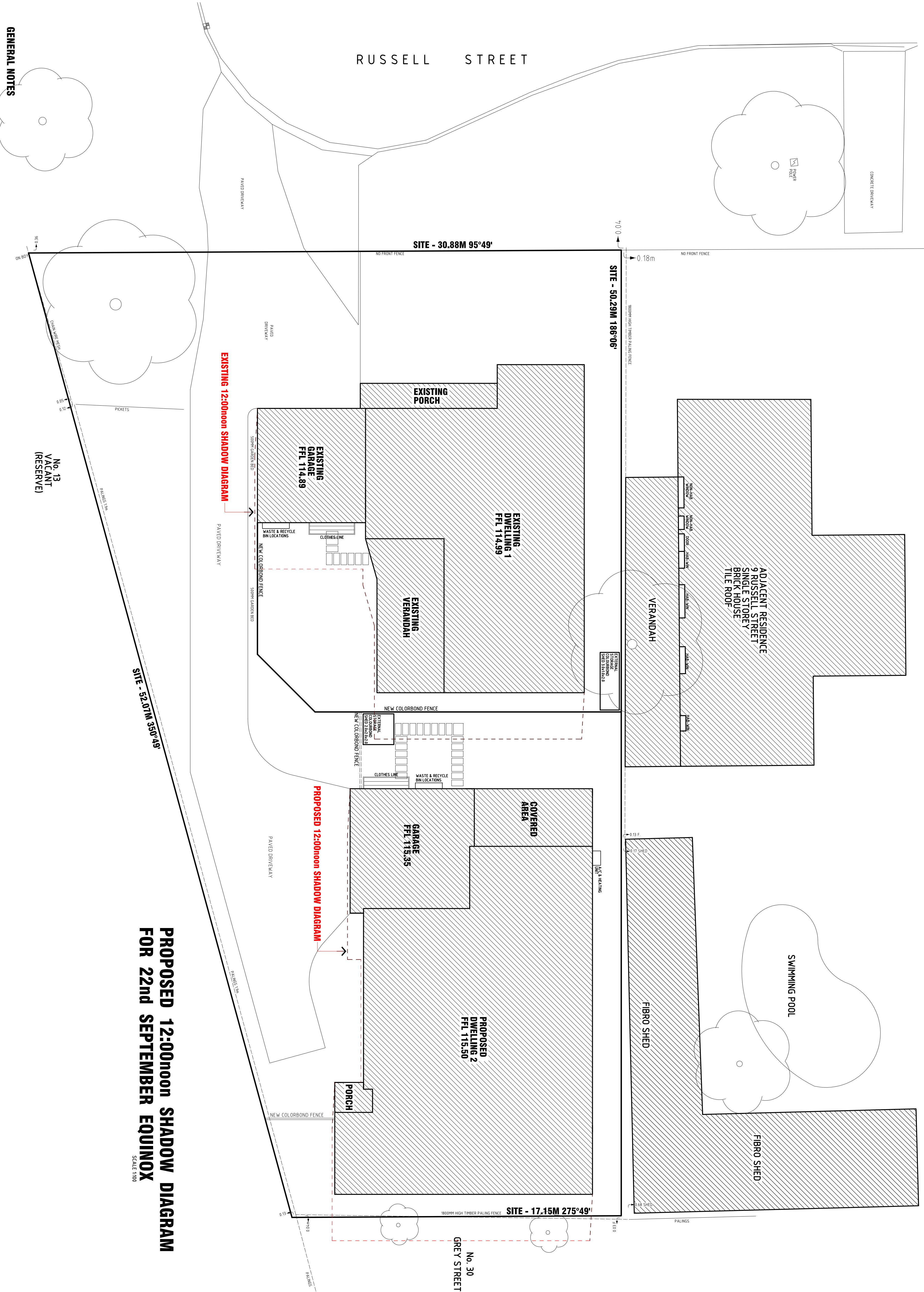
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PLANNING

Project:
DUAL OCCUPANCY
11 RUSSELL STREET
DARLEY, VICTORIA 3340

Title:
PROPOSED ELEVATIONS
PROPOSED STREETSCAPE
MATERIAL SCHEDULE

18



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- SCALE IN METRES

PROPOSED DUAL OCCUPANCY

11 RUSSELL STREET, DARLEY, VICTORIA 3340

PROPOSED 12:00noon SHADOW DIAGRAM FOR 22nd SEPTEMBER EQUINOX

SCALE 1:100

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DRAWING TYPE PLANNING

Project:
DUAL OCCUPANCY
11 RUSSELL STREET
DARLEY, VICTORIA 3340

Title:
PROPOSED 12:00noon SHADOW
DIAGRAM FOR 22nd SEPTEMBER
EQUINOX

North	Scale: 1:100 @ A1 PAPER
date:	OCTOBER 2017
drawn:	N.C.
checked:	S.M.

Job No:
17131
Sheet No:
TP07

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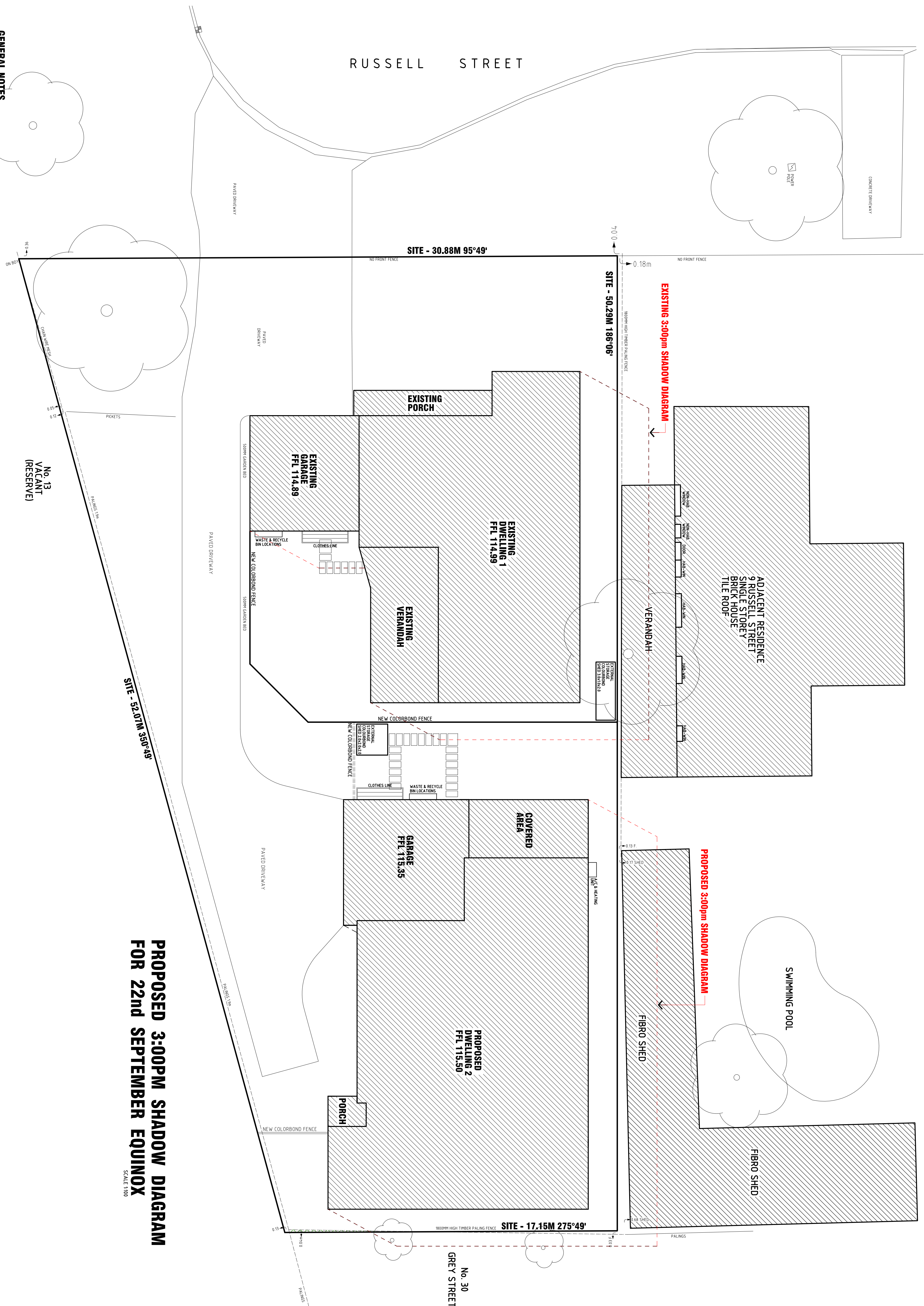
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DUAL OCCUPANCY
11 RUSSELL STREET
DARLEY, VICTORIA 3340

Title: PROPOSED 3:00PM SHADOW
DIAGRAM FOR 22nd SEPTEMBER
EQUINOX

scale : 1:100 @ A1 PAPER

date: OCTOBER 2017

drawn:
N

checked: C M

S.M
CHECKED:

job no.: 17101
sheet no.: 700

1501131

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now

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your production team
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003706

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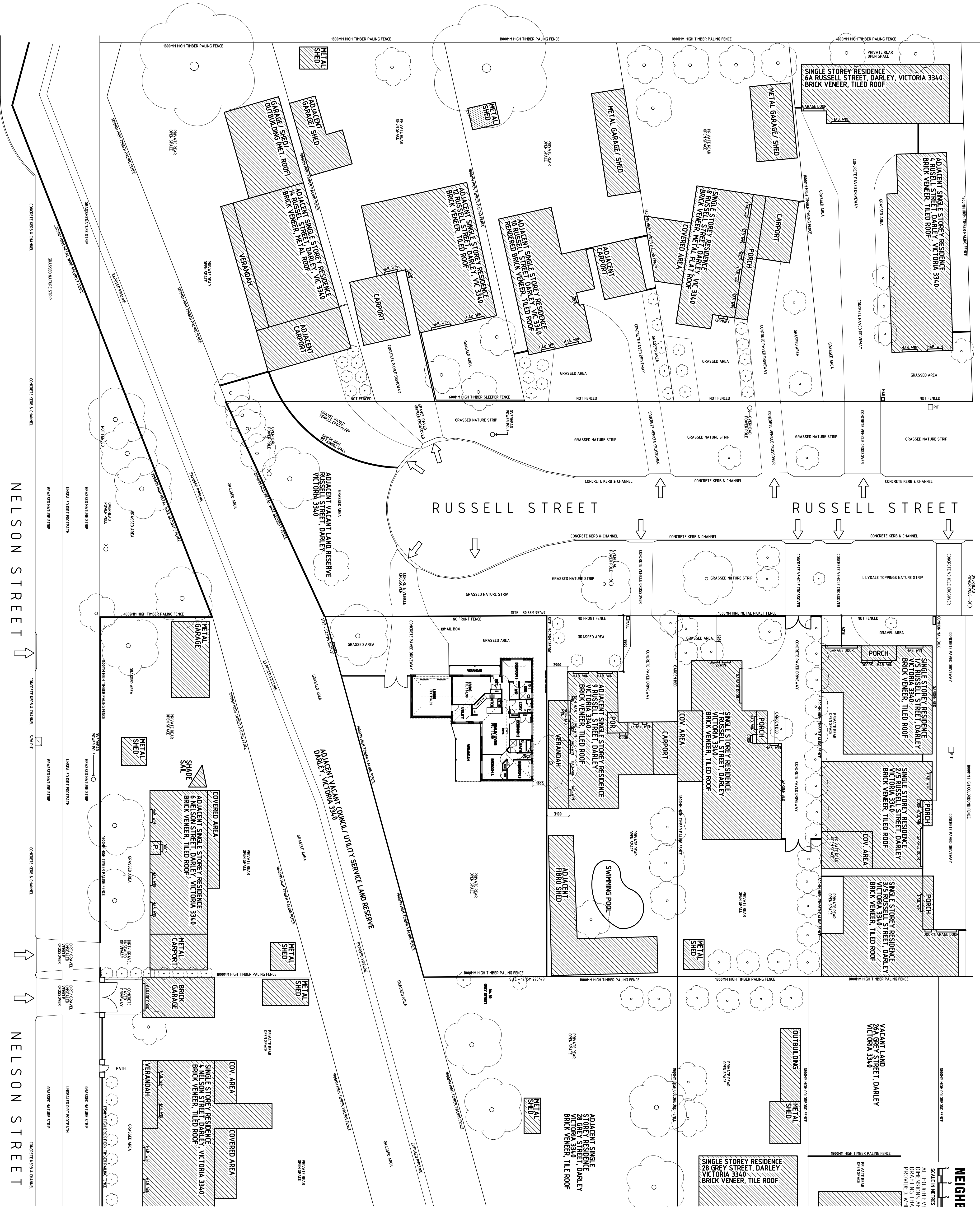
info@newdimensionsforattung.com.au
wccc

culting designers & craftspeople

NEIGHBOURHOOD & SITE DESCRIPTION

SCALE IN METRES
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

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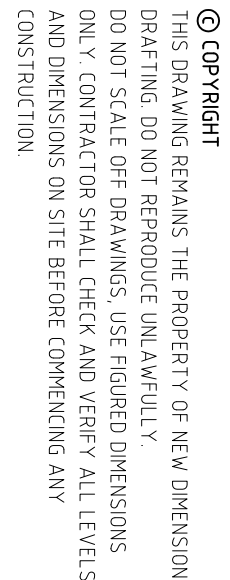
Project:
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11 RUSSELL STREET
DARLEY, VICTORIA 3340

Title:
NEIGHBOURHOOD & SITE
DESCRIPTION PLAN

North	Scale: 1:250 @ A1 PAPER
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checked: S.M.	

Job No: 17131
Sheet No: TP09

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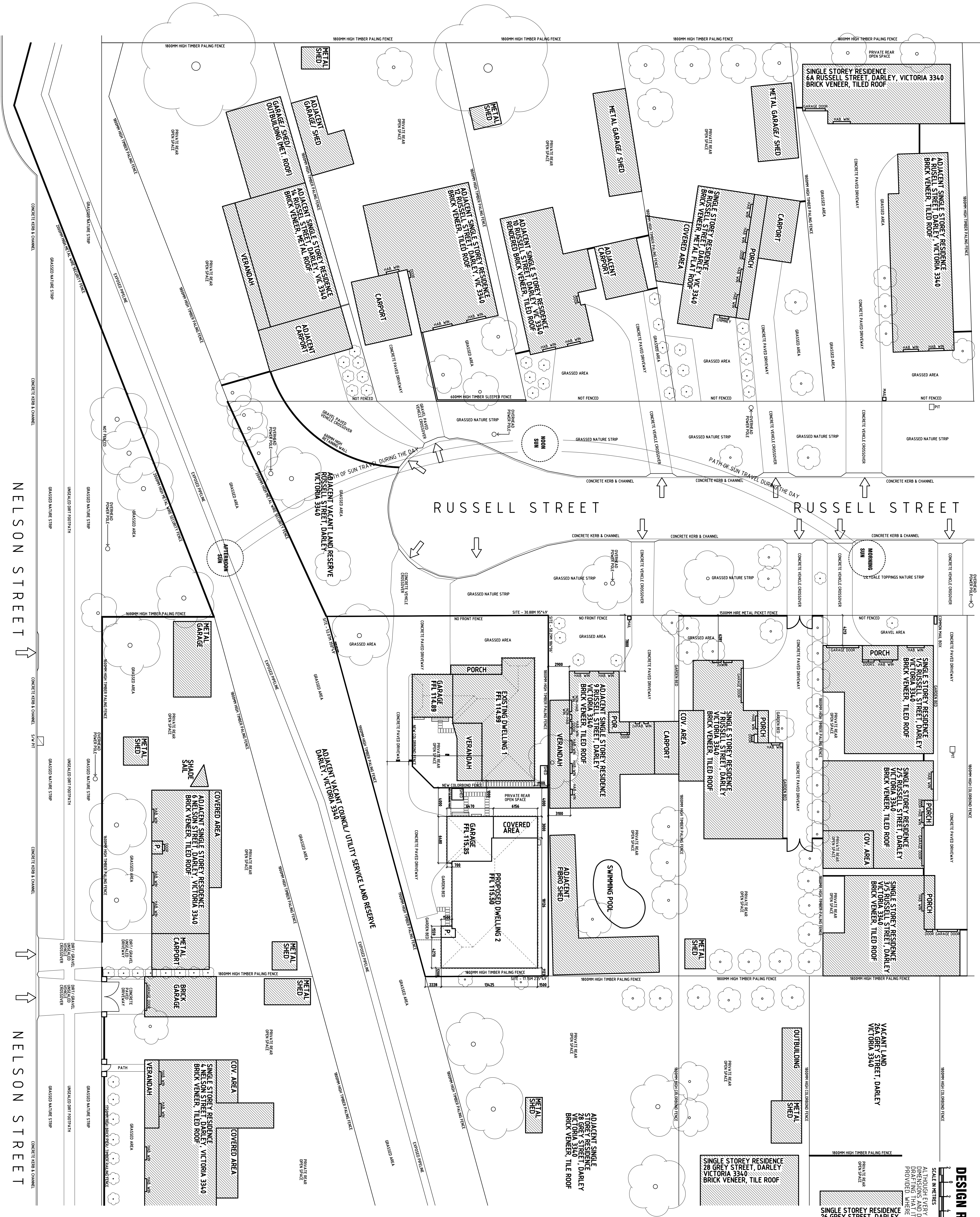
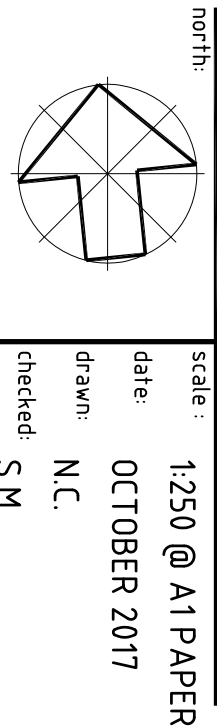
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PLANNING

projects:

DUAL OCCUPANCY
11 RUSSELL STREET
DARLEY, VICTORIA 3340

DESIGN RESPONSE PLAN



Item 5.2 Planning Permit Application PA2016-278

Planning Permit PA2016-278– Leonards Hill-South Bullarto Road, South Bullarto - Development and Use of a Dwelling and Ancillary Outbuilding, Native Vegetation Removal and Earthworks.

Application Summary:	
Permit No:	PA2016278
Lodgement Date:	2 November, 2016
Amended application:	15 August, 2017
Planning Officer:	Mark Lovell
Address of the land:	Lot 10 on Title Plan 085359L Leonards Hill-South Bullarto Road, South Bullarto.
Proposal:	Development and Use of a Dwelling and ancillary outbuilding, native vegetation removal and earthworks
Lot size:	6.4 hectares
Why is a permit required	<p>Clause 35.04-2 – Rural Conservation Zone - Use of land</p> <p>Clause 35.04-4 – Rural Conservation Zone – Building and Works</p> <p>Clause 44.04 – Bushfire Management Overlay</p>
Why is this application being presented to Council?	Six objections received.
Public Consultation:	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Six objections
Consultation meeting:	Yes, meeting held with the applicant and objectors. A number of issues were discussed. As a result of the meeting further advice was obtained from the catchment authorities which resulted in the applicant lodging revised plans.
Policy Implications:	
Strategic Objective 2:	Minimising Environmental Impact
Context 2B:	Natural Environment

Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.	
<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 – Mark Lovell</i>	
In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes, Council's Infrastructure, Council's Environmental Health, CFA, Western Water, Southern Rural Water, DELWP.
Any issues raised in referral responses?	Western Water objected to the original application however consented to the amended application.
Preliminary Concerns?	Yes, over the design and form of the dwelling.
Any discussions with applicant regarding concerns	Yes, the applicant meet Council officers and provided additional details regarding the container house.
Any changes made to the application since being lodged?	Yes, the applicant altered the location of the dwelling which involves removal of native vegetation.
VCAT history?	No.
Previous applications for the site?	2005-418 was issued on 12 December, 2006 authorising the use and development of land for purpose of mineral, stone or soil extraction (removal of clay) and conversion of a mining site into a dam.
General summary (Pro's/Con's of the proposal)	<p>The revised plans which have altered the location of the proposed double storey structure has increased the front setback and provided for a tree canopy backdrop</p> <p>The revised plans will result in the removal of native vegetation to accommodate a defensible space around the dwelling under the Bushfire Management Overlay.</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 the use and development of a dwelling and ancillary outbuilding, removal of native vegetation and earthworks on Lot 10 on Title Plan 085359L, Leonards Hill-South Bullarto Road, South Bullarto.	

Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a sign on site for period of fourteen days. A statutory declaration verifying display of the notice was received on 2 February, 2017

The revised plans were notified to adjoining and surrounding landowners by mail. The advertising was completed on 25 October, 2017.

Summary of Objections

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

Objection	Any relevant requirements
Visual amenity/neighbourhood character with a double storey dwelling.	Clause 35.06
Officer's response - The revised plans have moved the dwelling from an exposed open area of the site to within a woodland part of the site which would provide for a tree canopy backdrop and reduce bulk and streetscape impacts.	
Compliance with BMO/CFA Guidelines.	Clause 44.06
Officer's response – The revised plans have resulted in a revised Bushfire Management Statement which has been reviewed by the CFA who had no objection subject to conditions.	
Tree removal.	Clause 52.17
Officer's response – Native vegetation will be removed as part of this proposal. The applicant has submitted NVIM report which has been reviewed by DELWP. The applicant will be required to provide an offset for the native vegetation removed. Native trees beyond the bushfire defensible space will remain on site.	
Waste water extending beyond the property boundary.	LCA, Environmental Health
Officer's response - The large lot size 6.1ha and a land application area for waste water at 665m2 can easily contained within the boundaries of the site.	
Noise from generators/ Use of wind turbines.	EPA Guidelines
Officer's response – All mechanical noises will have to comply with EPA noise requirements.	
Animal keeping on site without a permit/Intensive animal husbandry/failure to comply with Council local laws/ Problems with animal smells/animal noise.	Clause 35.06 Section 2 use.
Officer's response - The applicant is aware that animal keeping requires a planning permit. This is not part of the application being considered by Council - A separate planning application will need to be applied for and assessed on its own merits.	

Objection	Any relevant requirements
Rubbish burning / fence collapse/ dumping of a shipping container on the roadway.	
Officer's response – The above is not a relevant planning consideration and can be dealt with through Council's Local laws.	
Dam non portable.	Catchment authorities
Officer's response – The applicant would not be using the dam as a water source.	
Error in the applicant report, misrepresentations/ lack of detail.	
Officer's response – Council officers have sufficient information presented in the documents to make a determination.	
Off the grid power, location of site services.	
Officer's response – Location of all site services including solar panels, steam generators, domestic wind generators can be addressed through the submission of revised plans.	

Proposal

It is proposed to construct a double storey dwelling and ancillary outbuilding. The dwelling would be comprised of four bedrooms, open living/dining and kitchen area and three bathrooms. The two first floor bedrooms will have access to a first floor deck area. The dwelling is setback 115 metres from the Leonards Hill-South Bullarto Road frontage, 24 metres from the Camp Road frontage and setback 160 metres from the rear southern property boundary.

The dwelling would be constructed of new grade shipping containers stacked on top with steel stumps and footings. Windows and doors will be steel framed. The containers would have a rust finish to give a copper type look. There is ancillary shed/workshop that 19 metres in length and 9 metres in width. The building is located close to the existing driveway and crossover and is setback 10 metres from the Camp Road frontage and 44 metres from the Leonards Hill-South Bullarto Road frontage. The proposal involves the removal 0.463 hectares of native vegetation.

The applicant proposes to have all power off the grid using a solar generator, battery, steam power, and a wind generator that would be designed to switch between all four systems.

Site Description

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

The site contains a caravan, shipping container, metal scraps, damaged colourbond internal fence and animal enclosures and a variety of domestic and farm type animals. The dam on site was a former clay extraction area and according to the rehabilitation requirements under the previous permit would have an area of 10,250 cubic metres.

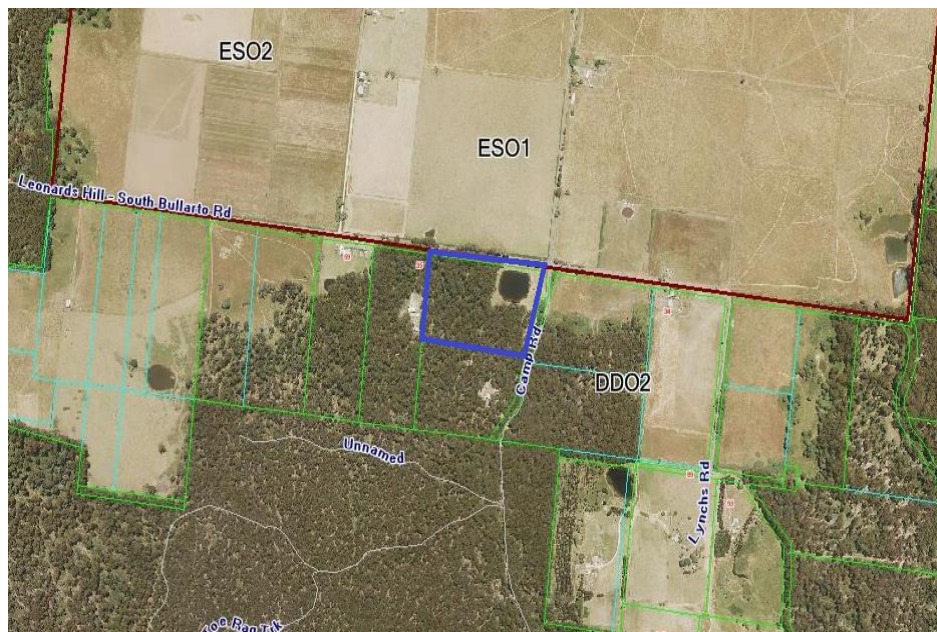
The land owner was previously occupying the site, however, the Caravan and Camping Permit has now expired.

The surrounding area is mixed with open farmland and scattering of older styled dwelling to the north and east. To the south and west are woodlands and a State Forest. The properties on the northern side of Leonards Hill-South Bullarto road are within the Shire of Hepburn Springs.

The plans are provided in Attachment 1.

Locality Map

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





Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.02-1 Supply of urban land.
- Clause 11.07-1 Regional Victoria.
- Clause 13.05-1 Bushfire planning strategies and principles.
- Clause 14.02-1 Catchment planning and management.
- Clause 14.04-2 Water Quality.
- Clause 15.01-5 Cultural identity and neighbourhood character.
- Clause 16.02-1 Rural residential development.
- Clause 21.02-3 Water and Catchment Management.
- Clause 21.02-5 Wildfire.
- Clause 21.03-5 Rural Lifestyle Opportunities.

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

SPPF	Title	Response
Clause 16.0-2-1	Rural Residential development	A strategy under this clause is ensure planning for rural living avoids or significantly reduces adverse economic, social or environmental impacts. There would some impact with the removal of native vegetation.
LPPF		
Clause 21.03-5	Rural Lifestyle Opportunities	A strategy under this clause is to focus rural living development in areas close to urban centre with good access to services

		and facilities. The site is isolated from the nearest township areas.
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Zone

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

The purpose of the zone is:

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

Under Clause 35.06-1 the use of the land requires for a dwelling requires a planning permit on the condition that it meets the requirements of Clause 35.06-2.

Clause 35.06-2 states a lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- 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.
- 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 firefighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source

Under Clause 35.06-5 a planning permit is required to construct a building or carry out works associated with a Section 2 use. Decision guidelines are listed Clause 35.05-6.

Overlays

Bushfire Management Overlay

The subject is covered by a Bushfire Management Overlay.

The purpose of this Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Under Clause 44.06-2 a permit is required to construct a building or carry out works associated with accommodation.

Design & Development Overlay Schedule 2

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

The purpose of Schedule 2 is:

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

A permit is required to construct a building in reflective materials. A corresponding condition can ensure non-reflective material are used to accord with the overlay provision.

Particular Provisions

Clause 52.17 Native Vegetation

The proposal involves the removal of native vegetation

The purpose of this particular provision is:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) the Guidelines:
 1. Avoid the removal, destruction or lopping of native vegetation.
 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Under Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation including dead native vegetation. Decision guidelines are listed under Clause 52.17-4.

Discussion

Compliance

It's important for Council to be aware that the landowners have been occupying a caravan on the site for a number of months/year now, therefore, from a health and amenity perspective it is important that the landowner builds a dwelling on this site as soon as possible.

Use and development

The applicant has taken on board Council Officer's initial concerns and some objector concerns with bulk of the double storey dwelling that will be constructed from shipping containers. The revised plans have moved the dwelling from an exposed position that is readily visible from the street intersection to within the woodlands which will need to be cleared for a defensible space under the Bushfire Management Overlay. The new position will have a tree canopy back drop and the dwelling is setback over 100 metres from Leonards Hill-South Bullarto Road frontage.

There needs to be a more comprehensive materials and colour schedule submitted as the proposal involves rust finish added to shipping containers. The building will also need to be maintained to prevent visual blight over time. This can be satisfied by permit conditions. It is noted that the applicant hasn't proposed a laundry as part of this application, whilst it does not make part of the requirements for a dwelling under the planning definition it would be required in order to be granted a building permit.

The applicant would be utilising off the grid power system and will need to detail location and type of system on the endorsed plans. There will be standard amenity conditions to ensure noise, vibration or other emissions do not impact upon the amenity of surrounding properties which does include some established residences.

The lot at over 6 hectares in area is large enough to support a dwelling and its associated effluent field while still retaining woodlands including immediately south of the existing dam which will allow for some conservation value. The use of land is for dwelling and this application does not allow animal keeping which is subject to separate planning permission and a separate assessment against the provisions of the Rural Conservation Zone.

Catchment management

The subject land is not covered by an Environmental Significance Overlay however local catchment authorities were notified and an objection was received from Western Water. The applicant has relocated the proposed dwelling and modified their Land Capability Assessment to address their concerns. The revised plans have been deemed acceptable by Western Water, Southern Rural Water and Council's Environmental Health Officer.

Bushfire Mitigation

The dwelling will be constructed to BAL level 40 and will include a 10,000 litres water tank for firefighting purposes. CFA had no objection to the application subject to two conditions. The revised dwelling location does put the dwelling closer to dense vegetation however, it is considered that reasonable measures have been undertaken to satisfy the bushfire risk.

Native Vegetation Removal

The revised location of the dwelling will result in the removal of native vegetation. This is confined to a small area of the site and is for the protection of human life in accordance with the objectives of the Bushfire Management Overlay. The site would still have a large pocket of native vegetation retained and the applicant as part of permit conditions would be required to provide an offset for the native vegetation removed in accordance with the results of the submitted Biodiversity Assessment Report.

General Provisions

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

- The matters set out in Section 60 of the Act.

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

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

Referrals

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

Authority	Response
Western Water	Consent subject to two conditions
Southern Rural Water	Consent subject to seven conditions
CFA	Consent subject to one condition
DELWP	Consent subject to four conditions
Infrastructure	Consent subject to six conditions
Environmental Health	Consent subject to eight conditions

Financial Implications

There are no financial implications in recommending approval of the application.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application on the ground that it does not comply with the planning scheme provisions, is inappropriately located with a Rural Conservation Zone and will result in excessive loss of native vegetation.

Refusing the application may cause further compliance issues as the landowners have been occupying a caravan on site on a permit which has now expired. Alternatively it could also result in the applicant lodging an application for review of Council's decision with VCAT.

Conclusion

The proposed use and development of a dwelling and ancillary outbuilding are generally consistent with the planning scheme provisions including the Rural Conservation Zone, Bushfire Management Overlay and the Design & Development Overlay Schedule 2. The revised plans have improved the location to minimise visual impact from the public realm and have addressed concerns with the wastewater treatment. Native vegetation will be removed around the defensible space for the dwelling but site still has large area of native vegetation remaining.

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 development and use of a Dwelling and ancillary outbuilding, native vegetation removal and earthworks at Lot 10 on Title Plan 085359L otherwise known at Leonards Hill-South Bullarto Road, South Bullarto 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) Elevation plans which nominate all natural ground levels, finished floor levels, floor to ceiling levels and overall height;**
 - b) Site plan to show the location of the Land Application Area (LAA) in accordance with the Land Capability Assessment prepared by Ground Science dated 1 July, 2017;**
 - c) Material and finish schedule of all external materials including colour swatches;**
 - d) Show the location of all site services including any external power supply systems; and**
 - e) The floor plan be amended to nominate a laundry within the dwelling.**

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. 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.**
- 3. 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 firefighting purposes.**
- 4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
- 5. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**

Materials and Colours

- 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.**
- 7. All external walls and wall finishes must be maintained to the satisfaction of the Responsible Authority**

Amenity

- 8. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'**
- 9. 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; and**
 - e. Any other way.**

Environmental Health

- 10. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Ground Science, ref number E2409.1 AB dated 1 July 2017 or any approved amendment are to be strictly adhered to.**
- 11. 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**
- 12. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
- 13. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.**
- 14. 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**
- 15. 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.**
- 16. 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 1m spacing in between lines.**
- 17. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.**

Infrastructure

18. A standard rural vehicle crossing with culvert must be provided on Camp Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
19. 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.
20. 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. Moorabool Shire Council Engineering Services
21. 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).
22. 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.
23. 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.

Western Water

24. 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) 6. 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 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);
- j) The primary and reserve effluent disposal fields 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;
- k) The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Ground Science dated 1 July 2017 Reference No E2490.1 AB and the accompanying management plan followed and implemented;
- l) The land must not be further subdivided;
- m) No other building works shall be undertaken on the subject land without written approval of Western Water;
- n) Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater;
- o) Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated;
- p) 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 fields;
- q) Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures; and
- r) The obligations under this agreement shall run with the land.

25.The applicant shall pay all Council costs associated with the registration and enforcement of the Section 173 Agreement.

Southern Rural Water

26.The wastewater treatment system must be designed to meet the requirements outlined in the Land Capability Assessment (LCA) produced by Ground Science (report reference # E2490.1 AB) and must be satisfactory to Council's Health Officer.

27.Wastewater must be treated to a secondary standard as a minimum.

28.The wastewater treatment system must be installed, maintained and serviced by a suitably qualified contractor and verified by Council's Health Officer.

29.A cut-off drain must be installed up-gradient and down-gradient of the land application area (LAA) to prevent runoff of effluent if the system were to fail and stormwater ingress into the LAA.

30.Water saving fixtures must be installed in the dwelling to reduce volumes of wastewater.

31.Any failure of the wastewater treatment system and LAA must be immediately rectified to the satisfaction of Council's Health Officer.

32.Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution control, shall be employed during construction and maintained until the disturbed area has been revegetated.

Country Fire Authority

33. The bushfire mitigation 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.
34. The Bushfire Management Plan (prepared by Southern Cross Town Planning Pty Ltd, *Bushfire Management Statement – Lot 10 – 34 Lynch’s Road, Bullarto South – Revision D, Attachment 5, dated 5/08/2017*) 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.

Department of Environment, Land Water & Planning

35. To offset the removal of 0.463 hectares (remnant patch) approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*.
36. The general offset must:
- a) contribute gain of 0.068 general biodiversity equivalence units;
 - b) be located within the Port Phillip and Westernport Catchment Management Authority boundary or Moorabool Shire Council municipal district; and
 - c) have a strategic biodiversity score of at least 0.130.
37. 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 *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:
- a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan;
 - b) a credit register extract from the Native Vegetation Credit Register; or
 - c) A copy of the offset evidence endorsed by the Responsible Authority will form part of this permit. Within 30 days of offset endorsement, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. This permit will expire if one of the following circumstances applies:

Permit Expiry

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

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

Permit Note

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

Report Authorisation:

Authorised by:

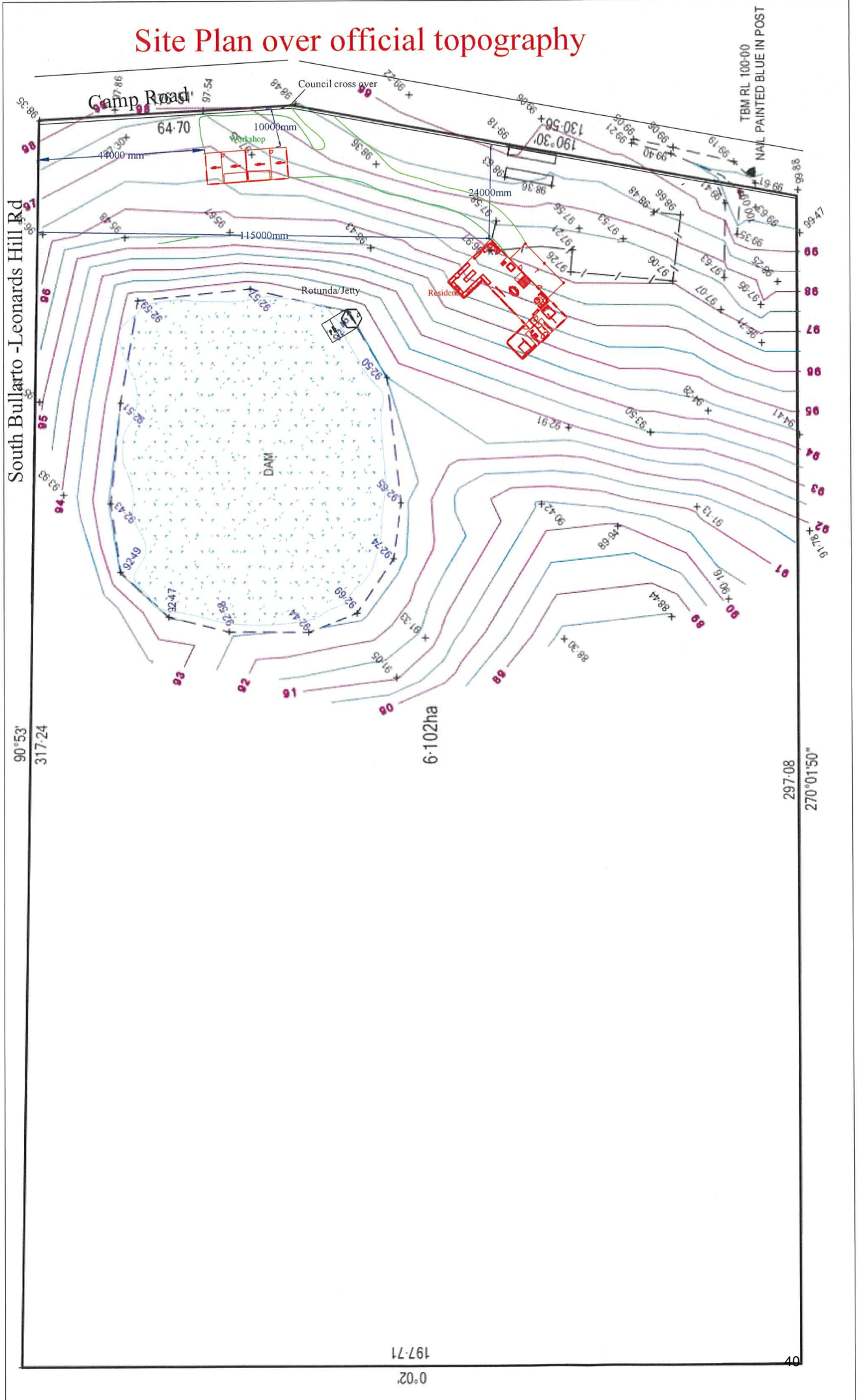
Name: Satwinder Sandhu

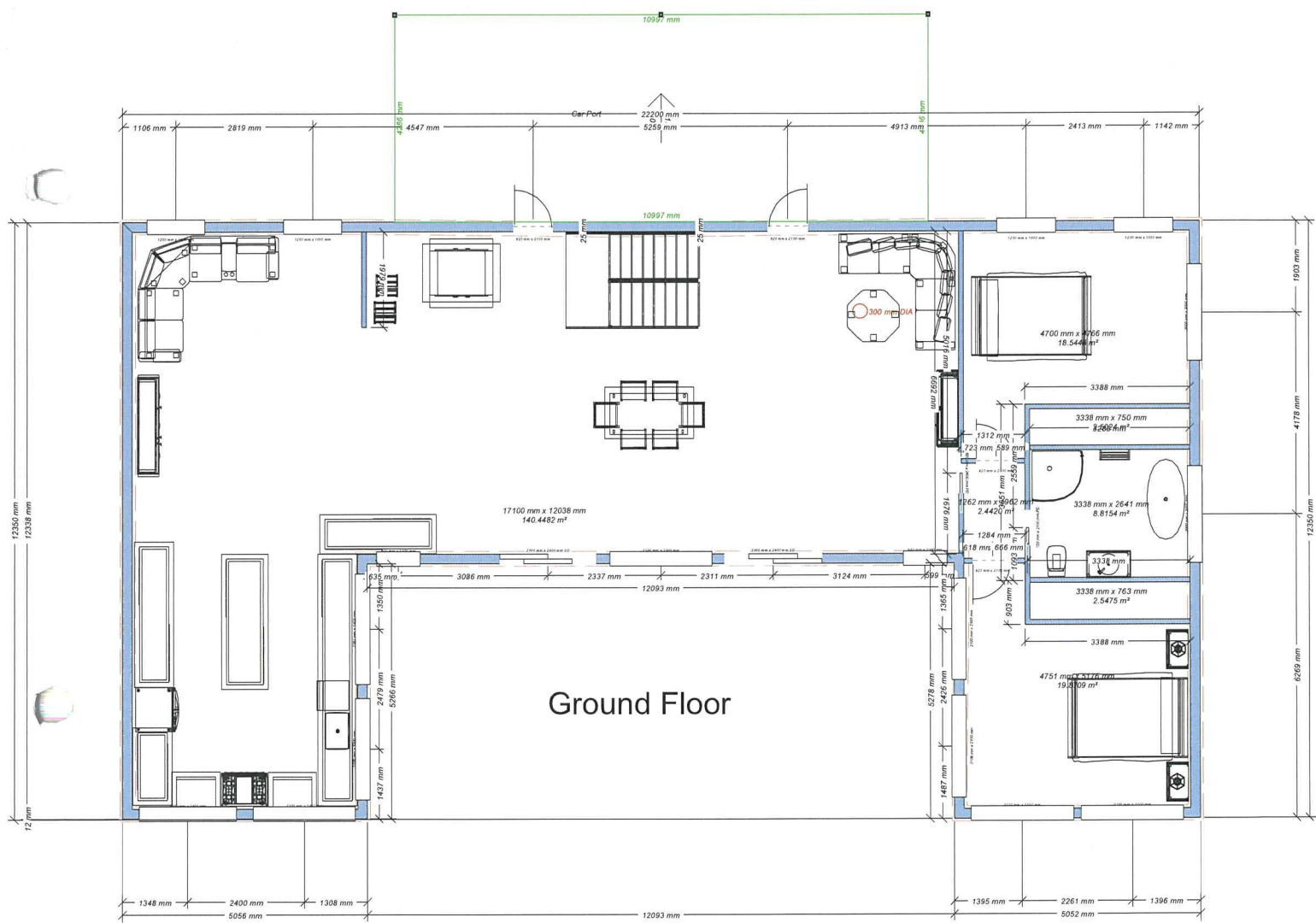
Title: General Manager Growth and Development

Date: 31 January, 2018

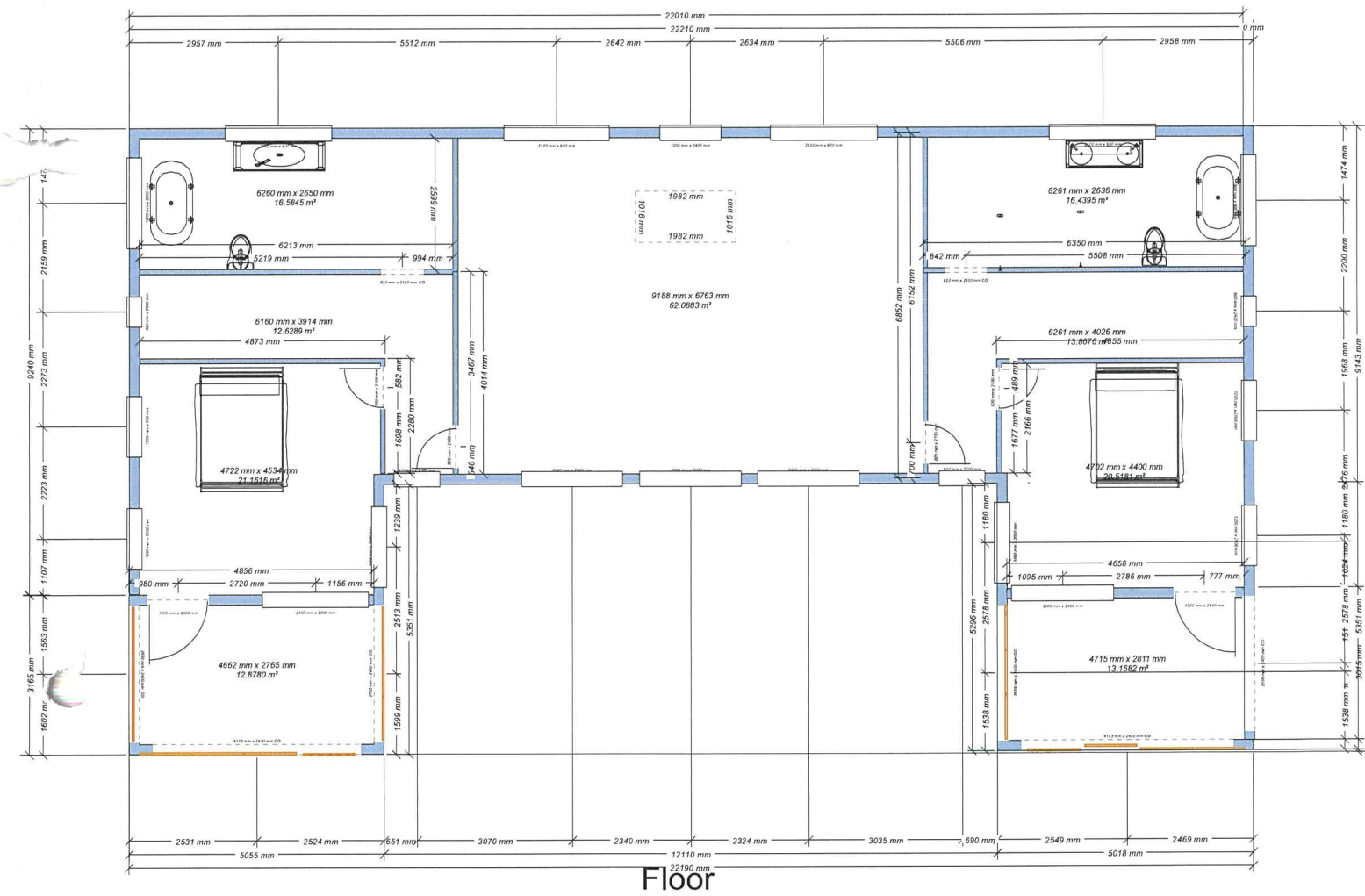
A handwritten signature in black ink, appearing to be 'S. Sandhu', is written over the printed name and title.

Site Plan over official topography





Second Floor

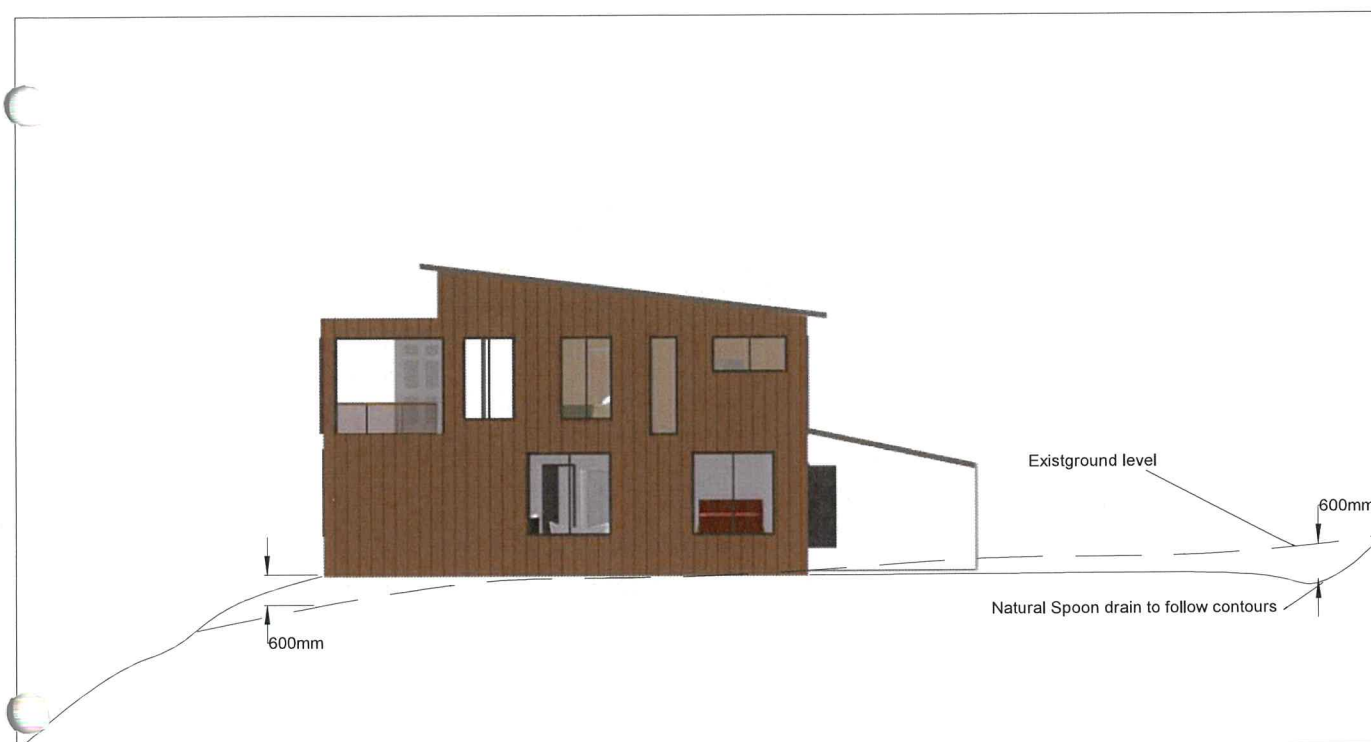




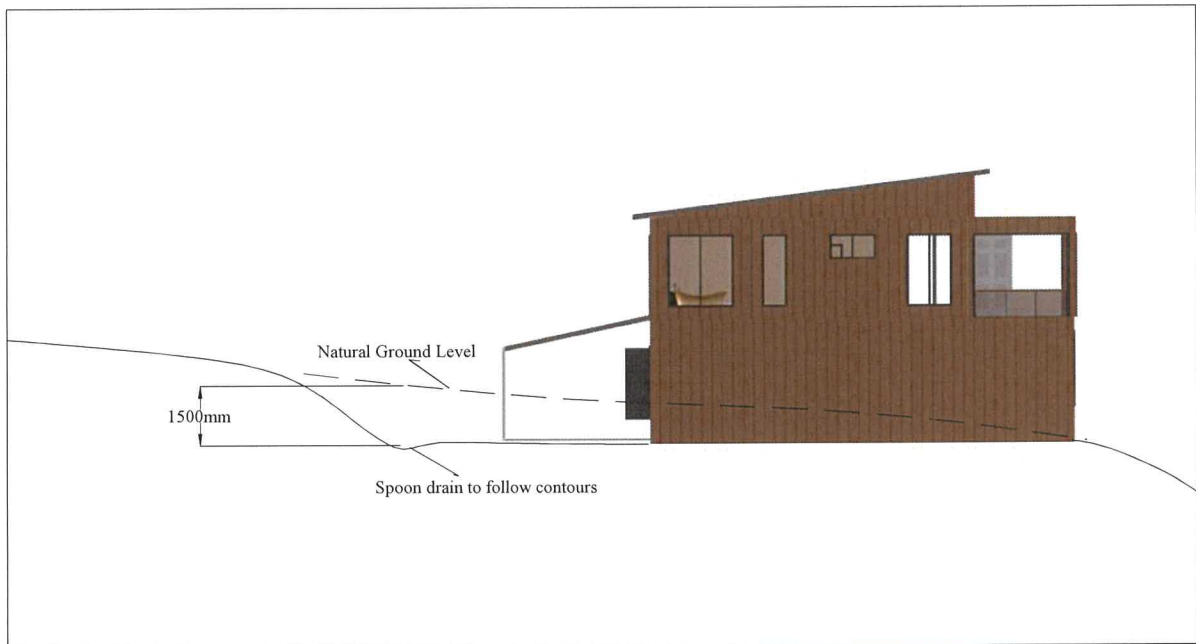
North West View



South East View

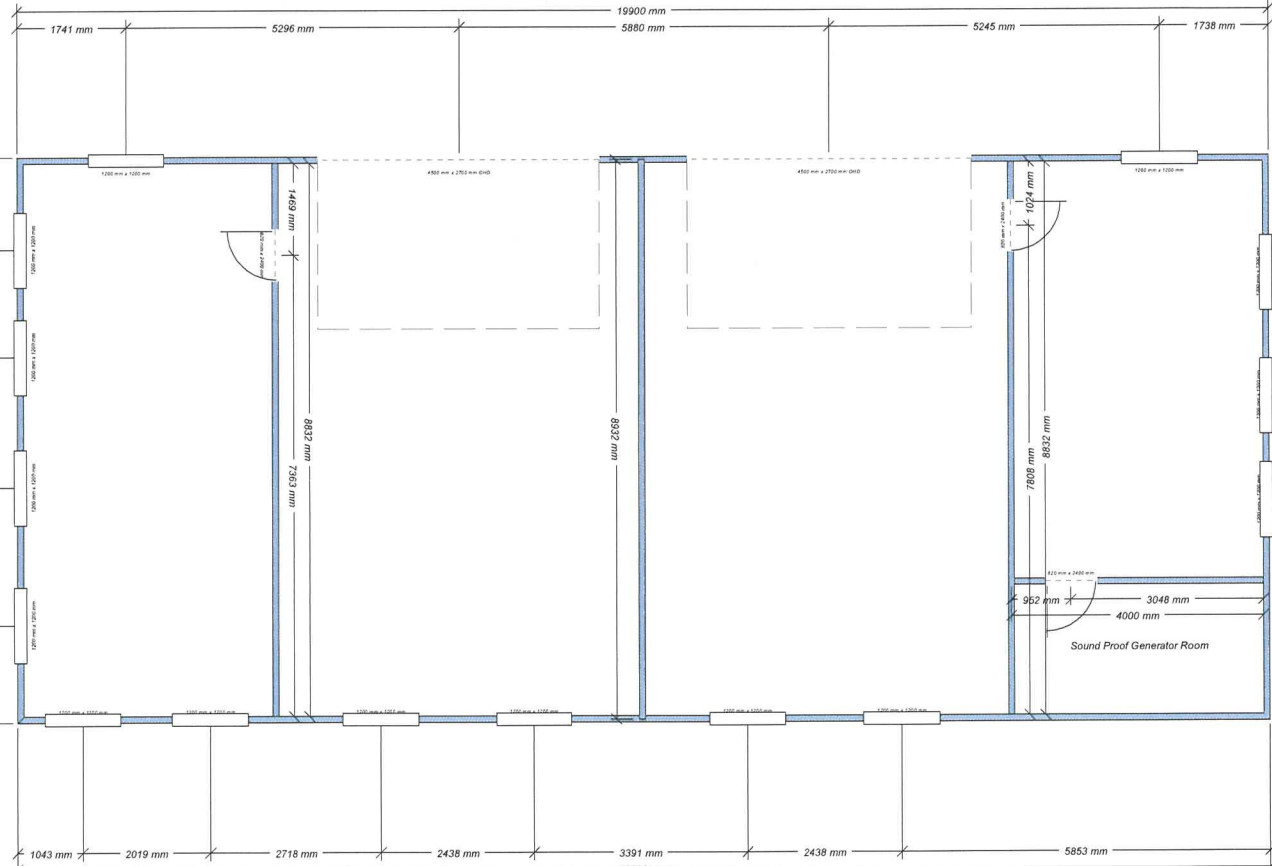


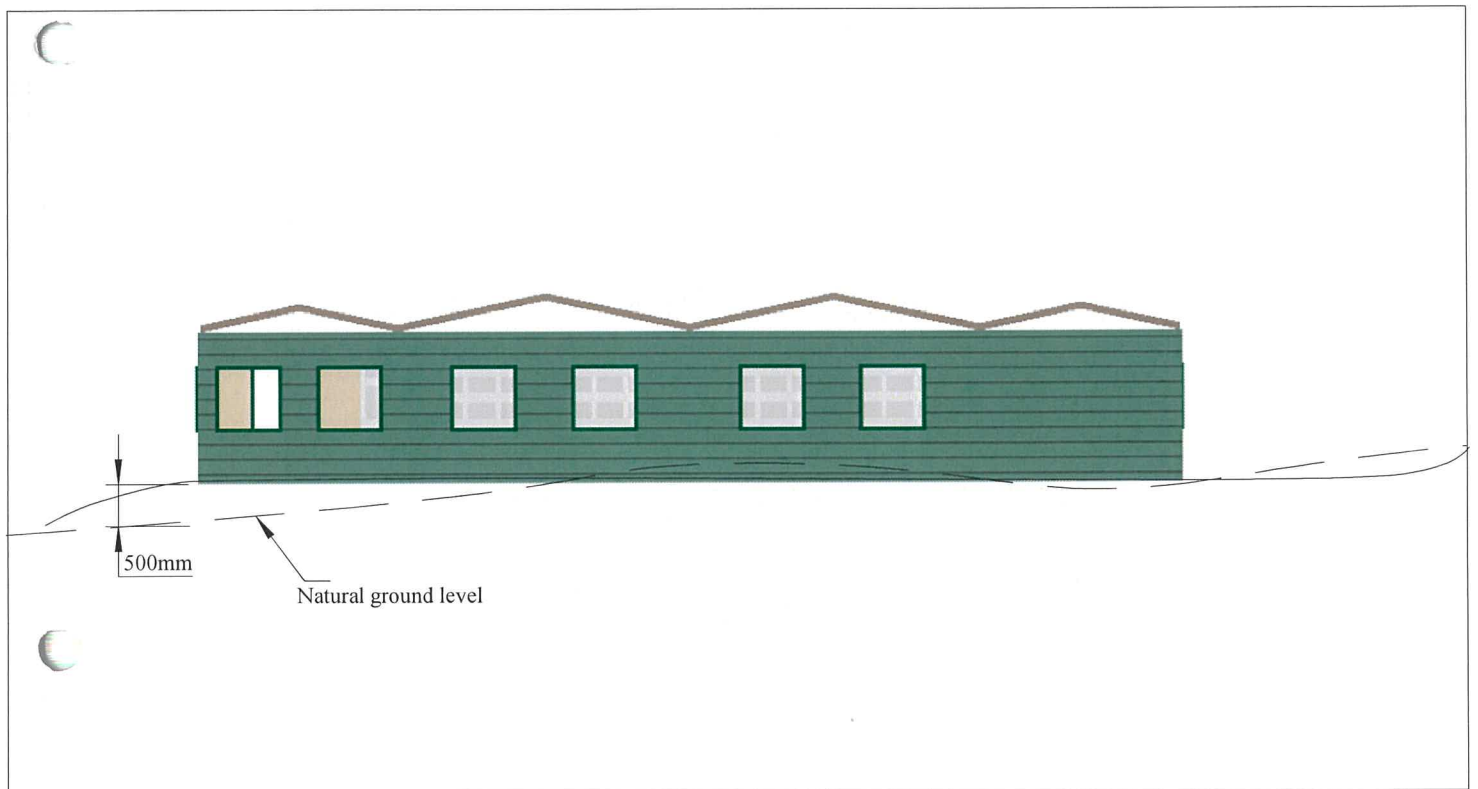
South West View



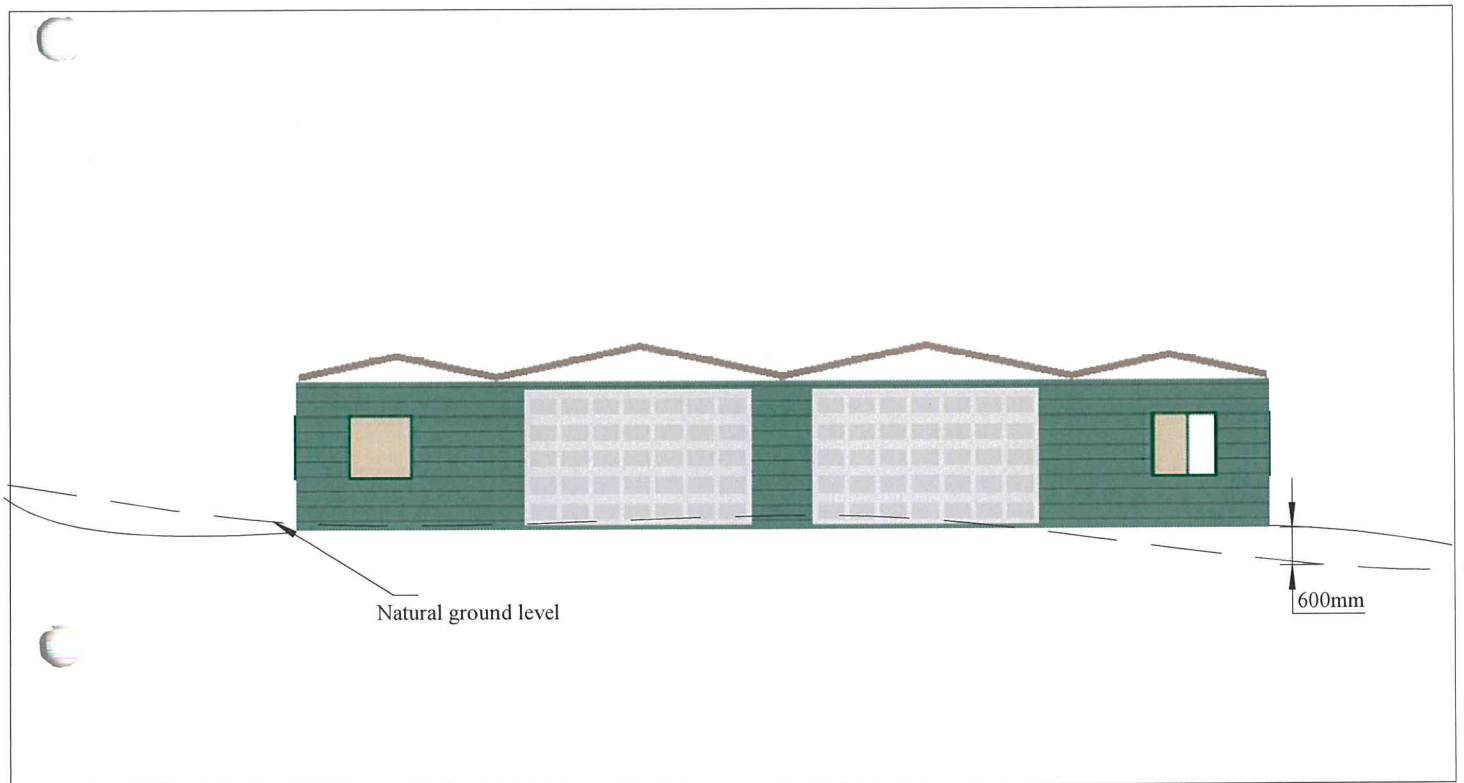
North East View

Shed Plan

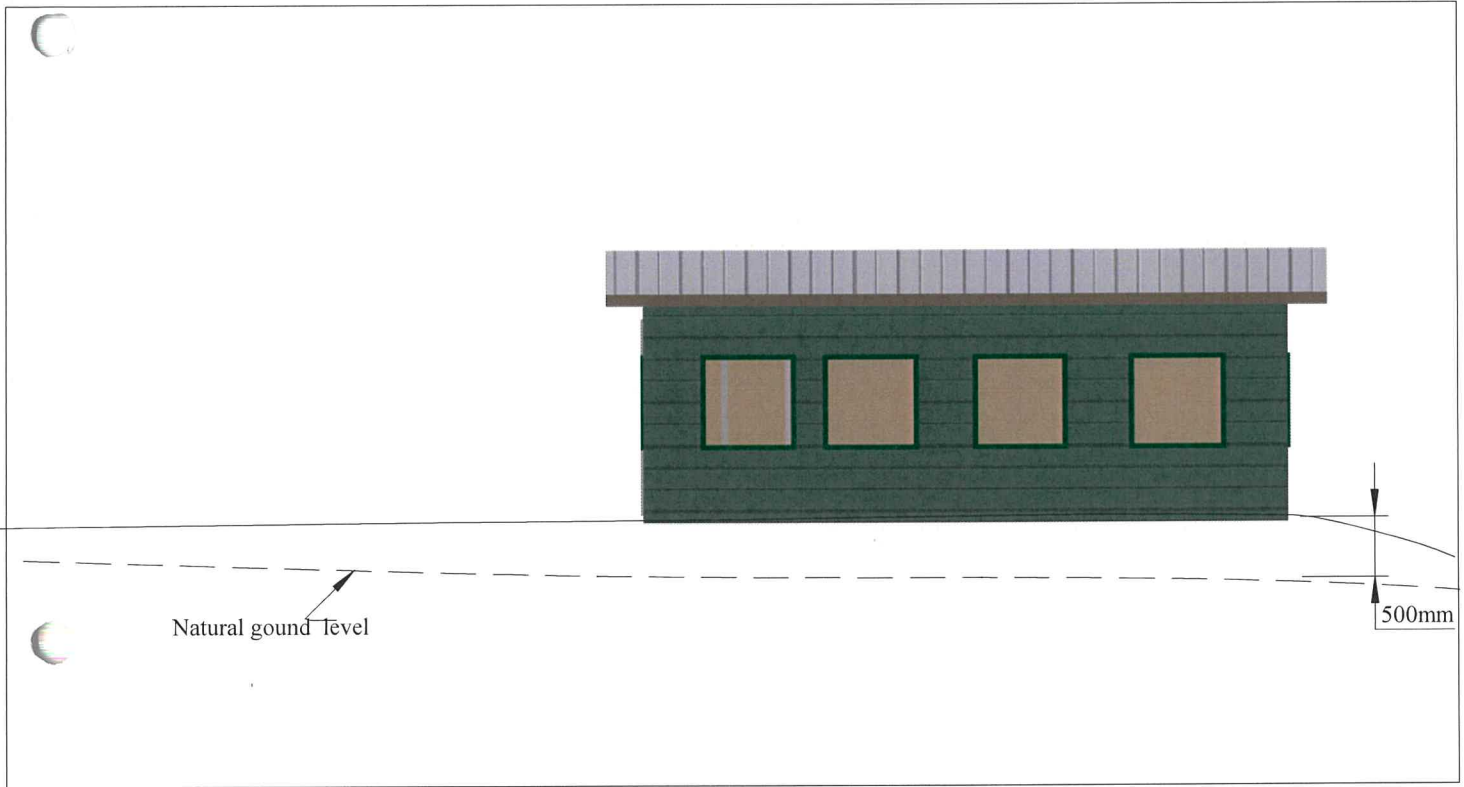




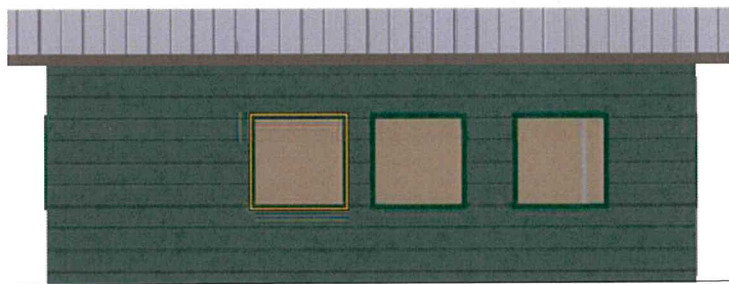
West Elevation



North Elevation



North Elevation



Natural ground level and ground level same

South Elevation

Item 5.3 Planning Permit Application PA2017-117**Planning Permit PA2017-117; 94 Main Street, Bacchus Marsh – Two lot subdivision.**

Application Summary:	
Permit No:	PA2017117
Lodgement Date:	23 June, 2017.
Planning Officer:	Mark Lovell
Address of the land:	Lot 1 on Title Plan 840272R 94 Main Street, Bacchus Marsh
Proposal:	Two lot subdivision
Lot size:	7056m2
Why is a permit required	Clause 32.08-2 –General Residential Zone Schedule 1 – Subdivision of land.
Why is this application being presented to Council?	Three objections received Recommendation for refusal
Public Consultation:	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Three (3)
Consultation meeting:	No, recommendation for refusal similar to the objector concerns.
Policy Implications:	
Strategic Objective 3:	Stimulating Economic Development
Context 3A:	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Mark Lovell</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, Council's Infrastructure, Melbourne Water, Western Water, Powercor and Downer Utilities.
Any issues raised in referral responses?	No.
Preliminary Concerns?	Yes, Lot 2 does not have legal access on title.
Any discussions with applicant regarding concerns	Several phone and written communications. The applicant engaged a legal representative to assist addressing the concerns.
Any changes made to the application since being lodged?	No.
VCAT history?	No.
Previous applications for the site?	PA2015284 for a seven (7) lot subdivision was withdrawn by the permit applicant on 3 March, 2017.
General summary (Pro's/Con's of the proposal)	<p>A subdivision of land in a General Residential Zone close to public services is supported by planning policies.</p> <p>The fatal flaw is the creation of a vacant lot without legal access to a road. The applicant has been given generous opportunities to resolve this matter but has been unable to update their existing title through Land Victoria.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Planning for a two lot subdivision at Lot 1 on Title Plan 840272R, 94 Main Street, Bacchus Marsh in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>.</p>	

Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a large sign on each street frontage for period of fourteen days. A statutory declaration verifying display of the large notice was received on 1 September, 2017.

Summary of Objections

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

Objection	Any relevant requirements
Future residents objecting to noise from car wash/ put the business in jeopardy.	
Officer's response – This is not a valid planning consideration. The site is zoned General Residential 1 and the adjoining land is zoned commercial. The adjacent business must comply with current EPA Noise levels.	
Convent land is privately owned/ Additional use will incur maintenance cost and expense for the owner	
Officer's response – Similar to Council concern. Convent Lane is not listed as a road on title.	
Impact on the structural integrity of the Blacksmith Cottage/ Damage caused by vibration	
Officer's response – Subdivision works will be minimal to the rear lot and would unlikely cause damage to the adjacent property.	
Drainage issues	
Officer's response – Council's Infrastructure have not identified any drainage concerns with the subdivision.	
Tree removal	Clause 52.12
Officer's response – There is no tree removal proposed as a result of the subdivision of land.	
Should be buffer zone of 2 metres to Blacksmith Cottage/restriction to construction activity.	
Officer's response – The subdivision does not propose works adjacent to the Blacksmith's Cottage. There is no requirement to provide a buffer area as part of a subdivision of land.	

Proposal

It is proposed to subdivide the land into two lots.

Lot 1 at 6444m² in area abuts the entire Main Street frontage and includes the existing dwelling, driveway and associated vehicle crossover to Main Street.

Lot 2 is located in the northwest corner of the site. The lot is 30 metres in length and 25.40 metres in width for a total lot area of 608m². The lot is proposed to access a gravel track that runs parallel with the western property boundary and is called Convent Lane. The site contains a carport and three trees. There are no development plans for this lot at this stage.

The plans are provided in Attachment 1.

Site Description

The subject site is located on the northern side of Main Street, 76.71 metres to the west of Gisborne Road. The lot has a rectangular shape that widens towards the rear. The lot has a maximum width of 75.93 metres and a maximum length of 103.69 metres for a total land area of 7056m². According to the spot level survey, the site slopes from 102.32AHD in the south-west corner up to 109.6AHD in the north-west corner.

The site contains a single storey dwelling well setback from the street frontage and is located at an elevated position compared to the street level. There is a high solid fence along part of the Main Street frontage. There are a number of trees mostly confined to the border of the property with some trees removed with the stumps remaining.

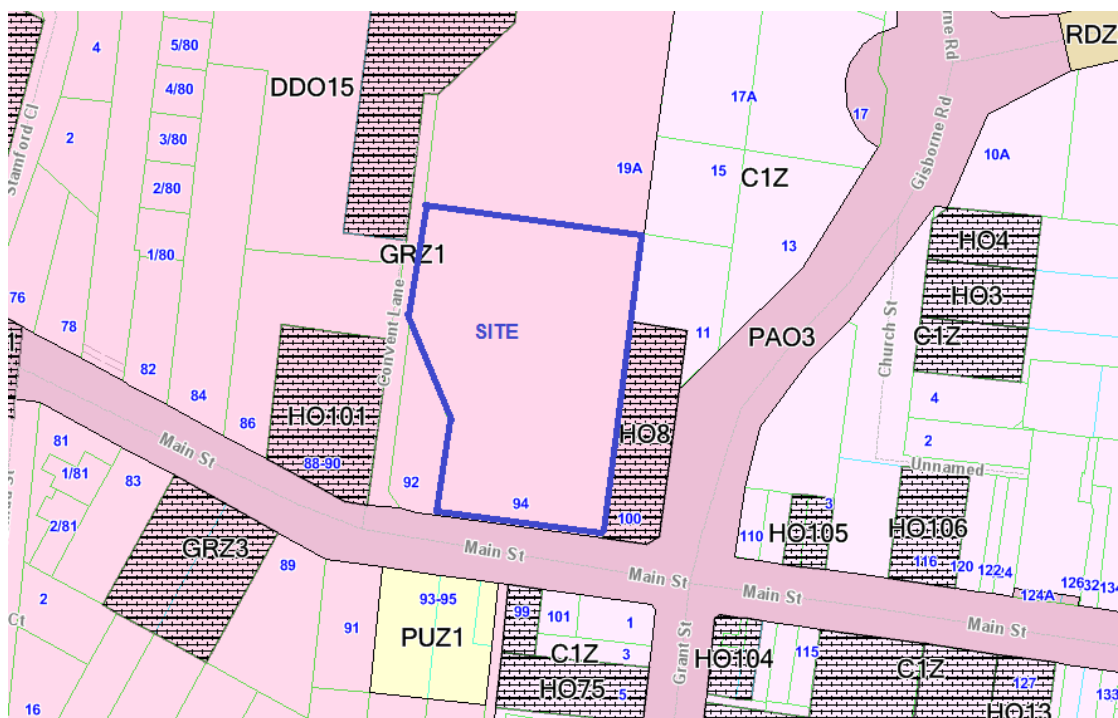
The surrounding area is quite mixed. The immediate adjacent property to the west is the historic Blacksmith's Cottage which is located within a Commercial 1 Zone. The properties to the north include a car wash, petrol station and McDonalds Restaurant and all within a Commercial 1 Zone. To the west and south-west are detached single storey dwellings on moderate lots sizes and are located within a General Residential Zone. The opposite side of Main Street contains a group of attached shops and a fire station with the latter located within a Public Use Zone.

The site is on the edge of the Bacchus Marsh activity Centre which contains a diverse range of retail uses.

Locality Map

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





Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.02-1 Supply of Urban Land.
- Clause 11.03-1 Open Space Planning.
- Clause 11.07-2 Peri-Urban Areas.
- Clause 11.08 Central Highlands.
- Clause 15.01-3 Neighbourhood and Subdivision Design.
- Clause 15.01-5 Cultural identity and Neighbourhood Character.
- Clause 16.01-1 Integrated Housing.
- Clause 16.01-2 Location of Residential Development.
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-3 Residential Development.
- Clause 21.07-2 Bacchus Marsh.

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

SPPF	Title	Response
Clause 15.01-3	Neighbourhood and subdivision design	The objective of this clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. The subdivision will create a vacant lot without ease of access.

Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

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

Under Clause 32.08-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for a residential subdivision.

Overlays

Design & Development Overlay

Planning Scheme amendment GC49 was gazetted on 24 November, 2017 creating Design & Development Overlay Schedule 15 (the overlay mapping incorrectly identifies the land as covered by DDO14).

The design objectives of Schedule 15 are:

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

Under Part 2 of Schedule 15 a permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height, being 100.8 metres above the Australian Height Datum (AHD).

As no building works are proposed, no permit is required under this overlay.

Relevant Policies

Urban Growth Policy (proposing Planning Scheme Amendment C81)

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.

Housing Bacchus Marsh to 2041 (proposed Planning Scheme Amendment C79)

One of the objectives of the strategy is to provide a clear direction and policy guidance to enable orderly growth, managed change and retention of key elements of character including neighbourhood character mapping and character precinct brochures.

The site is located in Precinct 17 of the Settlement Framework Plan, identified as a 'Natural Residential Growth Area', which applies to residential land that has been identified for natural change over time. Appropriate well designed, infill development, including multi-unit developments that complement the preferred character of the area, while providing for a variety of housing options will be encouraged in suitable locations.

The Preferred Character Statement for Precinct 17 is generally to maintain a streetscape rhythm of detached dwellings with conventional front and side setbacks. Built form to one boundary may be appropriate where the preferred character of the precinct is not compromised. Boundary to boundary development should be avoided.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01 the proponent must pay a contribution to Council for public open space, being a percentage of the site value. The proposal involves the creation of one modest vacant lot unlikely to be further subdivided. In this instance, a two lot subdivision unlikely to be further subdivided does not attract a requirement for a public open space.

Clause 56 (Rescode)

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

Clause Rescode	Title	Response
56.06-8	Lot access	The proposed vacant lot does not provision of safe vehicle access between the road and lot.

Discussion

Lot proportions

Both lots are large in area and well proportioned. The vacant lot is rectangular in shape and can easily support a future dwelling. The site is in close proximity to an activity centre with a range of retail and public services. The subdivision reflects the surrounding mixed subdivision pattern with large and small lots sizes and some irregular lot shapes. The subdivision pattern is appropriate in this site context.

Access

The primary concern as expressed in the early stages of the application is access rights to Lot 2. On the parent Certificate of Title, this lot does not have an abuttal to a roadway despite a physical roadway on site adjacent to the western property boundary called Convent Lane. The applicant provided old surveys plans which showed a road however these have not transferred onto the latest copy of title. The applicant engaged the services of a legal representative and the applicant requested that Council facilitate the acquisition of an easement of carriageway over part of Convent Lane necessary to provide access to Lot 2. One objector to the application stated that Convent Lane

is a privately owned roadway and a privately maintained roadway and approval would create a precedent for others to claim rights of access to the road.

Council requested the applicant has legal access for the proposed lot. For six months, the applicant has been unable to achieve a road abuttal on title and has instead requested Council place an easement of carriageway over the land utilising Section 36 of the Subdivision Act which enables a Council or referral authority to support an owner in a request to acquire or remove an easement. In this instance, Council should not be involved in an access dispute between land owners as there are other legal mechanisms that can be undertaken.

There is also planning issue of accessing (if legal access rights were achieved) a lot via an unconstructed roadway within a General Residential Zone without street lighting and difficulties for access by garbage trucks. The roadway would need to be upgraded to have achieve a minimum standard for future residents.

The applicant has been given a long period of time to satisfactorily address the access concern for proposed Lot 2. Council should not support a subdivision without a legal road abuttal and in affect a lot that is legally land locked. While this is an open physical roadway adjacent to the property, it is not in ownership of the subject property and has not been deemed a 'public highway' by Land Victoria. The proposed subdivision with a lot not accessing a roadway on title does not represent the orderly planning of the area.

General Provisions

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

- The suitability of the land for subdivision;
- The existing use and possible future development of the land and nearby land;
- The availability of subdivided land in the locality, and the need for the creation of further lots; the effect of development on the use or development of other land which has a common means of drainage; the subdivision pattern having regard to the physical characteristics of the land including existing vegetation;
- The density of the proposed development;
- The area and dimensions of each lot in the subdivision;
- The layout of roads having regard to their function and relationship to existing roads;
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots;
- The provision and location of reserves for public open space and other community facilities;
- The staging of the subdivision;
- The design and siting of buildings having regard to safety and the risk of spread of fire
- The provision of off-street parking;
- The provision and location of common property; the functions of anybody corporate; the availability and provision of utility services, including water, sewerage, drainage, electricity and gas;
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot; and
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

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

Referrals

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

Authority	Response
Western Water	Consent subject to seven conditions.
Melbourne Water	Consent.
Powercor	Consent subject to two conditions
Downer Utilities	Consent subject to one condition
Infrastructure	Consent subject to sixteen conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of refusal of the subdivision does not implicate any risk or OH & S issues to Council.

Communications Strategy

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

Options

An alternative recommendation would be to approve the application on the grounds that it does comply with the planning scheme provisions and does not require a road access on title for Lot 2.

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

Conclusion

The proposed subdivision complies with the planning scheme provisions with regard to the subdivision of land within the General Residential Zone. The problem for the subdivision has been the creation of a vacant lot without legal access rights to an unmade roadway adjacent to the site. The proposed subdivision does not represent the orderly planning of the area and should not be approved.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Refusal to grant a planning permit for a two lot subdivision at Lot 1 on Title Plan 840272R, otherwise known as 94 Main Street, Bacchus Marsh, based on the following grounds:

1. The proposed subdivision creates a lot without legal access to a roadway.
2. The proposed subdivision does not represent the orderly planning of the area.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 31 January, 2018



Des

DESIGN RESPONSE

- 1 EXISTING VEHICLE CROSSOVER POINTS TO REMAIN.
- 2 SUBJECT SITE - TO BE SUBDIVIDED INTO 2 INDIVIDUAL LOTS. EXISTING DRIVEWAY TO BE MAINTAINED AND ADJACENT LOT WITH FENCED TIED TO LOT TO REMAIN ON NEW LOT 1.
- 3 PROPOSED SECURED PRIVATE OPEN SPACE.
- 4 EXISTING F.O.S.
- 5 FENCE/ 1.8M TUBULAR FRAMED BRUSH PINE FENCE OR EQUIVALENT TO BE INSTALLED WITHIN DEVELOPMENT TO COMPLY WITH BOUNDARY REQUIREMENTS.
- 6 UNLESS REQUIRED, ALL EXISTING BOUNDARY PAVERS TO REMAIN UNALTERED.

SUBDIVISIONS IN THE AREA

1. 1-200 MAIN STREET, BACCHUS MARSH - 0.18m EAST
2. 1-10711 GRAMMA STREET, BACCHUS MARSH - 0.33m SOUTH EAST
3. 1-65 GRAMMA STREET, BACCHUS MARSH - 0.33m SOUTH EAST
4. 1-515 COLLEGE SQUARE, BACCHUS MARSH - 1.3m NORTH EAST
5. 1-12171 PUNKER STREET, BACCHUS MARSH - 0.66m SOUTH EAST
6. 1-12171 PUNKER STREET, BACCHUS MARSH - 0.66m SOUTH EAST
7. 1-1202 SIMPSON STREET, BACCHUS MARSH - 0.26m SOUTH EAST
8. 1-14020 MAIN STREET, BACCHUS MARSH - 1.1m EAST
9. 1-32776 MAIN STREET, BACCHUS MARSH - 1.1m EAST

LEGEND

EXISTING TRAILS TO REMAIN

T1

TREE NUMBER - REFERS TO ARBORIST REPORT PREPARED BY AP- ARBORICULTURE AND DATED JUNE 2017 FOR FURTHER DETAILS:

DESIGN

SCALE : 1 : 250

NOTE
CERTAIN INFORMATION ON THIS PLAN HAS BEEN
OBTAINED UTILIZING FEATURE SURVEY PREPARED BY
W.S. PATTERSON & ASSOCIATES LICENSED LAND
SURVEYORS.
DATED: 09/08/15
REF. NUMBER: 7555

SITE ANALYSIS

TOTAL SITE AREA 7052.6m²

SUB-DIVISION AREAS:

LOT 1	644.4 m ²	EXISTING DW
LOT 2	608.6m ²	VACANT

LEGEND

CG	CONCRETE CROSSING
SOP	SIDE ENTRY PIT
W	WINDOW
BOG	BOTTOM OF GUTTER

MR. STEVEN CROWE
 PROPOSED SUBDIVISION
 94 MAIN STREET
 BACCHUS MARSH
 TOWN PLANNING
 DESIGN RESPONSE PLAN

94 MAIN STREET, BACCHUS MARSH – 2 LOT SUBDIVISION.

Item 5.4 Planning Permit Application PA2017-152**Planning Permit PA2017-152; Two lot subdivision at 36 Ingliston Road, Ballan.**

Application Summary:	
Permit No:	PA2017-152
Lodgement Date:	28 July, 2017
Planning Officer:	Mark Lovell
Address of the land:	Lot 4 on PS301770V 36 Ingliston Road Ballan
Proposal:	Two (2) lot subdivision
Lot size:	3560m2
Why is a permit required	Clause 32.08-2 –General Residential Zone Schedule 1 – Subdivision of land. Clause 42.01-2 – Environmental Significant Overlay – Subdivide land.
Why is this application being presented to Council?	Two objections received. Recommendation for refusal
Public Consultation:	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Two (2) objections.
Consultation meeting:	None held. Concerns expressed by the objectors were similar Council's concerns.
Policy Implications:	
Strategic Objective 2:	Stimulating Economic Development
Context: 3A	Land Use Planning
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	

Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Mark Lovell</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, Western Water, Melbourne Water, Southern and Council's Infrastructure.
Any issues raised in referral responses?	No.
Preliminary Concerns?	No.
Any discussions with applicant regarding concerns	No.
Any changes made to the application since being lodged?	No.
VCAT history?	No.
Previous applications for the site?	TPP2935 was issued 23 April, 1990 authorising a two stage thirteen lot subdivision. Titles were released for the Stage 2 lots on 18 June, 1999.
General summary (Pro's/Con's of the proposal)	<p>The site is located within a General Residential Zone and there is policy support for an intensification of existing residential lots.</p> <p>The previous subdivision of the land has created irregular lots and a poor sense of address for the new dwellings. A further subdivision of the rear lot does not represent the orderly planning of the area and will create future management problems with the shared unconstructed accessway. The lot is isolated from the street frontage and does not reflect the prevailing subdivision pattern of the area.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council Refuse to Grant a Permit for a two lot subdivision at Lot 4 on PS301770V, 36 Ingliston Road, Ballan in accordance with Section 61 of the <i>Planning and Environment Act 1987</i></p>	

Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a sign on each street frontage for period of fourteen days. A statutory declaration verifying display of the notice was received on 28 September, 2017.

Summary of Objections

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

Objection	Any relevant requirements
Does not respond to the existing neighbourhood character/ Semi-rural character/ large block sizes.	
Officer's response – The subject site is zoned general residential which allows for a variety of smaller lot sizes in comparison to zones such as rural living which tend to create larger residential parcels. The proposal however fails to respect the existing neighbourhood character due to the lot arrangement and its isolation from an active street frontage.	
Does not comply Local Planning Policy Framework, and State Policy Framework.	Clause 11, 21.03-2, 21.08-3
Officer's response – The site partly complies with the State Planning Policy Framework and the Local Planning Policy Framework. It does not comply with respecting the existing and preferred neighbourhood character of an area.	
Part of a process of divorce and to allow a larger spilt of the assets.	
Officer's response – Personal circumstances are not relevant to the planning assessment. This is not a valid ground of objection.	
More noise, more barking dogs.	
Officer's response – The proposal is a subdivision. Domestic pet noise is not a valid planning ground and excessive pet noise can be dealt with by Council's Community Safety officers.	

Proposal

It is proposed to subdivide the land into two lots all accessed via shared carriageway that accesses Ingliston Road.

Lot 1 has an irregular battle axe shaped lot arrangement with a maximum street frontage width 3.75 metres and a maximum length of 61.42 metres adjacent to the northern boundary for a total lot area of 2300m². The site contains an existing single storey dwelling with an attached double garage.

Lot 2 has an irregular battle axe shaped lot arrangement with a maximum street frontage width 3.75 metres and a maximum length of 87.51 metres adjacent to the southern boundary which includes part of the driveway space for a total lot area of 1260m². The site is vacant land and is currently used as the secluded private open space area to the existing dwelling contained within Lot 1.

The plans are provided in Attachment 1.

Site Description

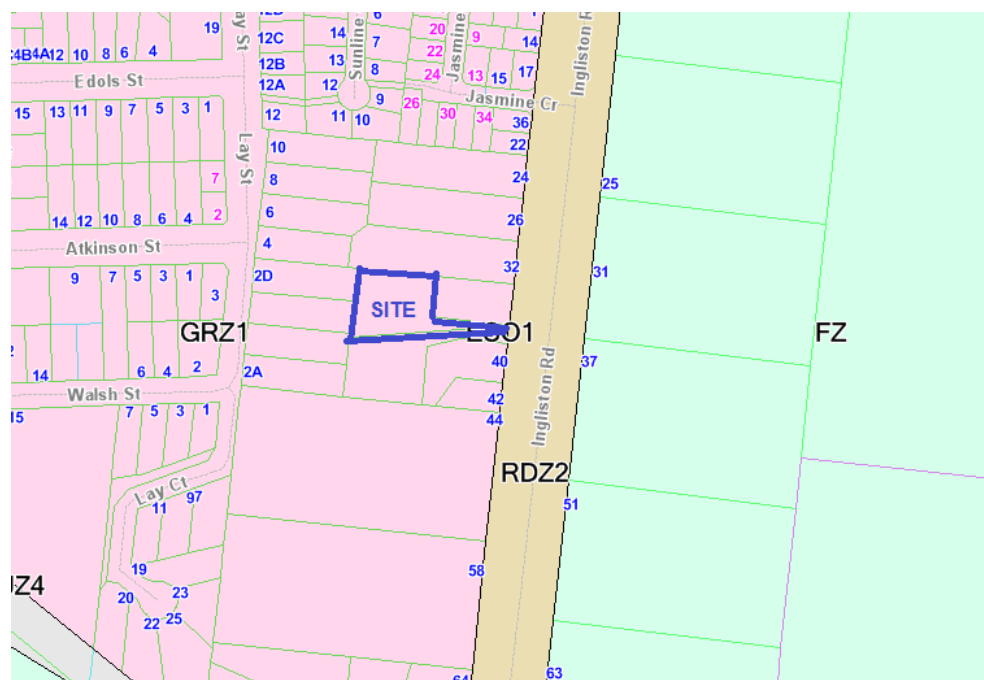
The subject lot is located on the western side of Ingliston Road, south of Old Melbourne Road, Ballan. The site contains an existing single storey dwelling reflecting contemporary architectural detailing. There is a double lock up garage attached to the front of the dwelling and the private open space areas are located to the west and south of the dwelling. The site is accessed by an

enlarged single car width crossover that provides access to three separate internal accessways. The central of the three accessway goes towards the rear of the site and has carriageway rights, based on the easement table attached to the Certificate of Title, to be utilised by four separate properties.

The surrounding land comprises a mixture of predominately single storey dwellings on large lots and recent dwellings under construction that form the Essence Residential Estate. The western side of Ingliston Road is located within a General Residential Zone and the eastern side of Ingliston Road is located within a Farming Zone. The site is short driving distance from the commercial centre of Ballan which contains a range of public services.

Locality Map

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



Planning Scheme Provisions

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

- Clause 11.02-1 Supply of Urban Land.
- Clause 11.03-1 Open Space Planning.
- Clause 11.07-1 Regional Victoria.
- Clause 11.07-2 Peri-Urban Areas.
- Clause 11.08 Central Highlands.
- Clause 15.01-3 Neighbourhood and Subdivision design.
- Clause 15.01-5 Cultural Identity and Neighbourhood Character.
- Clause 16.01-1 Integrated Housing.
- Clause 16.01-2 Location of Residential Development.
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-3 Residential Development.

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

SPPF	Title	Response
Clause 11.07-2	Peri-urban areas.	The proposed subdivision does not respond to the character and amenity of this area of Ballan.
Clause 15.01-3	Neighbourhood and subdivision design.	The objective of this clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. The layout of the subdivision does not reflect broader subdivision pattern of the area.
Clause 15.01-5	Cultural identity and neighbourhood character.	The proposal does not respond positively to the character of the area.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character.	The proposal does not respond positively to the character of the area. The lot arrangement and awkward access does the respond to the existing or preferred neighbourhood character.

Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1).

The purpose of the Zone is:

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

- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

Under Clause 32.08-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for a residential subdivision.

Overlays

Environmental Significance Overlay Schedule 1 (ES01)

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

The purpose of the overlay is:

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

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

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

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

The application was referred to Southern Rural Water and Western Water which had no objection to the subdivision subject to conditions.

Relevant Policies

Ballan Strategic Directions guides development in Ballan and identifies growth precincts for the town. Council adopted Ballan Strategic Directions as its Ordinary Meeting on 1 November, 2017.

The subject site is located in Precinct A which is described as a *'precinct that forms part of the original settlement and is dominated by a strong grid network, with wide roads reserve (30m) and a mix of formal and informal street tree plantings. Due to the age of this Precinct, with street trees and other plantings having had the opportunity to mature therefore good canopy cover exists. The Precinct has a strong sense of openness mainly due to the Precinct being dominated with larger residential lots (average of approximately 980sqm) and wide road reserves, which often have a gravel edge and informal car parking arrangements'*.

This part of precinct A is identified as a residential area of minimal change. Under the strategic direction minimal residential growth areas are defined as *'generally are located on the fringe of the township and do not have direct access to services and facilities and often with limitations for 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'*

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01 the proponent must pay a contribution to Council for public open space, being a percentage of the site value. The land owner during the prior subdivision of the land paid a public open space contribution fee in accordance with condition 14 of Planning Permit TPP2935. No further requirement can be made in accordance with Section 18(5) of the Subdivision Act (1988).

Clause 56 (Rescode)

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

Clause Rescode	Title	Response
56.03-5	Neighbourhood Character	The lot sizes, proportions and shapes constrained by easements and narrow street frontages are inconsistent with the prevailing subdivision pattern of the area.

Discussion

The lot originated from a thirteen lot staged subdivision undertaken in 1990 by the then Shire of Ballan. This subdivision was poorly arranged and poorly designed despite the large land area available without physical constraints. The lots formed included battle axe lots that are well separated from the street frontage and only accessed by an internal gravel track which is unsuitable by current standards within a General Residential Zone. The subdivision rather than creating a common property accessway which can be managed by an Owner's Corporation instead created a bisected carriageway which is half owned by Lot 4 and the other half owned by Lot 3 with the remaining lots having carriageway rights. This situation is less than ideal as there will be future management problems in maintaining the accessway and any future re-construction has to be an agreement with the two owners. The dwellings that have later formed on these lots are scattered and some have a poor sense of address due to their isolated position.

The proposed further subdivision of the land will further exacerbate the existing problems on the land. The proposed vacant lot has a narrow frontage and a side drainage easement which restricts a future dwelling to the rear of the lot or at least 100 metres away from the street frontage. The wider subdivision pattern of the area is rectangular blocks on generous lots size within the General Residential Zone reflective of a site context of a residential precinct to the edge of a Farming Zone. The Ballan Strategic Direction recently adopted by Council identified this site as an area of minimal change. A further intensification of site that has gone from one lot to thirteen lots and is now seeking a further two lot subdivision is not consistent with an area of minimal change.

The lots proposed are irregular in shape and will continue to create scattered development arrangement of dwellings as shown in the initial subdivision which are not reflective of the pattern of surrounding development which has clear streetscape character, similar lots sizes, and dwellings with obvious street frontages. This particular site context does not support a further subdivision of land and fails to match the prevailing subdivision pattern of the wider area.

General Provisions

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

- The suitability of the land for subdivision;
- The existing use and possible future development of the land and nearby land;
- The availability of subdivided land in the locality, and the need for the creation of further lots; the effect of development on the use or development of other land which has a common means of drainage; the subdivision pattern having regard to the physical characteristics of the land including existing vegetation;
- The density of the proposed development;
- The area and dimensions of each lot in the subdivision;
- The layout of roads having regard to their function and relationship to existing roads;
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots;
- The provision and location of reserves for public open space and other community facilities;
- The staging of the subdivision;
- The design and siting of buildings having regard to safety and the risk of spread of fire
- The provision of off-street parking;
- The provision and location of common property; the functions of anybody corporate; the availability and provision of utility services, including water, sewerage, drainage, electricity and gas;
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot; and
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

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

Referrals

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

Authority	Response
Western Water	Consent, no conditions
Southern Rural Water	Consent subject to three conditions
Melbourne Water	Consent, no conditions
Infrastructure	Consent subject to eight conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of refusal of the subdivision does not implicate any risk or OH & S issues to Council.

Communications Strategy

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

Options

An alternative recommendation would be to approve the application on the grounds that it does comply with the planning scheme provisions and is consistent with the subdivision pattern of the surrounding area.

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

Conclusion

The proposed subdivision does not comply fully with the State and Local Planning Policy Framework, the General Residential Zone Schedule 1, and the Environmental Significance Overlay Schedule 1 especially with regard to the existing and preferred neighbourhood character.

The lot size and proportions of the proposed subdivision does not match the prevailing subdivision pattern of the area. The lot arrangement will restrict future development opportunities and will create an inconsistent streetscape pattern. The major concern is the poor access arrangement that would result from creating these lots, maneuverability of lots is a critical consideration when assessing applications. The proposed two lot subdivision should not be supported.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a refusal to grant a planning permit for a two lot subdivision at Lot 4 on PS301770V otherwise known as 36 Ingliston Road Ballan.

- 1. The proposed subdivision does not respond to the existing and prevailing subdivision pattern of the area.**
- 2. The area and dimension of each lot does not respect the existing or preferred neighbourhood character of the area.**
- 3. The proposed subdivision create lots with minimal street frontages and will not provide an adequate sense of address for a future dwelling.**
- 4. The proposed subdivision does not represent the orderly planning of the area.**

Report Authorisation

Authorised by:

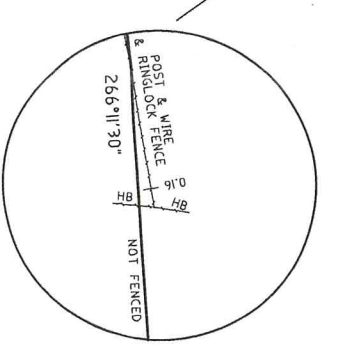
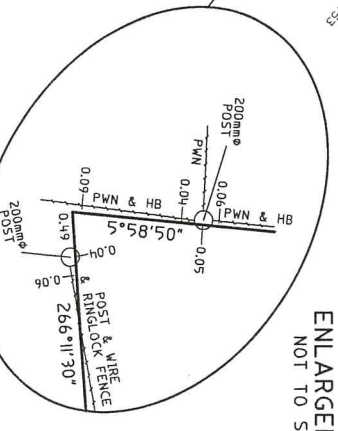
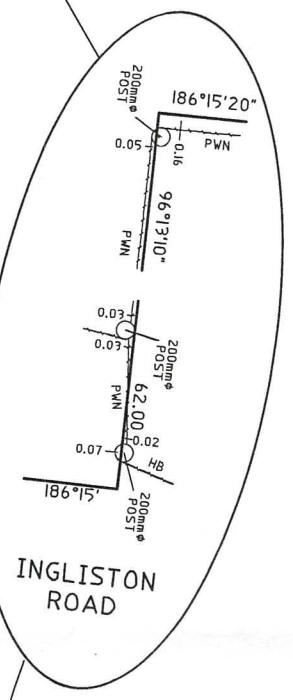
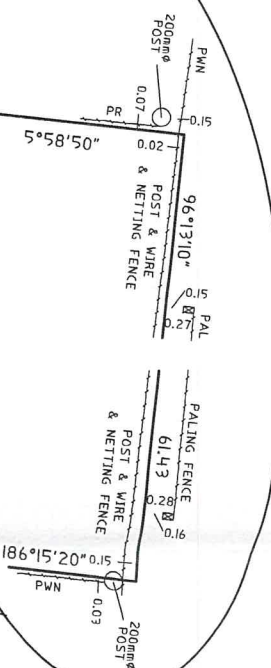
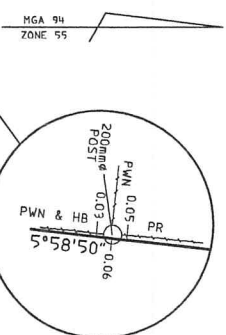
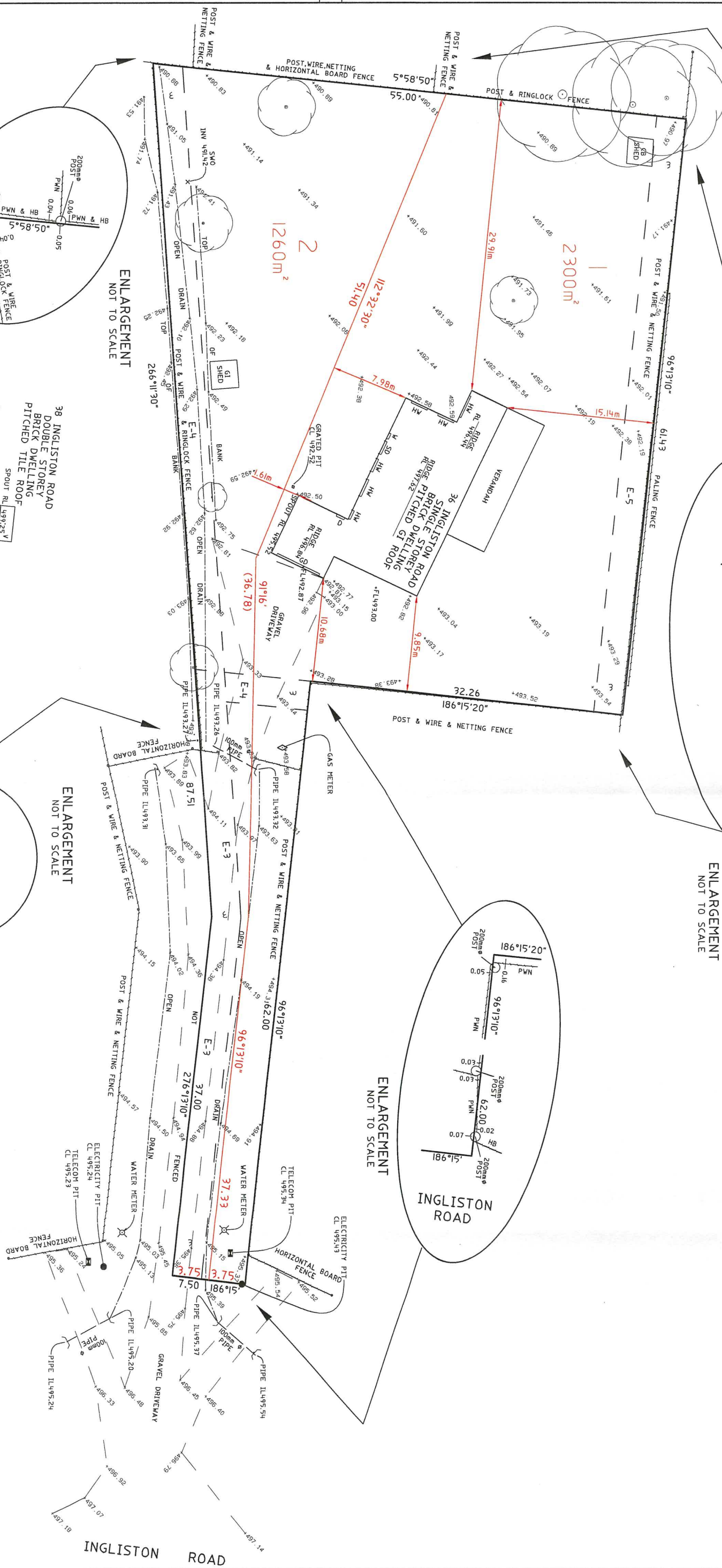
Name: **Satwinder Sandhu**

Title: **General Manager Growth and Development**

Date: **31 January, 2018**



PLAN OF RE-ESTABLISHMENT, FEATURE & LEVEL SURVEY
36 INGLISTON ROAD, BALLAN 3342
Lot 4 on Plan of Subdivision PS 301770V
Certificate of Title Vol. 10451 Fol. 502



ORIGINAL		D.R.	
SHEET		Date	
SIZE		09/06/2017	
I:200		P.R.M.	
AI		Date	
		21/06/2017	
DATE		INIT.	
		AMENDMENT	
		JOB No.	
		01	
		Dwg. No.	
		11610	
		REFE	

Item 5.5 Planning Permit Application PA2017-248

Planning Permit PA2017-248; 156 Main Street, Bacchus Marsh - Reduction in the standard car parking requirement for the use of the land as a restaurant and liquor licence.

Application Summary:	
Permit No:	PA2017 248
Lodgement Date:	27 October, 2017
Planning Officer:	Mark Lovell
Address of the land:	Lot 1 on Title Plan 885086K 156 Main Street, Bacchus Marsh
Proposal:	Reduction in the standard car parking requirement for the use of the land as a restaurant and liquor licence.
Lot size:	649m2
Why is a permit required	Clause 52.06 - Reduction to the standard car parking requirement Clause 52.27 - Licensed Premise
Why is this application being presented to Council?	Reduction to the standard car parking requirement
Public Consultation:	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	One initial objection, later withdrawn
Consultation meeting:	Yes, meeting held between the applicant and objector which resulted in a withdrawal of objection.
Policy Implications:	
Strategic Objective 2:	Stimulating Economic Development
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 – Mark Lovell

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

Executive Summary:

Application Referred?	Yes, Council's Infrastructure and Melbourne Water
Any issues raised in referral responses?	No.
Preliminary Concerns?	No.
Any discussions with applicant regarding concerns	No.
Any changes made to the application since being lodged?	No.
VCAT history?	No.
Previous applications for the site?	Nil.
General summary (Pro's/Con's of the proposal)	<p>The proposal utilises an existing building for an alternative commercial use. The proposal will add economic stimulus to the Bacchus Marsh activity centre.</p> <p>With building already on site, there is no opportunity to provide on-site car parking. A reduction to the standard car parking rate is appropriate in the context of an activity centre.</p> <p>The liquor licence associated with food premises with restricted hours of operation will not cause any amenity or social concerns for the local area.</p>

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a planning permit for reduction in the standard car parking requirement for the use of the land as a restaurant and a liquor licence for Lot 1 on Title Plan 885086K, 156 Main Street, Bacchus Marsh.

Public Notice

The application was notified to adjoining and surrounding landowners by mail and placing a large on site for period of fourteen days. A statutory declaration verifying display of the large notice was received on 29 December, 2017.

Proposal

It proposed to convert an existing retail building into a restaurant which will consist of a 42 seats inside the building and 20 seats in an alfresco forecourt, for a total of 62 seats during the dinner period and a reduced seating capacity of 24 seats inside and 20 seats in an alfresco forecourt, for a total of 44 seats during the breakfast and lunch time periods. The applicant proposes a liquor license within the seating area.

The hours of operation are from 5am to 11pm Monday to Saturday 7am to 11pm on Saturdays and 7am to 10pm Sundays. The maximum number of staff is three during lunch period and a maximum of four staff during the dinner period

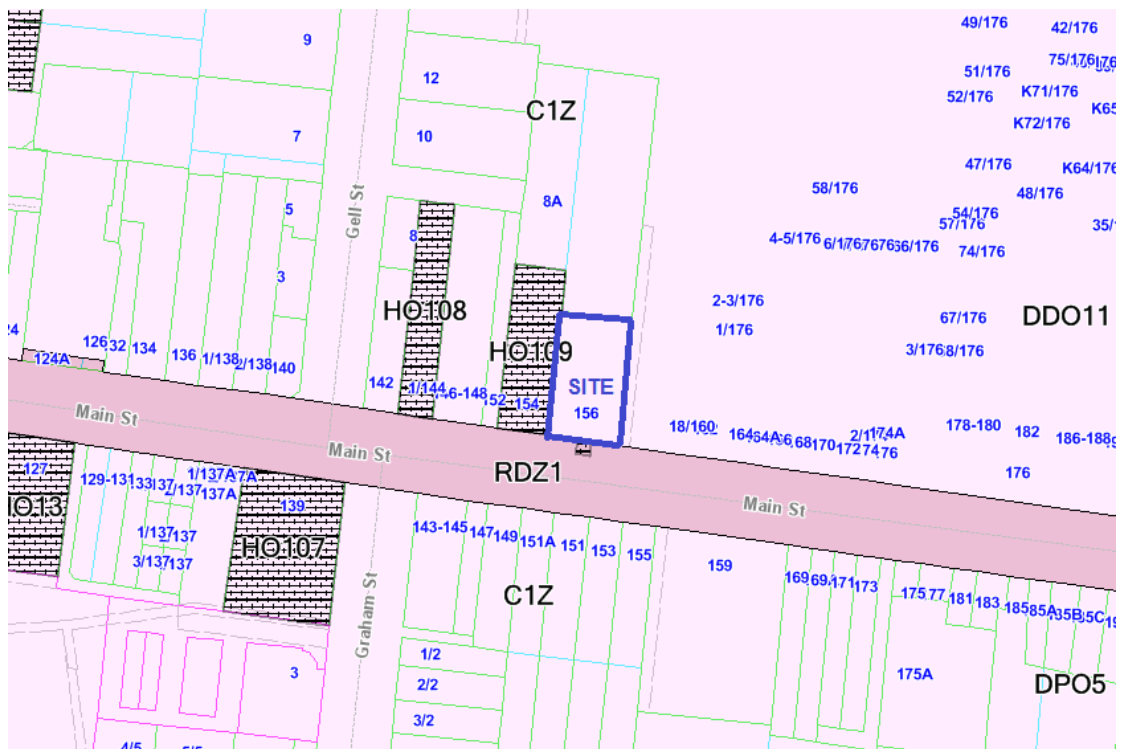
Site Description

The subject site is located on the northern side of Main Street, 50.41 metres to the east of Gell Street, Bacchus Marsh. The lot is rectangular shape with maximum width of 19.24 metres and a maximum length of 33.53 metres for a total area of 649m². There is 2 metres wide cable easement located adjacent to the eastern side boundary, 160mm wide party wall easement located adjacent to the rear property boundary and an appurtenant carriageway easement running parallel with the western property boundary. The site was previously occupied by Australia Post. The building is a brick construction with prominent shop front windows and protruding clocktower adjacent to the eastern building line. Adjacent to the frontage is a pedestrian crossing allowing access between the northern and southern sides of Main Street. There is an adjacent retail tenancy on the same site which is not part of this change of use application.

The surrounding area is typical of an activity centre containing a variety of attached shops with zero front setbacks. The property to the immediate east is car parking area and accessway for the Village Shopping centre.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.07-2 Peri-urban areas.
- Clause 11.06-2 A diversified economy.
- Clause 13.04-1 Noise abatement.
- Clause 17.01-1 Business.
- Clause 18.02-5 Car Parking.
- Clause 21.04-3 Commerce.
- Clause 21.07-1 Bacchus Marsh.

Zone

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

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To 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 34.01-1 a permit is not required for the use of the land as a restaurant.

Overlays

Design & Development Overlay

Planning Scheme Amendment C51 introduced a number of changes to the planning scheme in order to implement the findings and recommendations of the Bacchus Marsh Activity Centre Structure Plan, November 2011.

The site is covered by a Design and Development Overlay Schedule 11 (Main Street Precinct)

The proposed overlay has a number of objectives which seek to encourage.

- Superior and highly articulated built form that reflects Main Street's function as the retail and commercial hub of Bacchus Marsh.
- Vibrant shopping and leisure strips with buildings that provide active frontages that face the footpath with a mix of uses above.
- An inviting and pedestrian friendly public realm that maintains a permeable street network and a high degree of pedestrian amenity and which:
 - Improves crossing facilities at the Grant Street/Main Street intersection; - Improves pedestrian permeability between Main Street and Bennett Street; and
 - Provides adequate access and parking for bicycles.

- New development of a contemporary character with architectural detail that responds to the prevailing scale, form and design of the immediate area.
- In the commercial area south of Main Street, to encourage building forms, finishes and colours that make a positive contribution to the pedestrian and cycle link.

As no external building works are proposed, no permit is required under Clause 43.02-2.

Particular Provisions

Clause 52.06 Car Parking

The proposed use is for restaurant which has a car parking rate of 0.4 spaces per seat, based on 62 seats (dinner period) equates to a car parking provision of 24.8 spaces (rounded down to the nearest whole number - 24 spaces) and based on 44 seats equates 17.6 spaces (rounded down to the nearest whole number of 17 spaces).

The site has a previous car parking credit for the post office use of 9 spaces and with an existing retail shop on the same lot which has a car parking requirement of 3 spaces, therefore the total existing credit is 6 spaces.

This application seeks a further reduction of 18 car spaces (24 – 6) during the dinner period and 11 car spaces during the breakfast and lunch periods (17 -6).

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 accessways 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 accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay

Clause 52.28 Licensed Premise

The purpose of this particular provision are:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

A permit is required to use the land to sell or consume liquor in accordance with the Liquor Control Reform Act.

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Clause 52.29 – Adjacent to Road Zone Category 1

The land is adjacent to a Road Zone Category 1 which is Main Street.

The purpose of this particular provision is

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads

No new or varied access is required as part of this proposal.

Discussion

Adequacy of car parking

The site is located within an established commercial precinct which is the Bacchus Marsh Activity Centre. The change of use will result in a further reduction in the standard car parking rate by up to 18 spaces. The site is already constrained by the existing building and has no opportunities to provide any additional on site car parking spaces. The site was previously used as a post office that generated a high flow of customers for short periods. The proposed restaurant use is unlikely to create a greater car parking demand compared to the previous post office use. The site has good access to on street parking bays in Main Street and its central location can be utilised by pedestrian traffic from the surrounding residential areas or via other transport modes such bicycles. It is considered that majority of parking is utilised by the service section of the town during business hours, this allows the bays to provide multi-use opportunities for businesses that require night time parking. The full capacity of the site is concentrated in the evening hours when the retail shops have closed for trade.

The applicant has engaged B Traffic Solutions which have produced a comprehensive traffic report. A detailed traffic survey was conducted on a Friday and Saturday which showed that the maximum occupancy rate of the available 995 car spaces in the immediate vicinity was at 62% during Saturday at midday and got to as low as 19% occupancy rate during Saturday at 6pm. The traffic survey demonstrates that there is adequate supply of available on street car spaces in the surrounding area that can easily support a reduction of up to 18 on site car spaces. The proposal is considered to comply with the objectives of Clause 52.06 due to its location within an activity centre that has least 38% of unoccupied parking space in the immediate surrounds on Fridays or Saturdays and can easily be assessed by alternative transport modes besides private vehicle usage.

The applicant has agreed to reduce the seating capacity during the breakfast and lunch time periods when the surrounding activity centre has the greatest use of the on street parking bays. This will be enforced by permit conditions. Reducing the seating capacity has the effect of reducing car parking demand by seven spaces. A reduction from the standard requirement by eleven spaces during these periods is acceptable without having a negative impact upon surrounding businesses.

Licensed Premises.

The intent of this particular provision is to prevent a cluster of licensed premises operating excessive hours that could lead to anti social activity or adversely affect the amenity of an area. The proposed liquor license is in association with the consumption of food on the premises and is similar to surrounding restaurant businesses. The existing food businesses have not generated nuisances or planning enforcement through alcohol use. The hours of operation are reasonable and reflect the core activity of food consumption during the lunch and dinner periods. There will be standard permit conditions to ensure the amenity of the area is not adversely affected. The proposal is considered consistent with the objectives of Clause 52.27.

General Provisions

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

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

Referrals

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

Authority	Response
Melbourne Water	Consent to the application
Infrastructure	Consent

Financial Implications

The recommendation of approval of this application would not represent any financial implications to Council. Should Council consider refusing this application there would be costs associated with any VCAT appeal.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application on the basis it does not comply with the planning scheme provisions, has inadequate car parking and will cause adverse amenity impacts as a result of the consumption of alcohol.

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

Conclusion

The application complies with the State Planning Policy Framework, Local Planning Policy Framework and the particular provisions covering car parking and licensed premises. The applicant has demonstrated that there is adequate justification to reduce the standard car parking requirement with sufficient on street parking vacancies in the surrounding area especially during the dinner period and will reduce their seating capacity during the breakfast and lunch periods when there is the greatest demand for on street parking. The proposal will add to the economic vitality of the Bacchus Marsh Activity Centre. The licensed premise component is acceptable due to the hours of operation and its association with the consumption of food on the premise. The proposed use should be supported subject to standard conditions.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a planning permit for the reduction in the standard car parking requirement for the use of the land as a restaurant and liquor license at Lot 1 on Title Plan 885086K, otherwise known as 156 Main Street, Bacchus Marsh, with the following conditions

Endorsed plans

- 1. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.**

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; (e) Any other way.
3. The owner, the occupier or the manager of the premises must make reasonable endeavours 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
4. No more than 44 seats are to be permitted before 5.00pm except with the further written consent of the Responsible Authority.
5. No more than 62 seats are to be permitted after 5.00pm except with the further written consent of the Responsible Authority

Liquor License


6. The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.
7. Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area(s) between the following hours: a) 5am to 11pm Monday to Friday; b) 7am to 11pm Saturday; c) 7am to 10pm on Sunday.
8. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").

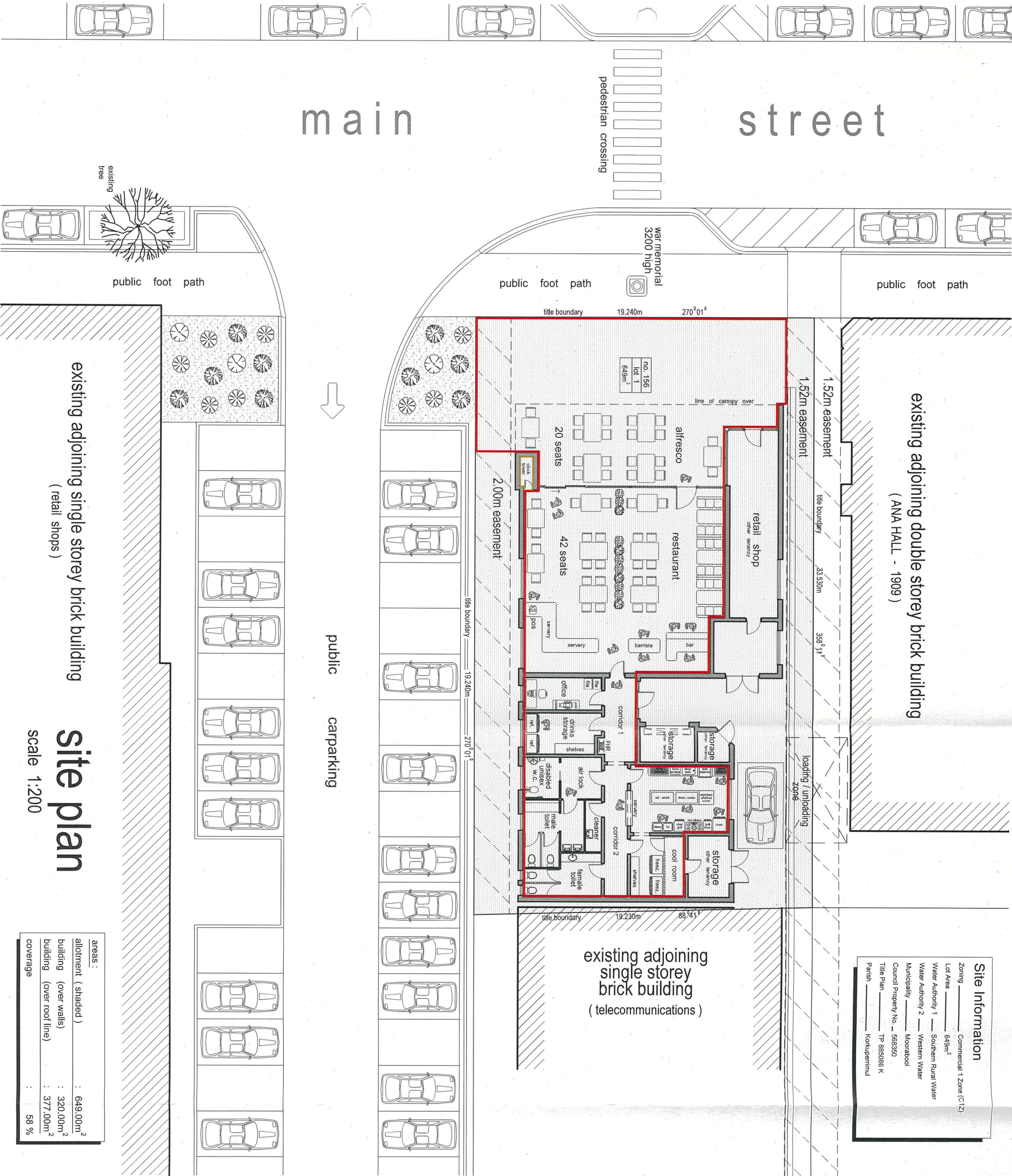
Permit expiry

9. This permit will expire if one of the following circumstances applies: a) The use is not started within two years of the date of this permit. Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Report Authorisation

Authorised by:

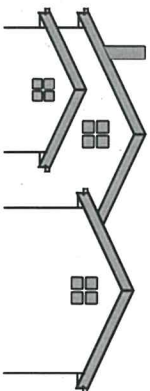
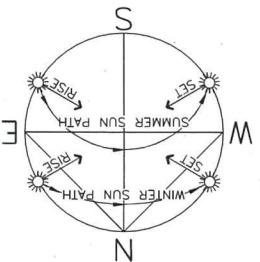

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 31 January, 2018



Site Information	
Zoning	Commercial 1 Zone (C1Z)
Lot Area	649m ²
Water Authority 1	Southern Rural Water
Water Authority 2	Western Water
Municipality	Moorabool
Council Property No.	568350
Title Plan	TP 885086 K
Parish	Kerkuperrimu

- NOTES :
1. This drawing must not be scaled.
 2. This drawing shall be read in conjunction with all other drawings in the set for this development and all other drawings, specifications, sketches, correspondence and all other documents.
 3. All dimensions are in metres unless otherwise stated.
 4. The Draftsperson / Engineer shall be notified if there are any discrepancies prior to commencing.
 5. All materials and workmanship shall conform to the relevant current Australian Standards and National Building Code of Australia.
- This drawing has been prepared for the use of
"Bacchus Marsh Design and drafting services"
and other authorised persons only. Unauthorised use or reproduction of this plan in either whole or part is strictly prohibited. - copyright. (C)

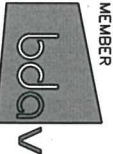
REV/STATUS	DESCRIPTION	DATE
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Bacchus Marsh Design and Drafting Services

Michael J Horan

Registered Building Practitioner
Architectural - civil - structural
design drafts person



Registration N°: DP-AD22036
Registration N°: DP-SD57
ph. mobile : 0407 531 125
ph. office : 53 67 5616
email : mh308@bigpond.net.au

A3

DRAWN BY: MICHAEL J HORAN
DATE: AUGUST 2017
SCALE: SCALE 1:200 (ON A3)

PROJECT :

proposed restaurant "the country manner"

JOB ADDRESS :

**no. 156
main street,
bacchus marsh, vic. 3340**

CLIENT :

ian and tina bethune
ph. (m) 0401 343 191 (ian)

DRAWING TITLE :

site plan

DRG. STATUS :

TOWN PLANNING

planning use only - not for construction

DRG. No : SHEET : OF : REV/STATUS :

17-542 TP02 3

site plan

scale 1:200

areas :	
allotment (shaded)	: 649.00m ²
building (over walls)	: 320.00m ²
building (over roof line)	: 377.00m ²
coverage	: 58 %

existing adjoining double storey brick building
(ANA HALL - 1909)

existing adjoining
single storey
brick building
(telecommunications)



public carparking

existing adjoining single storey brick building
(retail shops)

UPDATE TO TERMS OF REFERENCE

Item 8.1 Terms of Reference S86 Development Assessment Committee

TERMS OF REFERENCE

DEVELOPMENT ASSESSMENT COMMITTEE



The Development Assessment Committee has been established under Section 86 of the *Local Government Act 1989*.

Membership

Membership of the Committee will comprise five (5) Councillors as appointed by Council. The membership of the S86 Development Assessment Committee shall be reviewed annually at the Statutory and Annual Appointments Meeting of Council.

The General Manager Growth & Development or his/her delegate, along with planning officers and support staff will attend each Committee Meeting in a non-voting capacity.

If a position on a Committee becomes vacant the Council shall appoint another Councillor to the Committee.

Appointment of Chairperson

The Chairperson will be appointed by Council or the Committee, and reviewed each year at the Statutory and Annual Appointments Meeting of Council.

Where an appointed Chairperson is vacant for a meeting the Committee will appoint a replacement Chairperson for that meeting.

Quorum

A quorum for the meeting will be three (3) Councillors.

It is expected that if a Councillor is unable to attend the meeting then he/she will nominate and arrange a proxy to attend on their behalf.

Conduct of Meetings

Meetings are conducted in accordance with the provisions of the *Local Government Act 1989* and Council's Meeting Procedure Local Law.

Frequency and Location of Meetings

Meetings of the S86 Development Assessment Committee will be held on the third Wednesday each month between the hours of 5.00pm and 6.00pm.

Meetings will be held in Meeting Rooms 2 & 3 in the Darley office.

Additional meetings can be called by the Chairperson or two members of the Committee.

Meetings will be advertised and open to the public, except where the meeting is closed pursuant to the provisions of Section 89(2) of the *Local Government Act 1989*.

Committee Functions

1. To act as delegate of Council in determining certain below mentioned planning applications made under the *Planning and Environment Act 1987*:

The types of planning applications that will be referred to the Committee are:

- a. All applications that are not delegated to Council officers
 - b. Where the applicant or owner is Moorabool Shire Council, a Councillor, Senior Officer of Council or Council statutory planning officer; and
 - c. Any other planning application which is delegated to staff, where:
 - i. It has been 'called in' by a Councillor to be heard by the subject committee, or
 - ii. It is determined by the General Manager Growth & Development that a planning application is of a sensitive nature and/or has significant associated impact, and needs to be referred to the committee.
2. To provide advice to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Committee's assessment of applications under the Act; and
 3. To perform other functions assigned to the Committee by the Council.

Committee Delegations

The Committee will have delegated authority to hear submissions and decide upon planning permits within its delegation. Applications outside this delegation and outside the Instrument of Delegations for Council staff will be referred directly to Council for resolution.

Notwithstanding above, a Councillor may also call for any planning application to be heard either at the S86 Development Assessment Committee or to an Ordinary Meeting of Council with a written notice to the CEO.

For further details refer to S86 Development Assessment Committee Protocol for Calling in Planning Applications. (Schedule 1)

Committee Meeting Procedure

Agenda Distribution

A list of items for the S86 Development Assessment Committee meeting will be included in the Councillor delivery (to all Councillors) two weeks prior to the scheduled meeting date.

The full Agenda for the S86 Development Assessment Committee meeting will be included in the Councillor delivery (to all Councillors) on the Friday prior to the scheduled meeting date.

Calling an Item to Council

Once the list of items as above has been circulated, a Councillor may request a specific item to be determined by all Councillors at an Ordinary Meeting of Council rather than by the Committee.

Councillors may call any item to Council for determination by submitting written notice to the CEO and following the procedure identified in the S86 Development Assessment Committee Protocol for Calling in Planning Applications. (Schedule 1)

If an item is called to Council, the Chairperson will advise the public present at the Committee meeting when the next Ordinary Meeting of Council will be held to consider the "called item".

Late Correspondence

Late correspondence may be submitted to the Committee meeting:

- By anyone wishing to provide additional information to the Committee on a listed agenda item.
- It must be received prior to 12.00pm on the day of the meeting.
- It will be distributed to all Committee members at the start of the meeting.

Meeting Procedure and Public Addressing the Committee Meeting

The proceeding of the meeting will be as per the requirements of the *Local Government Act 1989* and Council's Local Law No. 9 in reference to Council meeting procedures.

Members of the public may address the Committee on any planning application listed on the agenda. It is not necessary for the any member of the public to register to speak however they will need to notify the General Manager of their intent to speak at the meeting.

When an item is called for consideration, the Chairperson will ask whether there is anyone present who wishes to address the meeting. At this stage each person will be individually invited to come forward and make their presentation.

If a large number of people wish to address the Committee meeting on a particular item, it will be at the discretion of the Chairperson to determine, with a view to fairness of representation, how many people may address the meeting.

Each person will be allowed to speak for three minutes. Members of the Committee may ask speakers questions or seek clarification of the matters raised by the speaker.

At the conclusion of questions from Committee members to the person making the submission, the speaker is to resume their seat and take no further part in the debate unless specifically called to do so by the Chairperson.

After a submission, a member of the Committee may ask Council staff to comment on the matters raised by the speaker.

Outcomes from the Committee

The Committee may make the following decisions:

- **Adopt the Council Officer's recommendation without change**
This becomes the decision of Council and Council staff will take action to implement the decision.
- **Adopt the Council Officer's recommendation with changes**
This becomes the decision of Council and Council staff will take action to implement the decision.
- **Adopt some other recommendation**
This becomes a deferred decision of Council for a period of one (1) week. If the application is not called in by any Councillor within the one (1) week period the decision becomes final and Council staff will take action to implement the decision. However, if the application is called in, it will be referred to an Ordinary Meeting of Council for decision making and the Committee's determination lapses.
- **Defer the matter to a future Committee meeting**
The Committee may require additional information from interested parties or Council staff and therefore may defer the matter to a future Committee meeting to allow the additional information to be obtained.
- **Refer the matter to Council for determination**
The Committee may decide to refer the matter to Council for consideration. If this occurs the Committee may make a recommendation for Council to consider. The Chairperson will advise the members of the public present at the Committee meeting when the Ordinary Meeting of Council will be held to consider the recommendation.

After the Meeting

After each meeting Council staff will implement the decision of the Committee. Staff will also forward letters to all parties that made a formal submission to Council, advising the Committee's decision.

Minutes of the meeting

Minutes of the meeting will be available as soon as being confirmed by the Chairperson after the meeting on Council's website.

Review of Terms of Reference

The Terms of Reference of the S86 Development Assessment Committee will be reviewed by the Committee annually.

Protocol for Calling in Planning Applications

1. Any Councillor may call in an application which would fall to be dealt with by officers under delegated powers to be determined either by the:
 - a. S86 Development Assessment Committee, or
 - b. At an Ordinary Meeting of Council.
2. If a Councillor is considering calling in an application which is not located in their Ward, the Councillor must inform the Councillor/s of that Ward prior to calling in the application.
3. Requests for planning applications to be called in must:
 - a. Be in writing (including email) to the CEO;
 - b. Be supported by one (1) other Councillor;
 - c. State if the application is to be called in if the officer's recommendation is for refusal or approval (but not both); and
 - d. Give reasons to why the Councillor is requesting the application be called in.
4. Furthermore, once the agenda for the S86 Development Assessment Committee has been prepared and circulated a Councillor can also call in a specific agenda item to be determined by Council at an Ordinary Meeting of Council rather than the Committee.

The Councillor considering calling in an agenda item to an Ordinary Meeting of Council will be required to adhere to section two (2) and three (3) of this protocol, except three c (3c).