



AGENDA

S86 Development Assessment Committee Meeting

Wednesday, 21 August 2019

I hereby give notice that a S86 Development Assessment Committee Meeting will be held on:

Date: Wednesday, 21 August 2019

Time: 6.00pm

Location: North Wing Meeting Room 2 & 3, Darley Civic Hub

**Derek Madden
Chief Executive Officer**

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1 OPENING**2 PRESENT AND APOLOGIES****3 APPOINTMENT OF CHAIR****4 RECORDING OF MEETING**

As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting:

- The Moorabool News; and
- The Star Weekly.

5 CONFIRMATION OF MINUTES**6 MATTERS ARISING FROM PREVIOUS MINUTES****7 DISCLOSURE OF CONFLICTS OF INTERESTS**

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- A direct interest (section 77A, 77B)
- An indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)
 - indirect interest because of impact on residential amenity (section 78E)

Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) Leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) Remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

8 COMMUNITY PLANNING REPORTS

8.1 PA2019009 - DEVELOPMENT OF 6 DWELLINGS AND A 6 LOT SUBDIVISION AT 91 INGLIS STREET, BALLAN.

Author: Victoria Mack, Statutory Planner

Authoriser: Satwinder Sandhu, General Manager Community Planning

Attachments: 1. COMPLETE PLANS

APPLICATION SUMMARY

Permit No: PA2019009

Lodgement Date: 15/01/2019

Planning Officer: Victoria Mack

Address of the land: 91 Inglis Street, Ballan

Proposal: Development of Six (6) Dwellings and a Six (6) Lot Subdivision, removal of native and non-native vegetation and access to a Road Zone Category 1

Lot size: 1785.82sqm

Why is a permit required? General Residential 1 Zone – two or more dwellings and subdivision Environmental Significance Overlay, Schedule 1 - removal of vegetation Access to a Road Zone Category 1

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to Grant Planning Permit PA2019009 for the Development of Six (6) Dwellings and a Six (6) Lot Subdivision, removal of native and non-native vegetation and access to a Road Zone Category 1 at 91 Inglis Street, Ballan, otherwise known as Lot 4 on PS 128409, subject to the following conditions:

Endorsed plans

1. Before the use and/or development starts, 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 two copies must be provided. The plans must show:
 - a) Move unit 4 to the west to increase the setback from 1.58m to 3m from the east side fence and make the necessary related adjustments to unit 5.
 - b) A landscape plan in accordance with condition 5.

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.

General conditions

2. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.

Telecommunications conditions

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

Subdivision condition

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

Landscape plans

5. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plan prepared by Quality Home Design except that the plan must:
 - a) a survey (including botanical names) by a suitably qualified person of all existing vegetation to be retained and/or removed. Where possible existing trees must be retained. Justification for their removal must be provided.
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) details of surface finishes of pathways and driveways.
 - d) a landscaping and planting schedule prepared by a suitably qualified landscape architect of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant landscaping and planting within all open areas of the site. The applicant is encouraged to consider the recommendations made by two objectors in relation to species suitable to the Ballan climate and the surrounding area.

- e) **A minimum of four (4) canopy trees (minimum two metres tall when planted) in the front setback of the development and at least one (1) canopy tree in the private open space of each dwelling. All species selected must be to the satisfaction of the responsible authority.**
- 6. **Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.**
- 7. **The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**
- 8. **The height, colour and style of the front fence, the building materials and the colours submitted with the application must be maintained and will form part of the endorsed plans to the satisfaction of the responsible authority.**
- 9. **The site must be re-fenced on the west, south and east side boundaries with a 1.8m high timber paling fence to the satisfaction of the responsible authority.**

Infrastructure conditions

- 10. **Prior to the issue of a Statement of Compliance for the subdivision, an urban standard double width vehicle crossing must be constructed to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
- 11. **Prior to the issue of a Statement of Compliance for the subdivision, the common property driveway must be constructed in reinforced concrete to a depth of 125mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.**
- 12. **The design of the common property driveway must be modified to provide a passing area, in accordance with CI52.06-9 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.**
- 13. **Prior to the issue of a Statement of Compliance for the subdivision, 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) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - d) Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
- 14. 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.
- 15. 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.
- 16. 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).
- 17. 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.
- 18. 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.
- 19. 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.
- 20. 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 crossings and legal points of discharge
 - e) civil notes as required to ensure the proper construction of the works to Council standard.

Central Highlands Water conditions

21. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
22. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
23. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
24. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
25. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Powercor conditions

26. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
27. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

28. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Downer conditions

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

VicRoads conditions

30. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.
31. All disused or redundant vehicle crossings, line marking, and other existing road furniture must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.
32. The crossover and driveway are to be designed to allow vehicles to enter and exit the property in a forward motion.

Southern Rural Water conditions

33. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
34. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
35. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authority's requirements and relevant legislation.

Permit expiry

36. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit;
 - c) The plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Statement of Compliance must be achieved, and certified plans registered at Titles office within five (5) years from the date of certification.

Permit notes**Central Highlands Water**

There is an existing sewer main located along the southern boundary of the property. Central Highlands Water will require a minimum width 3.0m easement to be located over the main.

Strategic and Sustainable Development Department

The existing site and neighbouring sites have extensive canopy coverage. This extensive canopy coverage should be maintained through the proposed new tree planting. Ideally trees should be chosen to reflect the existing neighbourhood character, including species type, canopy coverage and height.

There are a number of trees planted within the adjoining nature strip. If any of these trees are to be removed to accommodate the revised crossover they must be replaced. The applicant should discuss such replacement with Council's Parks and Gardens Department.

Powercor

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customerportal.powercor.com.au/mysupply/CIAWQuickCalculator>

Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or crr@powercor.com.au

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	3
Consultation meeting:	Held 4 June 2019

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 2A: Built Environment

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

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

Author – Victoria Mack

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

EXECUTIVE SUMMARY

Application referred?	Yes, to Central Highlands Water, Melbourne Water, Western Water, Southern Rural Water, Powercor and Downer Group and also Council's Strategic and Sustainable Development, Environmental Planning and Infrastructure Departments.
Any issues raised in referral responses?	No
Preliminary concerns?	Tree removal, compliance with Rescode, landscape plan.
Any discussions with applicant regarding concerns?	Rescode compliance and landscape plan.
Any changes made to the application since being lodged?	Amended plans were received
Brief history.	There is no relevant history. The land contains an older style dwelling and outbuilding/s.
Previous applications for the site?	None recorded.
General summary.	<p>The application is for 6 dwellings, a 6 lot subdivision, the removal of vegetation and a new crossover to Inglis Street.</p> <p>The application adequately addresses all Rescode standards the exception being whether the proposal accords with the neighbourhood character of the immediate area.</p> <p>Subject to conditions it is recommended that the application is approved.</p>
Summary Recommendation	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council issue a Notice of Decision to Grant Planning Permit PA2019009 for the Development of Six (6) Dwellings and a Six (6) Lot Subdivision, removal of native and non-native vegetation and access to a Road Zone Category 1 at 91 Inglis Street, Ballan, otherwise known as Lot 4 on PS 128409, subject to the conditions.</p>	

SITE DESCRIPTION

The site is located on the south side of Inglis Street in Ballan. It has an area of 1786sqm. The site is rectangular in shape and flat. It contains an existing older style single storey dwelling which would be demolished along with an existing outbuilding. Current access is via a single crossover to Inglis Street in the north-west corner of the site.

The site contains a significant amount of native and non-native vegetation, all of which is proposed to be removed to construct the development.

There is a 2m wide easement for drainage and sewerage along the south rear boundary and the southern portion of the west side boundary.

The site is located within an established residential area to the south, east and west. To the north on the opposite side of Inglis Street is the Mill Café, the Saint Brigid Primary School and a number of mixed commercial businesses. Directly to the west of the site is a service station including RACV depot and mechanical repairs.

The site is located approximately 40m west of the intersection of Inglis Street with Duncan Street, and approximately 157m east of the intersection with Stead Street. The site is within good proximity to services including medical, retail, and transport.

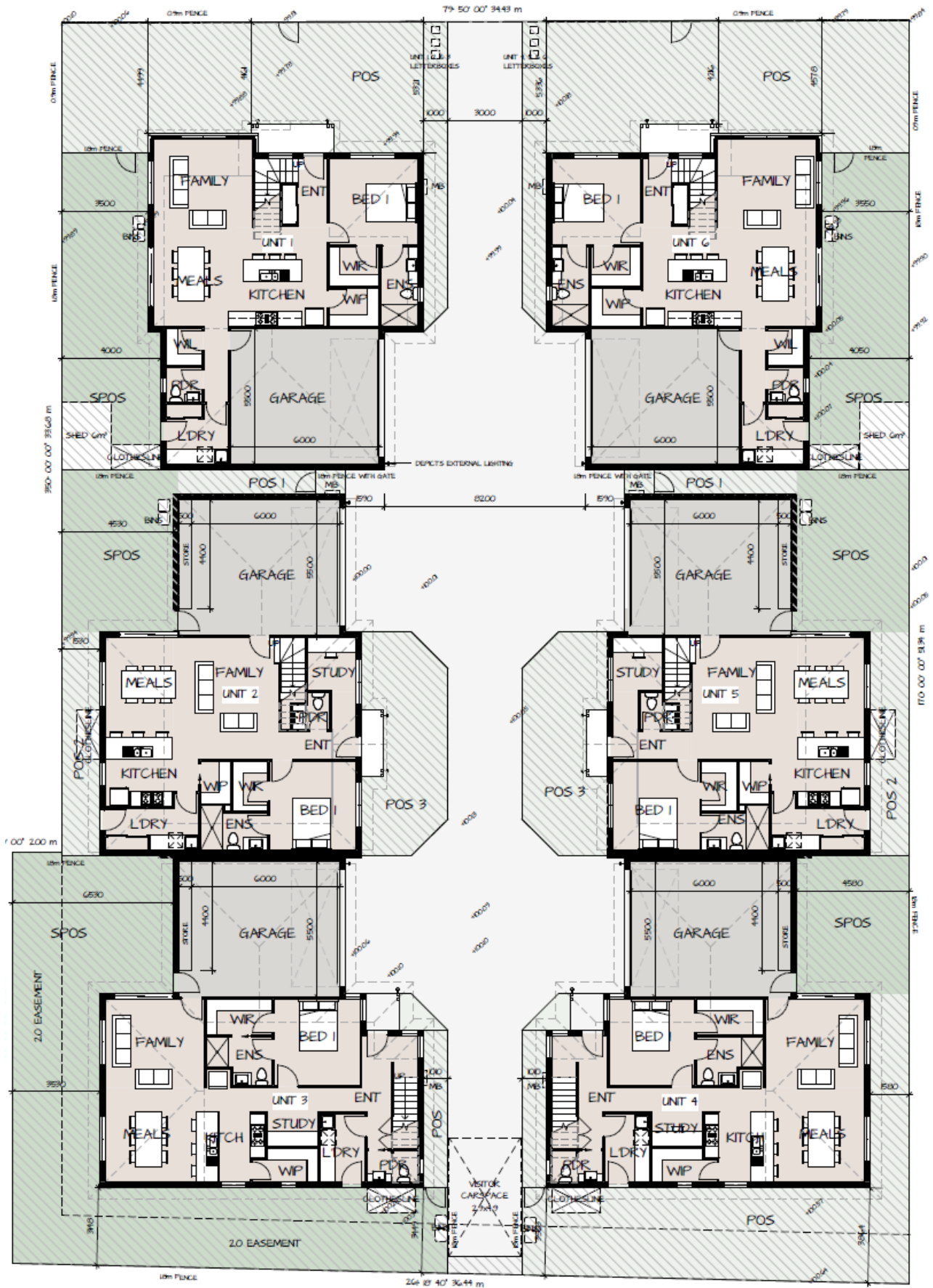
It is approximately 400m east of the intersection with Fiskin Street and the commercial centre of the Ballan township, and approximately 800m north-east of the Ballan railway station.

Below is an aerial photo of the site.

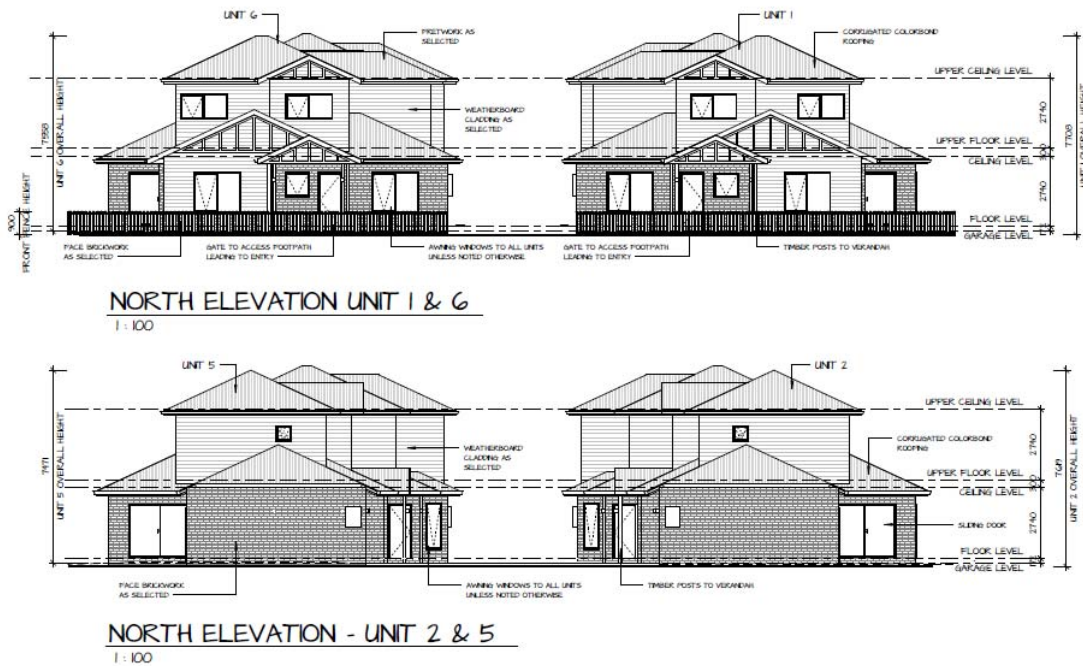


PROPOSAL

Plans for proposal are included as an attachment to this report.
Key plans are also included below:



Site/Floor Plan



Building Elevations (North only to show proposed facia of Dwellings)

It is proposed to develop 6 dwellings and subdivide the land into 6 lots, remove native and non-native vegetation and construct an access to a Road Zone Category 1.

The plans submitted with the original application have been amended slightly with some minor changes. The upper floor has been rearranged to soften the graduation of the upper floor with the lower floor. The landscape plan has been reviewed.

The applicant has also clarified the development would meet a six star energy rating.

"All dwellings would have a northerly aspect to the main living areas and they will be provided with wall and ceiling insulation as well as insulation between floors. The glazing will be what is required as part of the energy rating (either single, low e or double glaze etc). At this stage an energy rating has not been conducted however I am 100% confident all units would meet the requirements".

Each dwelling would have the following details:

- Two stories each with three bedrooms.
- The master bedroom would be on the ground floor and would have a WIR and ensuite.
- The ground floor would have an open plan kitchen with WIP, meals and family area; a laundry; and a powder room. Dwellings 2, 3 5 and 6 would have a study.
- The upper floor would contain the 2 additional bedrooms, a bathroom, a separate WC and an open living area.
- The dwellings would be constructed with brick cladding on the lower level and weatherboard cladding on the upper level. Roof cladding would be corrugated Colorbond.
- Each dwelling would have an attached double car space garage.
- The two dwellings fronting Inglis street would have a 0.9m picket fence on the front boundary and would be setback 4.49m and 4.58m respectively from the street.
- Highlight windows would be used on the upper floor rooms, as necessary, to prevent overlooking onto neighbouring private open space.

The combined upper and lower floor areas, including garage and porch would range from 184sqm to 194sqm.

Private and secluded private open space exceeds the Rescode requirements of 25 sqm secluded and 40sqm private.

The garden area available on the site would be 36.8% which slightly exceeds the requirements.

Access to all dwellings would be via a new single width crossover from Inglis Street and a common property driveway through the centre of the site serving 6 garages.

Colours would be muted and earthy and include: *Ballarat red* bricks, white/olive weatherboards, *woodland grey* facias, gutters, windows and garage doors, and *Pentland green* front doors.

Shadow diagrams for the 22 September equinox, as required to be provided, show that any shadowing would not exceed the requirements.

In relation to fencing the site with a 1.8m fence no specific materials have been nominated.

After the consultation meeting the applicant has also made the following adjustment to the plans:

We also wanted to take into account objector concerns about the units being so close to her living areas so we have been able to move unit 4 across to the west so that there is now a 3m setback to the side fence in lieu of the originally proposed 1.58m and also move unit 5 across to the west so that there is a 2.58m setback instead of a 1.58 as originally drawn.

BACKGROUND TO CURRENT PROPOSAL

There is no relevant background to this proposal.

HISTORY

There is no relevant history to this proposal.

PUBLIC NOTICE

The application was advertised to adjoining and surrounding landowners. Three (3) objections were received.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirements
<p>The proposal does not meet the existing or preferred neighbourhood character in this part of Ballan.</p> <p>Inglis Street is the prime gateway into the town and a six dwelling development in this location on the main street is at odds with the overall country town atmosphere of Ballan.</p>	<p>ResCode Ballan Strategic Directions.</p>

Officer's Response: The proposal complies with Rescode standards. The area is in Precinct A of Ballan Strategic Directions which is discussed further in this report.	
Loss of all existing vegetation including significant established trees. This will detract from the amenity of the street and entrance to the town. Trees provide cooling and are approximately 50 years old. If approved the trees need to be harvested for their timber and turned into useful products, not woodchips. Removal of all the trees will ruin the character of the area and destroy valuable habitat for native fauna. Such destruction in the name of "progress / development" has to stop.	Clause 42.01 Environmental Significance Overlay, Schedule 1
Officer's Response: The applicant and the owner have been asked to investigate if existing trees can be retained. This is addressed in the assessment section of this report.	
Parking for additional cars from each of the 3 bedroom dwellings will spill over onto the public street, impacting on public parking for the farmers market, Mill Rose Cottage and Quilting and school activities including drop off and pick up.	ResCode; Clause 52.06 Car parking
Officer's Response: Clause 52.06 of the Moorabool Planning Scheme in relating to car parking provision requires for each 3-bedroom dwelling that 2 car spaces are provided on the site for each dwelling. The application meets this requirement.	
Such a concentrated block of double storey dwellings will rely on air conditioners which is a downside for future residents, and they are ugly and noisy. Upper storeys get hot yet the design of these dwellings is not planning for the future but is more of the same. Design features such as double glazing, additional ceiling heights for fans, window shutters, deeper eaves and orientation of buildings should be mandatory.	ResCode
Officer's Response: The applicant has advised that: the dwellings will meet the 6 star energy rating. They would all have a northerly aspect to the main living areas and would be provided with wall and ceiling insulation as well as insulation between floors. The glazing would be what is required as part of the energy rating (either single, low e or double glaze).	
The landscaping plan proposed is not well considered for such a development. A better design could have achieved a more exciting balance between inside and outside areas. Who will be responsible for maintaining the new plants?	ResCode
Officer's Response: The objectors have provided to the applicant a list of improved and alternative species recommendations for the landscape plan due to their expertise and local knowledge of this area. This is discussed in the assessment section of this report.	
Front fencing and frontage treatment need to be improved to contribute to the final streetscape.	ResCode
Officer's Response: The landscape plan will be required to address the frontage of the site to soften the impact of the development on the streetscape.	
The bulk of the development will dominate the whole of the space with little outdoor area for normal family recreation.	ResCode

Officer's Response: The proposal meets the required Rescode standards.	
The back areas of the dwellings will not get sufficient sunlight for grass or plants to grow. These areas will become dust bowls, animal toiletry areas or will just be paved over.	ResCode
Officer's Response: This concern would be addressed in the landscape plan.	
There will be overshadowing of neighbouring properties from the double storey dwellings; there will be additional noise from 6 new residences with air conditioners and additional cars. The intensity of the proposal is for private gain rather than in-keeping with the existing fabric of the town – more akin to a metropolitan infill over-development.	ResCode
Officer's Response: The proposal meets the required Rescode standards.	
The development is an unacceptable intrusion into this area of Ballan. This may suit a new subdivision but definitely does not suit the existing "old area grid of Ballan". "Existing developments of units around the original township has been a failure in every respect – decreasing property values, unsaleable properties and ruining the beautiful character of the township". Once the character has been destroyed the township will just be like any other suburb not the beautiful country village of old world charm.	ResCode
Officer's Response: Neighbourhood character is address in the assessment section of this report.	

LOCALITY MAP

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



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11 Settlement
- Clause 11.02-1S Supply of urban land
- Clause 15 Built environment and heritage
- Clause 15.01-5S Neighbourhood character
- Clause 16 Housing
- Clause 16.01-3S Housing diversity
- Clause 16.01-2S Location of residential development
- Clause 16.01-1S integrated housing
- Clause 21.03-2 Objective—Urban Growth Management
- Clause 21.08-2 Objective—Township Growth
- Clause 21.08-3 Objective—Housing

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

ZONE

General Residential Zone – Schedule 1

In accordance with Clause 32.08-3 of the Moorabool Planning Scheme a permit is required to subdivide land.

The purpose of the zone is to:

- *Implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *Encourage development that respects the neighbourhood character of the area*
- *Encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*
- *Allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposal would contribute to diversity of housing choice in Ballan, where three-bedroom townhouses would cater to a range of needs including being suitable for families. The compatibility of the proposed development with neighbourhood character is discussed in the assessment section of this report.

Clause 32.08-3 - Garden area requirement

In the General Residential Zone an application to construct or extend a dwelling or residential building on a lot, where the lot is greater than 650sqm, must provide a minimum garden area of 35% of the total lot area. As the total lot area is 1785.82sqm the total garden area must be 625sqm.

OVERLAYS

Environmental Significance Overlay – Schedule 1 (ESO1)

In accordance with Clause 42.01-2 of the Moorabool Planning Scheme a permit is required to subdivide land and remove, destroy or lop vegetation.

Relevant Policies

Planning Scheme amendment C88 – Ballan Strategic Directions

Moorabool Planning Scheme Amendment C88 (the Amendment) which seeks to implement the Ballan Strategic Directions was exhibited from 30 August to 11 October 2018. Council considered submissions to Amendment C88 at the OMC on 6 March 2019 and resolved to refer the submissions to an independent Planning Panel. The Panel hearing was held between 28 and 30 May 2019. The Panel Report was received by Council on 4 July 2019 which generally supported the Amendment C88 noting in their report that the amendment is generally well founded.

As exhibited, Amendment C88 seeks to:

- Change policy text and the Ballan Framework Plan at Clause 21.08 of the planning scheme.
- Change residential zones and zone schedules affecting all residentially zoned land in Ballan.
- Change the Ballan industrial estate from Industrial 2 Zone to Industrial 1 Zone.
- Change the zoning of part of the Ballan Golf Course from the General Residential Zone to the Special Use Zone Schedule 3.

The Panel recommends that Amendment C88 be adopted as exhibited subject to some changes that were recommended by Council during the panel hearing, and further changes recommended by the Panel.

The changes recommended by Council during the panel hearing are generally consistent with those outlined in the 6 March 2019 report to Council recommending referral of the Amendment to a panel hearing. The changes recommended by the Panel can be categorised as following;

- Minor changes to planning scheme text (Recommendations 1 and 2)
- Changes to the Ballan Framework Plan (Recommendation 3)
- Site Specific Changes (Recommendation 4)

The subject site would be included in the General Residential Zone, Schedule 4 (GRZ4).

Particular Provisions

Clause 52.06 Car parking

The application meets the requirements of Clause 52.06-5, Table1, where each three bedroom dwelling must provide 2 car spaces for each dwelling on the site.

Clause 52.17 Native vegetation

Native vegetation would be removed from the site to construct the dwellings. In particular two large eucalyptus trees would be removed from the front setback.

However, in accordance with Clause 52.17-7, Table of exemptions, a permit is not required for Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.

The subject land is 0.81ha and the neighbouring land to the west, also in the same ownership, is 0.14ha. This provides a total of 0.32ha which is less than 0.4ha. Therefore, the removal of native vegetation is exempt from requiring a permit or purchasing an offset for the removal of native vegetation.

Clause 55 – Two or more dwellings on a lot

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

Clause Rescode	Title	Response
56.03-5	Neighbourhood character objective	<p>Standard C6 Subdivision should:</p> <p>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features.</p> <p>It is considered that this proposal does not completely meet the character test in that the density of the development is not replicated in the surrounding area. However, the application was referred to Council's Strategic and Sustainable Development Department which consented to the application after assessment against the Ballan Strategic Directions policy and precinct plans.</p>

DISCUSSION

The application generally accords with the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF), the purposes of the zone and overlays and the requirements of the particular and general provisions.

The objectors felt the proposal did not accord with the neighbourhood character due in part to the density of the development on the main street within the entrance to Ballan. They also felt that this type of development was more suited to an urban area rather than Ballan's country village charm.

The application was referred to Sustainable and Strategic Development for an assessment against the local policy, Ballan Strategic Directions and precinct plans. Their response generally supported the development noting that the increased density of development on this site is considered appropriate having regard to the site's location and proximity to Ballan Town Centre, Train Station and Community Facilities.

The siting and design of the dwellings generally meets all Rescode objectives and standards. The site is within Precinct A of Ballan Strategic Directions and the proposal generally meets the preferred character of Precinct A as detailed above in the Strategic and Sustainable Development Department's response.

It is considered that high quality landscaping of this site is essential to the proposal. The original landscape plan submitted with the application did not adequately respond to the site or the streetscape. An amended landscape plan was provided but it still lacked character. Some of the species selected did not complement the existing character of the area. Objectors also noted that some of the species selected do not grow well in Ballan and can be frost sensitive. Two objectors provided a list of more suitable landscape species. A new landscape plan is to be prepared to meet these requirements.

It is considered that the applicant should obtain the advice of a specialist landscape designer to ensure that the landscaping adds value to the streetscape. It is also considered that the recommendations of the neighbouring objectors is also considered based on their Ballan experience and expertise and local botanical knowledge.

Prior to the landscape plan being determined it is considered that an arborist should inspect the vegetation and trees that are currently located on the site, and where appropriate these trees and shrubs are retained which should be conditioned.

It is noted that the applicant volunteered to move unit 4 to the west to increase the setback from 1.58m to 3m from the east side fence and make the necessary related adjustments to unit 5. This was to decrease any impact of the development on the neighbouring dwelling to the east. This adjustment should be conditioned.

A shadow diagram was also provided by the applicant at the request of one objector for 22 June and this showed that the objector's northern rear private space would be impacted by shadowing in the winter. However, this is already occurring from the established trees.

In relation to fencing it is considered that the site is fenced with a 1.8m wooden paling fence on the south, west and east sides as the preferred material.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
Western Water	Consent, no conditions
Southern Rural Water	Consent subject to conditions
Central Highland Water	Consent subject to conditions
Melbourne Water	Consent, no conditions
Powercor	Consent subject to conditions
Downer Utilities	Consent subject to conditions
VicRoads	Consent subject to conditions
Infrastructure	Consent subject to conditions
Strategic and Sustainable Development	Consent subject to conditions
Environmental Planning	No response

REFERRAL COMMENTS FROM STRATEGIC AND SUSTAINABLE DEVELOPMENT:

The application was referred to Council's Strategic and Sustainable Development Department which responded as follows:

The Proposal

Permit application PA2019009 seeks approval for a six Lot subdivision and development of six dwellings. Strategic planning supports the proposal, subject to conditions, for the following reasons:

- *The proposal maintains the existing streetscape rhythm of detached dwellings with convention front and side setbacks. The front setback of 4.5m is considered appropriate having regard to the neighbourhood character and setbacks of surrounding dwellings.*
- *Low permeable front fencing (0.8m high white picket fencing), will ensure that the front garden blends into the public realm.*
- *The side setbacks of 3.5m to 0.5m is considered appropriate noting that the wider 3.5 side setback is applied to the front dwellings, which are more visible from the street.*
- *The proposal does not create any additional crossovers.*
- *While the surrounding properties are predominately single storey, the two storey dwellings are considered appropriate as the buildings height does not exceed the predominant building height by more than one storey and the building setback, materials, and colours will complement the preferred character of the area.*
- *Whilst the application removes a number of existing trees, the application provides for a number of new trees. The majority of these trees are in the front setback of the site, which will assist in providing a balance between building for and open space.*

The increased density of development on this site is considered appropriate having regard to the site's location and proximity to Ballan Town Centre, Train Station and Community Facilities which is consistent with the strategic direction for Ballan.

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

Council could consider the following options:

- Issue a notice of decision in accordance with the recommendation of this report;
- Issue a notice of decision with amendments to the recommended conditions of this report; or
- Should Council wish to consider refusing the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

CONCLUSION

It is proposed to develop the site for 6 double-storey dwellings and subdivide the land into 6 lots.

The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme and would contribute to housing choice in an area which is well located in relation to infrastructure and services.

The Strategic and Sustainable Development Department in their referral response stated that:

While the surrounding properties are predominately single storey, the two storey dwellings are considered appropriate as the buildings height does not exceed the predominant building height by more than one storey and the building setback, materials, and colours will complement the preferred character of the area.

In the context the preferred neighbourhood character of the precinct the Strategic and Sustainable Development provided advice that they consider that the proposal is acceptable. In the light of this advice it is considered that the proposal should be supported.

PROPOSED: SIX TOWNHOUSE DEVELOPMENT
 FOR: Mr M BARTLEMAN
 AT: LOT 4 (No 91) INGLIS STREET BALLAN 3342



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ABN: 45 616 372 724



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 QUALITY HOME DESIGN & DEVELOPMENTS
 IS A REGISTERED MEMBER OF THE
 BUILDING DESIGNERS ASSOCIATION OF
 VICTORIA

This is the plan mentioned in the contract

No. _____ Date _____

Signed Builder: _____

Signed Owner: _____

Job No:

18043

Drawn: AM | Checked: S MARRIOTT | Issue Date: 20/12/18 | Issue Status: TOWNPLANNING

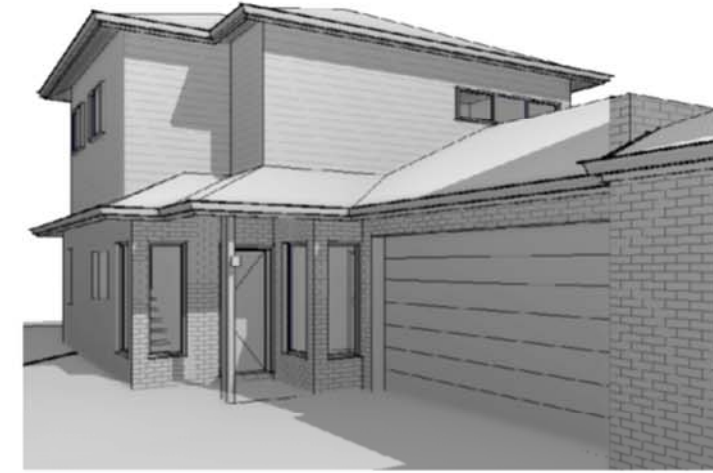
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PERSPECTIVE VIEW UNIT 1



PERSPECTIVE VIEW UNIT 2



PERSPECTIVE VIEW UNIT 3



PERSPECTIVE VIEW UNIT 4



PERSPECTIVE VIEW UNIT 5



PERSPECTIVE VIEW UNIT 6



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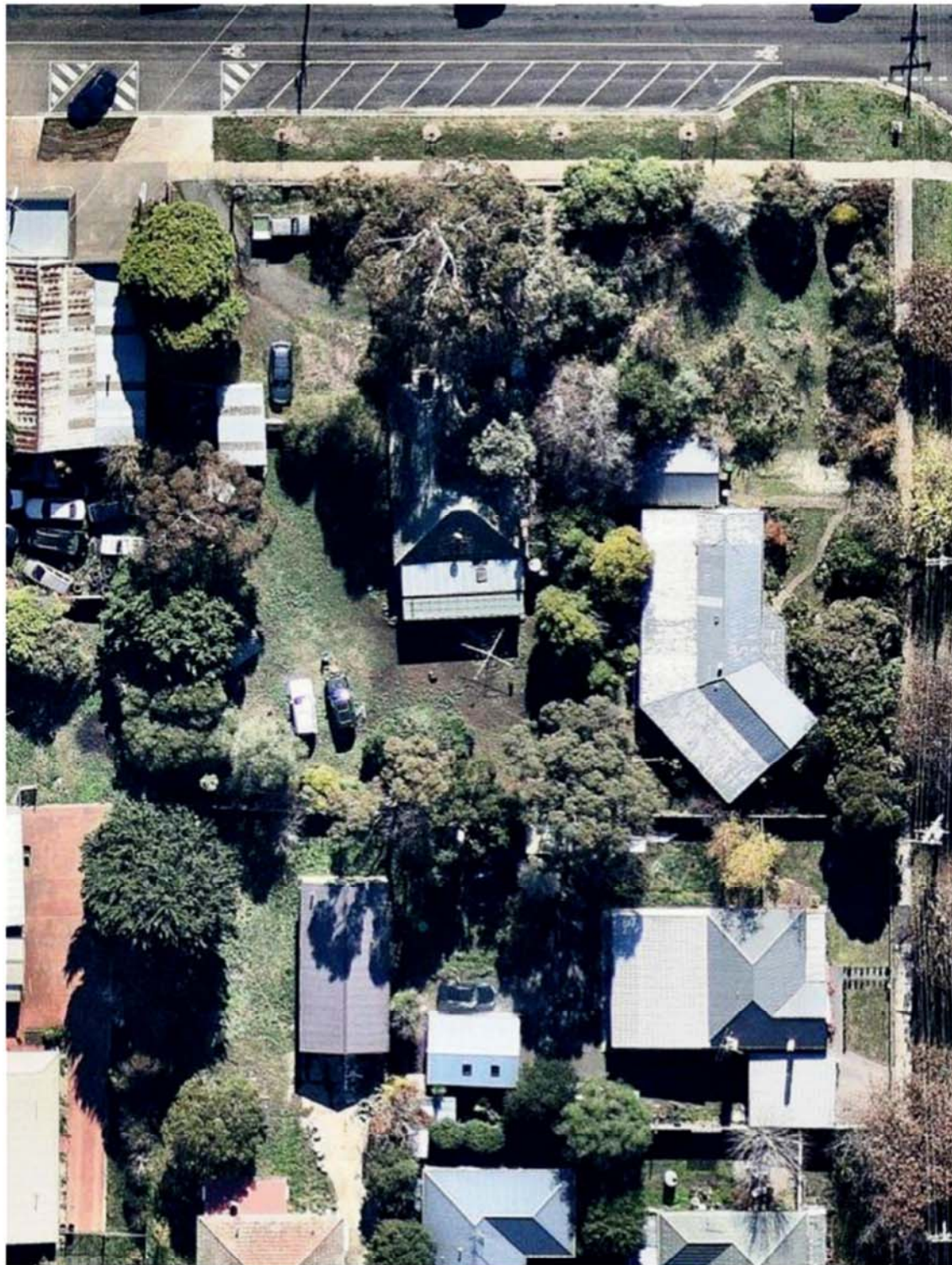
ABN 45 66 372 724

PROPOSED SIX TOWNHOUSE DEVELOPMENT
FOR: Mr M BARTLEMAN
AT: LOT 4 (No 9) INGLIS STREET BALLAN 3342

DRAWN BY: CHECKED: S MARROTT ISSUE DATE: 20/08/19 ISSUE STATUS: TOWNPLANNING REVISION:

Sheet
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Job No.
18043

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AERIAL VIEW OF THE ALLOTMENT SHOWING THE ADJOINING PROPERTIES ALONG THE TITLE BOUNDARIES



STREET VIEW OF THE EXISTING CONDITIONS AT 91 INGLIS STREET BALLAN THE EXISTING CROSSOVER AND DRIVEWAY CAN BE SEEN TO THE RIGHT BEHIND THE EXISTING STREET TREE



ADJOINING PROPERTY AT 23 DUNCAN STREET AS IT IS PRESENTED FROM THE INGLIS STREET FRONTAGE



ADJOINING PROPERTY TO THE EAST AT 95 INGLIS STREET WHICH CURRENTLY HOLDS PAMA MOTORS BALLAN



PROPERTY TO THE NORTH, ACROSS THE ROAD, AT 94 INGLIS STREET WHERE MILL ROSE GUITING AND GALLERY IS SITUATED



PROPERTY TO THE NORTH, ACROSS THE ROAD AT 90 INGLIS STREET WHERE THE MILL ROSE RETREAT IS SITUATED

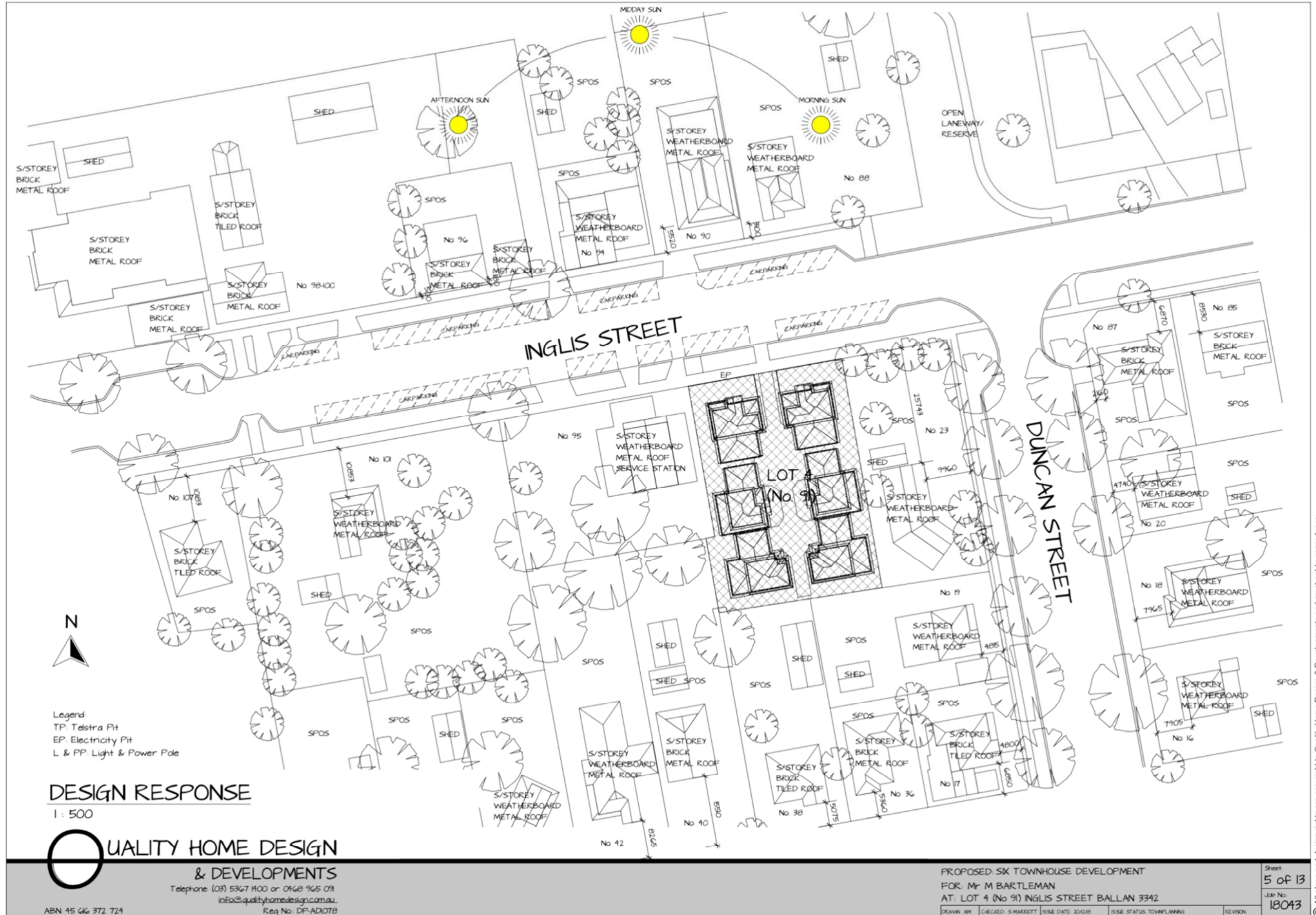
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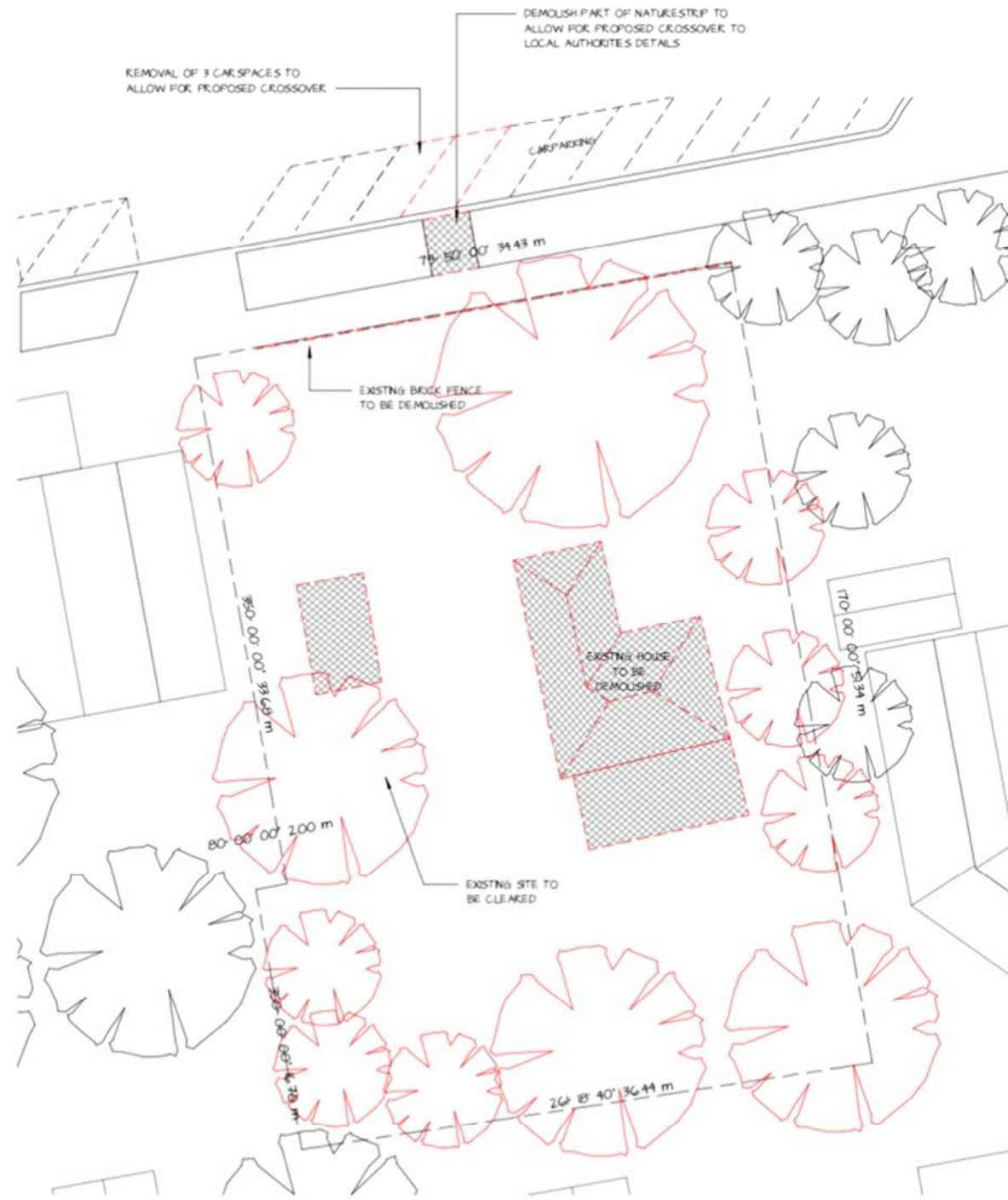
PROPOSED SIX TOWNHOUSE DEVELOPMENT
 FOR: Mr M BARTLEMAN
 AT: LOT 4 (No 91) INGLIS STREET BALLAN 3342

DRAWN: AM	CHECKED: S MARROTT	ISSUE DATE: 20/08	ISSUE STATUS: TOWNPLANNING	REVISION:
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 18043

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DEMOLITION FLOOR PLAN
1: 250



SITE PLAN
1: 250

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PROPOSED SIX TOWNHOUSE DEVELOPMENT
FOR: Mr M BARTLEMAN
AT: LOT 4 (No 91) INGLIS STREET BALLAN 3342
DRAWN: AM | CHECKED: S MARROTT | ISSUE DATE: 21/2/18 | ISSUE STATUS: TOWNPLANNING | REVISION:

Sheet
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Job No.
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FLOOR LEVEL
1:100



Area Schedule - Dwelling 1			POS Schedule - Dwelling 1		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	791 m ²	1067	SPOS	5064 m ²	545
UPPER FLOOR	587 m ²	602	POS 1	8946 m ²	900
GARAGE	867 m ²	385			
PORCH	335 m ²	036			
Grand total	2480 m²	2090	Grand total	14259 m²	1445

Area Schedule - Dwelling 2			POS Schedule - Dwelling 2		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	762 m ²	1035	SPOS	818 m ²	335
UPPER FLOOR	484 m ²	522	POS 1	2158 m ²	38
GARAGE	970 m ²	399	POS 2	647 m ²	070
PORCH	234 m ²	025	POS 3	807 m ²	44
Grand total	2450 m²	1782	Grand total	3405 m²	172

Area Schedule - Dwelling 3			POS Schedule - Dwelling 3		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	791 m ²	1071	SPOS	7555 m ²	818
UPPER FLOOR	547 m ²	589	POS	5448 m ²	506
GARAGE	802 m ²	41			
PORCH	208 m ²	022			
Grand total	2348 m²	2079	Grand total	13002 m²	1400

Area Schedule - Dwelling 4			POS Schedule - Dwelling 4		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	791 m ²	1071	SPOS	2557 m ²	275
UPPER FLOOR	547 m ²	589	POS	7066 m ²	647
GARAGE	802 m ²	41			
PORCH	208 m ²	022			
Grand total	2348 m²	2079	Grand total	10422 m²	122

Area Schedule - Dwelling 5			POS Schedule - Dwelling 5		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	762 m ²	1035	SPOS	814 m ²	331
UPPER FLOOR	484 m ²	522	POS 1	2158 m ²	38
GARAGE	970 m ²	399	POS 2	647 m ²	070
PORCH	234 m ²	025	POS 3	807 m ²	44
Grand total	2450 m²	1782	Grand total	3405 m²	164

Area Schedule - Dwelling 6			POS Schedule - Dwelling 6		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	1008 m ²	1078	SPOS	583 m ²	559
UPPER FLOOR	559 m ²	602	POS	847 m ²	90
GARAGE	867 m ²	385			
PORCH	335 m ²	036			
Grand total	2567 m²	210	Grand total	1604 m²	

STORE AREA CALCULATIONS:
 UNIT 1 - SHED IN BACKYARD 6m²
 UNIT 2 - STORE IN GARAGE 05 x 44 x 2.92 = 640m²
 UNIT 3 - STORE IN GARAGE 05 x 44 x 2.92 = 640m²
 UNIT 4 - STORE IN GARAGE 05 x 44 x 2.92 = 640m²
 UNIT 5 - STORE IN GARAGE 05 x 44 x 2.92 = 640m²
 UNIT 6 - SHED IN BACKYARD 6m²

SITE AREA	1785.02 m ²
BUILDING AREA	2884.12 m ²
COVERAGE	16.19%
PERMEABILITY	86.6%
POS AREA	10371 m ²
SPOS AREA	109.85 m ²
GARDEN ZONE	36.8%

FINISHED FLOOR LEVEL DETAILS: ALL UNITS TO BE THE SAME
 GROUND FLOOR: 100.200
 FIRST FLOOR: 109.250
 GARAGE LEVEL: 100.000
 PORCH LEVEL: 100.000

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 Ref No: DF-AD078

PROPOSED SIX TOWNHOUSE DEVELOPMENT
 POC: Mr M BARTLEMAN
 AT LOT 4 (No 9) INGLIS STREET BALLAN 3342
 Date: 11/08/2019
 Sheet: 7 of 13
 Job No: 18043

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N

UPPER FLOOR LEVEL
1:100



Area Schedule - Dwelling 1			POS Schedule - Dwelling 1		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	994 m ²	1067	SPOS	5064 m ²	546
UPPER FLOOR	959 m ²	602	POS 1	8946 m ²	900
GARAGE	957 m ²	885	Grand total	19429 m ²	1446
PORCH	336 m ²	036			
Grand total	1944 m ²	2090			

Area Schedule - Dwelling 2			POS Schedule - Dwelling 2		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	9620 m ²	1036	SPOS	819 m ²	836
UPPER FLOOR	4849 m ²	522	POS 1	2158 m ²	88
GARAGE	9707 m ²	999	POS 2	647 m ²	070
PORCH	234 m ²	025	POS 3	1887 m ²	199
Grand total	19401 m ²	2102	Grand total	8005 m ²	872

Area Schedule - Dwelling 3			POS Schedule - Dwelling 3		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	994 m ²	1071	SPOS	7556 m ²	818
UPPER FLOOR	947 m ²	589	POS	1448 m ²	166
GARAGE	8822 m ²	41	Grand total	18002 m ²	1000
PORCH	208 m ²	022			
Grand total	1946 m ²	2093			

Area Schedule - Dwelling 4			POS Schedule - Dwelling 4		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	994 m ²	1071	SPOS	2557 m ²	275
UPPER FLOOR	947 m ²	589	POS	7866 m ²	847
GARAGE	8822 m ²	41	Grand total	10422 m ²	822
PORCH	208 m ²	022			
Grand total	1946 m ²	2093			

Area Schedule - Dwelling 5			POS Schedule - Dwelling 5		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	9620 m ²	1036	SPOS	846 m ²	839
UPPER FLOOR	4849 m ²	522	POS 1	2158 m ²	88
GARAGE	9707 m ²	999	POS 2	647 m ²	070
PORCH	234 m ²	025	POS 3	1433 m ²	154
Grand total	19401 m ²	2102	Grand total	8094 m ²	88

Area Schedule - Dwelling 6			POS Schedule - Dwelling 6		
Name	Area	Squares	Name	Area	Squares
LOWER FLOOR	1008 m ²	1078	SPOS	539 m ²	559
UPPER FLOOR	959 m ²	602	POS	817 m ²	92
GARAGE	957 m ²	885	Grand total	1861 m ²	144
PORCH	336 m ²	036			
Grand total	1952 m ²	210			

SITE AREA	178592 m ²
BUILDING AREA	88942 m ²
COVERAGE	49.8%
PERMEABILITY	16.6%
POS AREA	4073 m ²
SPOS AREA	10896 m ²
GARDEN ZONE	16.0%

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PROPOSED SIX TOWNHOUSE DEVELOPMENT
 FOR: M. M. BARTLEMAN
 AT: LOT 4 (No 9) INGLIS STREET BALLAN 3342
 Date: 11/08/2019
 Sheet: 8 of 13
 Job No: 18043

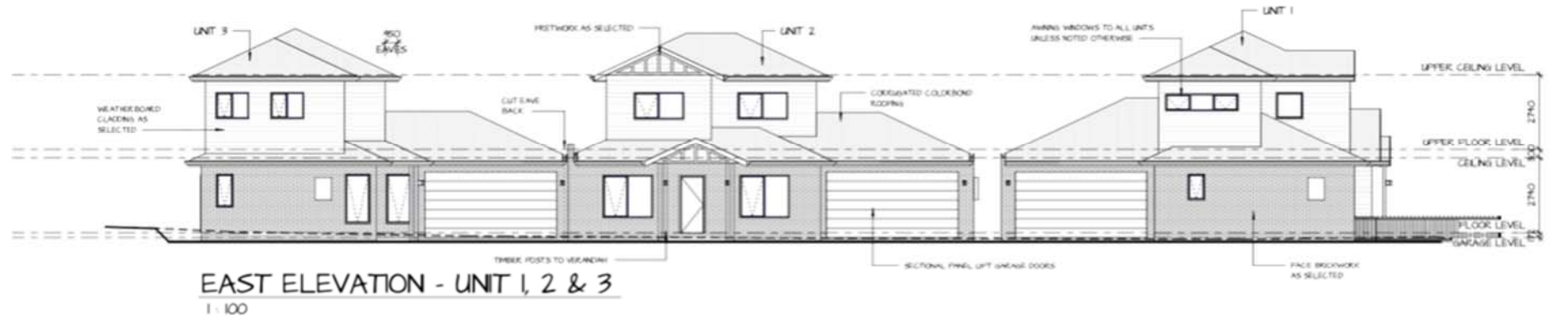
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PROPOSED 5X TOWNHOUSE DEVELOPMENT
 FOR: M. M. BARTLEMAN
 AT: LOT 4 (No 9) INGLIS STREET BALLAN 3342
 DRAWN BY: T. COOPER
 SHEET NO: 9 OF 13
 JEP NO: 18043

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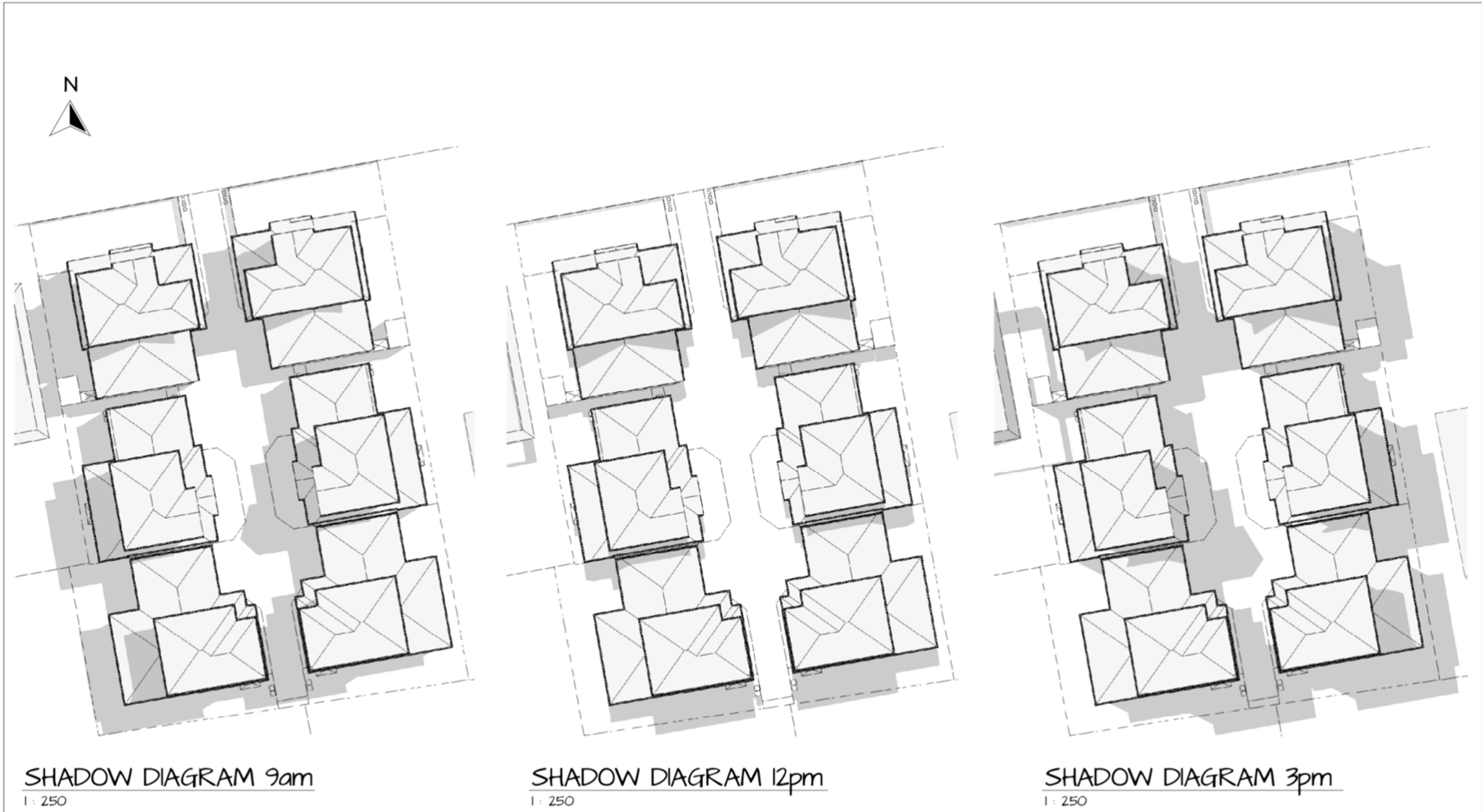
EAST ELEVATION - UNIT 1, 2 & 3
1:100



EAST ELEVATION - UNIT 4, 5 & 6
1:100



WEST ELEVATION - UNIT 4, 5 & 6
1:100



ALL SHADOWS TAKEN ON SEPTEMBER 22

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PROPOSED SIX TOWNHOUSE DEVELOPMENT				Sheet
FOR: Mr M BARTLEMAN				11 of 13
AT: LOT 4 (No 9) INGLIS STREET BALLAN 3342				Job No.
				18043
DRAWN: AM	CHECKED: S MARROTT	ISSUE DATE: 21/08/19	ISSUE STATUS: TOWNPLANNING	REVISION:

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LANDSCAPE PLAN
1: 200

NOTE: NO TREE OR SHRUB IS TO BE PLANTED OVER EXISTING OR PROPOSED DRAINAGE INFRASTRUCTURE AND EASEMENTS

TREE PLANTING DETAIL
NTS

TAG	BOTANICAL NAME	COMMON NAME	MATURE SIZE	POT SIZE	QTY
1.	BUXUS SEMPERVIRENS	ENGLISH BOX HEDGE	15m HIGH x 0.75m WIDE	50mm	80
2.	PYRUS CALLERYANA 'CAPITAL'	ORNAMENTAL PEAR	11-12m x 1-3m GRAFTED	30cm	10
3.	CALLISTEMON	BOTTLE BRUSH	3-5m HIGH x 2-4m WIDE	25cm	12
4.	SYZYGIUM AUSTRALE	BUSH CHRISTMAS	4-6m HIGH x 2-3m WIDE	27cm	29
5.	BEITULA PENDULA	SILVER BIRCH	15-25m HIGH	25cm	10
6.	LOMANDRA LONGFOLIA	BASKET GRASS	12m HIGH x 1.0m WIDE	10cm	20
7.	ANGOPHORA HISPIDA	DWARF APPLE	5-7m HIGH x 3-5m WIDE	40cm	2
8.	CORYMBIA FICIFOLIA	FLOWERING GUM	2-15m HIGH x 2-4m WIDE	40cm	2

TREE PLANTING LEGEND
1: 100

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PROPOSED SIX TOWNHOUSE DEVELOPMENT
FOR: Mr M BARTLEMAN
AT: LOT 4 (No 9) INGLIS STREET BALLAN 3342

DRAWN: AM	CHECKED: S MARROTT	ISSUE DATE: 22/08/19	ISSUE STATUS: TOWNPLANNING	REVISION:
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PHOTO OF 23 DUNCAN STREET. ESTABLISHED AND OVERGROWN GARDEN BEHIND LOW METAL FENCING. DWELLING FACES AND IS ACCESSED BY DUNCAN STREET. HAS A SETBACK OF APPROX 25m FROM INGLIS STREET AND 5.8m FROM DUNCAN STREET WITH VERY MINIMAL INTEGRATION TO BOTH STREET FRONTAGES

PHOTO OF 91 INGLIS STREET. EXISTING RUN DOWN DWELLING SET BACK FROM INGLIS STREET BEHIND NEGLECTED UNMAINTAINED GARDENS. STREET APPEAL IS UNDESIRABLE.

PHOTO OF 95 INGLIS STREET. PAMA MOTORS. SERVICE STATION AND MECHANICS WITH SUBSTANTIAL HARD SURFACES AND A DATED DWELLING THAT DOES HOWEVER INTEGRATE WITH THE STREET

EXISTING STREETSCAPE ELEVATION

1:10



STREETSCAPE ELEVATION

1:100

PROPOSED DEVELOPMENT INTEGRATES WITH INGLIS STREET AND CREATES A DESIRABLE STREET APPEAL. IMPROVING THE STREET IMAGE. EXTENSIVE GREENERY BLENDS THE PROPOSED DEVELOPMENT IN WITH THE NEIGHBOURHOOD CHARACTER AND THE SURROUNDING AREA.

8.2 PA2018217 - USE OF THE LAND FOR ANIMAL KEEPING (5 DOGS) AT 15 DUNCAN STREET, BALLAN.**Author:** Samuel Duff, Statutory Planner**Authoriser:** Satwinder Sandhu, General Manager Community Planning**Attachments:** Nil**APPLICATION SUMMARY****Permit No:** PA2018-217**Lodgement Date:** 05/09/2018**Planning Officer:** Samuel Duff**Address of the land:** Lot 1 on TP 209194, located at 15 Duncan Street, Ballan**Proposal:** Use of the Land for Animal Keeping (5 Dogs)**Lot size:** 745m**Why is a permit required?** Section 2 Use in the General Residential Zone, Use of the land for Animal Keeping over 2 animals**RECOMMENDATION**

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a refusal to issue a planning permit for planning permit application PA2018-217 on the following grounds:

1. The proposal is inconsistent with the purpose of the General Residential Zone.
2. The proposal does not accord with the relevant Planning Policy Framework(s) or the Local Planning Policy Framework of the Moorabool Planning Scheme, specifically clause 22.04.
3. This proposal would set a precedent that may impact the amenity of the area.
4. The proposal does not represent the proper and orderly planning of the area.

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	One
Consultation meeting:	Offered, but none undertaken

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development**Context 3A: Land Use Planning**

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

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

Author – Samuel Duff

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

EXECUTIVE SUMMARY

Application referred?	Yes, to Councils Environmental Health and Community Safety Department
Any issues raised in referral responses?	Councils Community Safety department in their referral response wished to highlight that appropriate measures would be required to be implemented to mitigate concerns over noise, odour and general amenity impacts. Community Safety also raised concerns over the appropriateness of the use due to the small lot size and its location in a residential area. It should be noted that that two visits have been undertaken by Community Safety Officers throughout the planning permit process.
Preliminary concerns?	Several concerns were raised from the site visit. Planning issues include the location of the use in a residential area, concerns regarding possible amenity impacts on neighbouring land owners, concerns regarding the predominance of hardstand surface which may trap odours, reverberate noise and limit natural area for the dogs.
Any discussions with applicant regarding concerns?	A request for further information was sent to the applicant on 1 November 2018, enquiring about a management plan for the animals/site, housing plan and a disinfection/plan. Several follow up emails and calls between Council and the applicant ensued in late November.

	<p>Another of Council's Planning Officers – Mark Lovell – advised that the application would not progress without the Further Information Request being fulfilled and advised to get a consultant to help gather the appropriate documentation.</p> <p>The applicant then advised they would employ a local consultant to help draft some documents. Late in the process (received by Council on 15 February), the application received additional information. This information did not adequately address the underlying concerns of the site. The information that was received was a Health Management Plan, Noise management Measures, Waste Removal and Hygiene Protocols as well as a site plan</p>
Any changes made to the application since being lodged?	No
Brief history.	<p>The applicant is seeking approval for animal keeping, specifically for the keeping and breeding of five (5) animals on the subject site. The application was lodged after a land use/compliance investigation brought the breach of the Planning Scheme to Council's attention. After this investigation, a Community Safety officer encouraged the applicant to apply for a planning permit.</p> <p>A preapplication meeting was held with the applicant and Planning and Community Safety officers.</p> <p>A site visit was undertaken on 24/09/2018 between planning and community safety. The application was advertised shortly afterwards.</p> <p>In mid-October the application received an objection. A Request for Further Information was sent in November requesting the applicant to provide documentation regarding how certain amenity impacts were running, as this may mitigate some of the issues raised by the objection and Council officers' concerns</p> <p>The application was deferred by Council at the March 2019 Development Assessment Committee meeting.</p>
Previous applications for the site?	A search of council records has revealed that there are no previous planning permits associated with the site.
General summary.	The keeping and breeding of dogs has been occurring on the subject site for several years, based on an investigation of Council's Records, however, no planning permit has been issued for the purpose of dog breeding.

	The application is to allow the breeding of five (5) dogs (toy breeds – Pekingese and Chinese Crested) on the subject site. The keeping of 5 Animals which requires a permit under the zoning controls. The applicant has not provided sufficient justification or information for Councils officers to be satisfied that a permit would not have a detrimental impact on the amenity of the surrounding land owners or to contravene the provisions of Clause 22.04 of the Planning Scheme
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a refusal to issue a planning permit for planning permit application PA2018-217 for the Use of the land for Animal Keeping (5 Dogs) at 15 Duncan Street in Ballan	

SITE DESCRIPTION

The subject site is a 745 square meter site in the General Residential Zone of Ballan. The subject site is considerably developed with a dwelling and four (4) outbuildings onsite. The land itself is rather flat, with minimal vegetation on site. There are three sheds in the back yard, one of which is used as storage and another which is filled with blankets and bedding for the animals to use as a 'bunk-house', the land between all of the outbuildings and the dwelling is concreted.

Opposite the site on Duncan Street is the Ballan Primary School in a Public Use Zone. Aside from the school, the immediate surrounds are predominantly General Residential Zone with dwellings on the vast majority. The site is approximately 250 meters to the east of the Ballan Council office and is approximately about 150 meters south of Inglis Street.



Figure 1 Subject site and surrounding built form

PROPOSAL

The proposal is to utilise the site to keep and breed animals, which are predominantly Pekingese dogs, which is a breed that is typically considered as a ‘toy breed’. The keeping of animals can be a section 1 use, meaning that no permit is required, provided that the number of animals kept on site is under two animals.

This application is seeking approval for five (5) breeding animals, which is a Section 2 use. This is in addition to the four (4) non-breeding animals that are kept on site as pets.

HISTORY

A search of Council records has revealed that there have been no other planning permit applications associated with the site. However, it appears that seven (7) dogs were registered to the site ten (10) years ago through Councils Community Safety department.

It is understood that this application was lodged because of a compliance issue. The applicant originally had 13 animals on site, however has since reduced the number to nine (9) as part of the planning application process.

Further information from the applicant claims that the use has been operating since 2002 and has been registered with Dogs Victoria since 2012.

The application was presented to the Development Assessment Committee for consideration at its March Meeting where the item was deferred subject to further discussions with the applicant.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
The concerns that were raised include the following;	Clause 32.08

<p>That the site is within a residential area and, as such the land use is inappropriate.</p> <p>The objector advises it has previously had problems with barking and the smell of faeces emanating from the subject site.</p> <p>The objector has also raised that the applicants Membership to Dogs Victoria had expired and pondered as to why the applicant was still advertising dogs for sale.</p>	<p>Clause 22.04</p>
<p>Officer's Response:</p> <p>The subject site is a small residential lot and this type of site is not preferred for the use as the guideline specified under the local policy, Clause 22.04, which identifies that dog keeping and breeding facilities should be sited at least 500 metres away from residential areas.</p> <p>The Policy identifies that there should also be acoustic baffling on site to reduce noise and that adequate treatment for effluent treatment. The applicant has stated that they dispose of the solid waste into the garbage bin, which then may sit there for up to a week. The applicant has not provided details of how the liquid waste is managed.</p> <p>Since the application has been lodged, the applicant has renewed their membership with Dogs Victoria.</p>	

A verbatim copy of the objection has been given to the Councillors for their consideration

LOCALITY MAP

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



Figure 2 Zoning Map of the subject site and surrounding land.

PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11.03 Planning for Places
- Clause 13.07 Amenity and Safety
- Clause 14.02 Water
- Clause 21.03 Settlement and Housing
- Clause 21.08 Ballan
- Clause 22.04 Animal Keeping

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

PPF	Title	Response
Clause 11.03	Planning for places	While there is no development proposed as part of this application, the use could run indefinitely. As Ballan intensifies and develops further, there could be a greater impost onto the community members.

Clause 13.07	Amenity and Safety, specifically Clause 13.07-1S – Land use Compatibility	The objective is to safeguard the community amenity against the development and uses with potential off-site impacts. In this instance the proposed use not compatible in the area, with the current amenity having already been impacted by the keeping of the animals on site.
LPPF		
Clause 22.05	Animal Keeping	This policy addresses the key issues associated with the use of land for animal keeping. The policies outlined identify that animal keeping and breeding facilities should be located at least 500m from residential areas. Should this be unable to be achieved, then mitigation measures such as noise baffling kennels are to be implemented to address the amenity concerns.

ZONE

Clause 32.08 – General Residential Zone, schedule 1

The purpose of this Zone is:

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

The application is not consistent with the purpose of the General Residential Zone. Animal Keeping can be a Section 1 Use, which does not require a permit, provided that there are no more than two (2) animals kept on site.

As the application is proposing to use five (5) dogs for breeding it's a Section 2 use and must be considered in accordance with the purpose and objectives of the zone, pursuant to the provisions of Clause 32.08.

OVERLAYS

Clause 42.01 – Environmental Significance Overlay, schedule 1

The environmental objectives to be achieved under this overlay is:

- *To protect the quality and quantity of water produced within proclaimed water catchments.*

- *To provide for appropriate development of land within proclaimed water catchments*

The land is situated in an Environmental Significance Overlay, Schedule 1, which is for the Proclaimed Water Catchment Areas of Moorabool Shire Council. There are no permit triggers that relate to the use of land under the provisions of this overlay.

RELEVANT POLICIES

The C88 amendment, the Ballan Strategic Directions, has been adopted by Council and is in the process to be gazetted. The subject site would be included in a rezoning from General Residential Zone, schedule 1 to schedule 4. The reason for raising this document is to bring to Councils attention the strategic intent for the area. There are examples of infill development occurring in close proximity to the subject site, with a subdivision of the lot next door to the subject site. There is a concern that should this use be approved, there may be risk of escalated land use conflict with the increasing residential development surrounding the site. It is considered that the effective management of this site is critical with the intensified residential growth encouraged within this area, this is something currently missing from the application and was requested in RFI November.

PARTICULAR PROVISIONS

There are not thought to be any applicable particular provisions outlined in the planning scheme.

DISCUSSION

Residential Zone of Ballan. Existing on site, aside from the five (5) animals that have been proposed to keep breeding, there are four (4) animals that have been spayed, which are kept as pets.

The land is within a General Residential Zone (GRZ). Animal Keeping is defined under the Moorabool Planning scheme as; land used to: a) breed or board domestic pets; or b) keep, breed or board racing dogs. In the GRZ, Animal Keeping for more than two (2) animals is a Section 2 Use and therefore requires a permit, but Council, pursuant to the Zoning controls, cannot allow more than five (5) breeding animals on site. The decision guidelines for non-residential uses questions whether the use is compatible with residential uses and whether the use generally serves the local community's needs. The amenity effects should also be taken into consideration, particularly in the scale and intensity of the use. The final major issue that is to be considered is that this will likely set a precedent for this use in a residential zone within Ballan or in the municipality.

Prior to the issue being brought to Councils attention, there were more than five (5) breeding dogs on site, some of which have since been removed from the site. On balance, the use at the previous and current scale is considered inappropriate on this site. As there are four pet animals already on site and would not be removed, the total number of dogs that would be kept on site would be nine (9). The high amount of hardstand area on site would cause any noise generated to reverberate around the site and it is unknown how the liquid waste, even managed to the Dogs Victoria endorsed Waste Removal and Hygiene Protocols, or how the runoff from the backyards impermeable surfaces would impact the surrounding area.

The provisions of Clause 22.04 identifies the issues surrounding animal keeping within the Shire and identifies a series of policies to discourage keeping and breeding of dogs in areas that *"... have a significant number of dwellings in close proximity..."* and requires that *"...facilities should be located at least 500 meters from residential areas, with a significant proportion of the buffer being provided in the boundary of the site..."*.

As the site is embedded within a primarily residential area, save for the primary school, the site is considered as inappropriate for the purposes of animal keeping and breeding. There is no development proposed in this application. Council Officers cannot be satisfied that the approval of a planning permit would not have an impact on the surrounding land owners. The site in context of being in a residential area causes the appropriate buffers to not have been met.

The applicant has been served a Request for Further Information (RFI) with the intention that the applicant provide details on the following information:

- A Health Management Plan, which has been identified as a under Section 3 (5) of the Code of Practice for the Operation of Breeding and Rearing Businesses as a requirement.
 - Housing Plan – Under Section 6 (5)(d) of the above code of practice, this plan was determined necessary, particularly in context of asking what acoustic baffling is or would be implanted on the site
- Disinfection and Hygiene plan – this was in relation to the odour complaint.

Council asked for this information to determine if the appropriate measures could be in place in to help to mitigate the risks, as well as ensure as manage the amenity impacts. An email was sent in response which did not satisfy the requirements of the RFI.

During this period, a member of Dogs Victoria has conducted a site visit and advised Council that Dogs Victoria members are exempt from the Code of Practice, provided that they meet the Dogs Victoria Rules, Regulations and Codes of Practice. The applicant also had enlisted the assistance of a local planning consultant to assist in the preparation of the required documentation. These included a Health Management Plan, Noise Management Measures and the Dogs Victoria Waste Removal and Hygiene protocols. The Noise Management Measures states that the animals do not bark at all as they are ‘well trained’ and spend most of their time inside the dwelling on site. The rear yard is visually screened (fenced) to prevent the dogs barking. The animals are not allowed in the front yard during school times to reduce the increased foot traffic causing the animals to react. The statement that the animals are ‘well trained’ is subjective and could change between the animals that could be kept on site if a permit was to be granted, therefore additional measures would still be considered necessary should the recommendation of refusal be overturned by Council.

The *Waste Removal and Hygiene Protocols* identified that waste is picked up and disposed of in household garbage bins and that the liquid waste on the hard surfaces is hosed down on a daily basis. No details of the treatment on the concrete has been provided, including a distinct lack of details on the sealant(s) of the concrete and whether or not a membrane is installed under the concrete the concrete.

Should Council decide to overturn the decision and approve the application and grant the Notice of Decision to Grant a Planning permit, permit notes should be included that require the animals to be registered with Councils Community Safety.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
Environmental Health	Consent
Community Safety	Raised issues within the referral response

FINANCIAL IMPLICATIONS

The recommendation of refusal to this land use application is not thought to have any financial implications to Council

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

Council could consider the following options:

- Issue a refusal to grant a permit in accordance with the recommendations of this report;
- Issue a permit with conditions outside of the recommendation of this report; or
- Should Council wish to consider an approval of the application, Councillor's should be mindful that infill development may occur in the surrounding area. Therefore, a sunset clause may be necessary to minimise future impacts on more surrounding land owners

CONCLUSION

It is considered that this application is not supported by the Moorabool Planning Scheme, particularly the provisions of Clauses 22.04 and 32.08. Further to this, Council officers cannot be certain that the grant of a permit could be appropriately mitigated in the future. Council should also be wary of the opportunity this application has to set a precedent for this use in the area.

8.3 PA2018317 - CONSTRUCTION OF TWO DWELLINGS AND ALTERATIONS TO AN EXISTING BUILDING AT 62 GRANT STREET BACCHUS MARSH.

Author: Mark Lovell, Senior Statutory Planner

Authoriser: Satwinder Sandhu, General Manager Community Planning

Attachments: 1. Complete Plans

APPLICATION SUMMARY

Permit No: PA2018317

Lodgement Date: 8 November, 2018

Planning Officer: Mark Lovell

Address of the land: Lot 2 on Plan of Subdivision 318296D
62 Grant Street Bacchus Marsh

Proposal: Construction of two dwellings and alterations to an existing dwelling

Lot size: 620m²

Why is a permit required? Clause 32.08-6 - Mixed Use Zone - Construction of two or more dwellings
Clause 43.01-1 - Heritage Overlay - Building and Works
Clause 43.02-2 - Design & Development Overlay - Building and Works

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to grant a permit for alterations to an existing building and construction of two double storey dwellings at Lot 2 on Plan of Subdivision 318296D otherwise known as 62 Grant Street, Bacchus Marsh, with the following conditions

Endorsed plans

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

Materials

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

Heritage

3. All nominated external paint colours must be strictly in accordance with the endorsed plan and cannot be altered without consent of the Responsible Authority

4. The external faces of walls on or facing boundaries are to be cleaned and finished to the same standard as such walls within the development site to the satisfaction of the Responsible Authority.
5. No external plant and equipment visible from any street frontage can erected without the written consent of the Responsible Authority.
6. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
7. All building and works must be maintained to the satisfaction of the Responsible authority.

Amenity

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

Car parking

9. Car spaces, access lanes and driveways shown on the endorsed plan must not be used for any other purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

Infrastructure

10. The existing vehicle crossing on Sydney Street must be constructed to urban standard to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
11. Prior to the commencement of the use of the dwellings, the laneway abutting the length of the eastern boundary of the property must be constructed in reinforced concrete to a depth of 125mm, to the satisfaction of the Responsible Authority.
12. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - i. The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - ii. Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - iii. Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.

- 13. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.**
- 14. 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).**
- 15. 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.**
- 16. 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.**
- 17. Prior to the use of the dwellings commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:**
 - i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
 - ii. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.**
 - iii. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles**

Department of Health and Human Services

- 18. Should any cranes and associated construction equipment be used, prior to the commencement of any development (including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health and Human Services in writing, a flight path construction management plan must be prepared to the satisfaction of the Department of Health and Human Services and be approved by the responsible authority. The flight path construction management plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Bacchus Marsh Hospital helipad.**

The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and Human Services and the responsible authority. The flight path construction management plan must identify the location and height of any construction equipment, including cranes.

- 19. Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the *Civil Aviation Safety Authority Manual of Standards Part 139* at their highest point(s) to ensure that they can be seen within the helicopter flight paths.**

Permit Expiry

- 20. This permit will expire if one of the following circumstances applies:**

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

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	One objection
Consultation meeting:	No, the objector advised due to family and work commitments is not available to meet until Christmas.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

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

Author – Mark Lovell

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

EXECUTIVE SUMMARY

Application referred?	Yes, Council's Infrastructure, Council's Strategic Planning and Department Health and Human Services (DHHS).
Any issues raised in referral responses?	DHHS required plans with levels to Australian Height Datum
Preliminary concerns?	Yes, with vehicle swept paths.
Any discussions with applicant regarding concerns?	Yes, the applicant engaged traffic engineers, ML Traffic Engineering and re-designed the car spaces.
Any changes made to the application since being lodged?	Additional detailing on the plans and new vehicle swept paths.
Brief history.	Council refused a previous development application consisting of a partial demolition and construction of two double storey dwellings
Previous applications for the site?	PA067/92 for use of the land for an office was approved by Council on 13 August 1992. PA105/99 for development of an extension to the existing office was approved by Council on 28 January 2000. PA2016273 was refused for the partial demolition and development of two dwellings on 18 April 2018.
General summary.	The site is conveniently located close to services and is located within a Mixed Use Zone which supports higher residential densities. The applicant has re-designed their development compared to the previously issued refusal by retaining most of the office area including the rear storage spaces, reorientating the dwellings to face west and providing car parking to both the offices and residential dwellings. The proposal has now addressed Council's refusal grounds and is worthy of support.

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 for alterations to an existing building and construction of two double storey dwelling Lot 2 on Plan of Subdivision 318296D otherwise known as 62 Grant Street, Bacchus Marsh

SITE DESCRIPTION

The subject site is located on the street corner of the western side of Grant Street and the northern side of Sydney Street with an abuttal to a rear right of way adjacent to the western boundary. The lot has a maximum width of 14.95 metres and a maximum length of 41.61 metres for a total area of 620m². The site shares 120mm wide party wall easement with the adjacent northern property for a length of 14.42 metres.

The site contains a single storey building originally comprising a shop built in 1899 with a dwelling to the rear built in 1911. The building has a hip roof with a parapet front and a timber verandah extending over the Grant Street footpath to the kerb, and brick chimneys. The portion of the building comprising the former dwelling fronts Sydney Street, with a canted and recessed entry with a projecting minor gable roof. The building is currently used for an office with an informal gravel surfaced area for car parking at the rear, accessed from Sydney Street via a right-of-way with space for approximately five cars. The site, and adjoining building at 60 Grant Street, are covered by Heritage Overlay, Schedule 81

There is a mixture of housing styles intertwined with some commercial shops but generally housing is located on moderate sized lots, varying front setbacks, small rear open spaces. The dwellings are predominately single storey in height. Grant Street is located within a Mixed Use and is adjacent to a General Residential Zone Schedule 2 to the rear. The opposite side is a narrow landscaped reserve that is in a Public Park and Recreation Zone which is adjacent to a General Residential Zone Schedule 3.

PROPOSAL

It is proposed a small section of a rear storage area and roofing area above the rear staff room and amenities area. A new rear storage wall will be established and a new entry from Sydney Street with internal walls forming a stairwell to the first floor. The first floor will consist of two dwellings. Each dwelling is two bedrooms with side balcony to provide a light/ventilation source, bathroom and open living, dining and kitchen. Each dwelling will also have rear balcony, Unit 1 is at 14.4m² in area and Unit 2 is at 13.7m² in area. The dwellings will be comprised of a mixture of external materials such as rendered walls, Colorbond® roofing, and timber framed windows and doors. The rear of the site under the dwellings will consist of 7 car spaces of which two are tandem. A total of five spaces are provided to the offices and 1 space to each dwelling.

The main changes compared to the previous proposal is the two dwellings only occupy one floor level, the first floor. The ground office area remains largely intact with new undercover car spaces accessing the rear right of way.

The dwellings orientation has also changed from facing Sydney Street to the south to fronting the rear right of way to the west with pedestrian entry via Sydney Street.

HISTORY

PA2016273 for partial demolition and development of two dwellings was considered at a S86 Development Assessment Committee (DAC) meeting held on 18 April, 2018

It was resolved to refuse the application based on the following grounds

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

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners.

SUMMARY OF OBJECTIONS

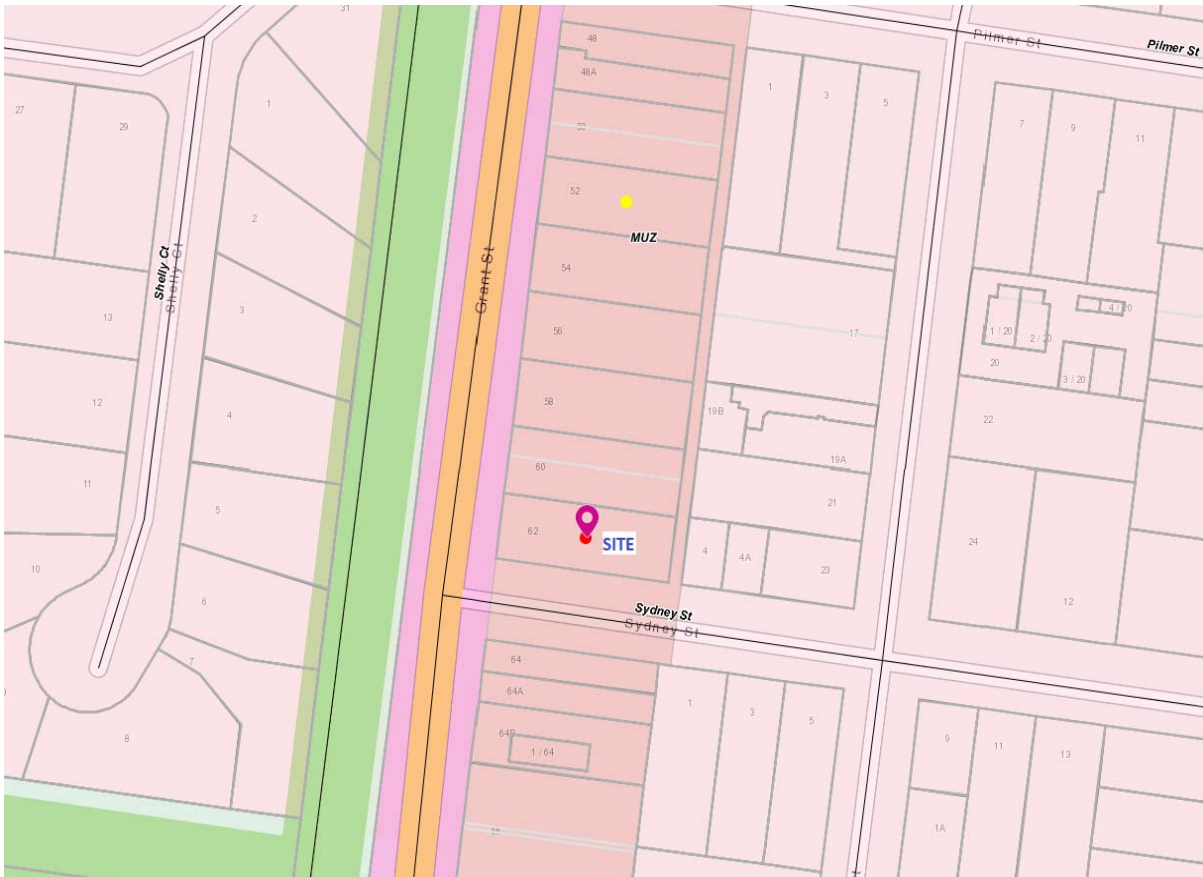
The objections received are detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirements
Parking on Sydney Street	Car Parking, Clause 52.06
Officer's Response: The applicant is providing the required number of spaces to the offices and to the dwellings in compliance with Clause 52.06. There is no reduction to the standard car parking requirement.	
Privacy	Requirements of Rescode, Clause 55.04-6
Officer's Response: Rear balcony to Unit 2 which has an outlook to the west and north is screened in accordance with Rescode standard with a 1.7m high timber screen.	
What will happen to the stained glass windows?	Heritage Overlay, Clause 43.01
Officer's Response: There is no change to the existing building except for the new pedestrian entry from Sydney Street, a rear wall and re-painting works.	

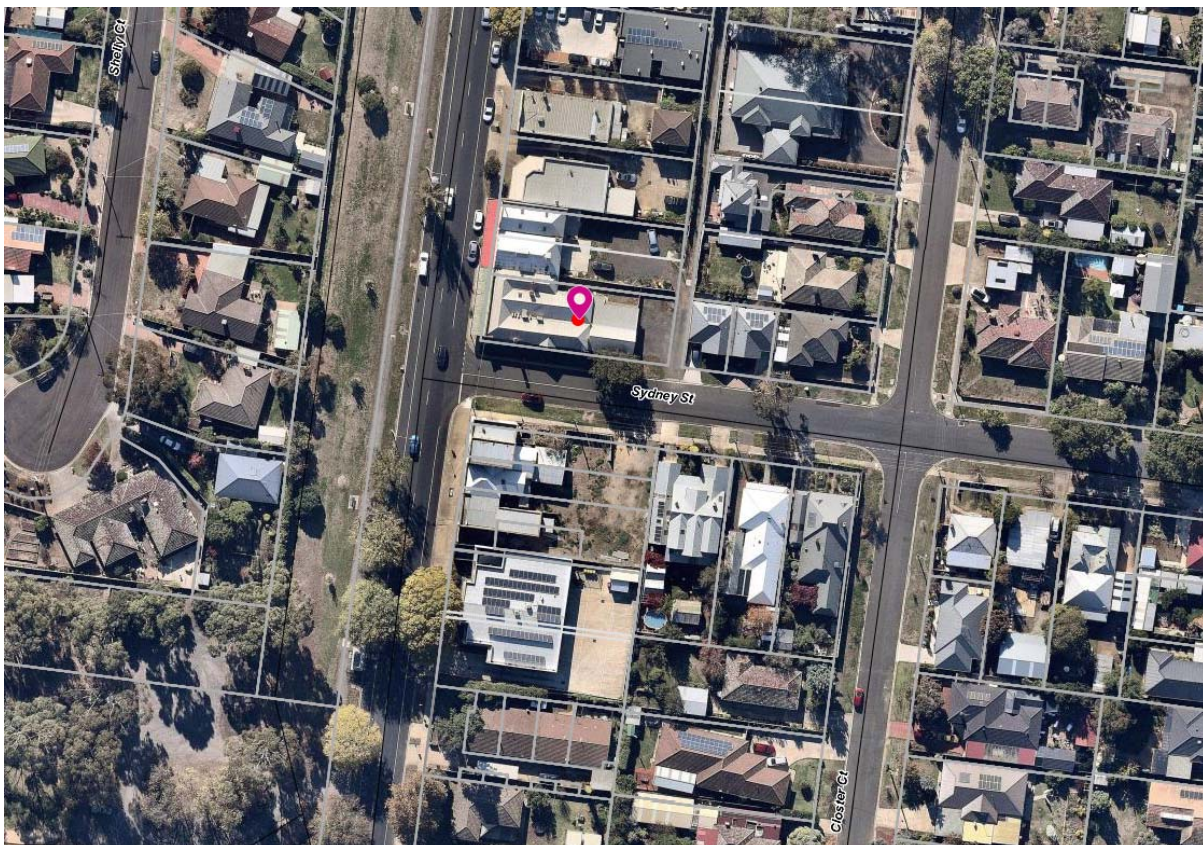
LOCALITY MAP

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

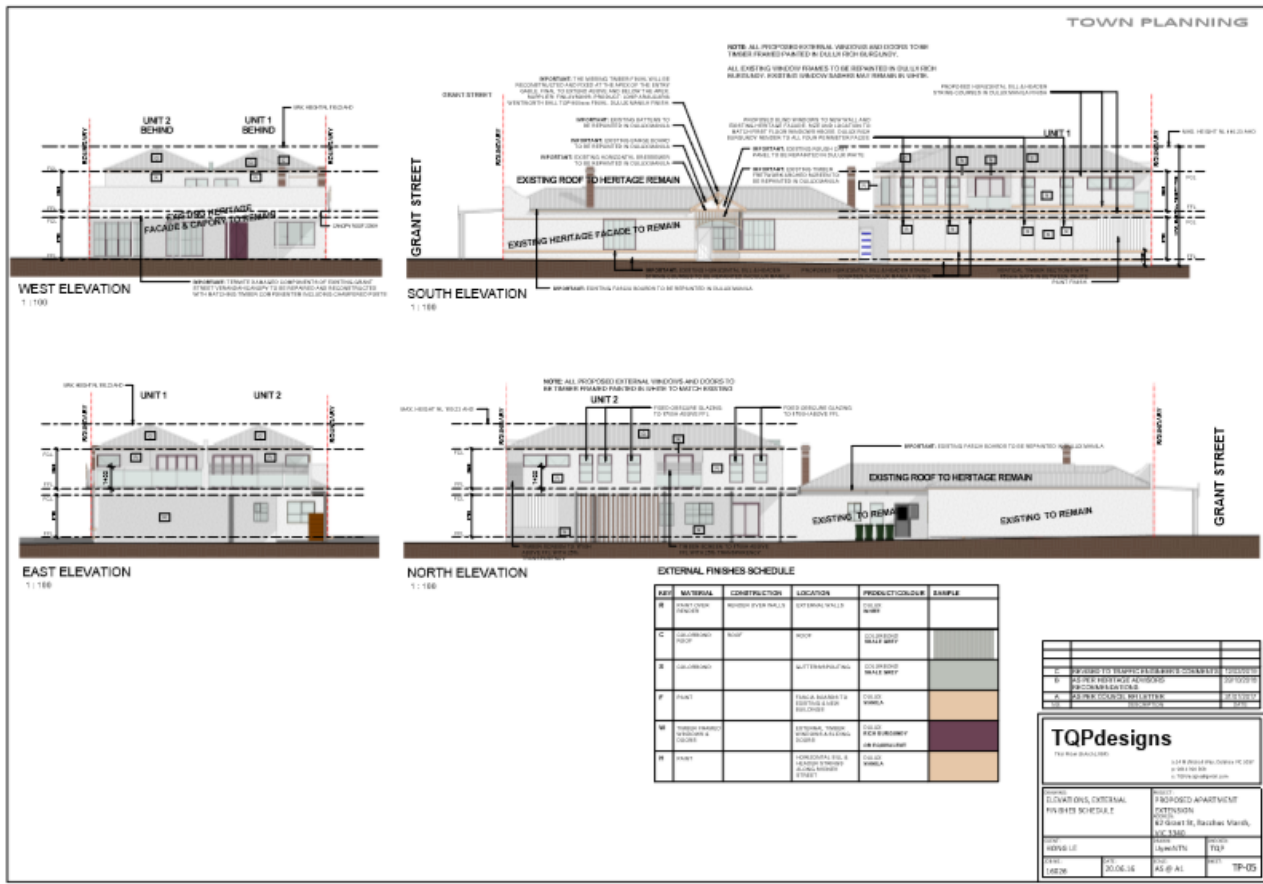
ZONE MAP BELOW



AERIAL PHOTOGRAPH BELOW



ELEVATION PLAN



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11.01-1R Settlement Central Highlands
- Clause 11.02-1S Supply of urban land
- Clause 11.03-3S Peri-urban areas
- Clause 15.01-1S Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.03-1S Heritage Conservation
- Clause 21.03-2 Objective - Urban Growth Management
- Clause 21.03-3 Objective - Residential Development
- Clause 21.03-4 Objective - Landscape and Neighbourhood Character

ZONE

The subject site is in the Mixed Use Zone.

The purpose of the Zone is:

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

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

Decision guidelines are listed under Clause 32.04-14.

OVERLAYS

Heritage Overlay

The site is covered by a Heritage Overlay. The heritage place described in H081 is shop and offices at 60 and 62 Grant Street. In addition, external paint controls apply to H081.

The purpose of the Heritage Overlay is:

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

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

Decision guidelines are listed under Clause 43.01-8.

Design & Development Overlay

The site covered by a Design & Development Overlay.

The purpose of the Design & Development Overlay is:

- To implement the Municipal Planning Strategy and Planning Policy Framework.

- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Design and Development Overlay, Schedule 12 applies to residential land between Waddell Street and the Werribee River east of Grant Street.

The design objectives are:

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

Part 2.0 of Schedule 12 states building heights must not exceed 8 metres.

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

The design objectives are:

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

Part 2.0 of Schedule 15 states a permit is not required to construct a building or construct or carry of works that would result in the height of the building and works less than referral height being 100.8 metres to Australian Height Datum. The building and works exceed 100.8 metres AHD.

Decision guidelines are listed under Part 4.0 of Schedule 15.

Relevant PoliciesHousing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

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

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

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

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

Particular Provisions

Clause 52.06 Car Parking

Under Clause 52.06-4, offices require 3.5 car spaces per 100m² of floor area and 1 space to each 2 bedroom dwelling. The site currently has provision for five spaces and has an existing shortfall of 9 spaces. The site has a credit for the office use only. There is no increase in the floor area of the offices and the applicant will be providing 1 car space to each residential dwelling. There is no requirement to reduce or waiver the car parking requirement.

Clause 52.29 Land Adjacent to Road Zone Category 1

No new access proposed and a permit is not required under Clause 52.29.-2.

Clause 52.18 Stormwater Management in Urban Development

The purpose of this particular provisions is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits. The application has been assessed by Council's Infrastructure section.

Clause 55 (Rescode)

By building the dwellings above the ground floor offices, the applicant is able to provide adequate internal amenity with light courts and a suitably sized rear balconies that are used as secluded private open space areas. There are no off site impacts caused by overlooking or overshadowing.

DISCUSSION

Heritage considerations

The application includes a Heritage Impact Assessment by Heritage Intelligence Pty Ltd. The application unlike the previous planning application is retaining nearly all of the original building works including the rear storage spaces and amenities area. The applicant will partial demolish a small section of a rear part of the building and the roof above the rear section to allow for the construction of the first floor dwellings. The new entry area facing Sydney Street has a sympathetic form and materials and will blend with the original building fabric. The first floor dwellings with the floor to ceiling levels similar to the ground floor and the roof pitch and form are similar to the front part of the building. This ensures the new building works do not dominate or overwhelm the existing building works. A positive heritage response when viewing the development from the Sydney Street frontage is the link section which distinguishes the original shop area from the later constructed rear storage areas with the first floor to the new building not extending into the link section. This allows the development to clearly identify the original shop area. The proposed colour schemes are also sympathetic to the heritage place.

Streetscape and Neighbourhood Character

The applicant has addressed the refusal grounds to their previous planning application by changing the orientation of the two dwellings to run from a south-north axis to an east-west axis. The bulk elements have been minimised and reduced off site impact to the exposed northern side which is adjacent to the secluded private open space to 60 Grant Street. The balcony spaces face the right of way and are less exposed to the Sydney Street frontage. Retaining the ground floor with a consistent proportioned first floor creates an effective design response. The mixed window arrangements also assist in breaking up visual bulk. While the surrounding area is generally single storey, the detailed design of the proposed dwellings and reinstatement of the heritage building will add value to the existing streetscape. The proposed development is considered to respect the existing and preferred neighbourhood character.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
DHHS	Consent with two conditions.
Infrastructure	Consent with eight conditions.
Strategic Planning	Consent subject to conditions.

FINANCIAL IMPLICATIONS

There are no financial implications in approving this development application.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

Council could consider the following options:

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

CONCLUSION

The applicant has undertaken substantial changes compared to the previous planning application. The current application has retained a large proportion of the original building, has minimised demolition works, has provided all of the required car spaces on site, has altered the orientation of the dwellings, and has utilised appropriate external materials and colour schemes. The altered proposal has resulted in a reduction in the number of objections from six to one. The proposed development should be supported with standard permit conditions.



TOWN PLANNING

SITE ANALYSIS LEGEND

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

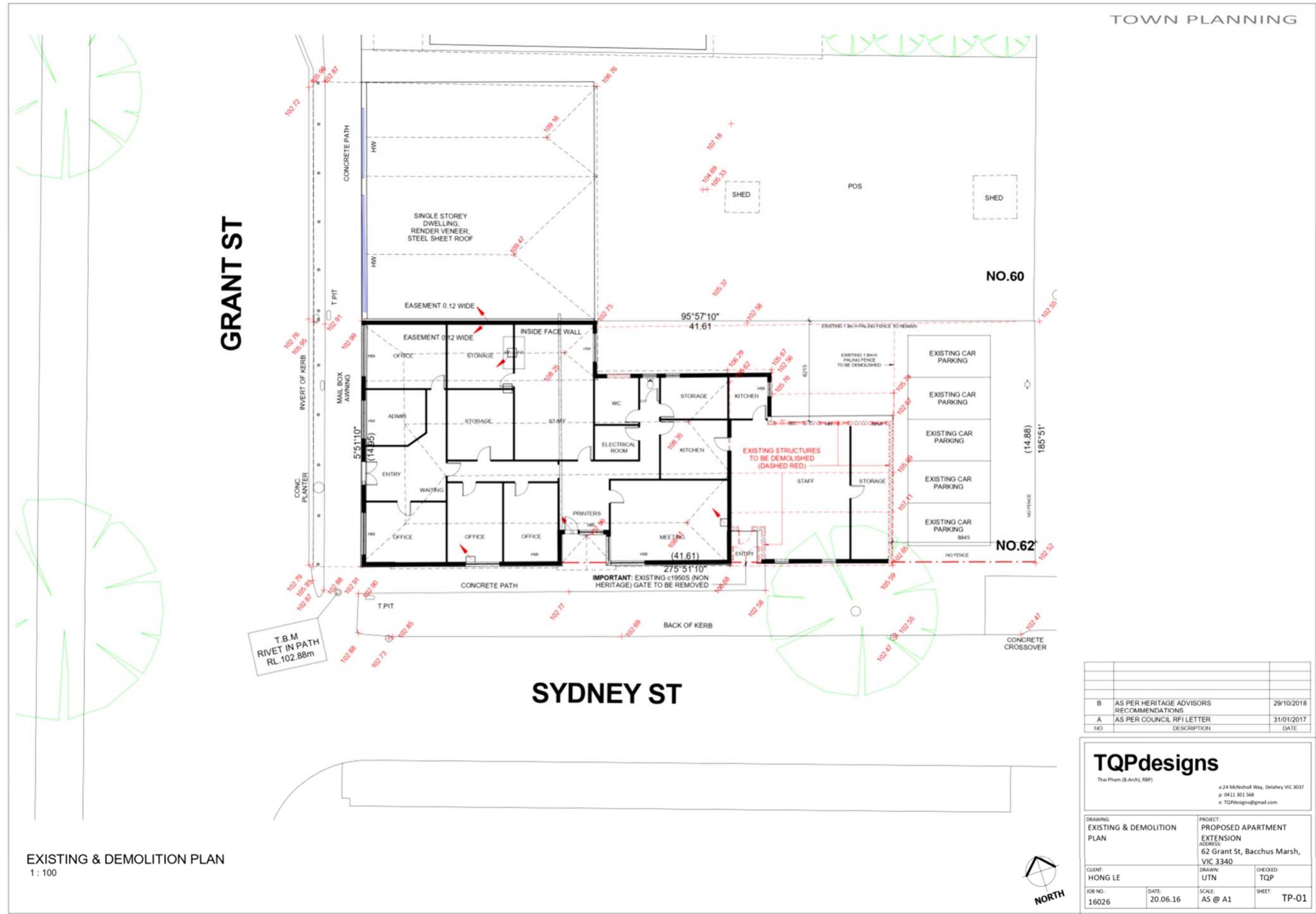
LAND LEVEL IS ALMOST FLAT
NO CONTAMINATED OR FILLED SOIL KNOWN

NO	DESCRIPTION	DATE
C	REVISED TO TRAFFIC ENGINEER'S COMMENTS	12/02/2019
B	AS PER HERITAGE ADVISORS RECOMMENDATIONS	29/10/2018
A	AS PER COUNCIL RFI LETTER	31/01/2017

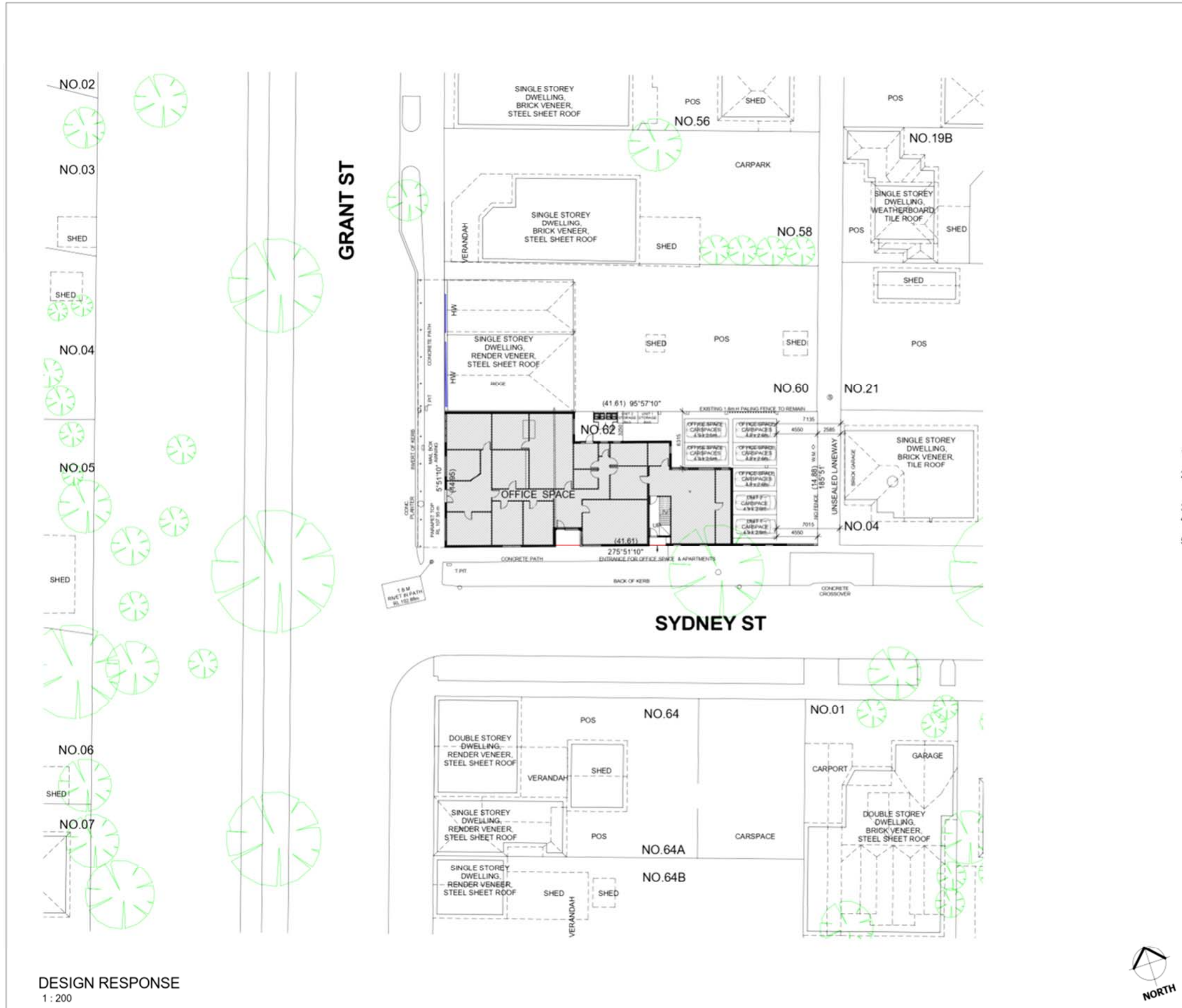
TQPdesigns
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 e: TQPdesigns@gmail.com

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

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TOWN PLANNING



DESIGN RESPONSE

1. DEMOLISH EXISTING ROOF AND EXTEND BUILDING, AS INDICATED ON PLANS.
2. PROPOSED 2 UNITS WITH 2 BED ROOM EACH FIRST FLOOR OF THE EXISTING BUILDING HERITAGE SECTIONS REMAIN.
3. 7 CAR SPACES PROVIDED ONSITE.
4. NEW LANDSCAPING WILL BE PROVIDED TO IMPROVE SITE & SURROUNDING AREA.
5. PROPOSED DWELLING WILL BE DESIGNED WITHOUT POTENTIAL FOR OVERLOOKING AND OVERSHADOWING ONTO ADJOINING PROPERTIES.

NO	DESCRIPTION	DATE
C	REVISED TO TRAFFIC ENGINEER'S COMMENTS	12/02/2019
B	AS PER HERITAGE ADVISORS RECOMMENDATIONS	29/10/2018
A	AS PER COUNCIL RFI LETTER	31/01/2017

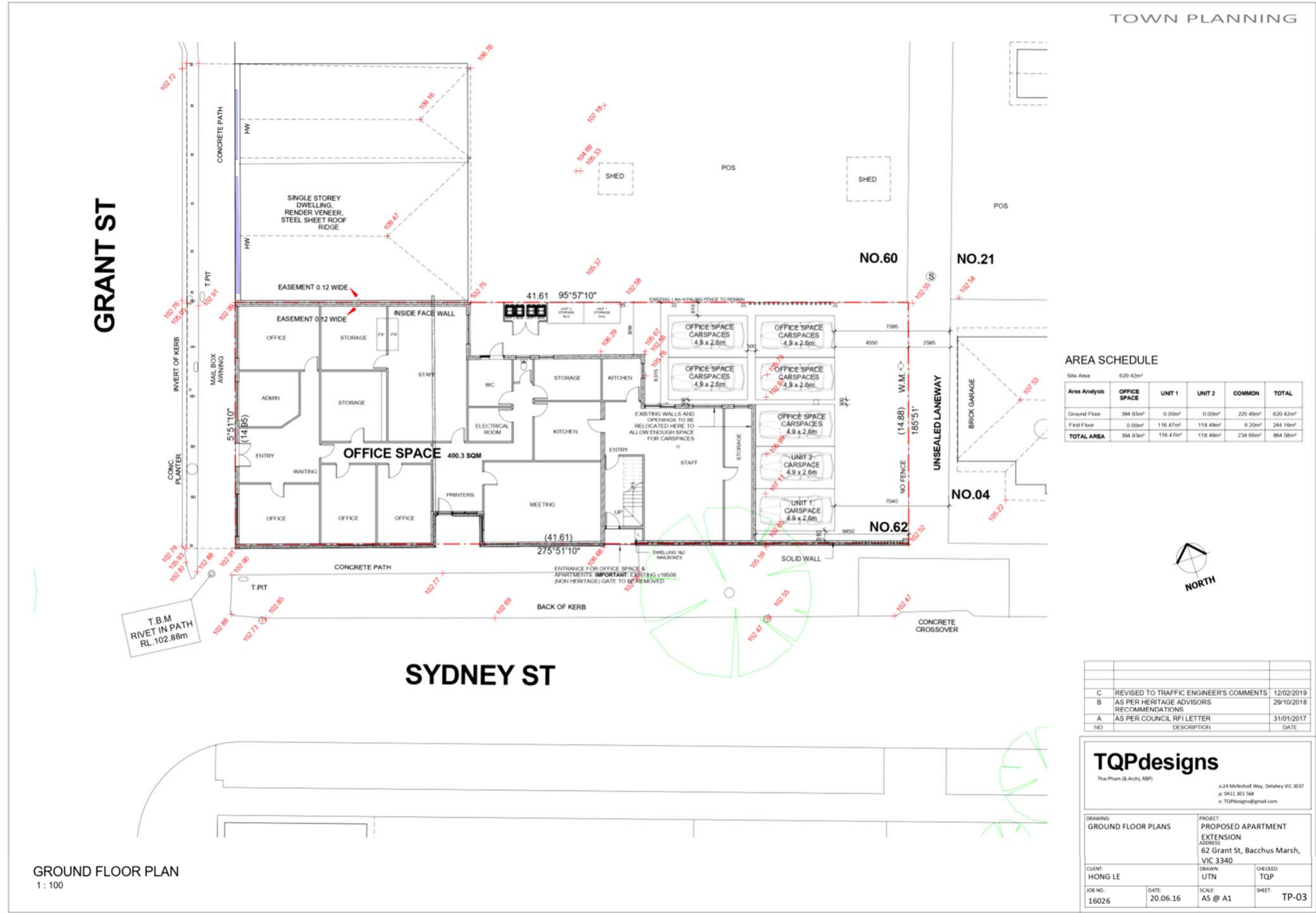
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 e: TQPdesigns@gmail.com

DRAWING: DESIGN RESPONSE		PROJECT: PROPOSED APARTMENT EXTENSION	
CLIENT: HONG LE		DRAWN: UTN	
JOB NO.: 16026		DATE: 20.06.16	CHECKED: TQP
		SCALE: AS @ A1	SHEET: TP-02



DESIGN RESPONSE
1 : 200

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AREA SCHEDULE

Site Area 620.42m²

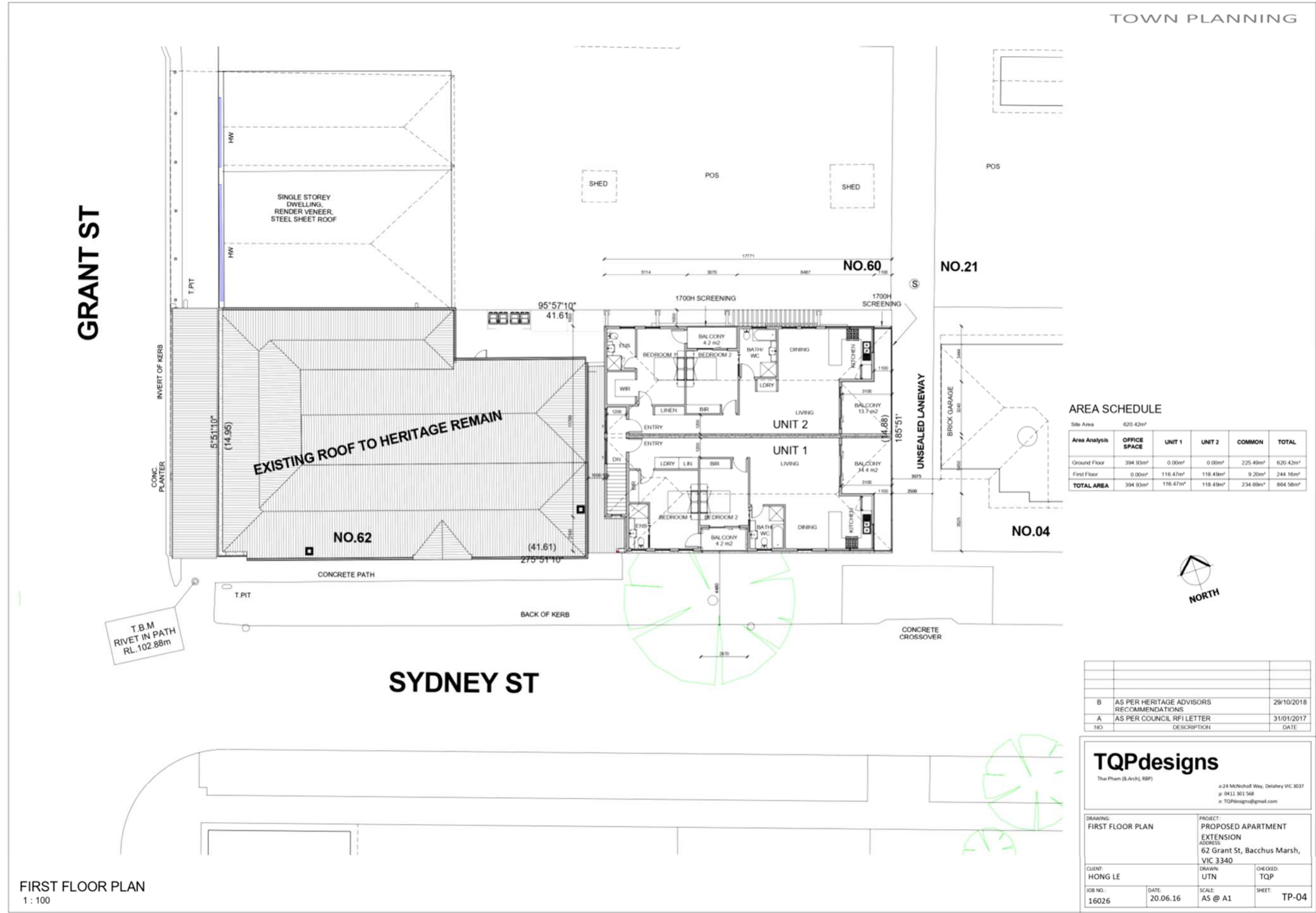
Area Analysis	OFFICE SPACE	UNIT 1	UNIT 2	COMMON	TOTAL
Ground Floor	394.93m ²	0.00m ²	0.00m ²	225.49m ²	620.42m ²
First Floor	0.00m ²	116.47m ²	118.49m ²	9.20m ²	244.16m ²
TOTAL AREA	394.93m²	116.47m²	118.49m²	234.69m²	864.58m²

NO.	DESCRIPTION	DATE
C	REVISED TO TRAFFIC ENGINEER'S COMMENTS	12/02/2019
B	AS PER HERITAGE ADVISORS RECOMMENDATIONS	29/10/2018
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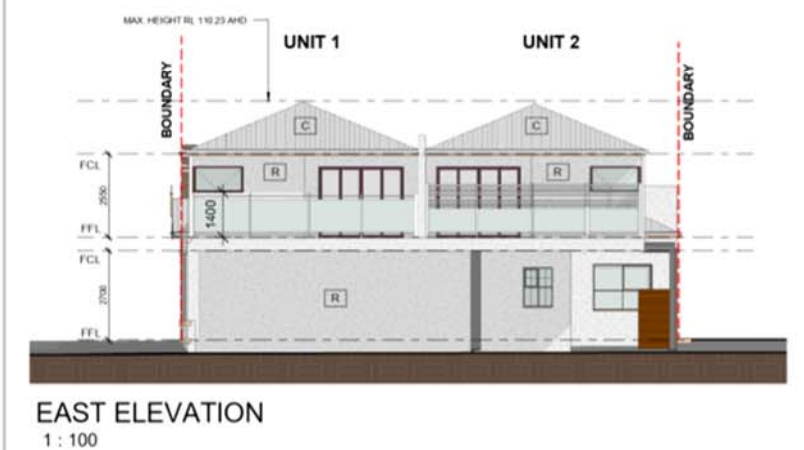
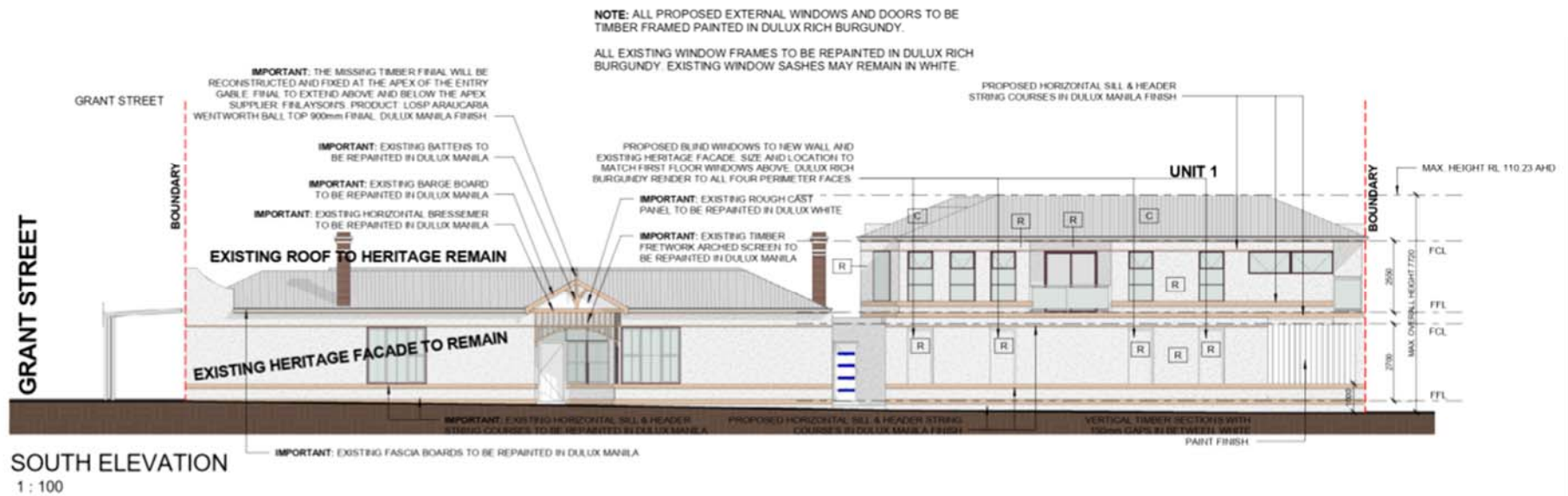
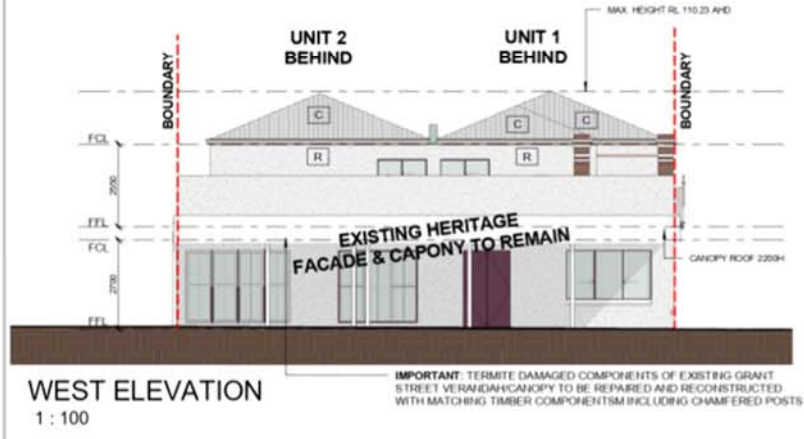
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DRAWING: GROUND FLOOR PLANS		PROJECT: PROPOSED APARTMENT EXTENSION	
CLIENT: HONG LE		ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	CHECKED: TQP
			SHEET: TP-03

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EXTERNAL FINISHES SCHEDULE

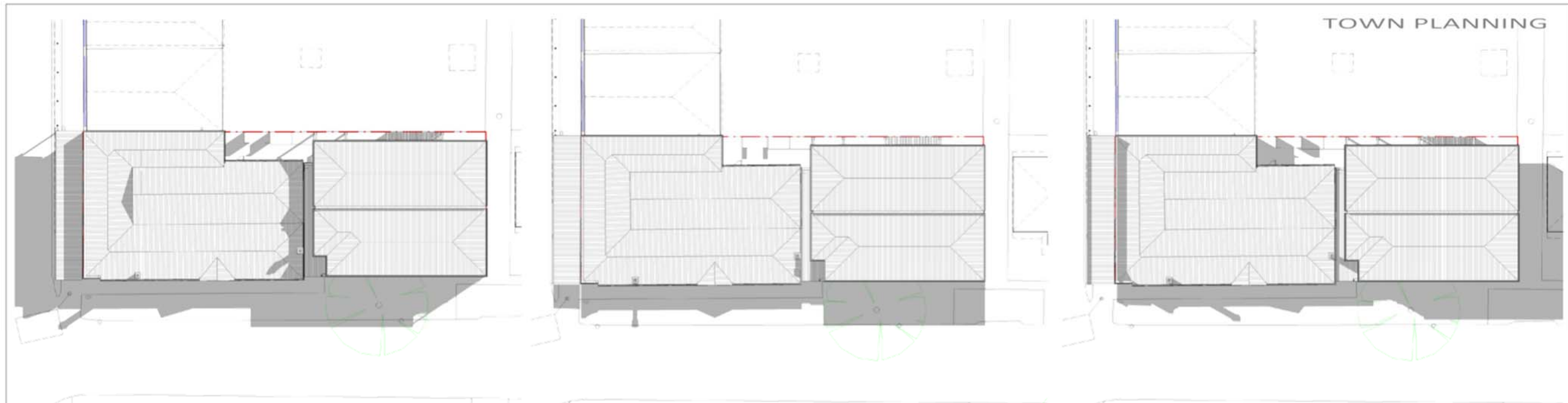
KEY	MATERIAL	CONSTRUCTION	LOCATION	PRODUCT/COLOUR	SAMPLE
R	PAINT OVER RENDER	RENDER OVER WALLS	EXTERNAL WALLS	DULUX WHITE	
C	COLORBOND ROOF	ROOF	ROOF	COLORBOND SHALE GREY	
S	COLORBOND		GUTTERS/SPOUTING	COLORBOND SHALE GREY	
F	PAINT		FASCIA BOARDS TO EXISTING & NEW BUILDINGS	DULUX MANILA	
W	TIMBER FRAMED WINDOWS & DOORS		EXTERNAL TIMBER WINDOWS & SLIDING DOORS	DULUX RICH BURGUNDY OR EQUIVALENT	
H	PAINT		HORIZONTAL SILL & HEADER STRING COURSES ALONG SYDNEY STREET	DULUX MANILA	

NO.	DESCRIPTION	DATE
C	REVISED TO TRAFFIC ENGINEER'S COMMENTS	12/02/2019
B	AS PER HERITAGE ADVISORS RECOMMENDATIONS	29/10/2018
A	AS PER COUNCIL RFI LETTER	31/01/2017

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DRAWING: ELEVATIONS, EXTERNAL FINISHES SCHEDULE		PROJECT: PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE	DRAWN: UyenNTN	CHECKED: TQP	
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-05

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9AM SHADOW DIAGRAM SEPT 22
1 : 200

12PM SHADOW DIAGRAM SEPT 22
1 : 200

3PM SHADOW DIAGRAM SEPT 22
1 : 200

SCHEDULE OF FINISHES OF EXISTING DWELLINGS

60 GRANT STREET

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

58 GRANT STREET

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

64 GRANT STREET

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

64A GRANT STREET

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

19 STANDFIELD STREET

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

4 SYDNEY STREET

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

1 SYDNEY STREET

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

3 SYDNEY STREET

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

23 STANDFIELD STREET

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

21 STANDFIELD STREET

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



GRANT STREET ELEVATION
1 : 200



SYDNEY STREET ELEVATION
1 : 200

NO	DESCRIPTION	DATE
B	AS PER HERITAGE ADVISORS RECOMMENDATIONS	29/10/2018
A	AS PER COUNCIL RFI LETTER	31/01/2017

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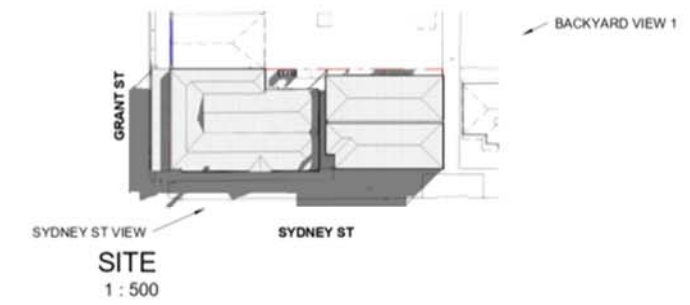
DRAWING: SHADOW DIAGRAMS, EXISTING FINISHES SCHEDULE, STREETSCAPE		PROJECT: PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE	DRAWN: UyenNTN	CHECKED: TQP	
JOB NO: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-06

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TOWN PLANNING



BACKYARD VIEW 1



SYDNEY ST VIEW

NO.	DESCRIPTION	DATE
B	AS PER HERITAGE ADVISORS RECOMMENDATIONS	29/10/2018
A	AS PER COUNCIL RFI LETTER	31/01/2017

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DRAWING: 3D VIEWS		PROJECT: PROPOSED APARTMENT EXTENSION ADDRESS: 62 Grant St, Bacchus Marsh, VIC 3340	
CLIENT: HONG LE	DRAWN: UNTN	CHECKED: Checker	
JOB NO.: 16026	DATE: 20.06.16	SCALE: AS @ A1	SHEET: TP-07

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8.4 PA2016256 - APPLICATION TO AMEND PLANNING PERMIT WHICH ALLOWED A 2 LOT SUBDIVISION AT 1 FAHEYS ROAD, GORDON.

Author: Samuel Duff, Statutory Planner
Authoriser: Satwinder Sandhu, General Manager Community Planning
Attachments: Nil

APPLICATION SUMMARY

Permit No: PA2018256-1
Lodgement Date: 5 April 2019
Planning Officer: Samuel Duff
Address of the land: Lot 2 on LP 21363M
Proposal: Amend Planning Permit PA2016256 which allowed for a 2 lot Subdivision of 1 Faheys Road, Gordon
Lot size: 2023 square meters
Why is a permit required? Clause 32.09-2 Subdivision in the Neighbourhood Residential Zone.
 Clause 42.01-2 Subdivision under the Environmental Significance Overlay, Schedule 1
 Clause 43.02-3 Subdivision under the Design and Development Overlay, Schedule 5

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a refusal to amend Planning Permit PA2016-256 to remove the Condition 1 requirement from the permit.

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	One
Consultation meeting:	Offered to both the applicant and the objector, neither party wished to

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

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

Author – Samuel Duff

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

EXECUTIVE SUMMARY

Application referred?	Yes, to Councils Infrastructure Department
Any issues raised in referral responses?	No
Preliminary concerns?	Nil
Any discussions with applicant regarding concerns?	N/A
Any changes made to the application since being lodged?	No
Brief history.	Planning permit PA2016256 was approved by Council at the December 2017 DAC meeting. The applicant had a condition 1 requirement to amend plans prior to endorsement, which is the subject of this application to amend. The application to amend was lodged in April 2019
Previous applications for the site?	No other planning permits have been issued with for the subject site
General summary.	The subdivision of land within the Neighbourhood Residential Zone is supported by the broad planning policies and each lot achieves the minimum lot size of 800m ² . However, the proposed lot boundaries do not match the prevailing subdivision pattern of the wider area. There was a condition 1 requirement imposed on the original planning permit for the splayed boundary to be straightened, the intent of this of this was to create two better proportioned lots being 2 lots of approximately 1000 square meters each.

Summary Recommendation

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issue a refusal to issue an amendment to Planning Permit PA2016-256 to remove the Condition 1 requirement.

SITE DESCRIPTION

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

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

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

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

PROPOSAL

It is proposed to remove the condition 1 requirement subdivide the land into two lots with their own street frontages. Details of the original proposed plan of subdivision is as below

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

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

The original proposed plan of subdivision and a survey plan are provided in an attachment to this report.

BACKGROUND TO CURRENT PROPOSAL

The initial application to subdivide this site was lodged in April 2017, which was approved at the 2017 December DAC meeting.

HISTORY

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

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
Lot sizes are inconsistent with surrounding lots and Council refused an application with a similar lot size	Clause 32.09 Clause 43.02
<p>Officer's Response:</p> <p>The site is opposite 40 Corbetts Road where VCAT determined the lot sizes were over 800m² but the density of lots was too high for that area.</p> <p>While in a similar situation with this application with one lot just over 800m² in area despite all surrounding lots having larger lot sizes, the smaller lot has the advantage of fully containing an existing dwelling. This smaller lot was to be slightly increased in area by conditioning the permit by straightening the unnecessary splayed lot line between the two lots. The condition 1 requirements would allow the subdivision to be more consistent with the prevailing character of the area.</p>	
The submission offers a compromise to allow one lot of 1100 square meters and another of 900 meters	
<p>Officer's Response:</p> <p>The requirement specified on the planning permit for the amended plans to be submitted was intended for two more balanced lots intended, however it does not specify the lot sizes.</p>	

A copy of the verbatim objection has been provided to Council.

LOCALITY MAP

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

SPPF	Title	Response
Clause 15.01-5S	Neighbourhood Character	The proposal as submitted does not respond completely to the character of the area. This can be rectified by increasing Lot 1 at the expense of Lot 2 and creating a regular lot boundary line.
LPPF		
Clause 21.03-4	Landscape and Neighbourhood Character.	One of the primary objectives of this particular clause is for new development to respect the existing character. The original recommendation to realign the boundaries would create a pattern of subdivision that is more consistent with the area.

ZONE

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

The purpose of the Zone is:

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

To recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

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

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

OVERLAYSCLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY, SCHEDULE 1

The land is within a Proclaimed Water Catchment Area of Moorabool Shire, the Environmental Objectives to be achieved under this Overlay are:

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

A permit is required for subdivision under the provisions of this overlay

CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY, SCHEDULE 2

The design objectives to be achieved under this overlay are:
to enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire. To encourage the use of external cladding, such as non-reflective materials for building construction. To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

A permit is not required for subdivision under the provisions of this overlay

CLAUSE 42.03 DESIGN AND DEVELOPMENT OVERLAY, SCHEDULE 5

The design objectives of the Design and Development Overlay, Schedule 5 for the Gordon Town Centre, Township and Rural Surrounds are:

To ensure that the design of buildings responds to the site slope and landscape features. Carefully site new development so that it does not impact on the appearance of the rural setting of the town and the views from the town to the rural areas which reinforce that setting. Carefully consider the landscaping and scale of new development particularly in open areas and locations on exposed hill tops and slopes.

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 for subdivision under the provisions of this overlay

CLAUSE 43.03 SIGNIFICANT LANDSCAPE OVERLAY, SCHEDULE 2

The purpose of the Significant Landscape Overlay, Schedule 2 is:

To retain and protect significant trees, vegetation and windbreaks that are significant component of local identity and landscape of the township character of Gordon. To protect vegetation and trees of special significance, natural beauty, interest and importance. To retain trees where they have high amenity value, unless identified as an environmental weed. To support the retention and planting of further exotic and indigenous trees.

A permit is not required for subdivision under the provisions of this overlay

RELEVANT POLICIES

Gordon Structure Plan

Small Towns and Settlements Strategy

PARTICULAR PROVISIONS

The proposal complies with ResCode (Clause 55/56), with the exception of the following:

Clause ResCode	Title	Response
Clause 56.03-5	Neighbourhood Character objective	The proposed subdivision only partially accords with this section of the particular provision. Standard C6 identifies that subdivision should respect the existing character of an area. The condition 1 requirements were implemented to more closely align the pattern of subdivision in the wider area.

DISCUSSION

The Central Highlands Regional Growth Plan (Victorian Government 2014) as well as several Council policies identifies that Gordon is one of the smaller towns in municipality and that the limited growth is to occur. The proposal would facilitate consolidated growth within the existing township and take advantage of existing infrastructure, in particular reticulated sewerage. The proposed lot sizes would contribute to lot diversity and housing choice in Gordon. However, growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding environment. The initial application provided the opportunity to intensify development within this area subject to achieving the minimum zone and overlay requirement of 800m² lots. The approved two lot subdivision, while each lot having an area greater than 800m² has one smaller lot which is in contrast to the prevailing subdivision pattern of the area.

Within the application documentation, the applicant contends that adherence to Condition 1a would likely result in the loss of vegetation, however this not necessarily accurate. Realigning the internal boundary of the two lots from the 'splayed' alignment that is proposed to be parallel to Corbetts Road is not likely to cause vegetation to be required to be removed for the fence line to be established. The wording of the Condition 1 requirement does not explicitly require the lots to be 1000 square meters each, although that was part of the intent of the that requirement being imposed on the initial permit.

The report previously supplied to Council when the initial application was assessed stated the following which summarises the position of Council officers succinctly:

The recommended change to straighten the boundary line to run parallel with the southern road reserve ... would be consistent with the existing and preferred neighbourhood character ... There is no planning justification to have each lot at 1000m² in area.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
Infrastructure	Consent

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

Council could consider the following options:

- Issue a refusal to amend the Planning Permit in accordance with the recommendations of this report; or
- Issue an amendment to the planning permit and endorse the submitted proposed plan of subdivisions outside the recommendation of this report;

CONCLUSION

This application was previously referred to Council, who deemed it appropriate to impose the Condition 1 requirements for the boundary realignment to be parallel to the Corbetts Road reserve.

The initial subdivision proposal largely satisfies the Moorabool Planning Scheme, particularly regarding state and local planning policies covering neighbourhood character and the relevant zone and overlay provisions in relation to the subdivision of land in Gordon. However, the irregular shape of the lot does not accord with the prevailing pattern of subdivision in the local area.

The creation of a large vacant lot should not present any planning concerns for a future development.

8.5 PA2019102 - CONSTRUCTION OF THREE DETACHED AIRCRAFT HANGERS, AERODROME ROAD, PARWAN

Author: Mark Lovell, Senior Statutory Planner

Authoriser: Satwinder Sandhu, General Manager Community Planning

Attachments: 1. Complete Plans

APPLICATION SUMMARY

Permit No: PA2019102

Lodgement Date: 18 April, 2019

Planning Officer: Mark Lovell

Address of the land: Lot 1 on Title Plan 847678X Aerodrome Road, Parwan

Proposal: Construction of three detached aircraft hangers

Lot size: In total, approximately 92 hectares

Why is a permit required? Clause 35.07-4 Farming Zone - Works associated with a use in Section 2.

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to grant a planning permit for the construction of three detached aircraft hangers for the land at Lot 1 on Title 847678X otherwise known as Aerodrome Road, Parwan.

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) The boundaries of the works area must match the approved sub lease area in accordance with condition 2 and specify setback from all boundaries to the sub lease area.
 - b) Removal of all signage marked on the elevation plans.
 - c) Plans annotated that the buildings comply any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.

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.

Building

2. **Prior to issue of a Building Permit by the relevant Building Surveyor, all hangers must be contained within the approved sub lease area of the Bacchus Marsh Aerodrome.**

Materials

3. **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.**

Amenity

3. **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.**
4. **Noise generated by any air conditioner(s) or other mechanical plant equipment must not cause a nuisance by reason of noise to the occupiers of the subject land or surrounding land.**
5. **External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**
6. **The lease area/site shall be maintained in a clean and tidy condition to the satisfaction of the Responsible Authority**
7. **No form of residential activity is permitted with each aircraft hangers hereby approved.**
8. **The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
9. **All building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.**

Infrastructure

10. **The access point to each proposed hangar must be from Skylark Way, to the satisfaction of the responsible authority.**

- 11. The development as a whole must be self draining and must be connected to Bacchus Marsh Aerodrome internal drainage system in an approved manner to the satisfaction of the Responsible Authority.**
- 12. Underground piped drainage for the whole development shall cater for 10% AEP storm.**
- 13. Storm water drainage from the proposed buildings and impervious surfaces must be directed to Bacchus Marsh Aerodrome internal drainage system to the satisfaction of the Responsible Authority.**
- 14. 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).**
- 15. 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.**
- 16. 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.**
- 17. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:**
 - i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
 - ii. Designated loading areas shall be shown on layout plans.**
 - iii. The parking areas shall be provided with a sealed surface and associated drainage.**
 - iv. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.**

Permit Expiry

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

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	One objection
Consultation meeting:	Discussion over the phone with the objector reiterating their concerns and advising of two reports commissioned for the future development of the aerodrome.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General 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?	Council's Infrastructure.
Any issues raised in referral responses?	No.
Preliminary concerns?	No.
Any discussions with applicant regarding concerns?	Nil.
Any changes made to the application since being lodged?	No.

Brief history.	Flyteck are seeking three hangers for the storage of aircraft within an existing aerodrome.
Previous applications for the site?	<p>PA006/98 - Liquor license.</p> <p>PA068/99 - Development of an extension to the existing aircraft hangar and development of advertising sign.</p> <p>PA2001-191 – Development and Use of an Aeronautical Facility</p> <p>PA2004-172 - Use and Development of up to 30 aircraft hangers and aeronautical facilities</p> <p>PA2006-183 - Building and Works in Association with an Existing Aerodrome (Toilet Block)</p> <p>PA2008-188 – Development of an Aircraft Hanger Ancillary to an Existing Aerodrome</p> <p>PA2009151 – Works Association with Existing Aerodrome Runway (Glider Launching Strip and Vegetation removal.</p> <p>PA2013180 - Development of an Outbuilding (Shed) Ancillary to an Existing Restricted Recreation Facility (Glider Club)</p> <p>PA2013234 – Building and Works Ancillary to an Existing Aircraft Hanger.</p> <p>PA2018090 - Building and works for a pilot training centre, use and development of a Residential Hotel (168 beds), a reduction to the standard car parking rate and the use of reflective building materials</p>
General summary.	The proposed buildings are located next to the runway area and is close proximity to large hangers/ maintenance buildings to the north and east. The building are well separated from adjacent properties and will present any adverse amenity or visual impacts
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Notice of Decision to grant a planning permit for the construction of three detached aircraft hangers for the land at Lot 1 on Title 847678X otherwise known as Aerodrome Road, Parwan.	

SITE DESCRIPTION

The subject land is located at the western end of Aerodrome Road, which is south of Cummings Road and north of Jensz Road, Parwan. The existing aerodrome facilities are accessed by an internal roadway called Skylark Way.

Bacchus Marsh Aerodrome consists of a series of detached hanger buildings accessed by internal gravel tracks and paddocks occupied by aircraft. The aerodrome includes intersecting runways and can accommodate light planes and gliders

The lease area has a relatively flat topography and consists of vacant land that has been recently excavated and surrounded by a low rise chain mesh metal fencing. The lease area is 60 metres in length and 36.5 metres in width.

PROPOSAL

It is proposed to construct three detached buildings to be used for the storage of aircraft. Each building will be 24 metres in width and 24 metres in length and have an overall height of 8.82 metres. Each building will have an open floor area with mezzanine floor level containing a kitchen and toilet. There is 4 metres wide roller door to the north accessing Skylark Way and sliding doors to the south to allow entry of an aircraft. There will be a taxiway from each hanger connecting to the runway located immediately to the south. The buildings will consist of Colorbond cladding and roofing.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners.

SUMMARY OF OBJECTIONS

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

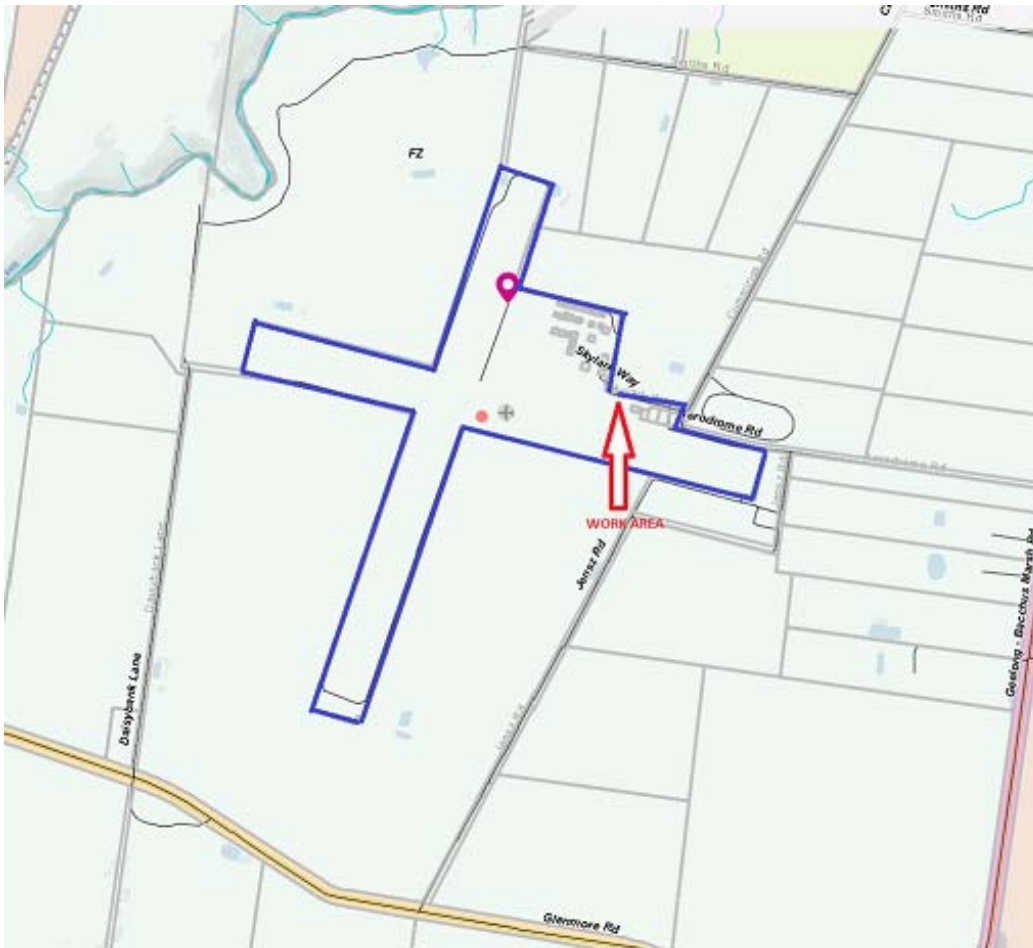
Objection	Any Relevant Requirements
<p>Inconsistent with reference to the Bacchus Marsh Industry and Investment Opportunity Study Aerodrome Precinct Report (February 2009) and Bacchus Marsh Aerodrome Master Plan 2016-2036 Report.</p> <p>Stifle the growth of Bacchus Marsh Aerodrome</p>	
<p>Officer's Response: The adjacent property owner views their site based on the reports as an ideal expansion area for the aerodrome and would require new taxiways which would need to use part of the land intended for the hangers. Whilst it is acknowledged this is identified on the draft Masterplan – the Masterplan is yet to be endorsed by Council and as a result has limited standing when considering the appropriateness of a planning application, therefore, the identified conflict becomes a management issue for the aerodrome. BMAM as the responsible management group have consented to the application.</p>	
<p>Civil Safety Authority Manual of Standards (MODs) Part 139 requires a taxiway width of 52 metres for Code C planes.</p>	
<p>Officer's Response: The aerodrome is not certified and building locations do not affect existing taxiways</p>	

or runways.

LOCALITY MAP

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

ZONE MAP BELOW



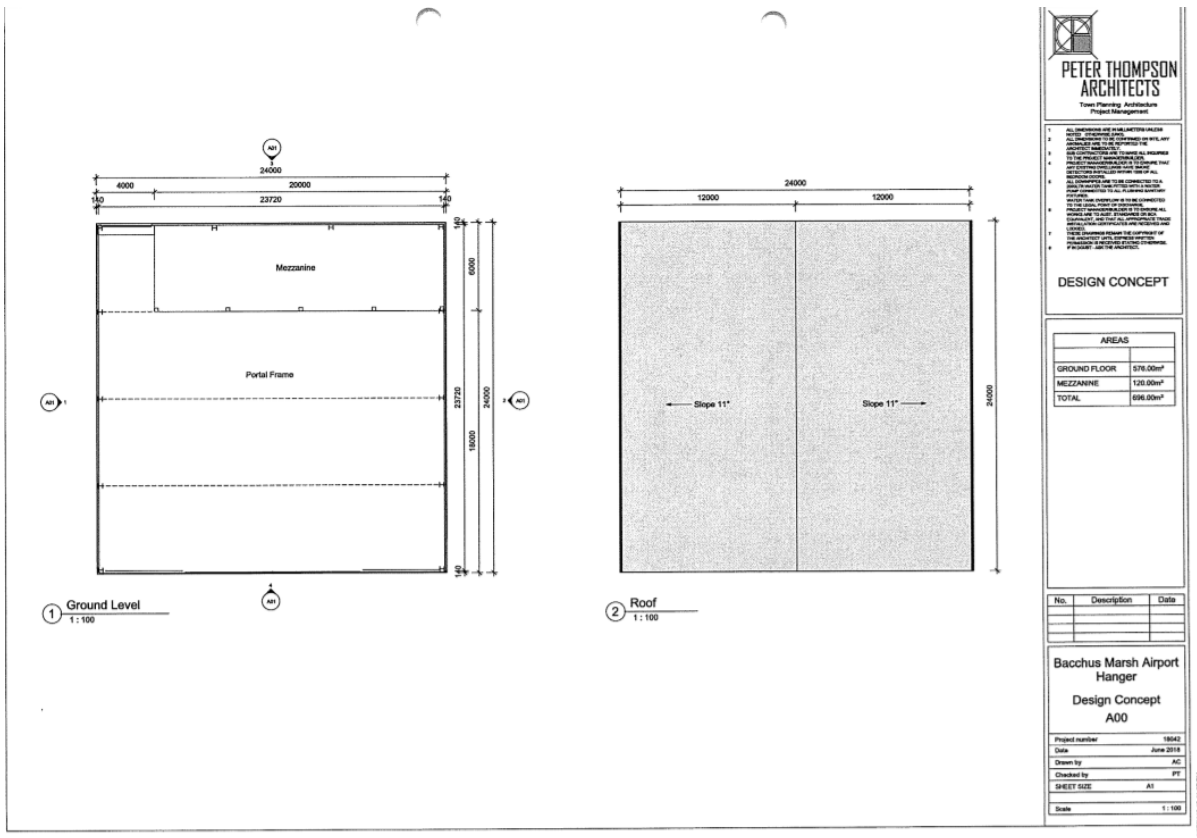
AERIAL PHOTOGRAPH BELOW



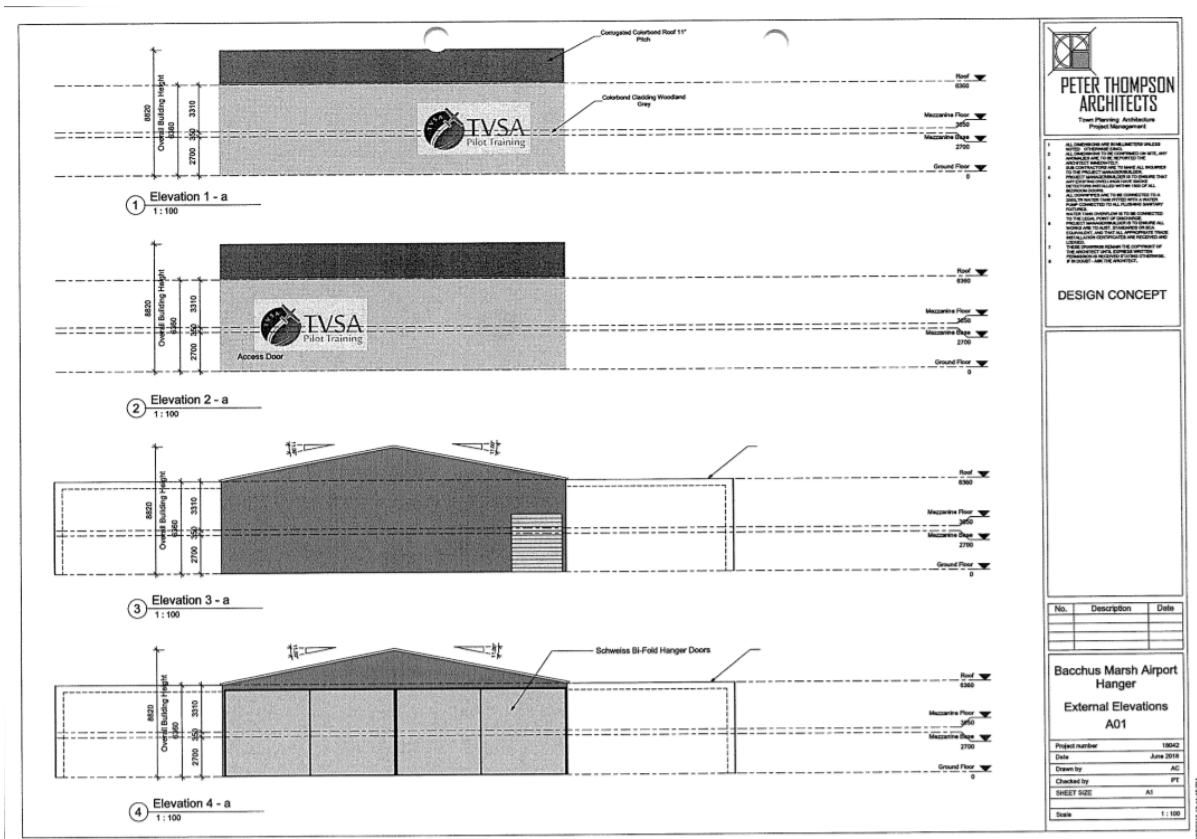
SITE PLAN



FLOOR PLAN



ELEVATION PLAN



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 13.05-1S Noise Abatement
- Clause 13.06-1S Air Quality Management
- Clause 13.07-1S Land Use Capability
- Clause 14.01-1S Agriculture
- Clause 15.01-2S Building Design
- Clause 18.04-1S Planning for Airports and airfields
- Clause 21.03-4 Landscape and Neighbourhood Character
- Clause 21.04-2 Agriculture

Clause 21.04-5 Local Employment

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

PPF	Title	Response
Clause 14.01-1S	Protection of Agricultural land	<p>The policy objective is to protect productive farmland which is of strategic significance in the local or regional context.</p> <p>The proposal will enhance the aerodrome infrastructure not related to farming activity.</p>

ZONE

The subject site is located in the Farming Zone (FZ).

The purpose of the Zone is:

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The decision guidelines under general issues has the following objectives:

- The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

A planning permit is required under Clause 35.07-4 for building and works for a Section 2 use. The hangers will be used for aircraft storage. It is acknowledged that the proposal isn't overly consistent with the objectives of the Farming zone, however it is acknowledged that this site has been identified for airport uses and therefore, this proposal is consistent with this intent.

OVERLAYS

Design & Development Overlay Schedule 2 (DD02)

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

The purpose of the overlay is

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Part 1 of Schedule 2 of the overlay has the following design objectives.

- 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 of the area.

Part 5 of Schedule of the overlay has the following decision guidelines.

- Whether the proposed buildings and works would have any adverse impact on the landscape and the visual amenity of the surrounding area.

- Whether the materials proposed to be used, and the form of development proposed would avoid or reduce any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether the setbacks of the proposed building and works from adjoining roads and properties will ensure that the development would avoid or reduce any adverse impact on the landscape and the visual amenity of the surrounding area.
- Whether any proposed landscaping around the buildings and works would reduce any adverse visual impacts on the landscape and the visual amenity of the surrounding area.

A planning permit is not required under Clause 43.02-2 for building and works as non reflective building materials will be used.

Airport Environs Overlay (AE01)

The subject site is in the Airport Environs Overlay Schedule 1.

The purpose of the overlay is

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are or will be subject to high levels of aircraft noise, including areas where the use of land for uses sensitive to aircraft noise will need to be restricted.
- To ensure that land use and development are compatible with the operation of airports in accordance with the appropriate airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.
- To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.
- To limit the number of people residing in the area or likely to be subject to significant levels of aircraft noise.

A planning permit is required under Clause 45.02-2 for the construction of buildings. Under Clause 45.05-2 any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited

Relevant Policies

Council, in consultation with the Victorian Planning Authority, is preparing the Bacchus Marsh District Urban Growth Framework (UGF) to guide growth within Bacchus Marsh to 2041 and beyond. The UGF is a strategic document that will provide a blueprint for future growth. The principal way in which the UGF will guide growth is to nominate potential future land uses within Bacchus Marsh. To support further residential growth strategic planning is progressing a Precinct Structure Plan for a commercial hub to support the region.

Particular Provisions

Clause 52.05 Advertising Signs

While not detailed in the planning application, the elevation plan shows advertising signs without dimensions. Under Clause 52.05-14 the maximum signage area is 3 square metres. Beyond 3 square metres is prohibited. Given the applicant did not seek permission for signage, these signs would need to be removed from the elevation plans should this application be supported. This can be addressed by a permit condition seeking revised plans.

Clause 52.06 Car Parking

An aircraft hanger is a use not defined in the list of uses of Clause 52.06-5. In accordance with Clause 52.06-6 where a use is not specified in Table 1, car parking spaces must be provided to the satisfaction of the Responsible Authority. The proposal will provide 10 car spaces in the front of each building which will easily meet all car parking demand generated by the use. There is no requirement for a car parking demand assessment as the use will have a low number of employees and visitors.

Clause 52.34 Bicycle Facilities

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Aircraft hangers are not a defined use and bicycle parking is not required for this use.

DISCUSSION

Building and Works

The proposal provides for three purpose built aircraft hangers located in close proximity to the runways. The buildings reflect an industrial styled construction with Colorbond walls and roofing. The buildings are detached and their location is reflective of existing buildings located along Skylark Way. The proposal will assist the continued operation of the aerodrome. The agricultural potential of the land is unchanged as the subject land has been long standing aerodrome and has not been used for productive agricultural purposes for continuous period of time. The proposal has non reflective materials consistent with the Design & Development Overlay Schedule 2. There will need to be amenity conditions to ensure the hangers do not affect existing operators and users of the Bacchus Marsh Aerodrome. There will also need to be conditions to prevent the hangers been incorrectly used for residential activity.

Future taxiways

The key concern from the objector was the hanger development would be in the same location as a proposed taxiway that was identified in reports about future development potential and master planning of the aerodrome. While the adjacent land is currently used as farming land, the land owner views their site as ideal for a future aerodrome expansion and ultimately the upgrading of the aerodrome to certified airfield which can allow for more aircraft activity. The objector provided a plan showing the location of a taxiway which would need cross the current main road accessway called Skylark Lane and bisects a large extent of the current sub-lease area. It is noted that current aerodrome management, BMAM, have allowed the permit applicant a sub-lease of this area for a hanger development and have not provided a sub lease to the adjacent land owner to in affect reserve land for a future taxiway.

There are other opportunities to access the runways from objector's property by having a future taxiway going from the western boundary of their title and through the existing aircraft parking area or redevelopment of the entire of aerodrome could result in the removal of existing older building to provide an access point to the southern boundary of their title. A current planning application cannot be placed in an indeterminate state on the basis that a future development that may occur on an adjacent property.

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.

The application is considered to be consistent with these provisions.

REFERRALS

Authority	Response
Infrastructure	No objection subject to eight conditions

FINANCIAL IMPLICATIONS

There are no financial implications with the development proposal. Council is the land owner and consented for BMAM to enter into sub lease with Danissa Investments on 3 April 2017.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

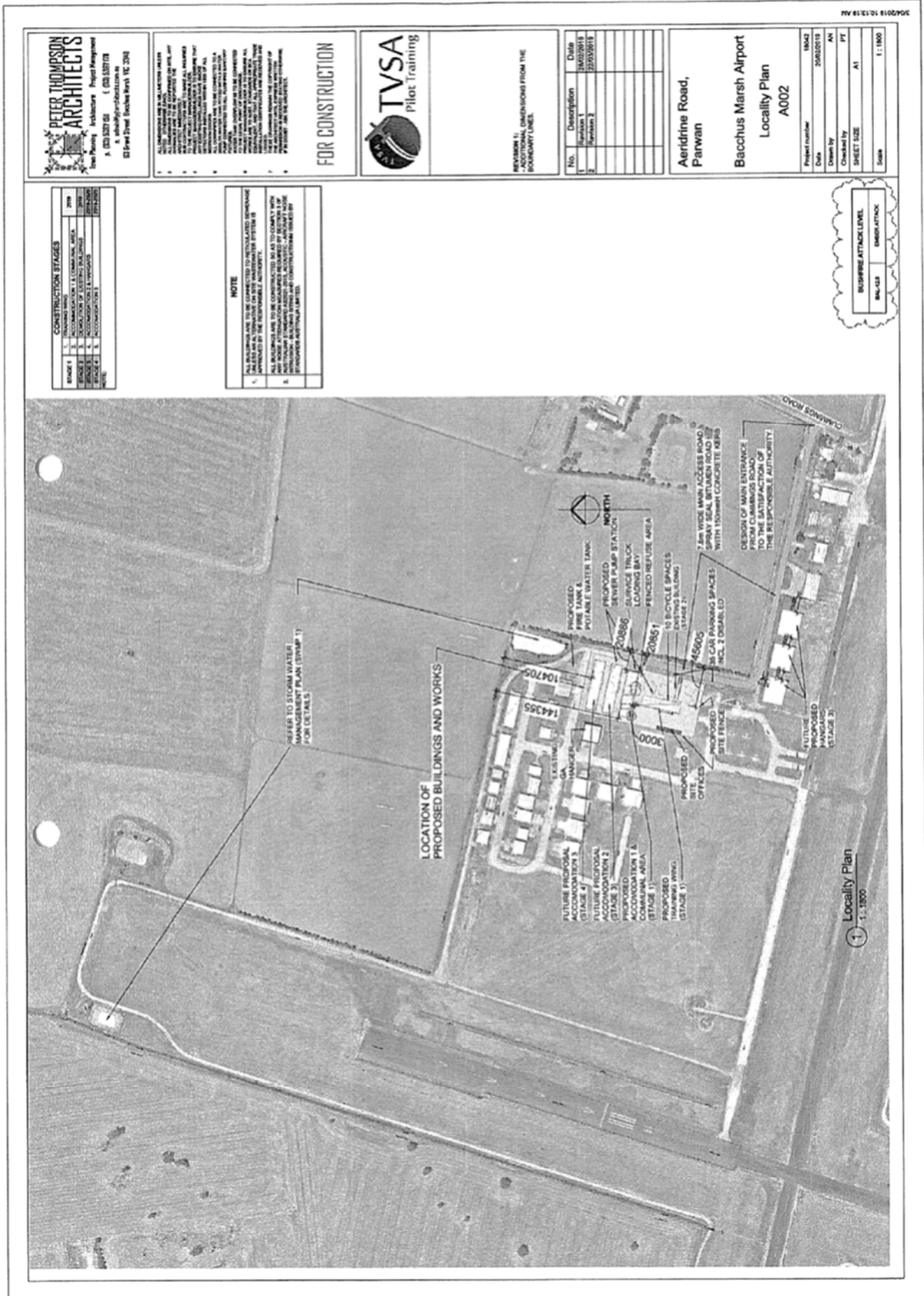
Council could consider the following options:

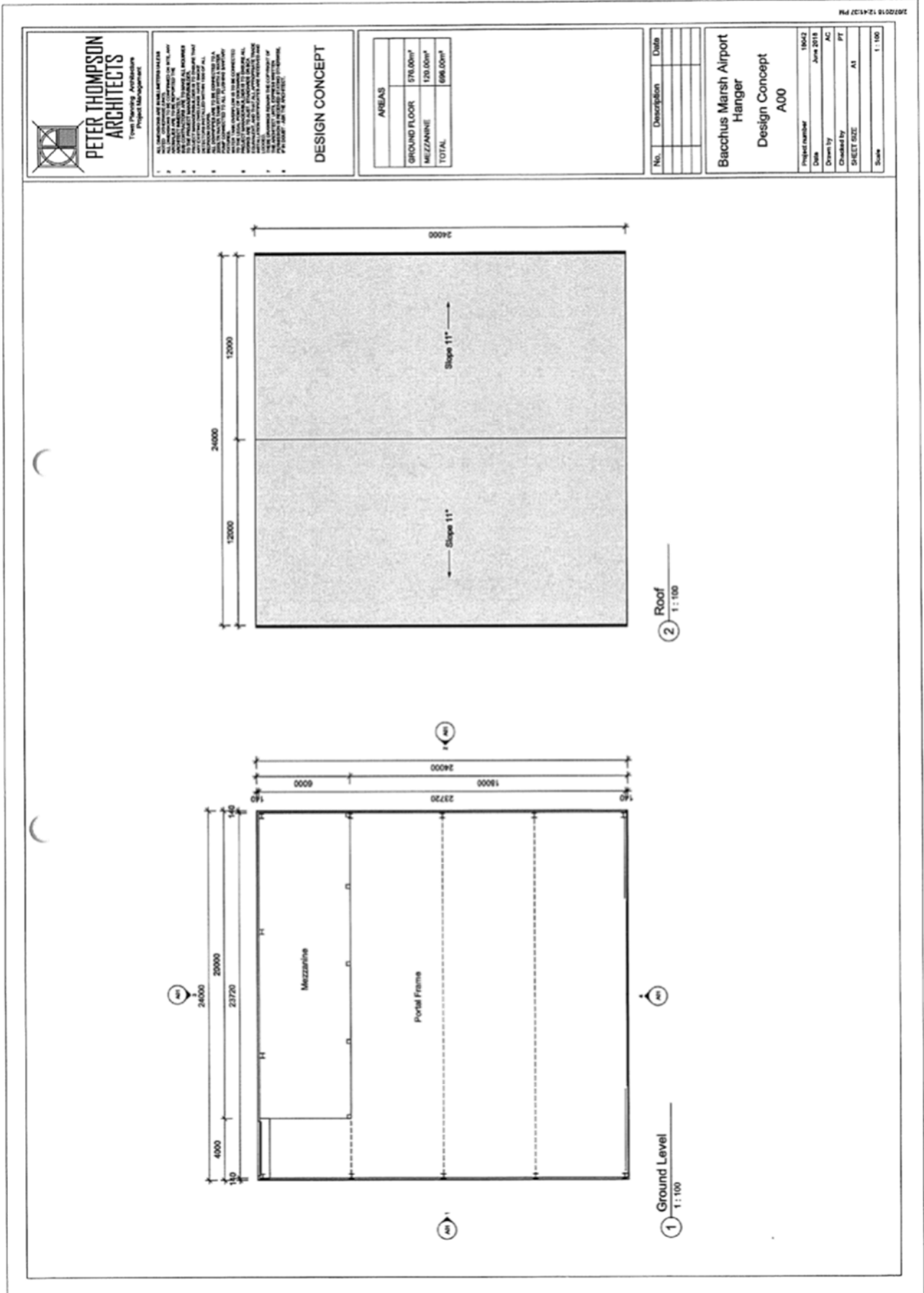
- Issue a permit in accordance with the recommendations of this report;
- Issue a permit with amendments to conditions within the recommendation of this report; or
- Should Council wish to consider refusal of the application, Councillors need to explore reasons based on the proposal not complying with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

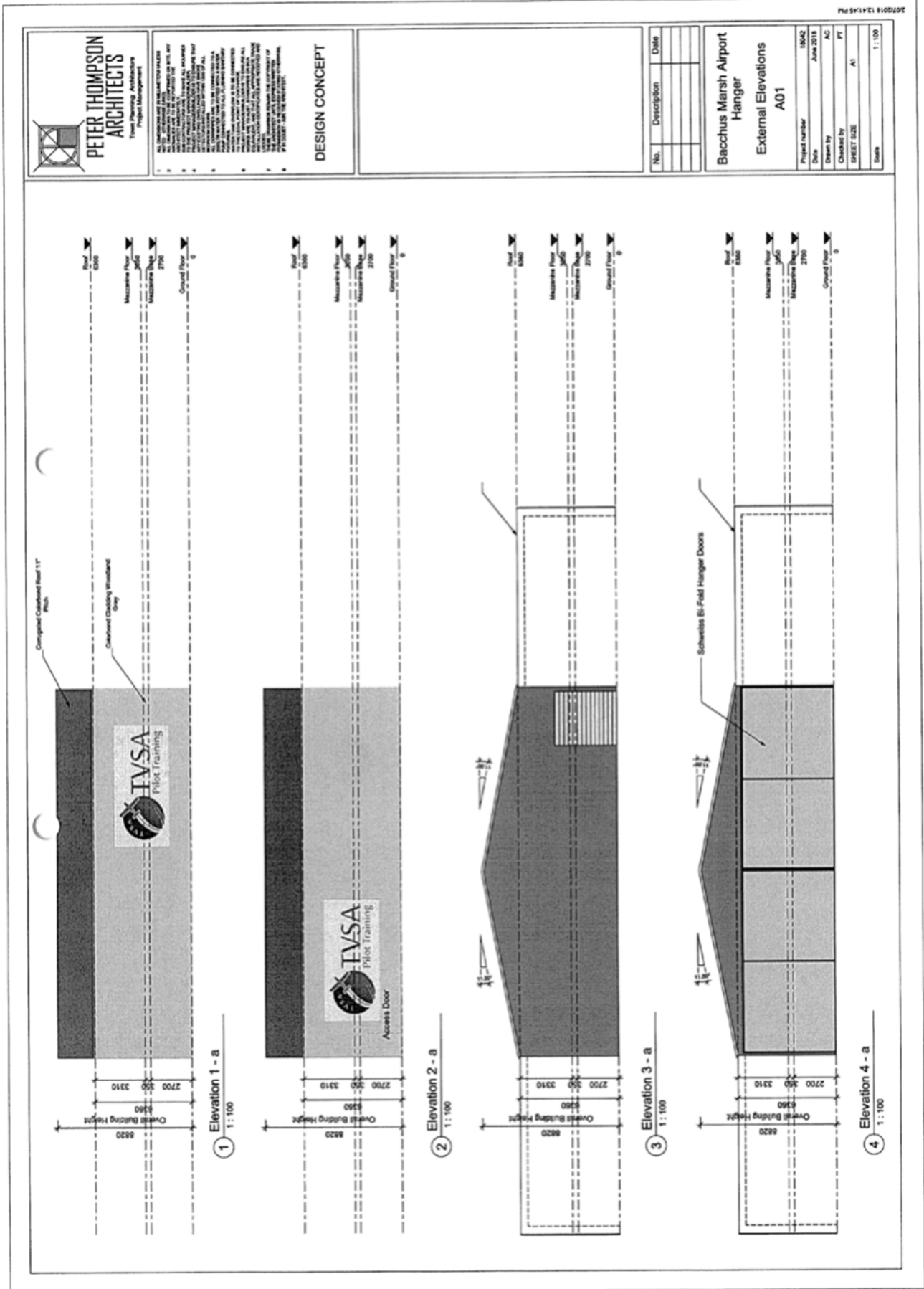
CONCLUSION


The proposed aircraft are appropriately positioned with the aerodrome, are detached and are conveniently located near the runway to limit the amount of area occupied by taxiways to the runways. The building are designed for aircraft with sliding aircraft door entry. There is no car parking concerns with car spaces to be provided in the front of the hangers.

The use of the land can be controlled by amenity conditions to ensure there are no adverse impacts to surrounding aerodrome users and surrounding owners and occupiers. The proposal is a modest development to an existing aerodrome and should be supported subject to conditions.









PETER THOMPSON ARCHITECTS
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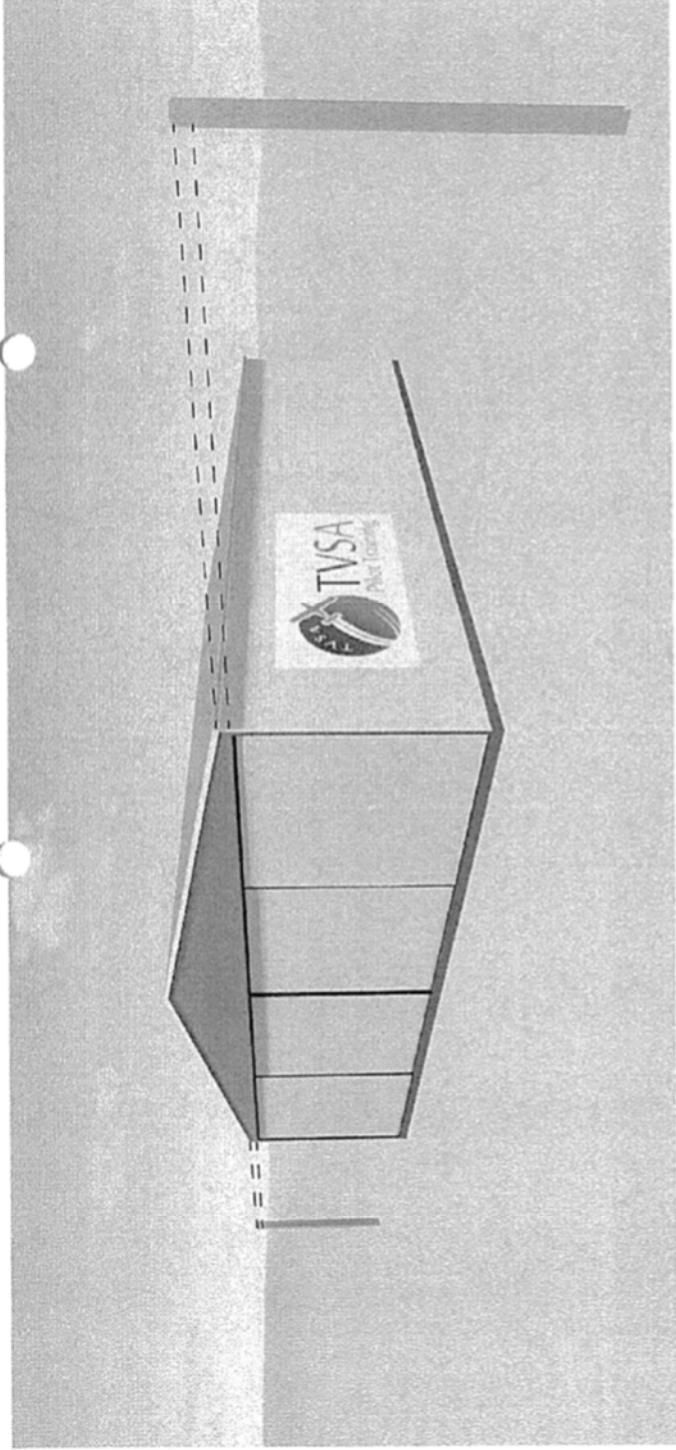
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DESIGN CONCEPT

No.	Description	Date

Bacchus Marsh Airport Hanger Perspective A02

Project number	100042
Date	June 2018
Drawn by	AC
Checked by	PT
SHEET SIZE	A1
Scale	



8.6 PA2019071 - CONSTRUCTION OF NINE DWELLINGS AND REDUCTION OF ONE VISITOR CAR SPACE. LOT 801, 174 MORTONS ROAD, PENTLAND HILLS

Author: Mark Lovell, Senior Statutory Planner
Authoriser: Satwinder Sandhu, General Manager Community Planning
Attachments: 1. Complete Plans

APPLICATION SUMMARY

Permit No: PA2019071
Lodgement Date: 13 March, 2019
Planning Officer: Mark Lovell
Address of the land: Proposed Lot S801 on PS7255408Y Currently Lot S4 on PS7725408Y
Proposal: Construction of nine dwellings and reduction of one visitor car space.
Lot size: Lot S4 – 14.83 hectares Proposed Lot S801 – 1755m2
Why is a permit required? Clause 32.08-6 - Construct two or more dwellings.
Clause 52.06-5 - Reduction to the standard car parking requirement.

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, Council advise VCAT that Council does not support the application PA2019071 for construction of nine dwellings and reduction of one visitor car space at Lot S801, 174 Mortons Road, Pentlands Hills based on the following grounds:

1. The proposed dwellings do not comply with objectives of Rescode standard B1 (Neighbourhood Character), B14 (Access), B18 (Walls on Boundaries), B29 (Solar Access to Open Space) and B31 (Detailed Design).
2. The proposed development does not comply with the Planning Policy Framework with regards to providing well designed medium density housing.
3. The proposed dwellings display excessive visual bulk and massing due lack of setbacks especially at the first floor levels, minimal levels of building articulation and poorly arranged detailed design.
4. The nine attached rear loaded garages have doors dominating the frontage without sufficient landscape treatments.
5. The proposed dwellings will dominate and compete with future built form.
6. The proposed dwellings are an overdevelopment of the lot
7. The proposed layout and design of the dwellings does not provide for adequate levels of

internal amenity.

8. **The applicant has not demonstrated adequate justification for the waiver of the one visitor car spaces under Clause 52.06 of the Moorabool Planning Scheme.**
9. **The waiver of the one visitor car space will adversely affect the surrounding on street car parking availability.**
10. **The application has been lodged prematurely without a Certificate of Title for Lot S801 only.**

PUBLIC CONSULTATION	
Was the application advertised?	No, exempt from the notice provisions
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of objections:	No objection received.
Consultation meeting:	No consultation meeting as the recommendation is to not support the application.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General 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 Council's Strategic Planning
Any issues raised in referral responses?	Yes, Council's Strategic Planning identified a number of design problems.
Preliminary concerns?	Yes, the applicant was advised of concerns with the reduction in car parking, building bulk and poor solar access to secluded private open spaces.
Any discussions with applicant regarding concerns?	Yes, the applicant was not willing to make changes the plans.
Any changes made to the application since being lodged?	No.
Brief history.	The applicant has lodged an appeal for a failure to determine the application within the prescribed sixty statutory day timeline. Council will need to notify VCAT of its position to not support the application.
Previous applications for the site?	PA2017049 was issued on 26 September 2017 for Staged Subdivision, Variation of an Easement and Associated Works and Building and Works within ES02
General summary.	<p>The super lots are within an approved residential land subdivision and are intended as medium density housing sites.</p> <p>The detailed design of the dwellings attached building form with minimal setback creates excessive visual bulk and massing to the streetscape and is completely out of context with future development in the surrounding area. The lack of dwelling diversity and not providing the one required visitor car parking space in accordance with Clause 52.06 will create adverse off site impacts.</p>

	The applicant does not want to work with Council to negotiate an alternative design response
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council advise VCAT that Council does not support the application PA2019071 for construction of nine dwellings and reduction of one visitor car space at Lot S801, 174 Mortons Road, Pentlands Hills.	

SITE DESCRIPTION

The subject lot does not have its own title and plan of subdivision to create the lot has not been certified at the time of writing this report. The lot will be located on the south side of Adelong Way which is east of Halletts Way, Maddingley. The lot is also bounded by future roadway Kyamba Circuit and Maree Lane. The lot will have a relatively flat topography and is currently used as a construction site while subdivision works including roadways are been undertaken.

PROPOSAL

It is proposed to construct 9 attached double storey dwellings. With the exception of Unit 9, each dwelling will consist of an open plan family, living, kitchen, dining, cupboard laundry and powder room on the ground floor and three bedrooms, bathroom and ensuite on the first floor. Unit 9 will consist of one bedroom, ensuite, open plan family, dining, kitchen, laundry on the ground floor and two bedrooms, living room and bathroom on the first floor. A total of three bedroom will be provided to Unit 9. There will be 9 attached double lock up garage each consisting of two car spaces and located to rear of each dwelling accessing Marlee Lane.

The dwellings except the two end units are setback 4.0 metres from the street frontage with Unit 1 and 9 setback 4.5 metres. End Unit 1 is setback 2.0 metres from the western side boundary and end Unit 9 is setback 2.11 metres from the eastern side boundary. With rear loaded garages, the rear setback is 500mm except the Unit 9 which has a rear setback of 1.0 metre. The first-floor setbacks are staggered with partial overhang in the front setback, same side setbacks as the ground floor and the setback approximately by 1 metre.

The secluded private open space to each dwelling is located to the southern side of the dwelling and the northern side garages with exception of Unit 9 which has east facing secluded private open space. The dwellings will consist of a mixture of materials such as face brick work walls, rendered finished walls, weathertext clad walls, powder coated windows, and unspecified roofing. No visitor car parking will be provided.

BACKGROUND TO CURRENT PROPOSAL

The approved development plan for Underbank Estate was approved on 16 September 2017. The vision for the development plan is that Underbank would be built around a series of walkable neighbourhoods, each with own unique character, providing a range of housing typologies within walking distance of community facilities to cater to the needs of residents.

HISTORY

PA2017049 was issued on 26 September 2017 for Staged Subdivision, Variation of an Easement and Associated Works and Building and Works within ESO2. The subdivision created 110 lots over four stages known as Stages 5 to 9 of Underbank Estate. Stage 8 consists of 26 lots including super Lot S801.

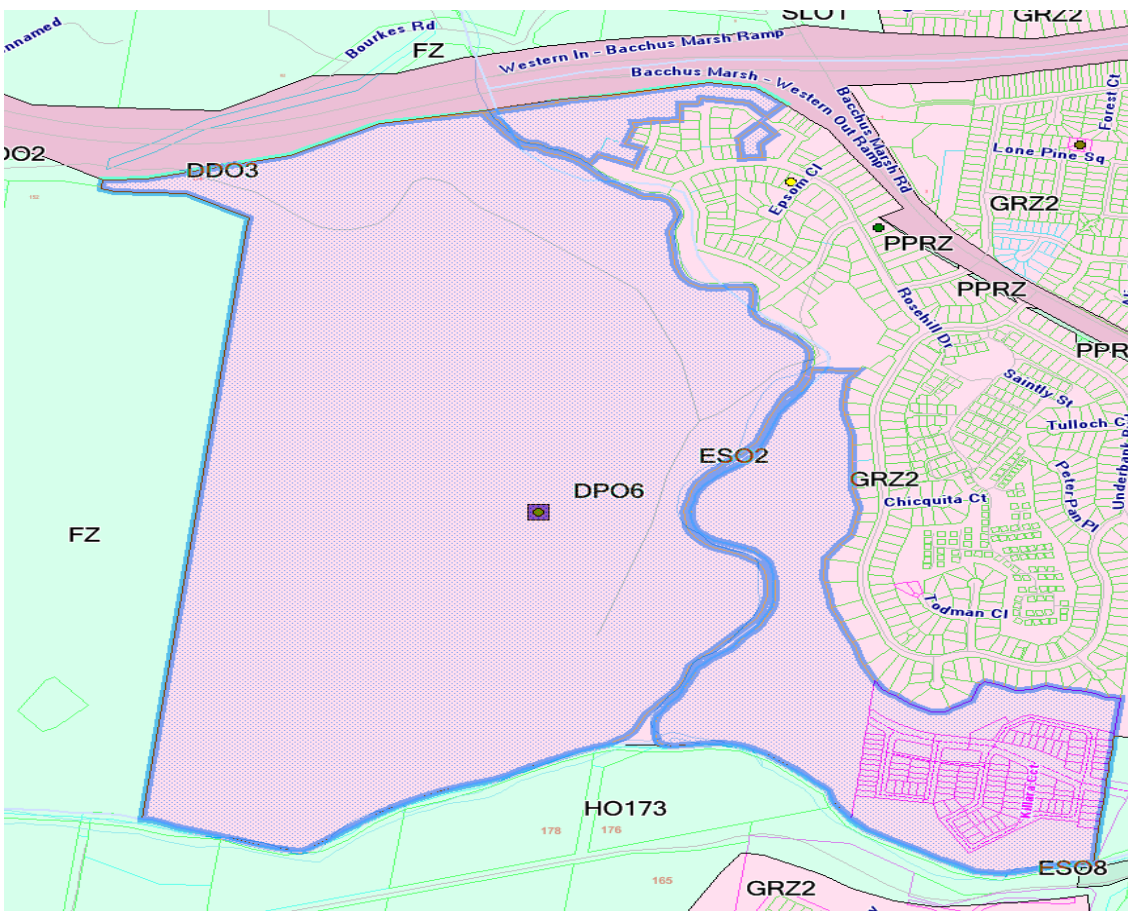
PUBLIC NOTICE

The application was exempt from the notice provisions in accordance with Development Plan Overlay Schedule 6.

LOCALITY MAP

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

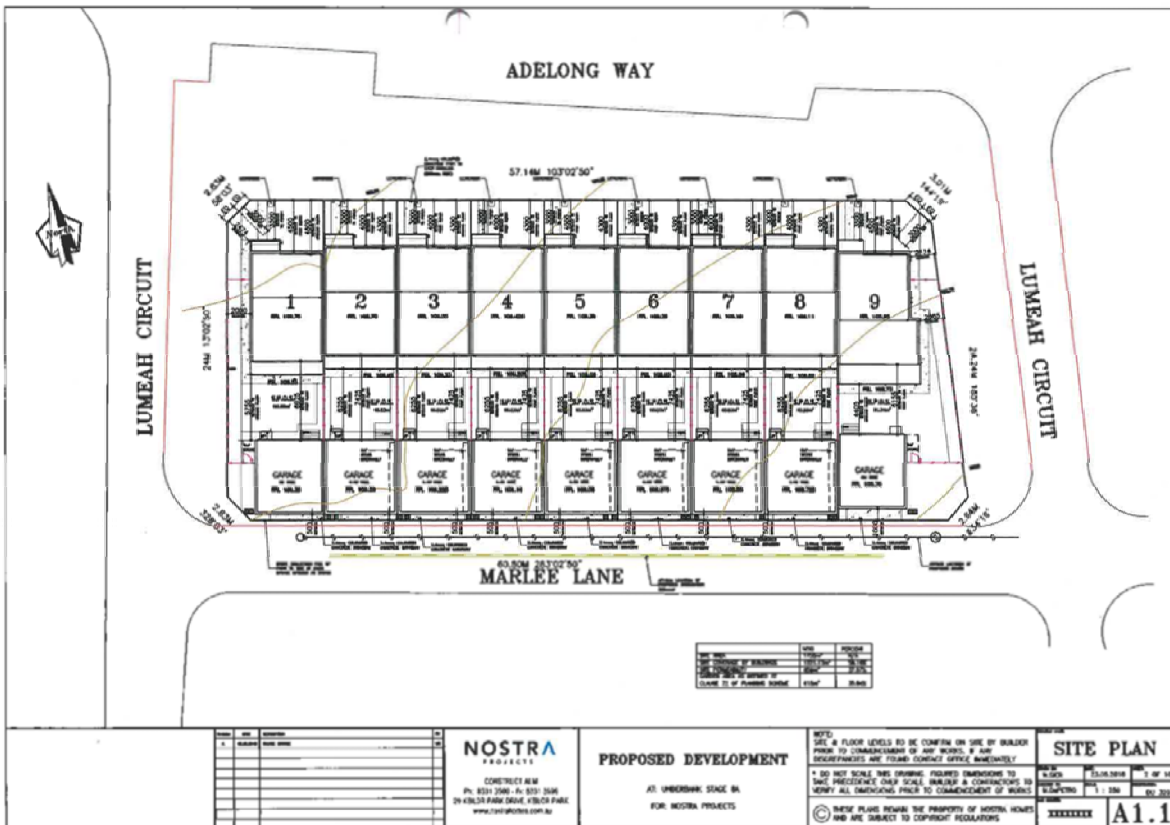
ZONE MAP BELOW



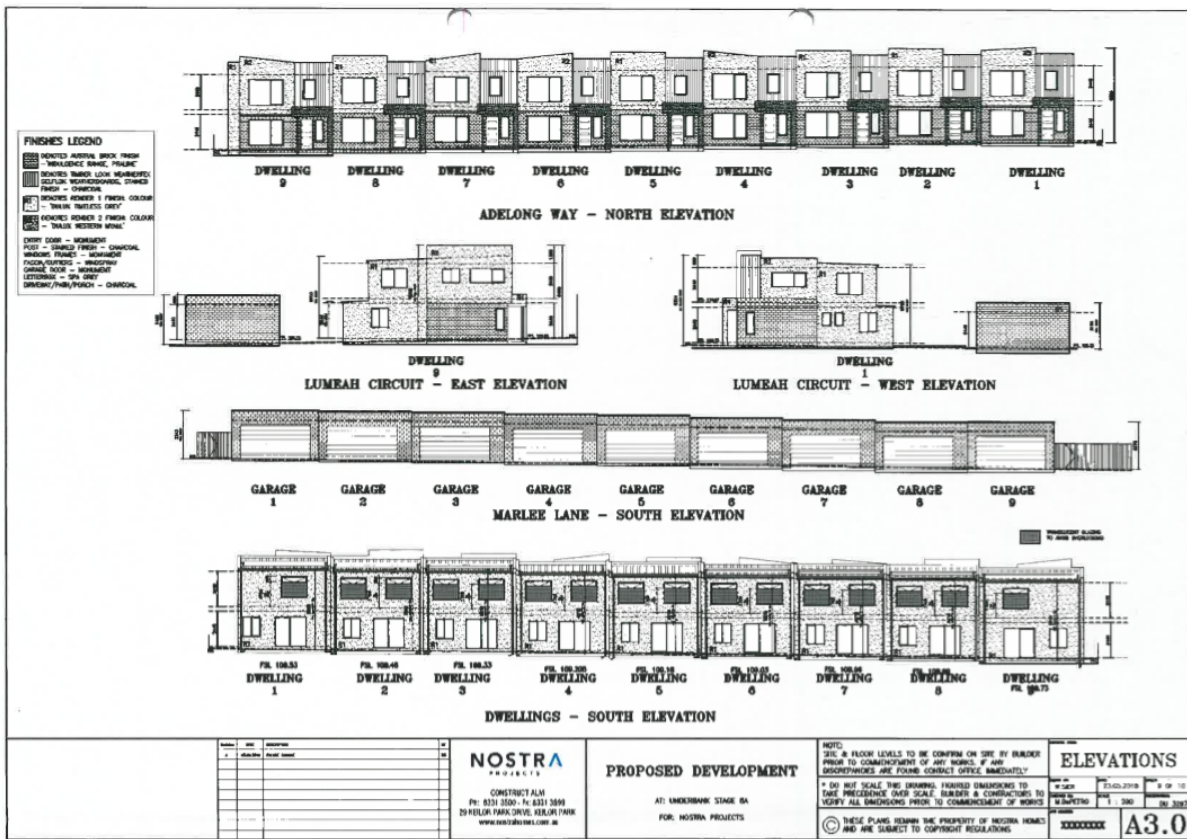
AERIAL PHOTOGRPAH BELOW



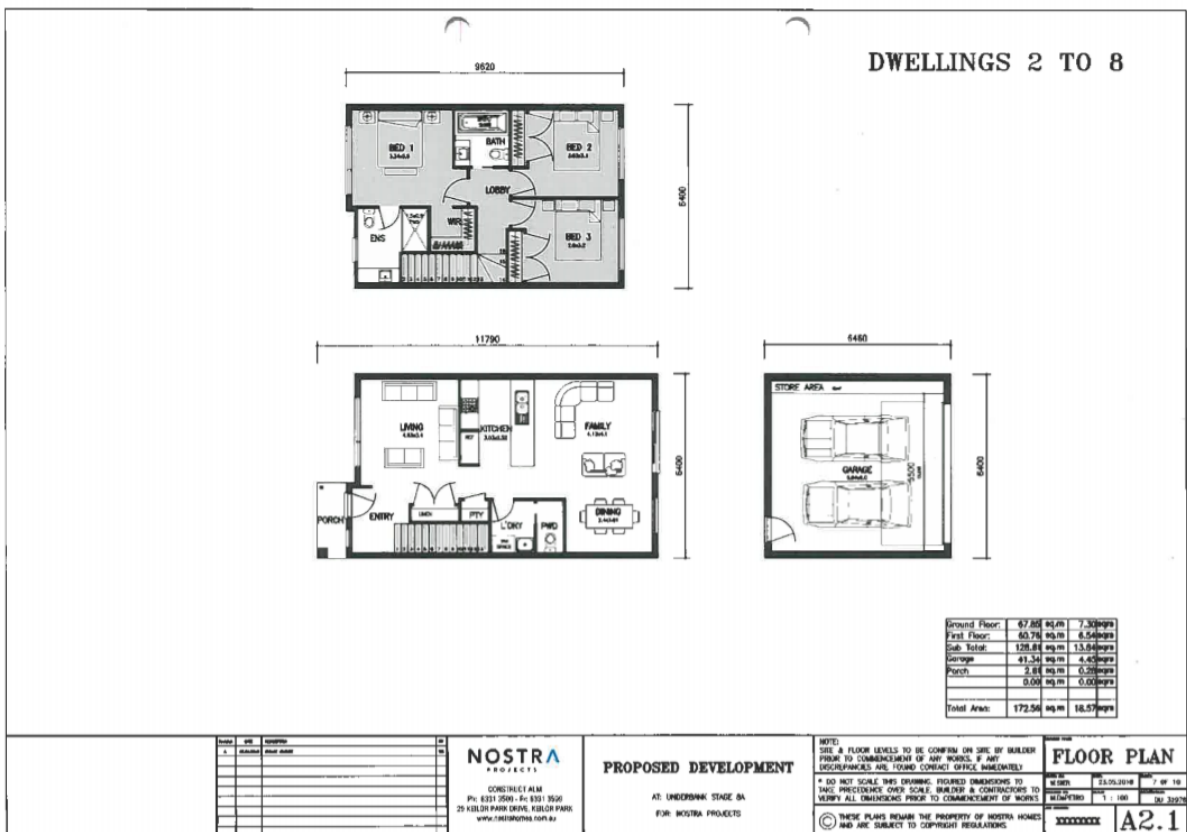
FLOOR PLAN



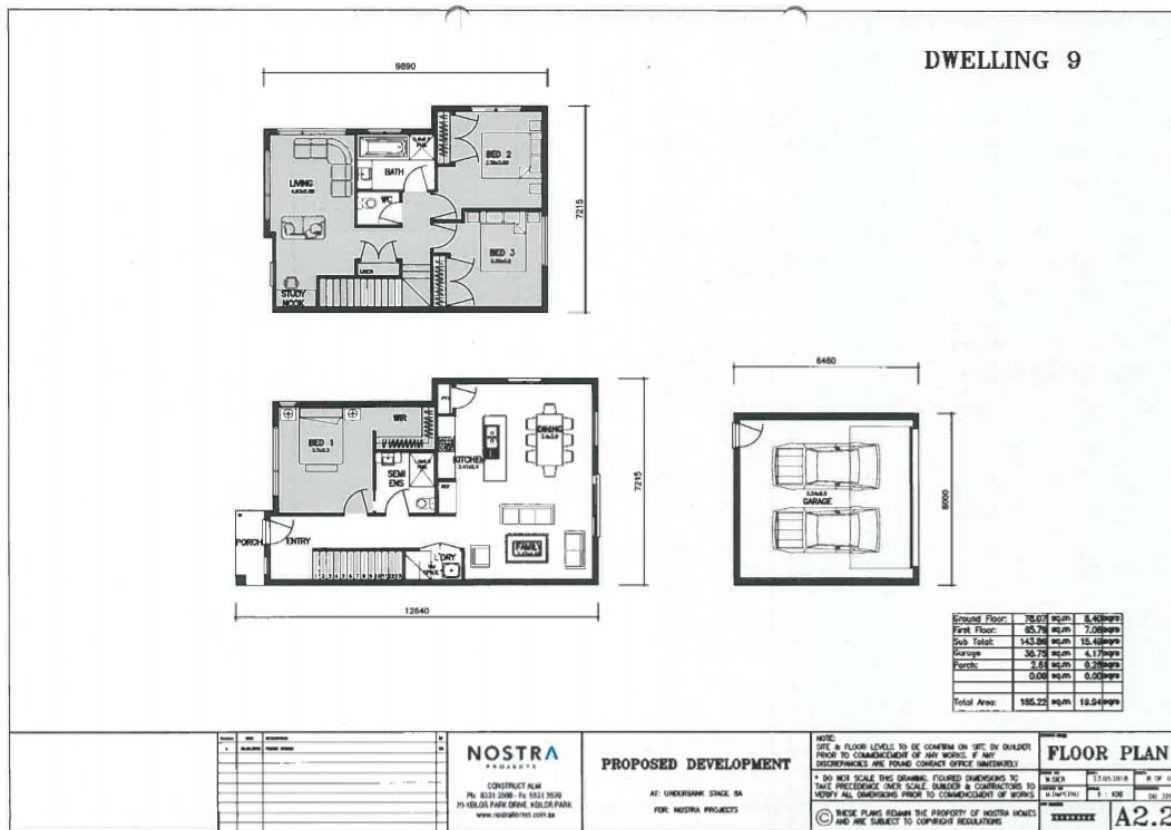
ELEVATION PLANS



FLOOR PLAN UNIT 1 TO 8



FLOOR PLAN UNIT 9



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

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

PPF	Title	Response
Clause 15.01-5S	Neighbourhood Character	A strategy of this clause to ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character. The form, setbacks and design of the proposed dwellings in a highly exposed gateway location to a new residential estate will not respect the preferred neighbourhood character.

Clause 16.01-3S	Housing Diversity	The objective of this clause is to facilitate diverse housing that offers choice and meets changing household needs through: a mix of housing types. adaptable internal dwelling design and universal design. The proposal will replicate the future housing stock by been 3 bedrooms each and does not cater to different household types.
LPPF	Title	Response
Clause 21.03-3	Residential Development	An objective of this clause is to design housing to be adaptable for use by smaller households, the aged and people with disabilities. The proposal dwellings are not design for smaller household types. Unit 9 however can cater people with limited mobility by having one bedroom and ensuite located on the ground floor level.
Clause 21.03-4	Landscape and Neighbourhood Character	A strategy of this clause is to ensure development protects and enhances the existing character, built form, natural environment, country town scale and rural atmosphere of each town. The scale and bulk of the development will dominate the surrounding streetscape to be characterised by low horizontal rise dwellings with generous setbacks.

ZONE

The subject site is in the General Residential Zone, Schedule 2 (GRZ2).

The purpose of the Zone is:

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

Under Clause 32.08-6, a permit is required to construct two or more dwellings on the lot. The application must be assessed against Clause 55 of the Moorabool Planning Scheme.

Decision guidelines are listed under Clause 32.08-13, general decision guidelines include

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone. The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Decision guidelines specific to dwelling is:

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.

Part 1 of Schedule has the following neighbourhood character objectives

- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.
- To encourage an increase in landscaping within the public and private realm.
- To encourage new development to respect existing setbacks within the streetscape.
- To encourage new development to have minimal or low scale front fencing.
- To ensure garages, carports, and second storey development do not visually dominate dwellings or streetscapes

The garden space provision of Clause 32.08-4 does not apply with the following exemption - an application to construct or extend a dwelling or residential building on a lot if: The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan.

OVERLAYS**Development Plan Overlay Schedule 6**

Pursuant to Clause 43.04-1 of the Moorabool Planning Scheme a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay in accordance with the Development Plan.

The objectives of Schedule 6 of the Development Plan Overlay are:

- Planning for residential and associated development in a logical, cost effective and sequential manner.
- Efficient use of infrastructure, and land, and management of any impacts on the environment and amenity.
- Identification and effective management of sites of environmental, heritage and landscape significance.
- Co-ordinated provision of utility services and drainage.
- Co-ordinated provision of physical and community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds.
- Preparation of an integrated development plan generally in accordance with the Underbank Farm Concept Plan shown in Clause 5.0 of this Schedule.

Relevant Policies**Housing Bacchus Marsh to 2041**

Council has prepared a housing strategy called Housing Bacchus Marsh to 2041, to address how it will manage growth pressures and preserve important neighbourhood character into the future. Bacchus Marsh has been specifically identified in Plan Melbourne and the Central Highlands Regional Growth Plan as a suitable location to accommodate growth.

Key reasons for this strategic direction relate to Bacchus Marsh's regional service centre role, its relative accessibility to Melbourne, Geelong and Ballarat, its well established town centre and the availability of greenfield and infill development opportunities. Housing Bacchus Marsh 2041 is one of several key projects that will be inputs into the preparation of Moorabool 2041.

Particular Provisions

Clause 52.06 Car Parking

Under Clause 52.06-5, each 3 bedroom dwelling requires two on site car spaces. Two spaces are provided to the rear of each dwelling. One visitor car space is required for each five dwellings. No visitor car parking is provided.

A permit is required under Clause 52.06-3 to waiver the one visitor car parking space requirement.

Before granting a permit, the responsible authority must consider, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre. Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas. Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

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

Clause 55 ResCode	Title	Response
55.02-1	Neighbourhood Character	Inconsistent with the preferred neighbourhood character
55.03-9	Access	Almost the entire rear frontage, Maree Lane is covered by crossovers. There has been no attempt to create break in the rear frontages through single garage spaces and landscaping treatments.
55.04-2	Walls on Boundaries	The rear garages for Units 1 to 8 do not achieve the minimum 1m setback requirement and suggests an overdevelopment of the site.
55.05-5	Solar Access to Open Space	Unit 1 does not achieve the minimum setback of 7.15 metres and will not have adequate solar access to its secluded private open space area.
55.06-1	Detailed design	The materials and finishes do not allow for a sympathetic development within a new residential estate.

DISCUSSION

Detailed design and Neighbourhood Character

The applicant has decided on a design response that is consistent with a highly urbanised setting typically close to train stations and other amenities. Attached double storey dwellings with minimal setback does work effectively in the inner suburbs of Melbourne. The proposal is located in a new residential estate that will be characterised by single dwellings on moderate sized lots and generous setback arrangements. The medium density housing site has an exposed location facing the main east-west carriageway road called Adelong Way and has roadways on all four sides. The applicant has decided to undertake a cuboid building form with sheer vertical walls, minimal levels of building articulation and relatively flat roof form. There is some slight staggering of the first floors but this has not assisted with reducing bulk impacts. The minimal front setbacks in combination that all nine dwellings are attached provides for minimal landscape treatments to soften the built form. The building design will create excessive visual bulk and massing. This development will compete with the future detached housing that will occupy the surrounding lots.

By squeezing nine dwellings across this one lot is a poor design response. There is a lack of opportunities to provide first floor frontage setbacks, increased side setbacks or suitable landscaping treatments based on the current layout of the dwellings. The dwellings will provide for low levels of internal amenity. The proposed dwellings clearly represent an overdevelopment of the site.

Car Parking

A new residential estate will not encounter parking problems compared some established areas which are constrained by built form and in some instances an absence of on site car spaces. There is no justification to not provide one visitor car space within the development that can then service future visitor demand rather than relying instead with the on street car parking spaces. This will create in the future a greater demand for on street parking immediately adjacent to this site. The applicant has stated in their planning report that there are 8-11 on street car spaces within the vicinity of the development and public transport will be available in the future. There could be a car space adjacent to the eastern side of the Unit 9 garage which can access Marlee Lane or there could be other solutions rather than simply not wanting to provide a visitor car space. In a new residential estate, a car parking reduction should not be approved as it will undermine the liveability of the area and create future problems for future residents.

Development Plan Overlay

The subdivision approved showed Lot S801 as a super lot. The planning consultant, Taylors provided a more detailed masterplan for Stage 5-9 subdivision that showed for this particular lot accommodating 8 future lots with lot widths varying between 7 and 7.6 metres. It would have been expected that 8 attached dwellings to be constructed over this super lot. The current proposal is for 9 dwellings. Re-designing the development and eliminating one dwelling could have allowed consistency with the subdivision master plans. The super lot as a solely future medium density site is consistent with the development plan overlay however due to the number of non-compliances with the standards of Rescode is the wrong design response for a medium density development. An alternative medium density development could comply with the Rescode standards. The applicant is unwilling to have compliant development proposal and is not receptive to make changes to their current plans.

Strategic Planning

Council's Strategic Planning identified design problems including the solar access to open space. They suggested a re-design of 4 dwellings to 2 bedrooms, a re-design of 5 dwellings to have a bedroom on the ground floor level, and the double garages to be replaced by roller doors to create more open space. The applicant has not undertaken any re-design of the dwellings.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
Infrastructure	No objection subject to seven conditions
Strategic Planning	No objection recommended changes to the plans

FINANCIAL IMPLICATIONS

There are no financial implications in refusing (not supporting) this development application

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

The application was exempt from the notice provisions. The applicant was invited to attend this meeting and invited to address Council if required.

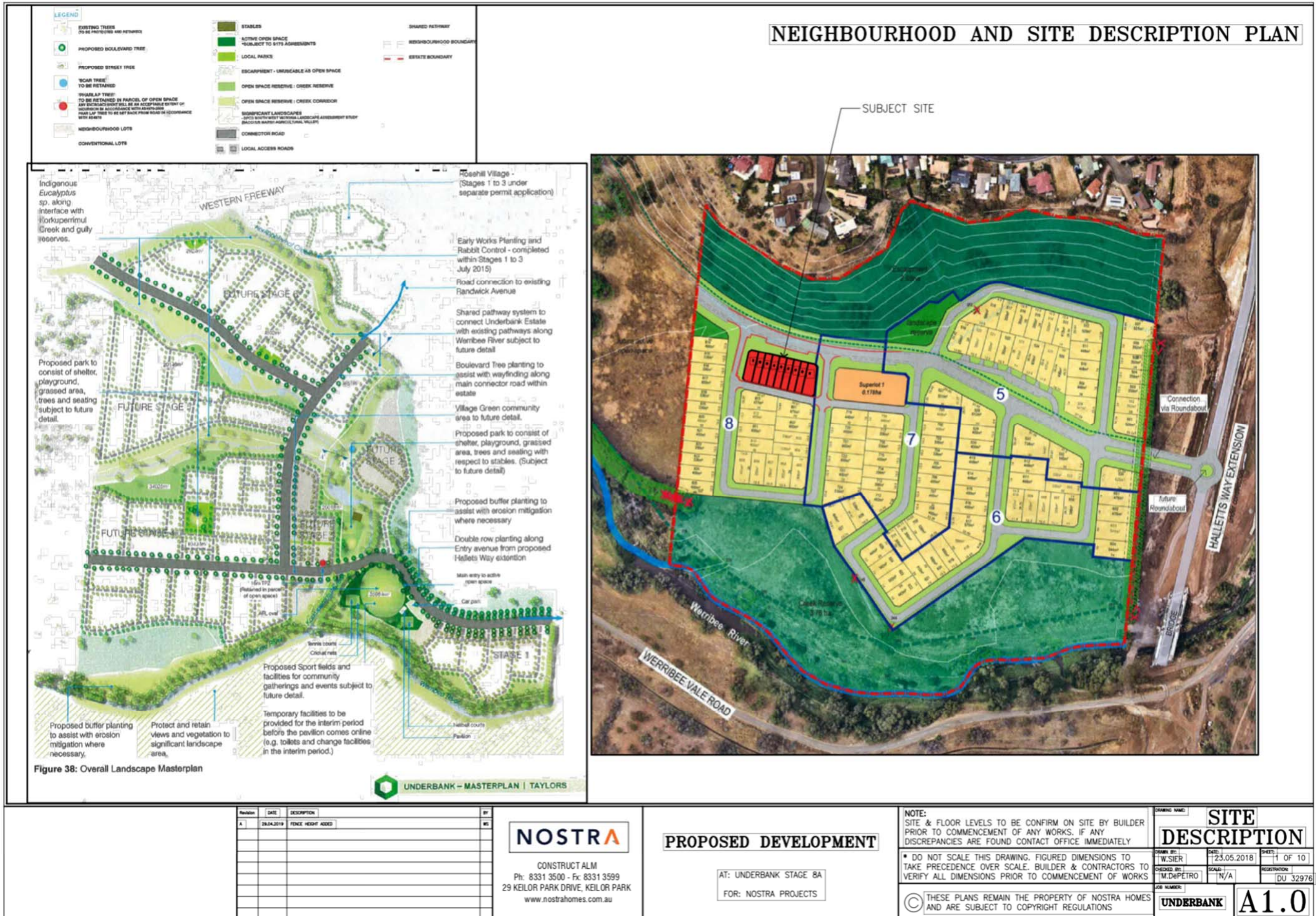
OPTIONS

Council could consider the following options:

- Advise VCAT at the hearing it does not support the application in accordance with the recommendations of this report;
- Should Council wish to consider advising VCAT of support of the application, Councillors need to explore reasons based on the proposal complying with the Moorabool Planning Scheme.

CONCLUSION

The proposal is for nine dwellings in an attached building form with a reduction of one visitor car space is an overdevelopment of the site. The proposal will create adverse streetscape impacts due to excessive visual bulk and massing and poor internal amenity provision for future residents. The design and layout does not achieve the required level under Clause 55, Rescode. The car parking reduction is not appropriate for a new residential estate which should be seeking improved liveability compared to existing established areas. The applicant does not want engage with Council officers to explore alternative design responses and instead has lodged a failure to determine the application within the prescribed time. It is recommended Council not support the application and advise VCAT of its position during the upcoming hearing.





Revision	DATE	DESCRIPTION	BY
A	28.04.2018	FENCE HEIGHT ADDED	MS

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 CONSTRUCT ALM
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 www.nostrahomes.com.au

PROPOSED DEVELOPMENT
 AT: UNDERBANK STAGE 8A
 FOR: NOSTRA PROJECTS

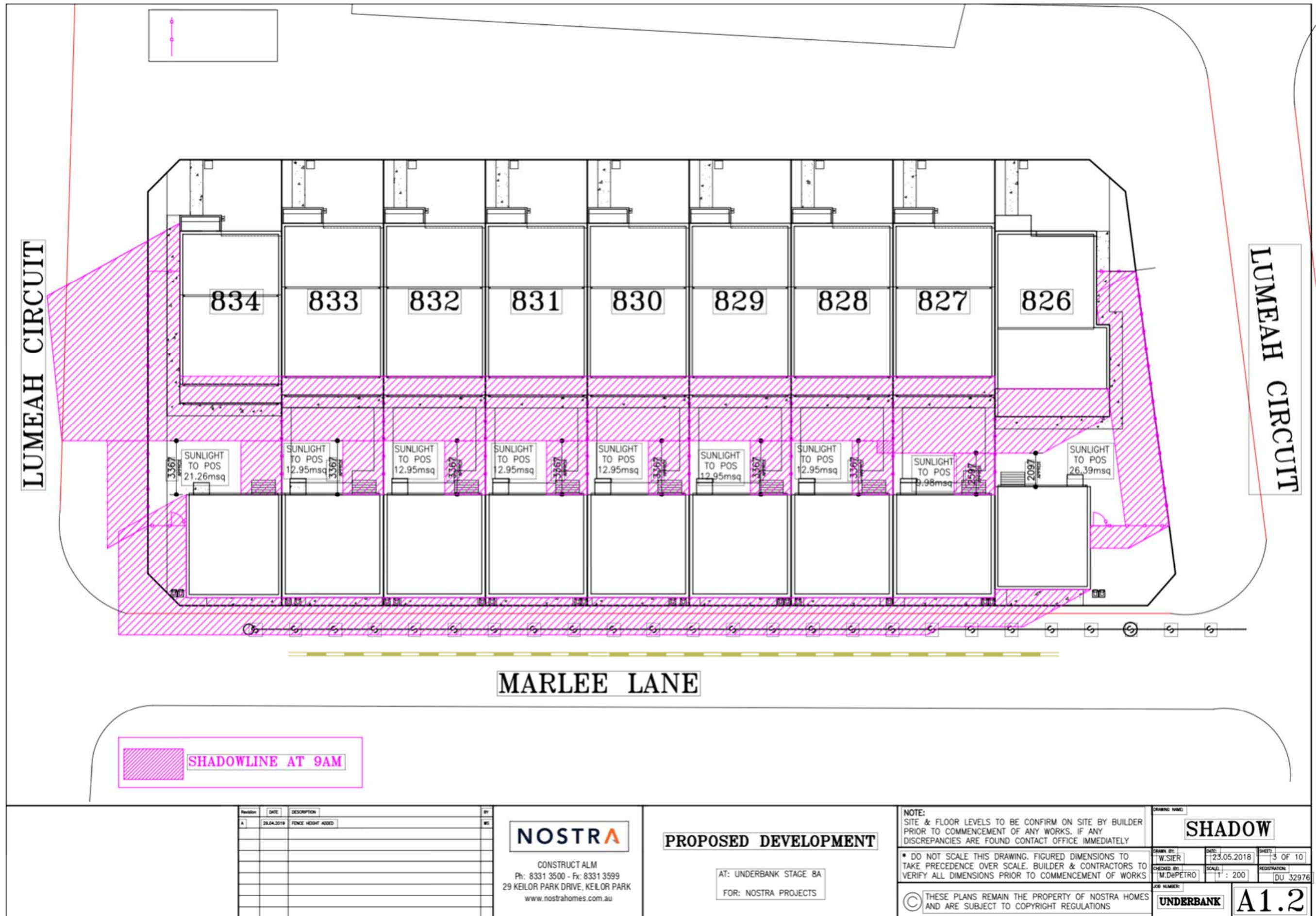
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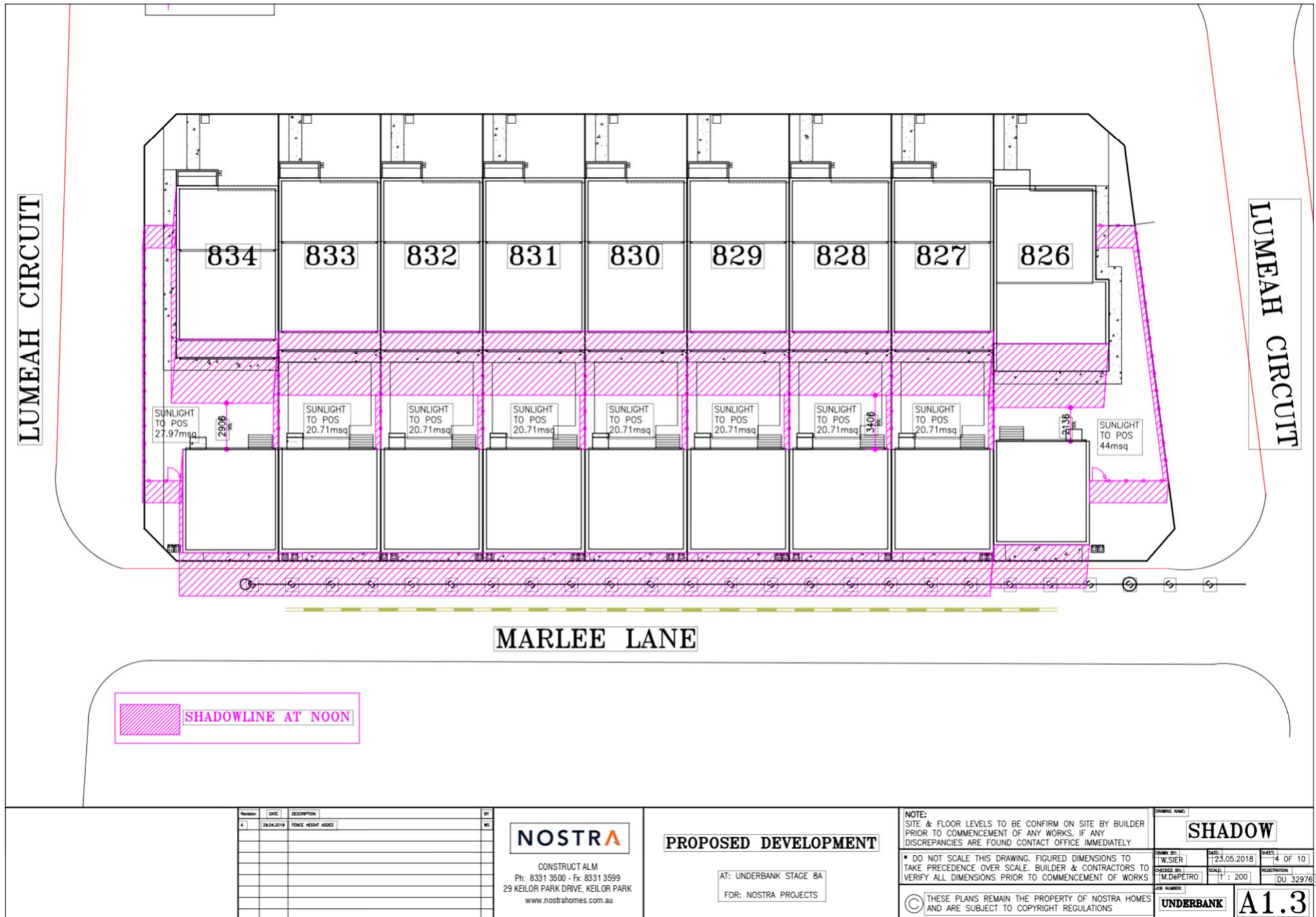
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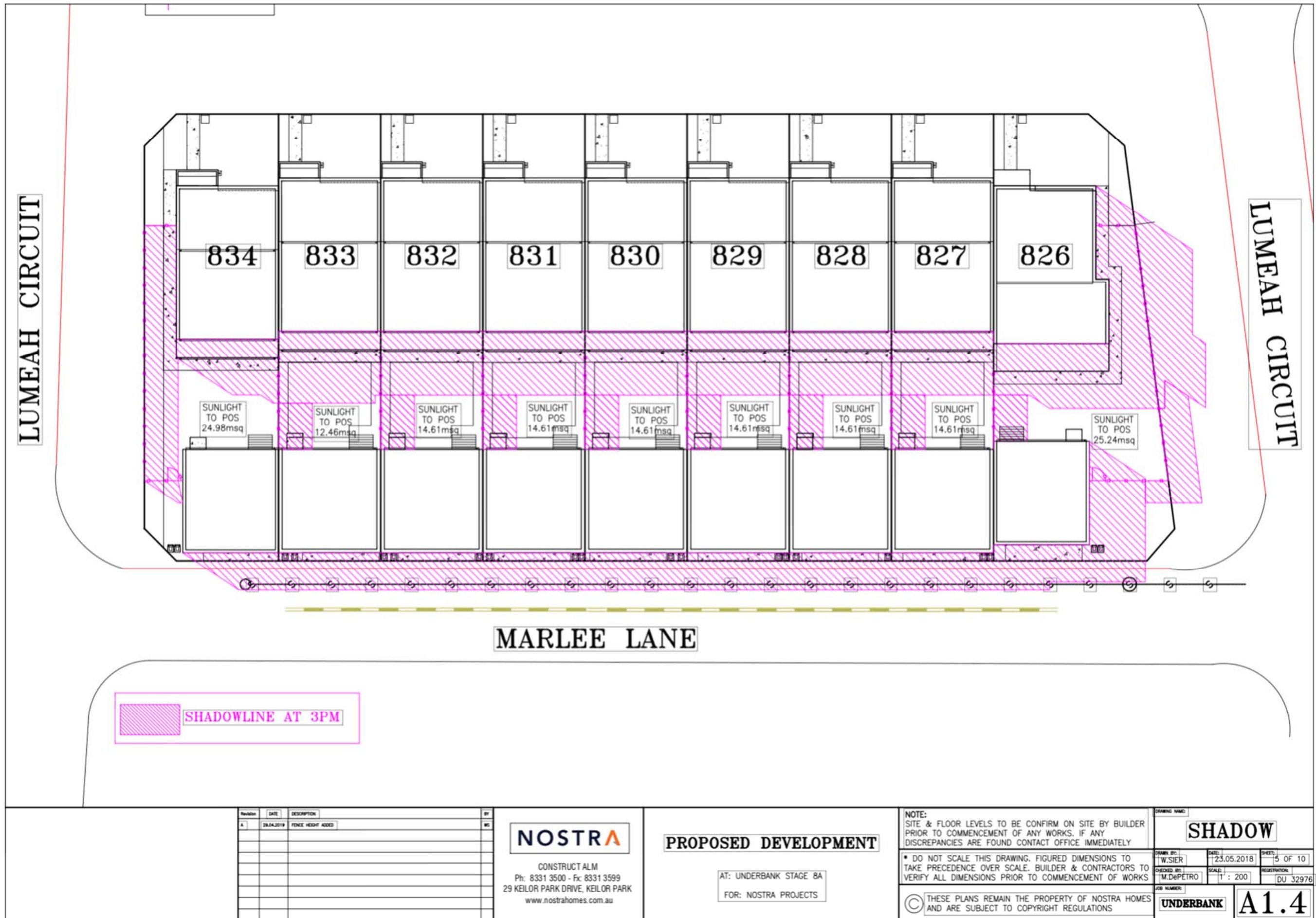
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SITE PLAN

DRAWN BY: W.SIER	DATE: 23.05.2018	SHEET: 2 OF 10
CHECKED BY: M.DePETRO	SCALE: 1:250	REGISTRATION: DU 32976
JOB NUMBER: UNDERBANK	A1.1	







Revision	DATE	DESCRIPTION	BY
A	28.04.2019	FENCE HEIGHT ADDED	MS

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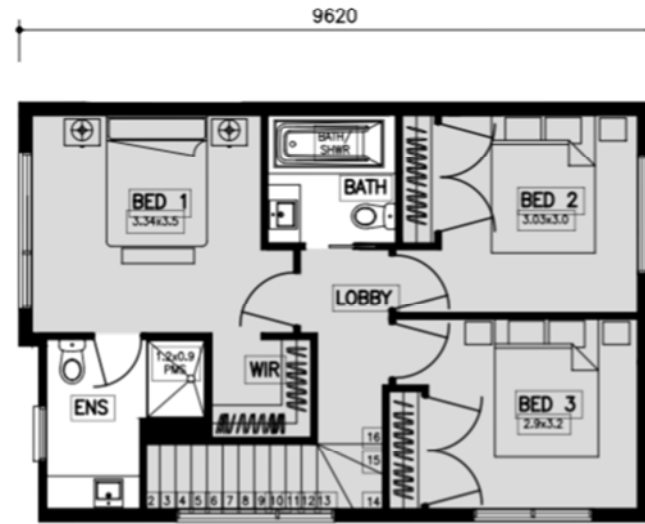
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SHADOW

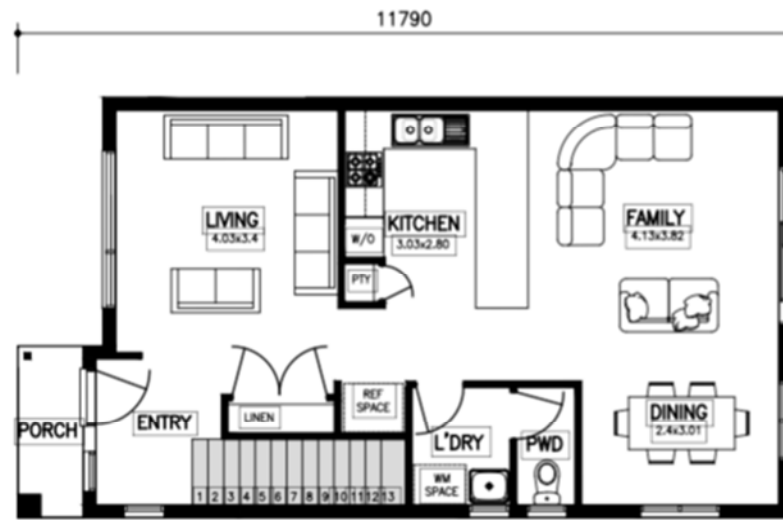
DRAWN BY: W.SIER	DATE: 23.05.2018	SHEET: 5 OF 10
CHECKED BY: M.DePETRO	SCALE: 1:200	REGISTRATION: DU 32976

JOB NUMBER: **UNDERBANK A1.4**

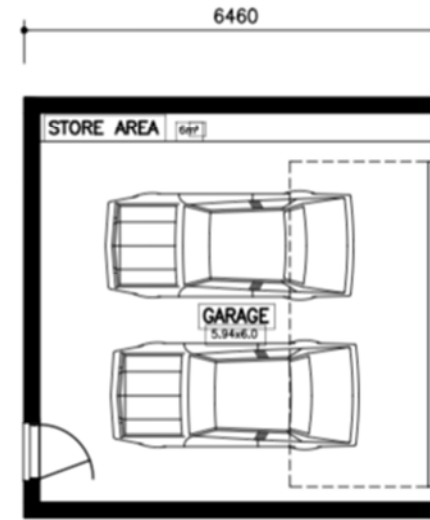
DWELLING 1



6400



6400



6400

Ground Floor:	67.85	sq.m	7.30	sqrs
First Floor:	60.76	sq.m	6.54	sqrs
Sub Total:	128.61	sq.m	13.84	sqrs
Garage	41.34	sq.m	4.45	sqrs
Porch	2.61	sq.m	0.28	sqrs
	0.00	sq.m	0.00	sqrs
Total Area:	172.56	sq.m	18.57	sqrs

Revision	DATE	DESCRIPTION	BY
A	28.04.2019	FENCE HEIGHT ADDED	MS

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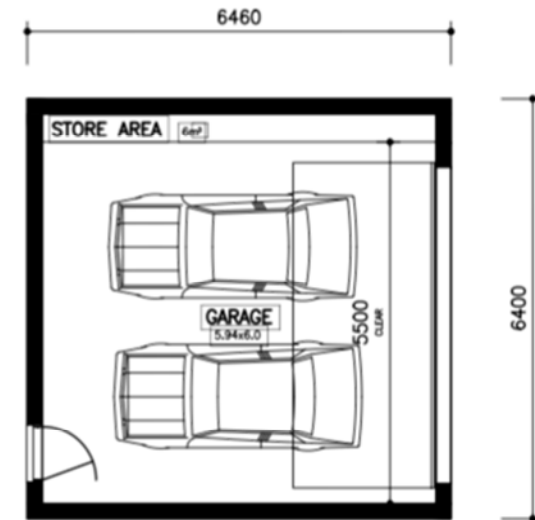
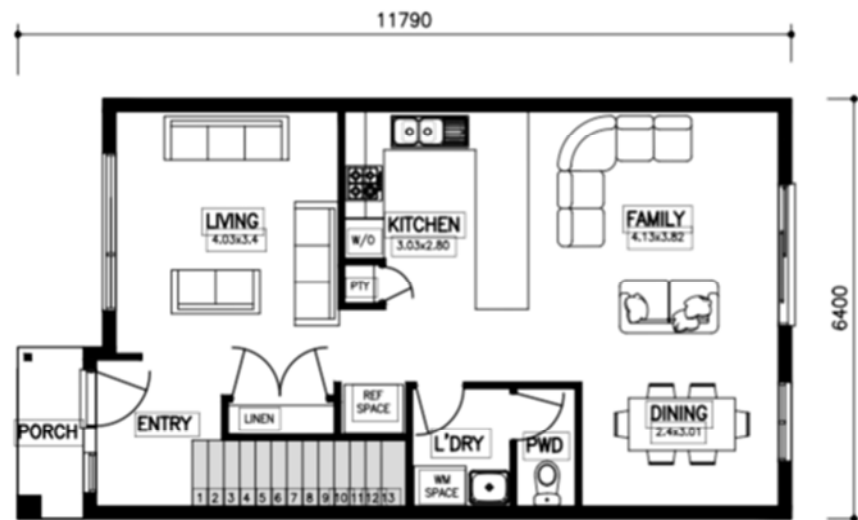
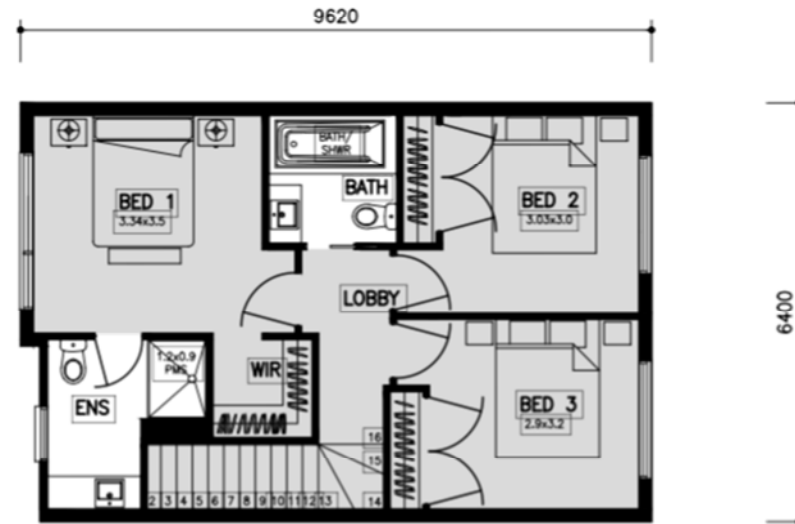
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FLOOR PLAN

DRAWN BY: W.SIER
 CHECKED BY: M.DePETRO
 DATE: 23.05.2018
 SCALE: 1:100
 SHEET: 6 OF 10
 REGISTRATION: DU 32976
 JOB NUMBER: UNDERBANK
A2.0

DWELLINGS 2 TO 8



Ground Floor:	67.85	sq.m	7.30	sqrs
First Floor:	60.76	sq.m	6.54	sqrs
Sub Total:	128.61	sq.m	13.84	sqrs
Garage	41.34	sq.m	4.45	sqrs
Porch	2.61	sq.m	0.28	sqrs
	0.00	sq.m	0.00	sqrs
Total Area:	172.56	sq.m	18.57	sqrs

Revision	DATE	DESCRIPTION	BY
A	28.04.2019	FENCE HEIGHT ADDED	MS

NOSTRA
 CONSTRUCT ALM
 Ph: 8331 3500 - Fx: 8331 3599
 29 KEILOR PARK DRIVE, KEILOR PARK
 www.nostrahomes.com.au

PROPOSED DEVELOPMENT
 AT: UNDERBANK STAGE 8A
 FOR: NOSTRA PROJECTS

NOTE:
 SITE & FLOOR LEVELS TO BE CONFIRM ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF ANY WORKS. IF ANY DISCREPANCIES ARE FOUND CONTACT OFFICE IMMEDIATELY

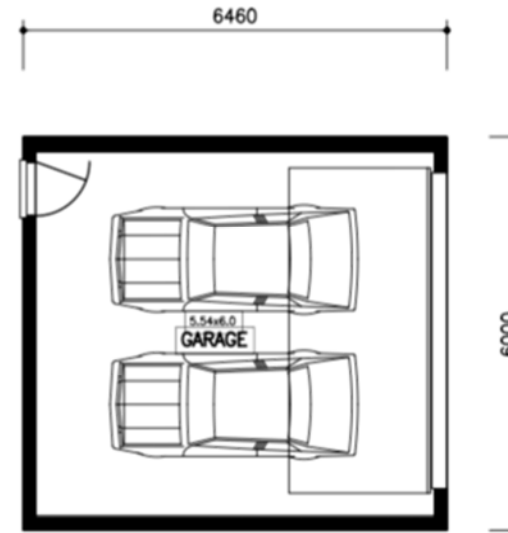
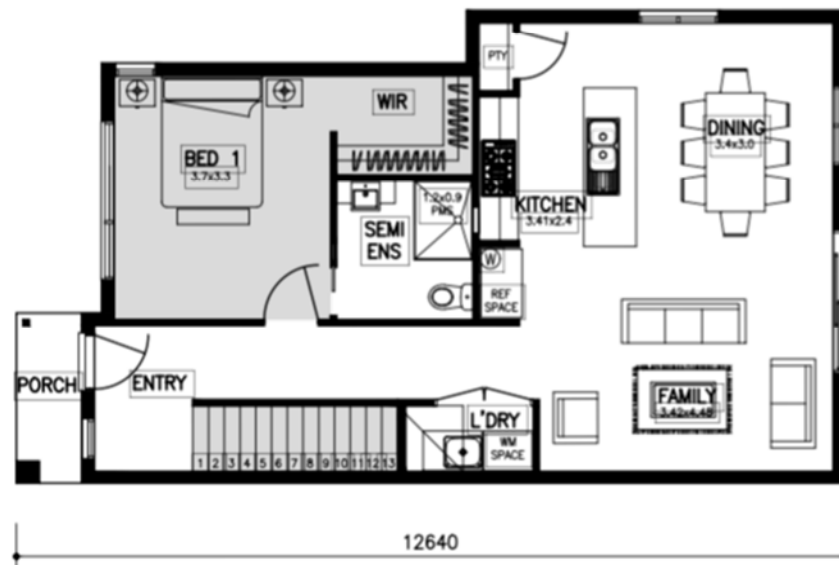
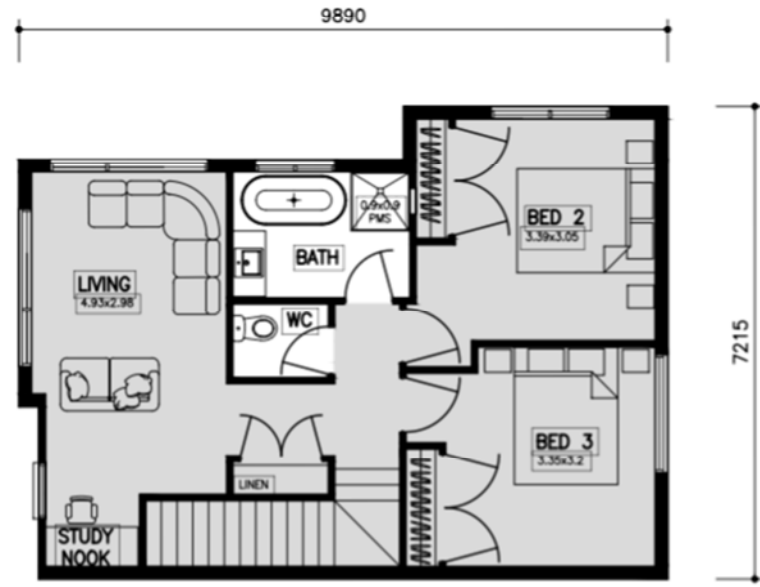
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FLOOR PLAN

DATE: 23.05.2018 SHEET: 7 OF 10
 CHECKED BY: M. DePETRO SCALE: 1:100 REGISTRATION: DU 32976
 JOB NUMBER: UNDERBANK **A2.1**

DWELLING 826



Ground Floor:	78.07	sq.m	8.40	sqrs
First Floor:	65.79	sq.m	7.08	sqrs
Sub Total:	143.86	sq.m	15.49	sqrs
Garage:	38.75	sq.m	4.17	sqrs
Porch:	2.61	sq.m	0.28	sqrs
	0.00	sq.m	0.00	sqrs
Total Area:	185.22	sq.m	19.94	sqrs

Revision	DATE	DESCRIPTION	BY
A	28.04.2019	FENCE HEIGHT ADDED	MS

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 www.nostrahomes.com.au

PROPOSED DEVELOPMENT
 AT: UNDERBANK STAGE 8A
 FOR: NOSTRA PROJECTS

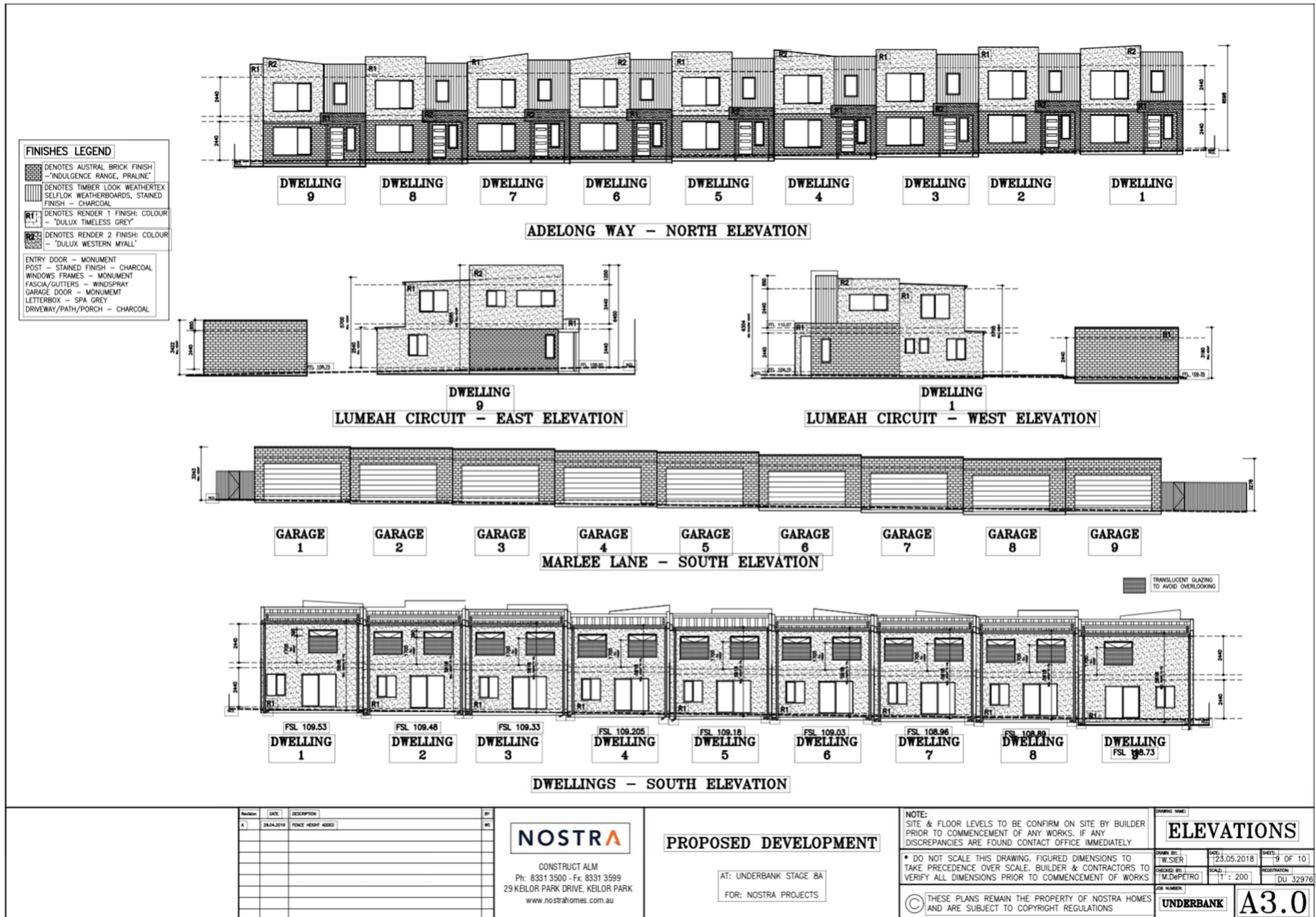
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FLOOR PLAN

DRAWN BY: W.SIER
 CHECKED BY: M.DePETRO
 DATE: 23.05.2018
 SCALE: 1:100
 SHEET: 8 OF 10
 REGISTRATION: DU 32976
 JOB NUMBER: UNDERBANK
A2.2





LEGEND	BOTANICAL NAME	COMMON NAME	SIZE AT MATURITY (HxW)
TREES			
Pc	PYRUS CALLERYANA 'CHANTICLEER'	CHANTICLEER ORNAMENTAL PEAR	11m X 6m
SHRUBS & TUFTINGS			
Cg	CORREA GLABRA	WHITE CORREA	2m X 2m
Cn	CONVOLVULUS CNEORUM	SILVER BUSH	0.5m X 0.75m
Dc	DIANELLA CAERULEA 'CASSA BLUE'	CASSA BLUE FLAX LILY	0.5m X 0.5m
Dt	DIANELLA TASMANICA 'TAS RED'	TAS RED FLAX LILY	0.5m X 0.5m
Gr	GREVILLEA ROSMARINFOLIA	CRIMSON VILEA GREVILLEA	0.8m X 0.8m
Nd	NADINA DOMESTICA 'BLUSH'	DWARF SACRED BAMBOO	0.7m X 0.7m
Wf	WESTRINGIA FRUTICOSA	NATIVE ROSEMARY	1.2m X 1.2m
GROUND COVER/CLIMBERS			
Mp	MYOPORUM PARVIFOLIUM 'FINE LEAF FORM'	CREeping BOOBIALLA	SPREADING

	COLOURED CONCRETE PAVING - CHARCOAL COLOUR		FEATURE ROCKS
	ROLLED TURF		TUSCAN TOPPING
	MULCH		



2. Spa Grey Letterbox

Revision	DATE	DESCRIPTION	BY
A	29.04.2019	FENCE HEIGHT ADDED	WJ

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PROPOSED DEVELOPMENT

AT: UNDERBANK STAGE 8A
 FOR: NOSTRA PROJECTS

NOTE:
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LANDSCAPE		DATE: 23.05.2018	SHEET: 10 OF 10
DRAWN BY: W.SIER	CHECKED BY: M.DaPETRO	SCALE: 1:200	REGISTRATION: DU 32976
JOB NUMBER: UNDERBANK		A4.0	

8.7 PA2019072 - CONSTRUCTION OF TEN DWELLINGS AND REDUCTION OF THE TWO VISITOR CAR SPACES. LOT S701 174 MORTONS ROAD, PENTLAND HILLS

Author: Mark Lovell, Senior Statutory Planner

Authoriser: Satwinder Sandhu, General Manager Community Planning

Attachments: 1. Complete Plans

APPLICATION SUMMARY

Permit No: PA2019072

Lodgement Date: 13 March, 2019

Planning Officer: Mark Lovell

Address of the land: Proposed Lot S701 on PS7255408Y Currently Lot S4 on PS7725408Y

Proposal: Construction of ten dwellings and reduction in the two visitor car spaces.

Lot size: Lot S4 – 14.83 hectares

Why is a permit required? Clause 32.08-6 Construct two or more dwellings.
Clause 52.06-5 - Reduction to the standard car parking requirement.

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, Council advise VCAT that Council does not support the application for construction of ten dwellings and reduction of the two visitor car spaces at Lot S701, 174 Mortons Road, Pentland Hills, with following grounds of refusal:

1. The proposed dwellings do not comply with the objectives of Rescode standard B1 (Neighbourhood Character), B3 (Dwelling Diversity), B14 (Access), B18 (Walls on Boundaries), B25 (Accessibility), B29 (Solar Access to Open Space), B30 (Storage), and B31 (Detailed Design).
2. The proposed development does not comply with the Planning Policy Framework with regards to providing well designed medium density housing.
3. The proposed dwellings display excessive visual bulk and massing due lack of setbacks especially at the first floor levels, minimal levels of building articulation and poorly arranged detailed design.
4. The ten attached rear loaded garages have doors dominating the frontage without sufficient landscape treatments or a break up within the built form.
5. The proposed dwellings will dominate and compete with future built form.
6. The proposed dwellings are an overdevelopment of the lot

7. **The proposed layout and design of the dwellings does not provide for adequate levels of internal amenity.**
8. **The applicant has not demonstrated adequate justification for the waiver of the visitor car spaces under Clause 52.06 of the Moorabool Planning Scheme.**
9. **The waiver of the two visitor car spaces will adversely affect the surrounding on street car parking availability.**
10. **The application has been lodged prematurely without a Certificate of Title for lot S701 only.**

PUBLIC CONSULTATION	
Was the application advertised?	No exempt from the notice provisions.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of objections:	No objections received.
Consultation meeting:	No consultation meeting as the recommendation is to not support the application.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General 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 Council's Strategic Planning.
Any issues raised in referral responses?	Yes, Council's Strategic Planning identified several design problems
Preliminary concerns?	Yes, the applicant was advised of concerns with reduction in car parking, building bulk and poor solar access to secluded private open spaces.
Any discussions with applicant regarding concerns?	Yes, the applicant was not willing to make changes the plans.
Any changes made to the application since being lodged?	No.
Brief history.	The applicant has lodged an appeal for a failure to determine the application within the prescribed sixty day timeline. Council will notify VCAT of its position during the hearing.
Previous applications for the site?	PA2017049 was issued on 26 September, 2017 for Staged Subdivision, Variation of an Easement and Associated Works and Building and Works within ES02.
General summary.	<p>The super lots are within an approved residential land subdivision and are intended as medium density housing sites.</p> <p>The detailed design of the dwellings attached building form with minimal setback creates excessive visual bulk and massing to the streetscape and is completely out of context with future development in the surrounding area. The lack of dwelling diversity and not providing visitors car parking in accordance with Clause 52.06 will create adverse off site impacts. The applicant does not want to work with Council to negotiate an alternative design response.</p>

Summary Recommendation

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council advise VCAT that Council does not support the application for construction of ten dwellings and reduction of the two visitor car spaces at Lot S701, 174 Mortons Road, Pentland Hills.

SITE DESCRIPTION

The subject lot does not have its own title and plan of subdivision to create the lot has not certified at the time of writing this report. The lot will be located on the south side of Adelong Way which is east of Halletts Way, Maddingley. The lot will have a relatively flat topography and is currently used as construction site while subdivision works including roadways are been undertaken.

PROPOSAL

It is proposed to construct 10 attached double storey dwellings. Each dwelling will consist of an open plan living room, kitchen, dining, cupboard laundry and toilet on the ground floor and three bedrooms, bathroom and ensuite on the first floor. There will be 10 attached double lock up garage each consisting of two car spaces and located to rear of each dwelling accessing Marlee Lane.

The dwellings except the two end units are setback 4.0 metres from the street frontage with Unit 1 and 10 setback 4.5 metres. End Unit 1 is setback 2.0 metres from the western side boundary and end Unit 10 is setback 2.0 metres from the eastern side boundary. With rear loaded garages, the rear setback is 500mm. The first floor setbacks to the dwellings matches the ground floor setbacks except for the rear southern setback which overhangs the ground floor by approximately 1 metre.

The secluded private open space to each dwelling is located to the southern side of the dwelling and the northern side garages and is up to 7.2 metres in length. The dwellings will consist of a mixture of materials such as scyon clad walls, powdercoated windows, and Colorbond® roofing. No visitor car parking will be provided.

BACKGROUND TO CURRENT PROPOSAL

The approved development plan for Underbank Estate was approved on 16 September 2017. The vision for the development plan is that Underbank would be built around a series of walkable neighbourhoods, each with own unique character, providing a range of housing typologies within walking distance of community facilities to cater to the needs of residents.

An application on adjoining land for 9 dwellings and associated reduction in visitor car parking has also been submitted to Council for determination. Planning reference PA2019071.

HISTORY

PA2017049 was issued on 26 September 2017 for Staged Subdivision, Variation of an Easement and Associated Works and Building and Works within ES02. The subdivision created 110 lots over four stages known as Stages 5 to 9 of Underbank Estate. Stage 7 consist of 26 lots included super lot S701.

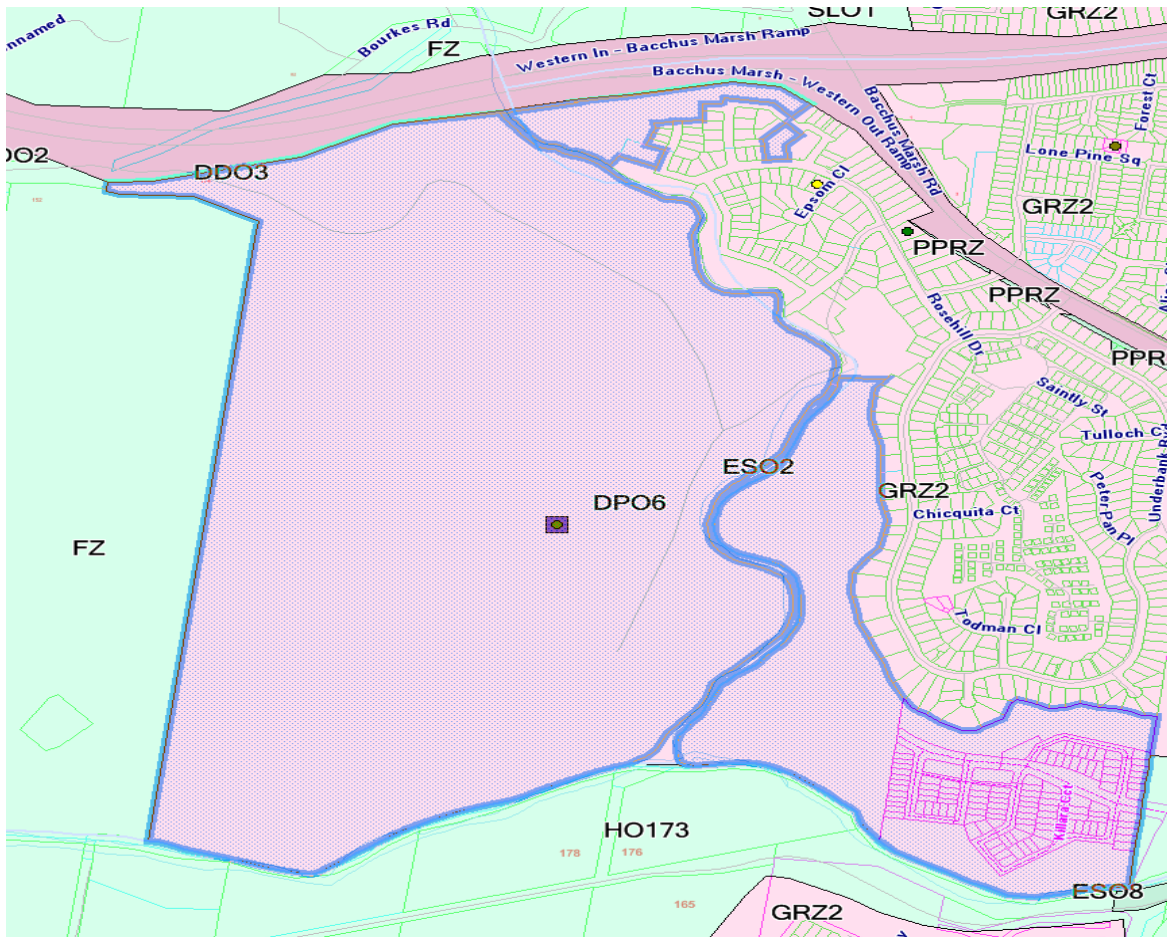
PUBLIC NOTICE

The application was exempt from the notice provisions in accordance with Development Plan Overlay Schedule 6.

LOCALITY MAP

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

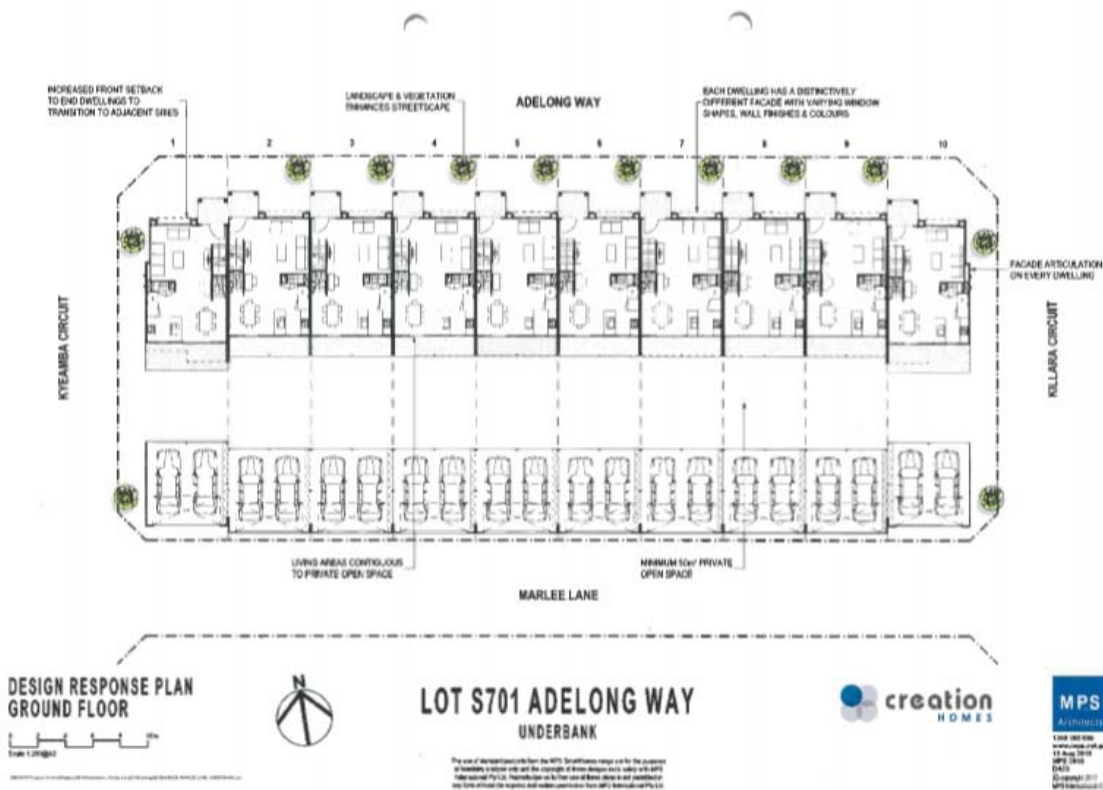
ZONE MAP BELOW



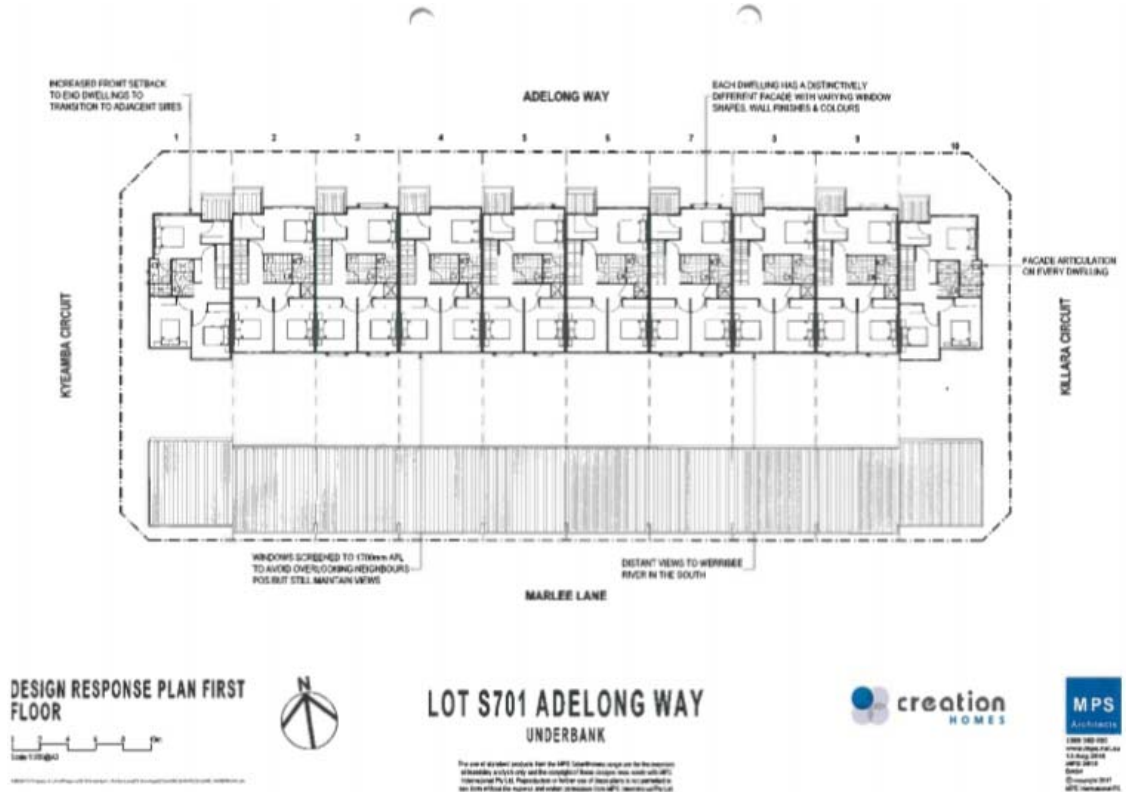
AERIAL PHOTOGRAPH



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ELEVATION PLAN



ELEVATION PLAN



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11.01-1R Settlement Central Highlands.
- Clause 11.03-3S Peri-urban areas.
- Clause 12.01-2S Native Vegetation Management
- Clause 12.05-2R Landscapes Central Highlands.
- Clause 15.01-5S Neighbourhood Character.
- Clause 16.01-2S Locational of Residential Development
- Clause 16.01-3S Housing Diversity
- Clause 19.03-2S Infrastructure Design and Provision
- Clause 19.03-3S Integrated Water Management
- Clause 21.03-2 Urban Growth Management.
- Clause 21.03-3 Residential Development.
- Clause 21.03-4 Landscape and Neighbourhood Character.
- Clause 21.07-2 Bacchus Marsh

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

PPF	Title	Response
Clause 15.01-5S	Neighbourhood Character	A strategy of this clause to ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character. The form, setbacks and design of the proposed dwellings in a highly exposed gateway location to a new residential estate will not respect the preferred neighbourhood character.
Clause 16.01-3S	Housing Diversity	The objective of this clause is to facilitate diverse housing that offers choice and meets changing household needs through: a mix of housing types. adaptable internal dwelling design and universal design. The proposal will replicate the future housing stock by been 3 bedrooms each and does not cater to different household types.
LPPF	Title	Response
Clause 21.03-3	Residential Development	An objective of this clause is to design housing to be adaptable for use by smaller households, the aged and people with disabilities. The proposal dwellings are not design for smaller household types.
Clause 21.03-4	Landscape and Neighbourhood Character	A strategy of this clause is to ensure development protects and enhances the existing character, built form, natural environment, country town scale and rural atmosphere of each town. The scale and bulk of the development will dominate the surrounding streetscape to be characterised by low horizontal rise dwellings with generous setbacks.

ZONE

The subject site is in the General Residential Zone, Schedule 2 (GRZ2).

The purpose of the Zone is:

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

Under Clause 32.08-6, a permit is required to construct two or more dwellings on the lot. The application must be assessed against Clause 55 of the Moorabool Planning Scheme.

Decision guidelines are listed under Clause 32.08-13, general decision guidelines include:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone. The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Decision guidelines specific to dwellings are:

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.

Part 1 of Schedule has the following neighbourhood character objectives:

- To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.
- To encourage an increase in landscaping within the public and private realm.
- To encourage new development to respect existing setbacks within the streetscape.
- To encourage new development to have minimal or low scale front fencing.
- To ensure garages, carports, and second storey development do not visually dominate dwellings or streetscapes

The garden space provision of Clause 32.08-4 does not apply with the following exemption - an application to construct or extend a dwelling or residential building on a lot if: The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan.

OVERLAYS

Development Plan Overlay Schedule 6

Pursuant to Clause 43.04-1 of the Moorabool Planning Scheme a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay in accordance with the Development Plan.

The objectives of Schedule 6 of the Development Plan Overlay are:

- Planning for residential and associated development in a logical, cost effective and sequential manner.
- Efficient use of infrastructure, and land, and management of any impacts on the environment and amenity.
- Identification and effective management of sites of environmental, heritage and landscape significance.
- Co-ordinated provision of utility services and drainage.
- Co-ordinated provision of physical and community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds.
- Preparation of an integrated development plan generally in accordance with the Underbank Farm Concept Plan shown in Clause 5.0 of this Schedule.

Relevant Policies

Housing Bacchus Marsh to 2041

Council has prepared a housing strategy called Housing Bacchus Marsh to 2041, to address how it will manage growth pressures and preserve important neighbourhood character into the future. Bacchus Marsh has been specifically identified in Plan Melbourne and the Central Highlands Regional Growth Plan as a suitable location to accommodate growth. Key reasons for this strategic direction relate to Bacchus Marsh's regional service centre role, its relative accessibility to Melbourne, Geelong and Ballarat, its well established town centre and the availability of greenfield and infill development opportunities. Housing Bacchus Marsh 2041 is one of several key projects that will be inputs into the preparation of Moorabool 2041

Particular Provisions

Clause 52.06 Car Parking

Under Clause 52.06-5, each 3 bedrooms dwelling requires two on site car spaces. Two spaces are provided to the rear of each dwelling. One visitor car space is required for each five dwellings, therefore a total of two visitor spaces is required for this proposal. No visitor car parking is provided.

A permit is required under Clause 52.06-3 to waiver the two visitor car parking spaces.

Before granting a permit, the responsible authority must consider, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre. Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas. Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

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

Clause 55 ResCode	Title	Response
55.02-1	Neighbourhood Character	Inconsistent with the preferred neighbourhood character.
55.02-3	Dwelling Diversity	The requirement applies to ten or more dwellings and there is no diversity of dwelling sizes and types.
55.03-9	Access	Almost the entire rear frontage, Maree Lane is covered by crossovers. There has been no attempt to create break in the rear frontages through single garage spaces.
55.04-2	Walls on Boundaries	The rear garages do not achieve the minimum 1m setback requirement and is indicative of an overdevelopment of the site.
55.05-1	Accessibility	There has been no attempt to assist people with limited mobility.
55.05-5	Solar Access to Open Space	Units 1 and 8 have part of the rear wall that does not achieve the minimum setback of 6.68 metres. These dwellings will have poor internal amenity.
55.05-6	Storage	The plans fail to show the exact location of the 6m ³ storage space. The applicant has stated they will be within the garage but it is unclear whether there is sufficient space to accommodate the storage area.
55.06-1	Detailed design	The materials and finishes do not allow for a sympathetic development within a new residential estate.

DISCUSSION

Detailed design and Neighbourhood Character

The applicant has decided on a design response that is consistent with a highly urbanised setting typically close to train stations and other amenities. Attached double storey dwellings with minimal setback does work effectively in the inner suburbs of Melbourne. The proposal is located in a new residential estate that will be characterised by single dwellings on moderate sized lots and generous setback arrangements. The medium density housing site has an exposed location facing the main east-west carriageway road called Adelong Way and has roadways on all four sides. The applicant has decided to undertake cuboid building form with sheer vertical walls, minimal levels of building articulation and relatively flat roof form. The minimal front setbacks in combination that all ten dwellings are attached provides for minimal landscape treatments to soften the built form. The building design will create excessive visual bulk and massing. This development will compete with the future detached housing that will occupy the surrounding lots. By squeezing ten dwellings across this one lot is a poor design response. There is a lack opportunities to provide first floor setbacks, increased side setbacks or suitable landscaping treatments based on the current layout of the dwellings. The dwellings will provide for low levels of internal amenity. The proposed dwellings clearly represent an overdevelopment of the site.

Car Parking

A new residential estate will not encounter car parking problems compared to other sites that do not have off street parking spaces. There is no justification to not provide two visitor car spaces within the development that can then service future visitor demand rather than relying instead with the on street car parking spaces. This will create in the future a greater demand for on street parking immediately adjacent to this site. The applicant has stated in their planning report that there are 8-11 on street car spaces within the vicinity of the development and public transport will be available in the future. A well designed medium density housing development that has a large number of dwellings will include on site visitor parking as it eases the pressure on the surrounding on street parking network and also provides for convenient and safe access to the dwellings. When visitor parking has been provided within large scale developments they have been regularly used and add value to the development. In a new residential estate, a car parking reduction should not be approved as it will undermine liveability of the area and create future problem for future residents.

Development Plan Overlay

The subdivision approved showed Lot S701 as a super lot. The planning consultant, Taylors provided a more detailed masterplan for Stage 5-9 subdivision that showed for this particular lot accommodating 6 future lots with lot widths varying between 9 and 10 metres. It would have been expected that 6 attached dwellings to be constructed over this super lot. The current proposal is for 10 dwellings. This level of intense building development was not expected or planned for in the approval of the subdivision planning permit that created Stages 5-9. The super lot as a solely future medium density site is consistent with the development plan overlay however due to the number of non compliances with the standards of Rescode is the wrong design response for a medium density development. An alternative medium density development could comply with the Rescode standards but would involve a reduction in the number of dwellings proposed. The applicant is unwilling to have compliant development proposal and is not receptive to making changes to their current plans.

Strategic Planning

Council's Strategic Planning identified design problems including the solar access to open space. They suggested a re-design of 5 dwellings to 2 bedrooms, a re-design of 5 dwellings to have a bedroom on the ground floor level, the double garages to be replaced by roller doors to create more open space and the provision of 4 bicycle spaces. The applicant has not undertaken any re-design of the dwellings.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
Infrastructure	No objection subject to seven conditions
Strategic Planning	No objection, recommended changes to the plans.

FINANCIAL IMPLICATIONS

There are no financial implications in refusing (not supporting) this development application.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The recommendation of refusal (not supporting) of this development does not implicate any risk or OH&S issues to Council

COMMUNICATIONS STRATEGY

The application was exempt from the notice provisions. The applicant was invited to attend this meeting and invited to address Council if required.

OPTIONS

Council could consider the following options:

- Advise VCAT at the hearing it does not support the application in accordance with the recommendations of this report;
- Should Council wish to consider advising VCAT of support of the application, Councillors need to explore reasons based on the proposal complying with the Moorabool Planning Scheme.

CONCLUSION

The proposal is for ten dwellings in an attached building form with a reduction of the two visitor car spaces is an overdevelopment of the site that will create adverse streetscape impacts. This is due to excessive visual bulk and massing and poor internal amenity provision for future residents. The design and layout does not achieve the required level sort under Clause 55, Rescode. The car parking reduction is not appropriate for a new residential estate which should be seeking improved liveability compared to existing established areas.

The applicant does not want to engage with Council officers to explore alternative design responses and instead has lodged a failure to determine the application within the prescribed time. It is recommended Council not support the application and advise VCAT of its position.

Layout Index	Layout Name
DA01	COVER PAGE
DA02	NEIGHBOURHOOD AND SITE DESCRIPTION PLAN
DA03	DESIGN RESPONSE PLAN GROUND FLOOR
DA04	DESIGN RESPONSE PLAN FIRST FLOOR
DA05	SUBDIVISION PLAN
DA06	SITE PLAN
DA07	OVERALL GROUND FLOOR
DA08	OVERALL FIRST FLOOR
DA09	FENCING & REFUSE PLAN
DA10	LANDSCAPE PLAN
DA11	ELEVATIONS
DA12	ELEVATIONS
DA13	SUN SHADOW PLAN - 9AM
DA14	SUN SHADOW PLAN - 12PM
DA15	SUN SHADOW PLAN - 3PM
DA16	COLOUR SCHEDULE



COVER PAGE

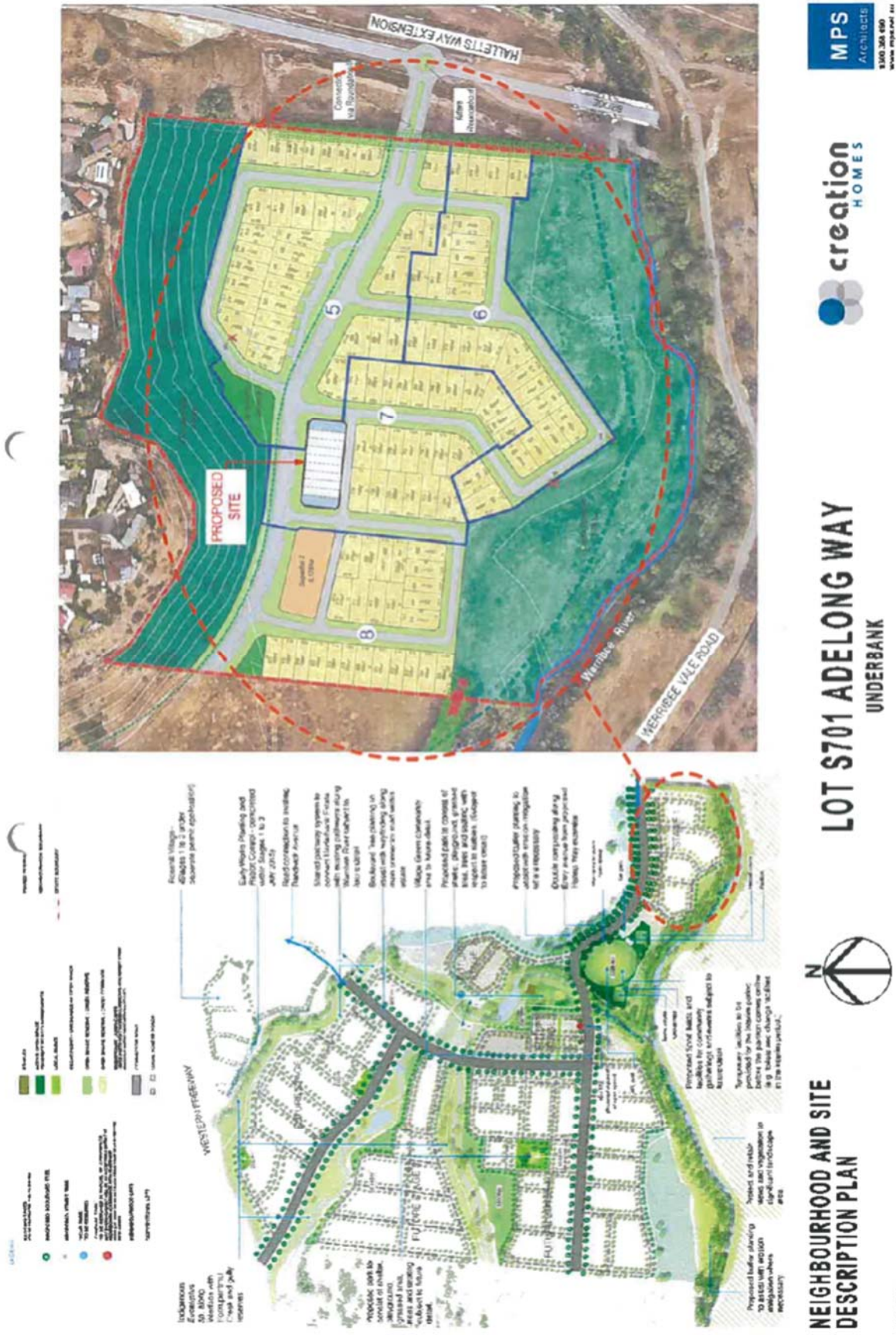
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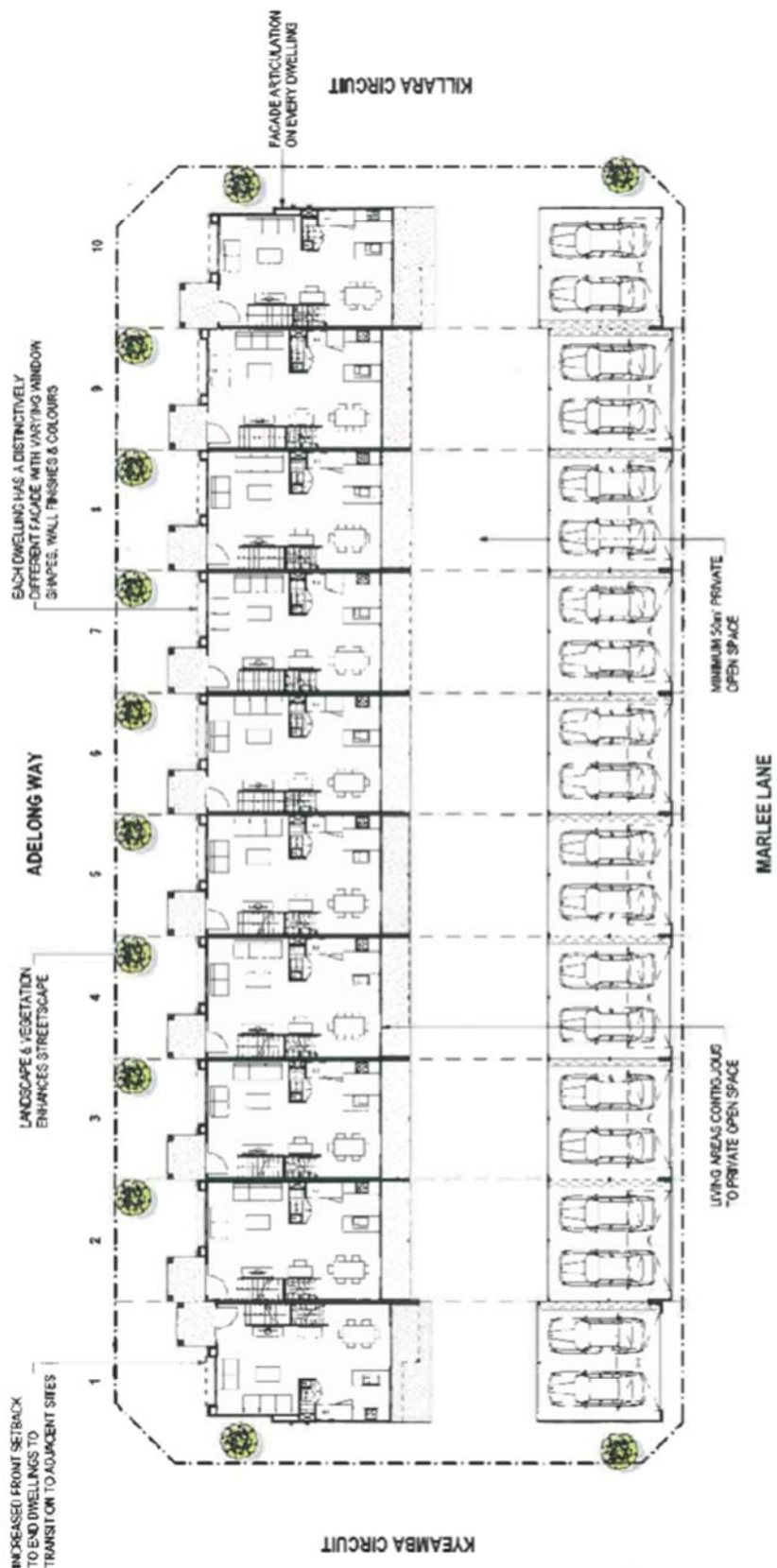


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DESIGN RESPONSE PLAN
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DESIGN RESPONSE PLAN FIRST FLOOR



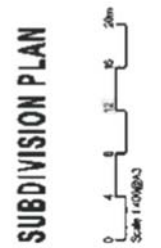
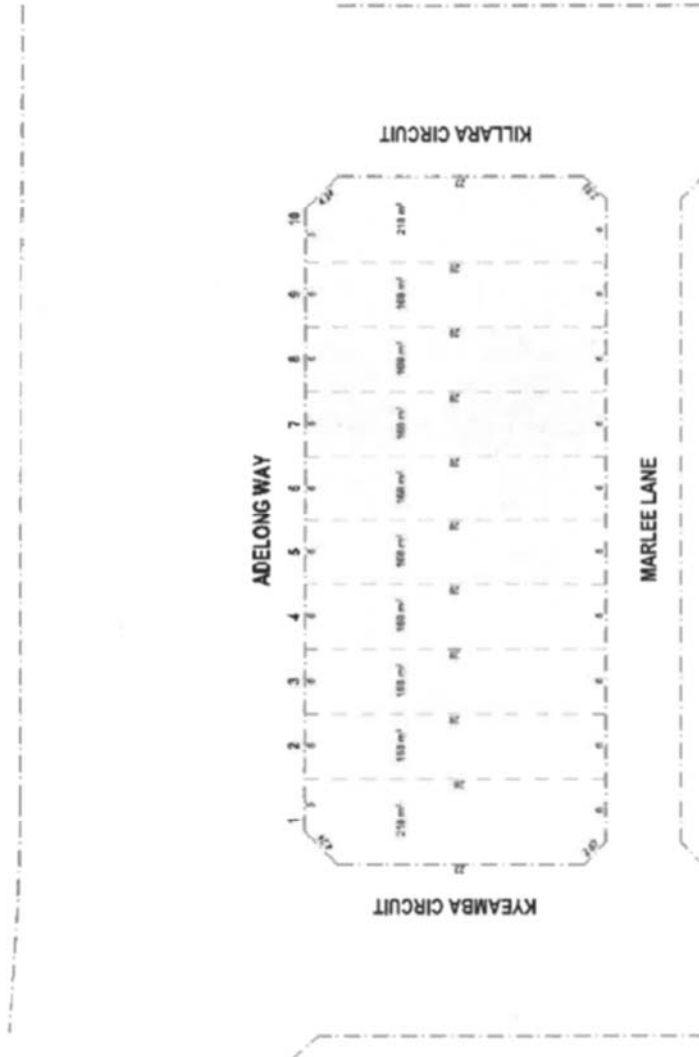
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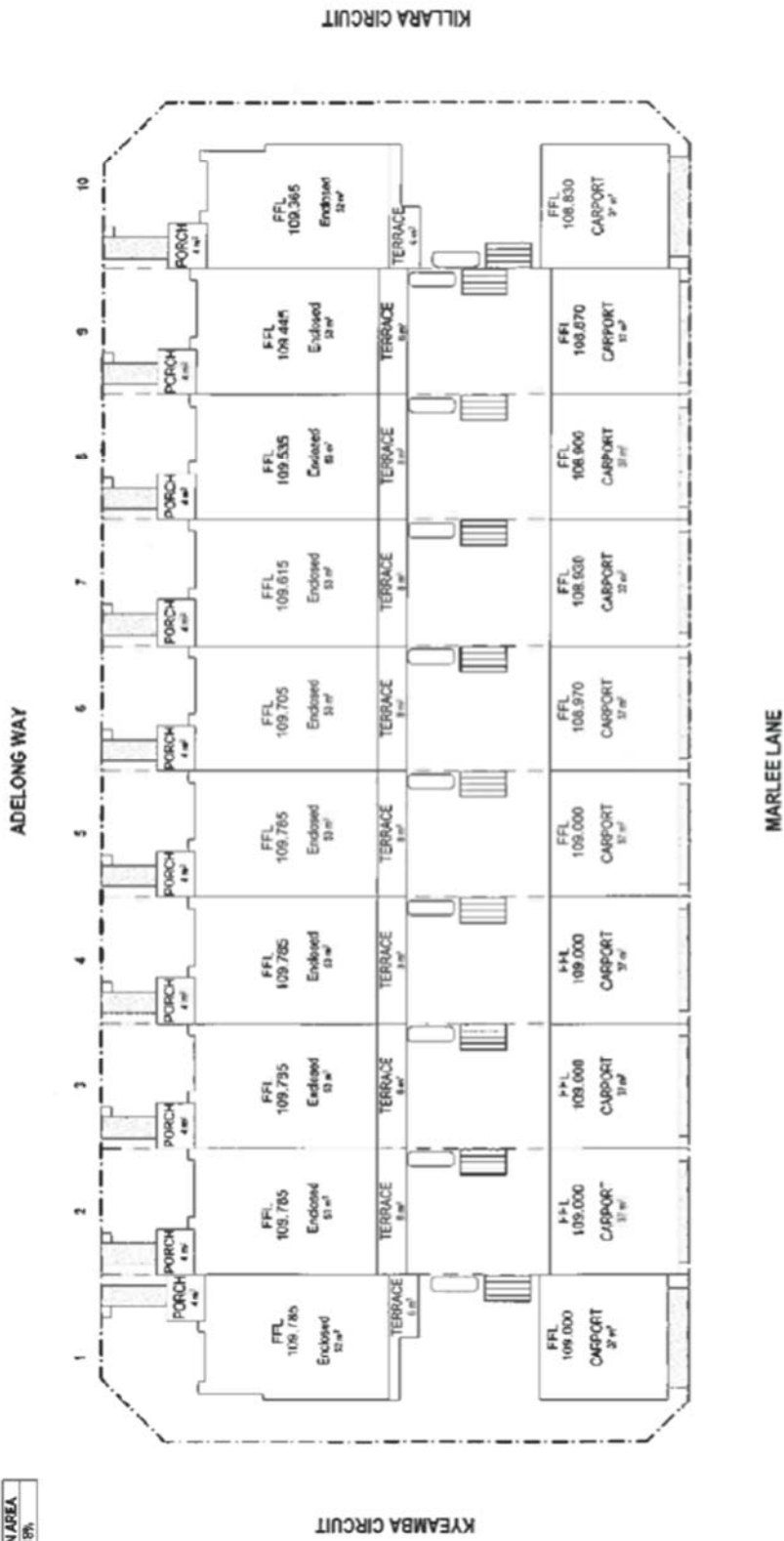
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NOTE:
LEVELS ARE INDICATIVE AND SUBJECT
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SITE COVERAGE	57.55%
PERMEABLE AREA	38.69%
GARDEN AREA	40.48%



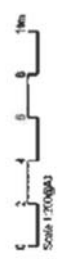
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OVERALL GROUND FLOOR

Scale 1:200(As)

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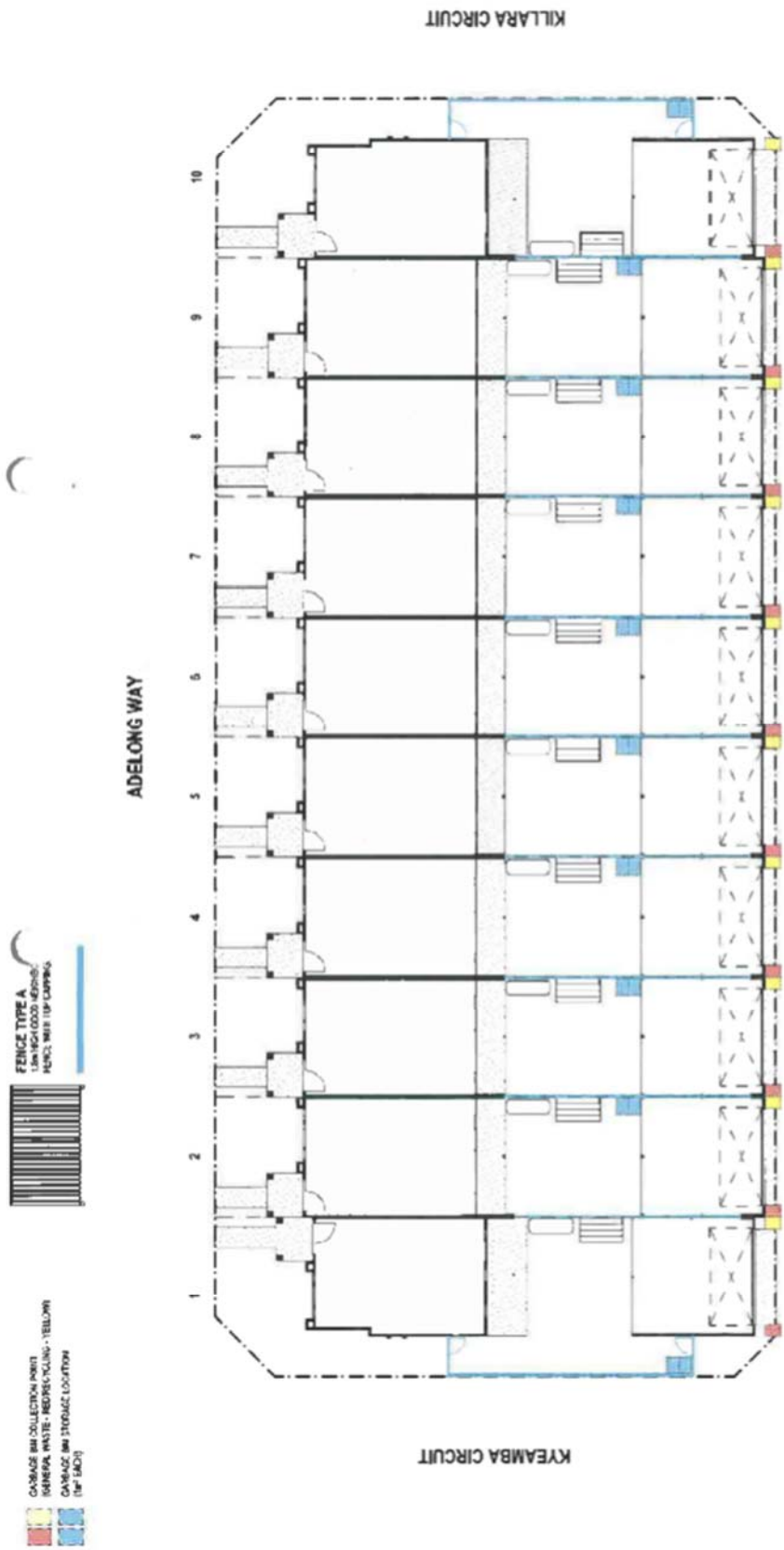
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OVERALL FIRST FLOOR



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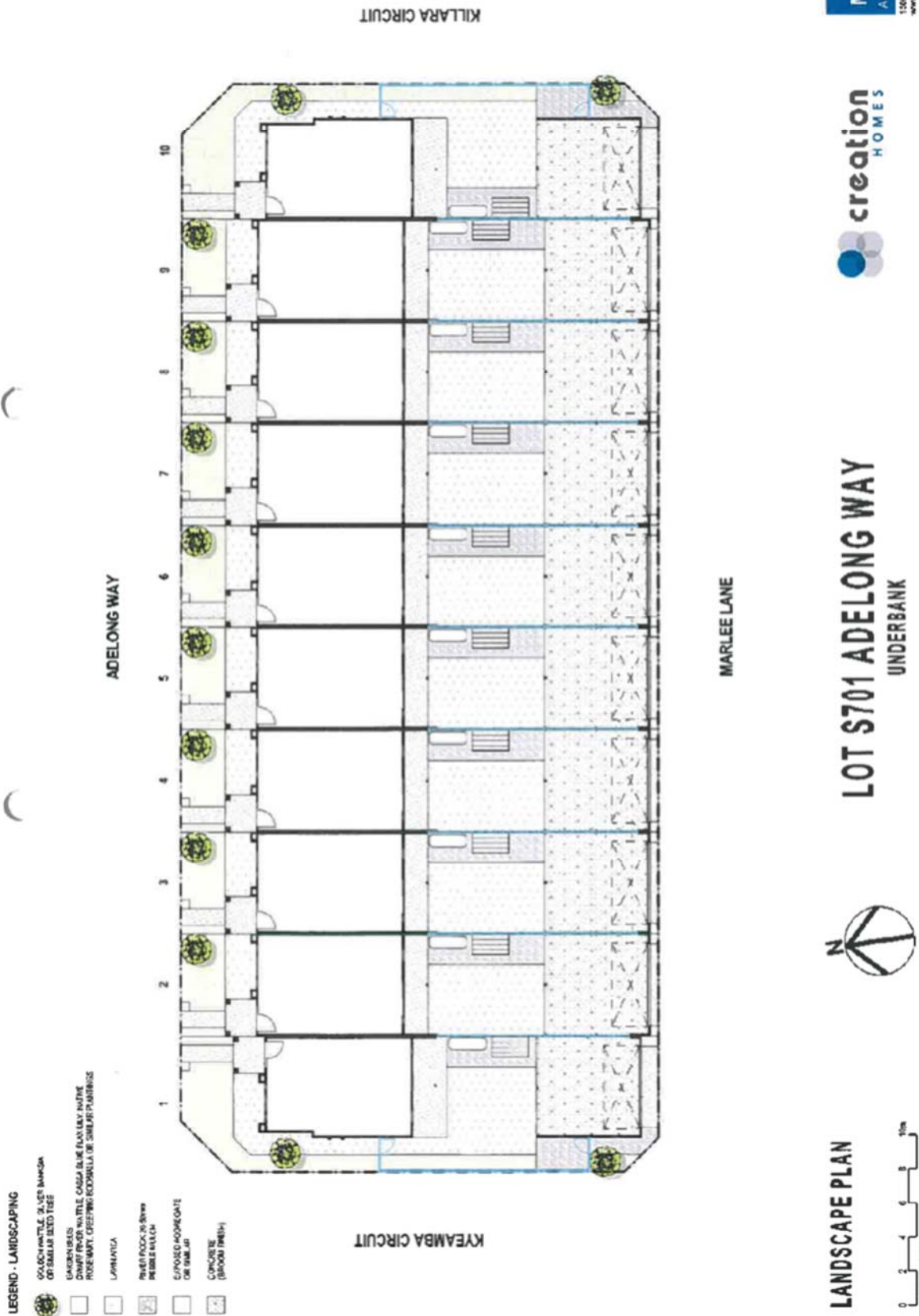
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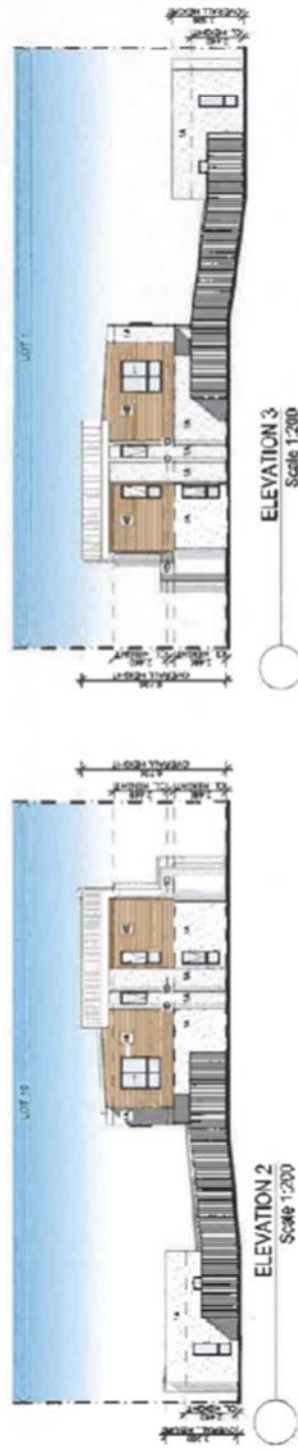


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LANDSCAPE PLAN
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ELEVATIONS



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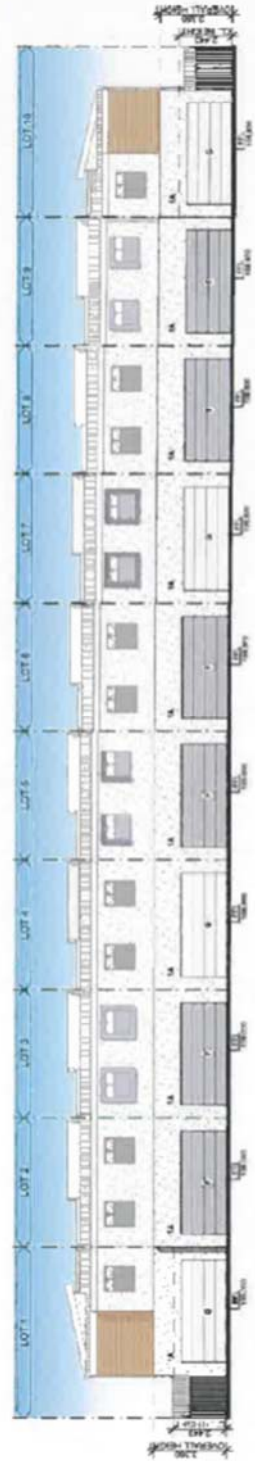
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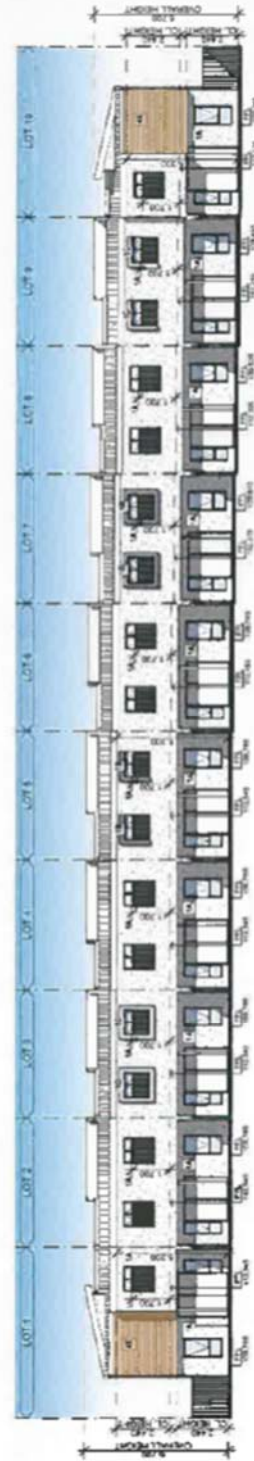




LEGEND
 ROAD PRIVACY SCREEN
 (90 MM, 1700mm x 1.8L)



ELEVATION 4
 Scale 1:200



ELEVATION 5
 Scale 1:200

ELEVATIONS

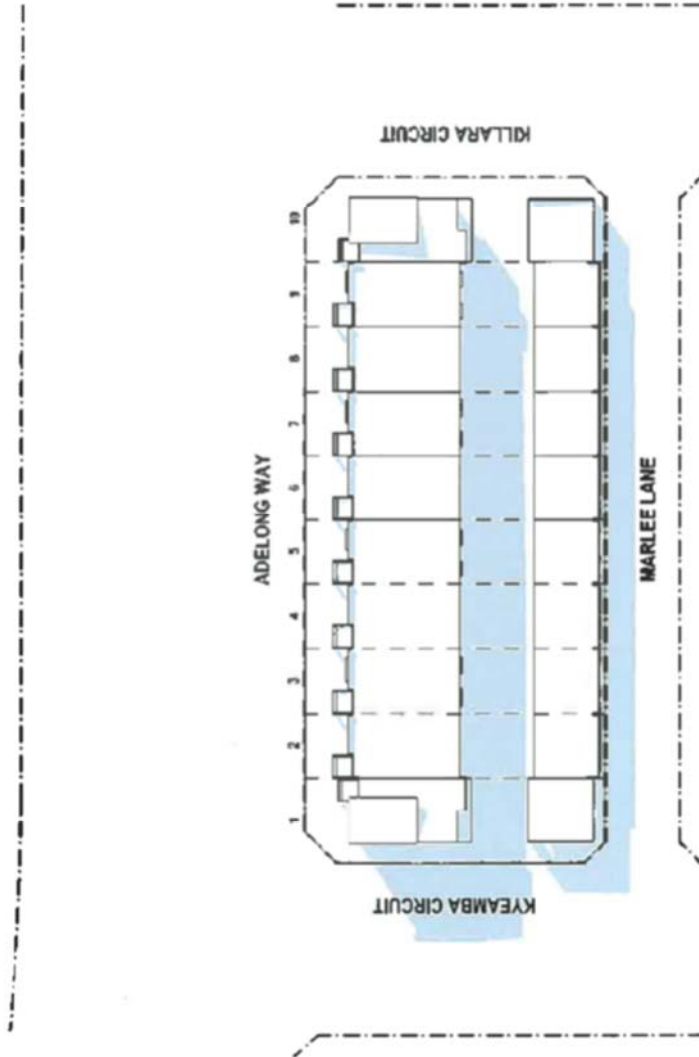


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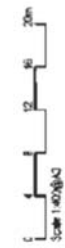


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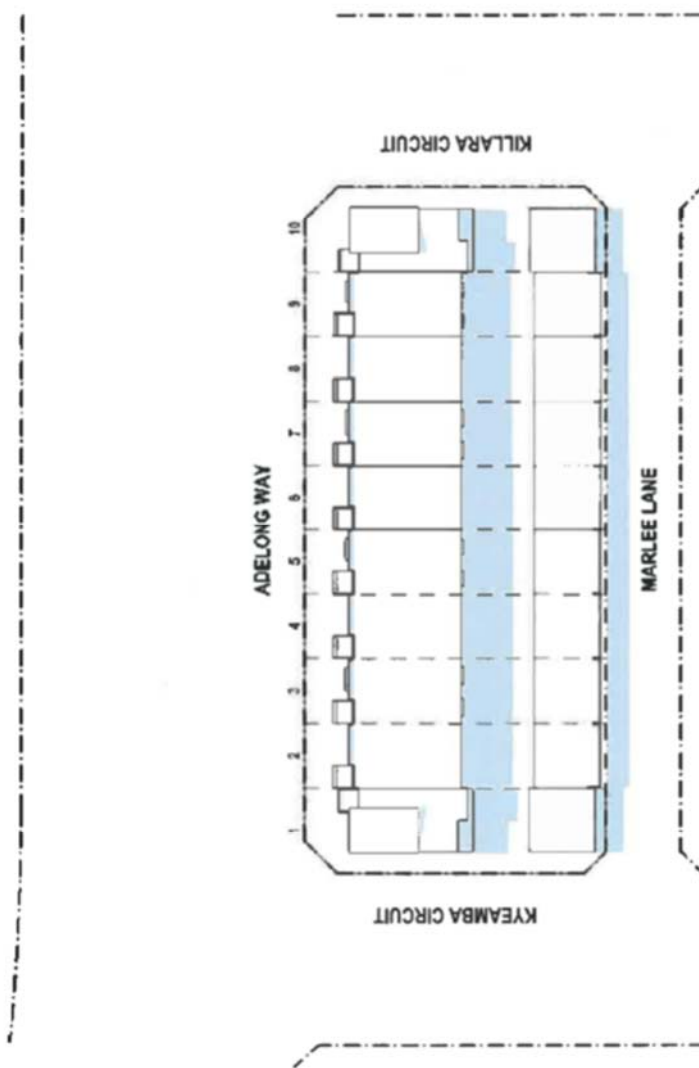
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SUN SHADOW PLAN - 9AM



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SUN SHADOW PLAN - 12PM

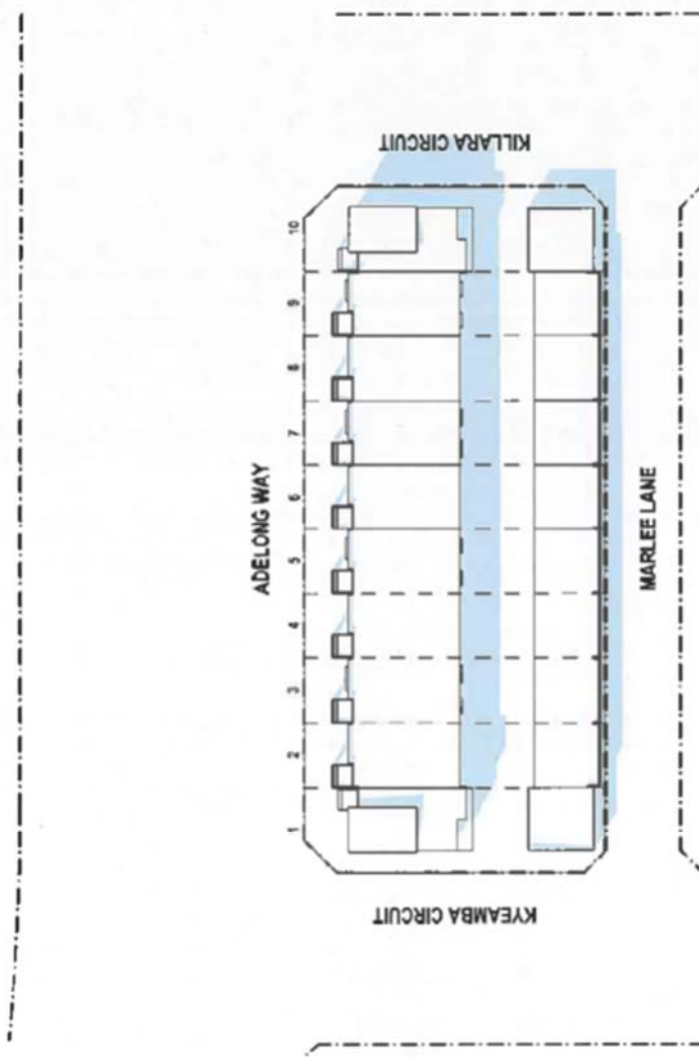


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SUN SHADOW PLAN - 3PM



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EXTERIOR COLOUR SCHEDULE

COLOURS AND MATERIAL FINISHES ARE INDICATIVE ONLY

Colorbond Roof		Colorbond Baseal	Colorbond Surfplast	Colorbond Surfplast	Fascia - Feature end skillion		Colorbond Surfplast
Gutters & Fascia		Colorbond Baseal	Colorbond Baseal	Colorbond Baseal	Fascia - Feature end skillion		Colorbond Surfplast
Downpipes		Colorbond Surfplast	Colorbond Baseal	Colorbond Baseal	Garage Door		Colorbond Surfplast
Primary Colour		Colorbond Surfplast	Colorbond Baseal	Colorbond Baseal	Window & Door Powdercoating		Colorbond Surfplast
Feature Cladding		Timbermate Alpha Stone	Colorbond Night Sky	Colorbond Night Sky	Fencing		Aluminium Powdercoated Baseal
		Soyen Avon 123					Soyen Lines
		Soyen Delta					Soyen Matrix 1150 x 1150

FEATURE COLOURS



C Timbermate Fused Iron



B Timbermate Green



D Timbermate Almond Wall



E Timbermate Natural Stone

TIMBER LOOK

NOTE: FRONT DOORS TO MATCH FEATURE CLADDING

COLOUR SCHEDULE

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8.8 PA2019070 - CONSTRUCTION OF ONE DWELLING TO THE REAR OF AN EXISTING DWELLING AND VEGETATION REMOVAL. 78 SIMPSON STREET, BALLAN.

Author: Mark Lovell, Senior Statutory Planner
Authoriser: Satwinder Sandhu, General Manager Community Planning
Attachments: 1. Plans

APPLICATION SUMMARY

Permit No: PA2019070
Lodgement Date: 15 March, 2019
Planning Officer: Mark Lovell
Address of the land: Lot 12 on PS216019Q, 78 Simpson Street, Ballan
Proposal: Construction of single storey dwelling to the rear an existing dwelling
Lot size: 884m2
Why is a permit required? Clause 32.08 – General Residential Zone – Construct two or more dwellings on a lot. Clause 42.01 – Environmental Significance Overlay – Vegetation removal

RECOMMENDATION

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

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans prepared by Ultimate Design and Drafting P/L, but modified to show:
 - a. Increase the width of the secluded private open space to the existing dwelling by 1 metre achieved by moving Unit 2 and the car spaces to both dwellings 1 metre to the north
 - b. Increase the western setback to Unit 2 by 450mm to achieve a minimum width of 3 metres to the boundary.
 - c. Plan annotated that the western boundary fence will be replaced at the owner's expense to a minimum height of 1.8 metres and to taper down to a height of 1.2 metres within the front setback area.
 - d. Specify the minimum width of the internal common driveway
 - e. Submit complete elevation plans including the north elevation of the existing dwelling and the south elevation of the proposed dwelling.

- f. Specify the window sill level to the northern highlight windows to the existing dwelling.
 - g. Show the location of any external air conditioning and heating unit to each dwelling.
 - h. Remove the new pedestrian path to the existing dwelling that connects to the street frontage to provide for a greater landscaped area in the front setback. The new pedestrian path connecting to the common property driveway will be retained.
 - i. A schedule of external building colours and materials, including colour samples.
 - j. Correct the numbering of the bedrooms to the proposed dwelling.
 - k. Submission of a landscape plan in accordance with condition 5 and including:
 - i. A minimum of two canopy trees with a mature height of minimum 5.0m and canopy of minimum 3.0m in the front setback area of the existing dwelling
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

Amenity:

3. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
4. Any security alarm or similar device installed must be of a silent type.

Landscape Plans:

5. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plan dated (insert date) prepared by (specify consultant), except that the plan must show / The plan must show:
 - a. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c. details of surface finishes of pathways and driveways
 - d. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e. landscaping and planting within all open areas of the site

6. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Infrastructure:

8. The existing gravel vehicle crossing must be constructed with concrete to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
9. 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.
10. 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.
11. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
12. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
13. 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.
14. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
15. 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).

- 16. 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.**
- 17. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**
- a. Location of vehicle crossings.
 - b. Details of the underground drainage.
 - c. Location of drainage legal points of discharge.
 - d. Standard details for vehicle crossing and legal point of discharge.
 - e. Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Southern Rural Water and Western Water:

- 18. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution Control, shall be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.**

Permit expiry:

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

PUBLIC CONSULTATION	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	Two.
Consultation meeting:	No, the applicant does not want to undertake consultation with the objectors.

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General 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.
Any issues raised in referral responses?	No.
Preliminary concerns?	Yes, concerned with the layout of Unit 2 and the car parking areas.
Any discussions with applicant regarding concerns?	The Council officer wrote to the applicant about the abovementioned concerns.
Any changes made to the application since being lodged?	Revised vehicle turning swept paths were submitted.
Brief history.	Council previously refused an application on the site for two additional dwellings to the rear of the existing dwelling.
Previous applications for the site?	PA2017206 was refused on 21 November, 2018 for the development of two (2) dwellings to the rear of the existing dwelling and vegetation removal.
General summary.	The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme and would contribute to housing choice in an area well located in relation to infrastructure and services. There would be no unreasonable amenity impacts on neighbours and the proposal is generally respectful of the surrounding neighbourhood character. Concerns with the building layout can be addressed with the submission of revised plans.

Summary Recommendation

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issue a Notice of Decision to grant a permit for construction of a single storey dwelling at the rear of the existing dwelling and vegetation removal at 78 Simpson Street, Ballan

SITE DESCRIPTION

The site, identified as Lot 12 on PS 216019Q and known as 78 Simpson Street Ballan, is a rectangular shape with a 17.5 metres wide frontage, 50.52 metres length for an overall area of 884sq m. The site is located on the north side of the street roughly equidistant from Roch and Blow Courts. The site contains a single storey brick dwelling with a low pitched hipped roof and ancillary outbuildings in the rear setback, with vehicle access obtained via a single width crossover adjacent to the west title boundary. The site falls by 0.5-0.6m from front to rear and is encumbered by a 2.0 metres wide drainage and sewerage easement parallel to the rear boundary.

The site and surrounding land is in the General Residential Zone, Schedule 1 and comprises mostly single dwellings although there are several unit developments nearby in Simpson Street. The site is within 400m walking distance of shopping and community facilities, the Ballan Hospital and public open space. To the north of the subject site is a single storey dwelling fronting Roch Court, to the east and west, and across Simpson Street to the south, are single storey dwellings fronting Simpson Street. All reticulated services are available.

PROPOSAL

It is proposed to construct a single storey dwelling to the rear of an existing three bedroom dwelling. The new dwelling will consist of four bedrooms, combined kitchen, meals and living room, bathroom, laundry and toilet. To the side of the dwelling will be a double lock up garage providing for two car spaces. The new dwelling will be comprised of face brickwork walls, aluminium framed windows, tiled roofing, Colourbond® facias and guttering, and Colourbond® panel lift garage doors. The existing dwelling will have a new single carport and a tandem visitor space, all accessed from a common driveway adjacent to the western property boundary. Some vegetation in the secluded private open space to the existing dwelling will need to be removed to facilitate this development

HISTORY

Planning application PA2017206 was refused on 21 November 2018 for the development of two (2) dwellings to the rear of the existing dwelling and vegetation removal. The following were the grounds of refusal

1. The proposed development does not accord with the existing neighbourhood character of this part of Ballan.
2. The development does not generally accord with the intent of Ballan Strategic directions, Precinct A, Natural Residential Growth Area as it is considered an overdevelopment of the site.
3. The proposal does not respect the existing or preferred neighbourhood character.
4. The proposal does not comply with all the relevant objectives of clause 55 of the Moorabool Planning Scheme.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners.

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
Incorrect information in the applicant planning report and incorrect detailing on the plans	
Officer's Response: It is acknowledged the applicant has made errors on the plans and in their written documents. Plans can be amended with the correct details	
Shadow diagrams do not address 76 Simpson Street/ Overshadowing to 76 and 80 Simpson Street.	Requirement under ResCode standard B21
Officer's Response: The applicant did not submit the afternoon shadow diagram (3pm during the equinox). Shadowing of both adjacent properties is not unreasonable affected by overshadowing and complies with the standard.	
Objection	Any Relevant Requirement
No stormwater plan	Council's Infrastructure
Officer's Response: A Stormwater plan does not need to be submitted at the planning stage and is effectively dealt with prior to the issue of a Building Permit.	
Objection	Any Relevant Requirement
Car lights affecting the windows to 76 Simpson Street	
Officer's Response: It not unreasonable that during night time for a vehicle to have its lights on which can project onto adjacent properties for a short period of time.	
Objection	Any Relevant Requirement
Insufficient car parking / Safety in Simpson Street.	Clause 52.06
Officer's Response: The proposal provides the required minimum of two car spaces to each three bedroom or more dwelling.	

Objection	Any Relevant Requirement
Streetscape of Simpson Street, will change the existing and preferred neighbourhood character / Affecting lifestyle and amenity of the area.	Requirement under ResCode standard B1.
<p>Officer’s Response:</p> <p>With retention of the existing dwelling and locating one dwelling to the rear will not adversely affect the existing neighbourhood character.</p>	
Noise impacts	
<p>Officer’s Response:</p> <p>An additional dwelling should not create unreasonable noise impacts. The location of external air conditioners or heating units can be requested as part of the submission of revised plans.</p>	

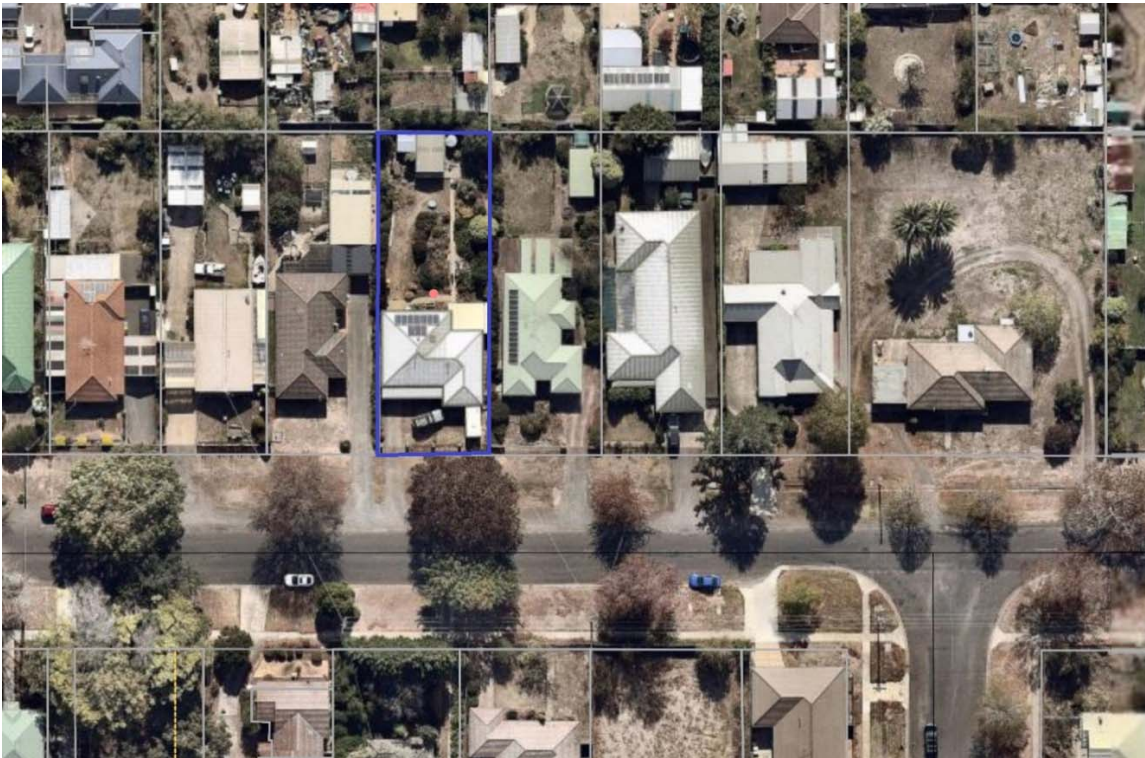
LOCALITY MAP

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

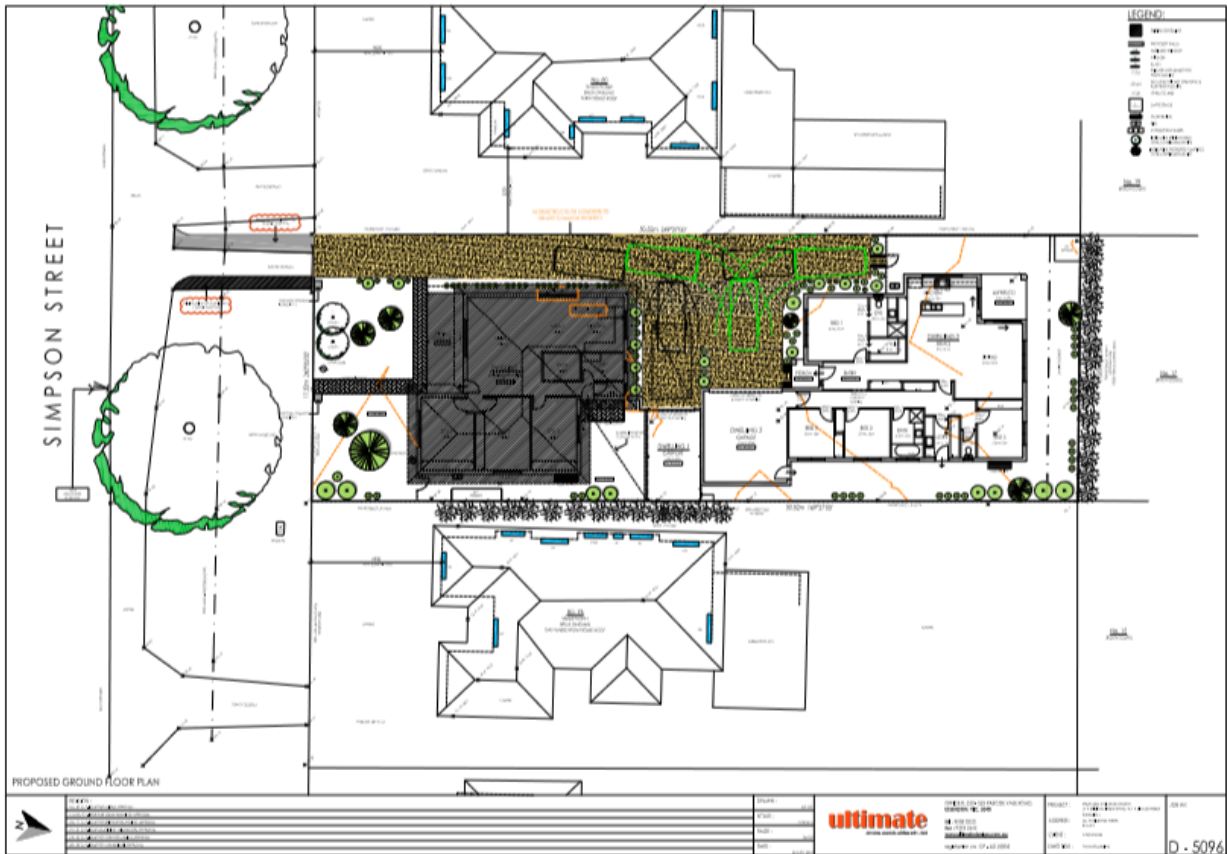
ZONE MAP



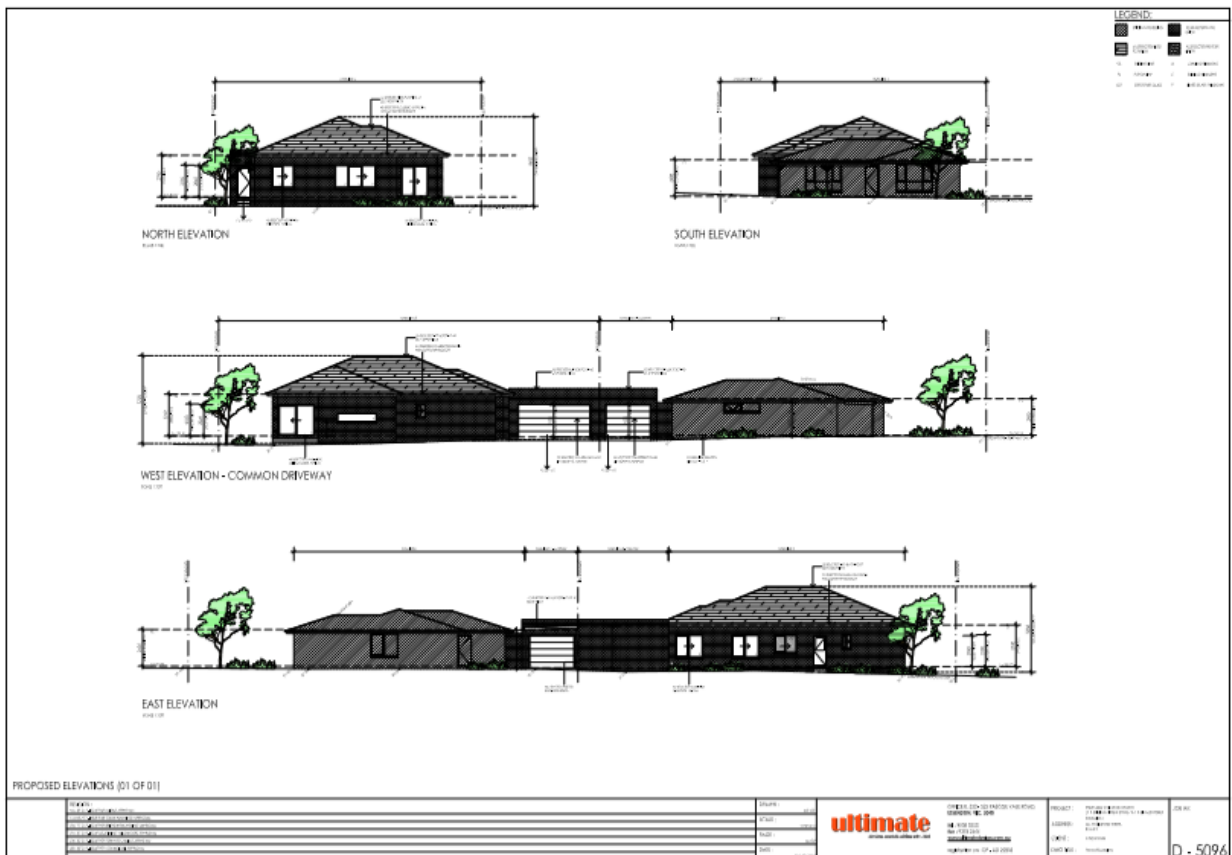
AERIAL PHOTOGRAPH BELOW



FLOOR PLAN



ELEVATION PLAN



PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11.03-3S Peri-urban areas
- Clause 14.02-2S Water quality
- Clause 15.01-5S Neighbourhood character
- Clause 16.01-2S Location of residential development
- Clause 16.01-3S Housing diversity
- Clause 21.02-3 Water and Catchment Management
- Clause 21.03-2 Urban Growth Management
- Clause 21.03-3 Residential Development
- Clause 21.03-4 Landscape and Neighbourhood Character
- Clause 21.08 Ballan
- Clause 22.02 Special Water Supply Catchments

ZONE

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

The purpose of the Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 32.08-4 a lot of more than 650sq m must provide a minimum 35% of the lot area as garden area.

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

OVERLAYS

The site is affected by Environmental Significance Overlay, Schedule 1, due to the location in a Special Water Supply Catchment.

Under Clause 42.01-2 a permit is required to construct buildings and works and remove or destroy vegetation.

Under Schedule 1 there is an exemption for the development of a dwelling connected to sewer and discharging stormwater to an approved drainage system. In this instance, under this Overlay a permit is only required for vegetation removal.

Relevant Policies

Ballan Strategic Directions

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

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

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

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

Particular Provisions

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being two spaces for each three bedroom dwelling in accordance with Clause 52.06.

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.

DISCUSSION

The applicant compared to the previous refusal on the same parcel of land has removed one dwelling from the development to reduce amenity impacts to the adjacent properties. As identified in the early stages of the application, the layout of Unit 2 has not effectively utilised the available land area by not maximising the secluded private open spaces and creating difficult and dangerous access arrangements to the car spaces. This can be resolved by shifting all of Unit 2 and the garage/carport spaces by 1 metre to the north. The layout change allows for more useable secluded private open space to the existing dwelling; less overshadowing of the secluded private open space to the existing dwelling caused by the carport; easier access to the carport to the existing dwelling; and safe egress from the double garage to the proposed dwelling. A slight increase in the western setback to the proposed dwelling to create a useable 3 metres in width secluded private open space area is also required. Revised plans will allow for an acceptable design response.

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.

This proposal is considered consistent with these decision guidelines.

REFERRALS

Authority	Response
Infrastructure	No objection subject to ten conditions

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

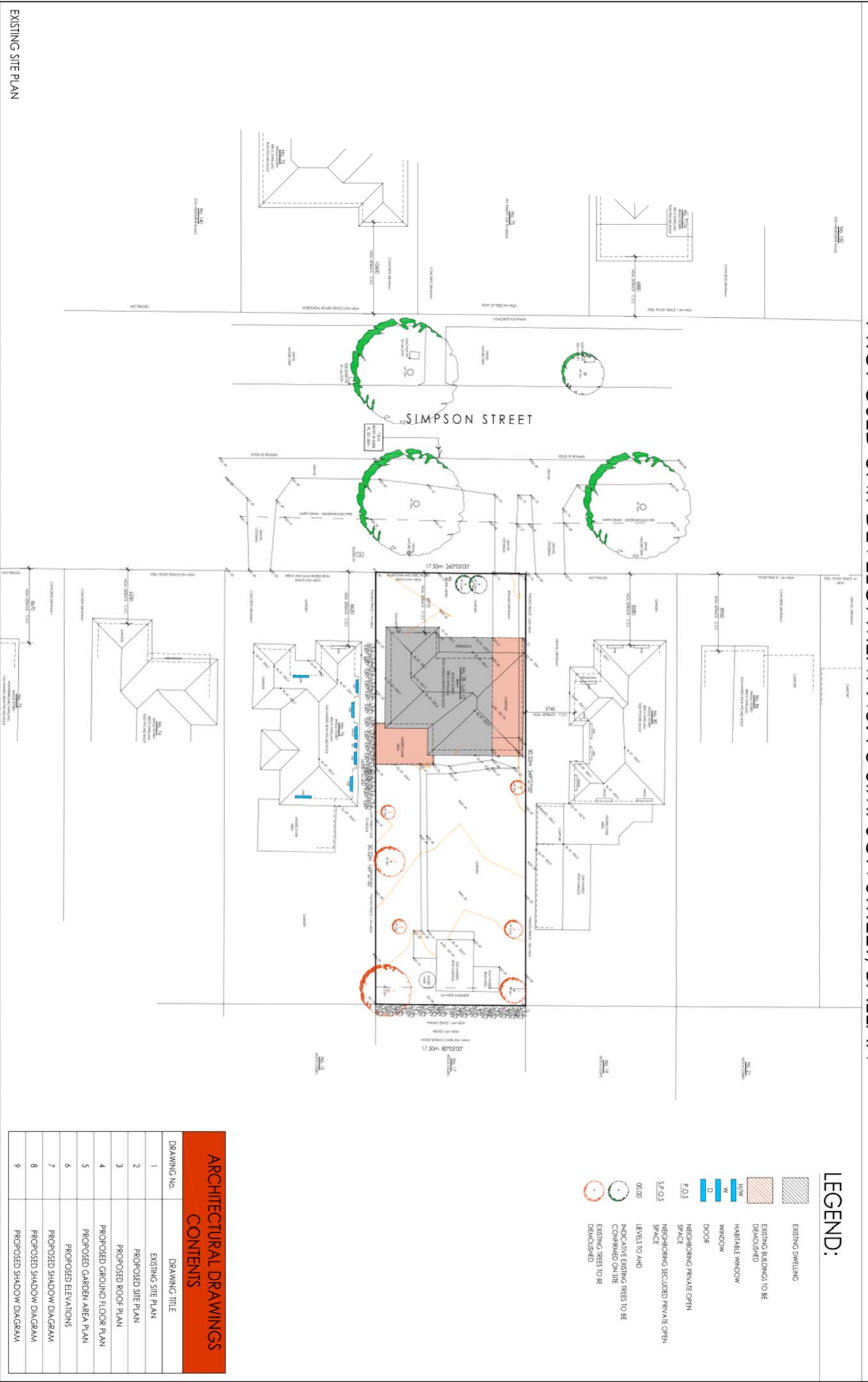
Council could consider the following options:

- Issue a notice of decision in accordance with the recommendation of this report;
- Issue a notice of decision with amendments to the recommended conditions of this report;
or
- Should Council wish to consider refusing the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme

CONCLUSION

The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme and would contribute to housing choice in an area well located in relation to infrastructure and services. The dwellings would be of a conventional design, which in the context of the area is acceptable, onsite amenity for future residents would be acceptable and there would be no unreasonable amenity impacts on neighbours. The design response is considered to be appropriately responsive to the neighbourhood character of the area. Vegetation removal will be controlled by a standard sediment control condition. Altered layouts and setbacks to the proposed dwelling can be resolved through the submission of revised plans.

PROPOSED UNIT DEVELOPMENT NO. 78 SIMPSON STREET, BALLAN



EXISTING SITE PLAN

REVISIONS:

20.11.17	17 - 002 FOR TOWN PLANNING APPROVAL
20.11.17	17 - 002 FOR TOWN PLANNING APPROVAL
20.11.17	18 - 002 FOR TOWN PLANNING APPROVAL
20.11.17	18 - 002 FOR TOWN PLANNING APPROVAL
20.11.17	18 - 002 FOR TOWN PLANNING APPROVAL

SCALE: 1:200

DATE: 20.11.2014

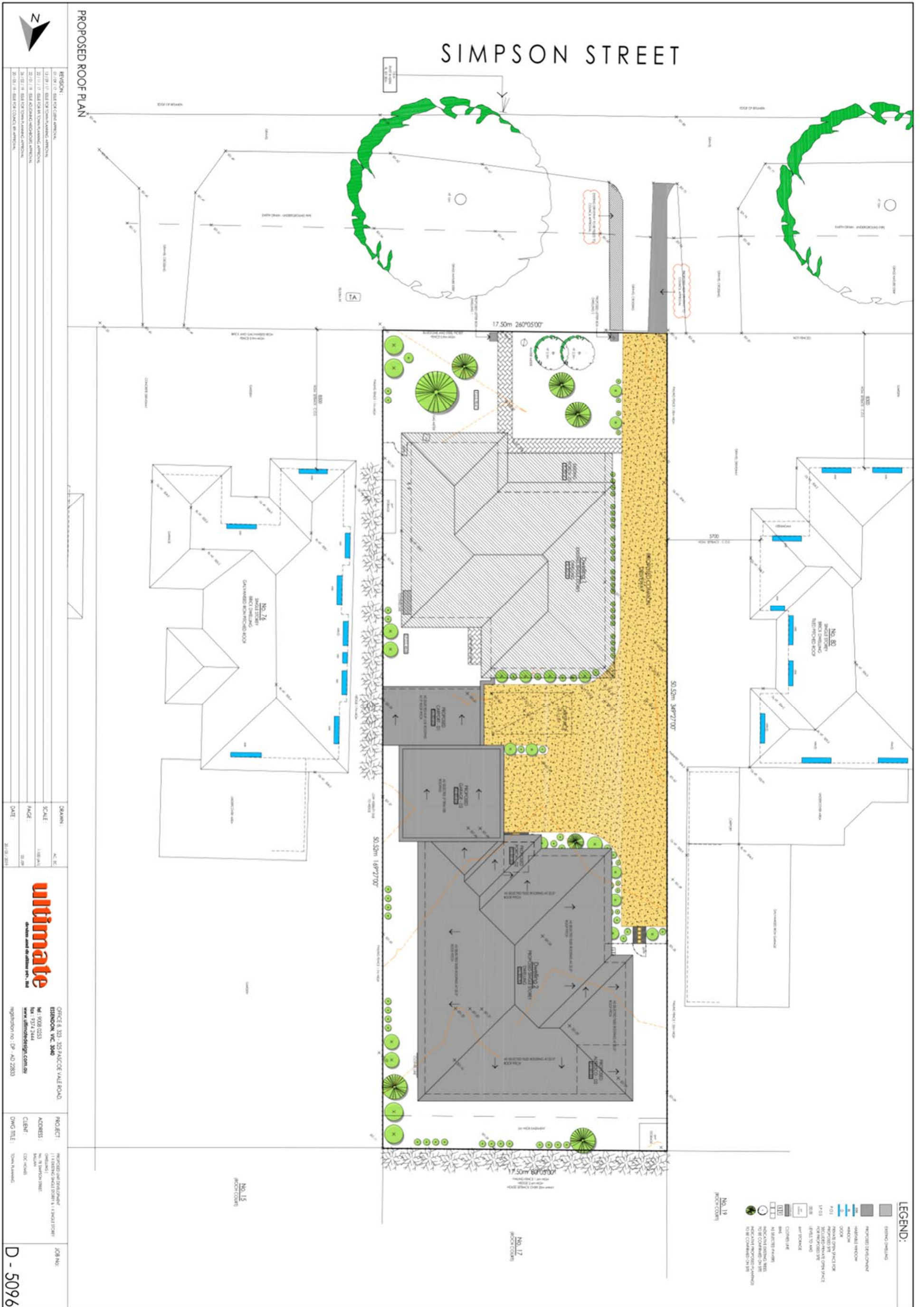
ultimate
architectural and interior design

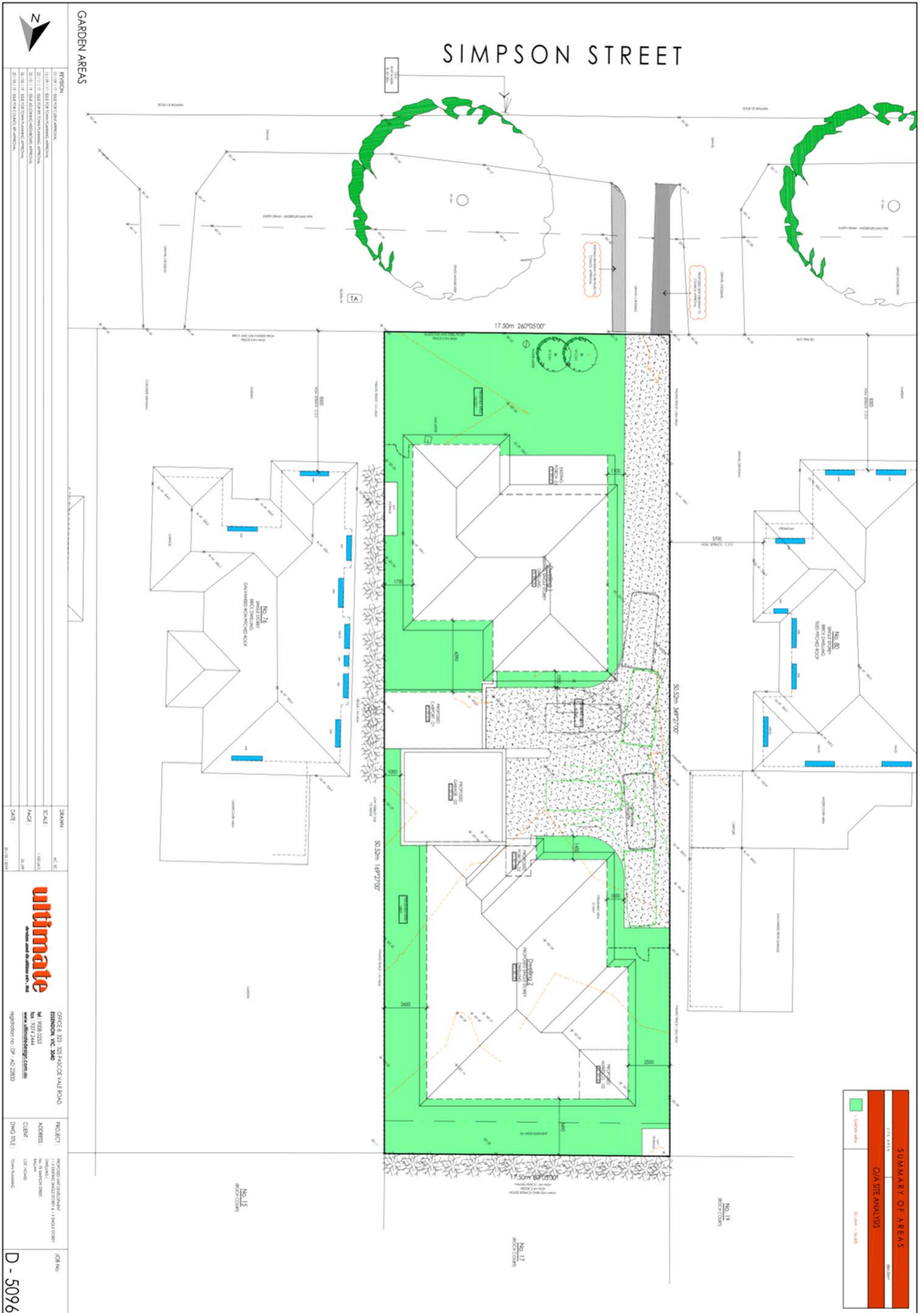
OFFICE: 321-323 PACOUE VALE ROAD, ESBURGH VIC 3040
 TEL: 0393 0233
 FAX: 0374 2344
 www.ultimatevic.com.au
 registration no: CP-40 22833

PROJECT: PROPOSED UNIT DEVELOPMENT NO. 78 SIMPSON STREET, BALLAN
 ADDRESS: 78 SIMPSON STREET, BALLAN
 CLIENT: (C/O) CHAS
 DWG TITLE: SIMPSON STREET

JOB NO: D - 5096









8.9 PA2019012 - USE OF THE LAND FOR INTENSIVE ANIMAL PRODUCTION AND THE DEVELOPMENT OF A GOAT DAIRY AT 1625 BAMGANIE ROAD, CARGERIE.

Author: Samuel Duff, Statutory Planner
Authoriser: Satwinder Sandhu, General Manager Community Planning
Attachments: 1. Elevation/Floor Plans
2. Aerial Plans
3. Farm Management Plan

APPLICATION SUMMARY

Permit No: PA2019-012
Lodgement Date: 16/01/2019
Planning Officer: Samuel Duff
Address of the land: Crown Allotment 6A, Section 2 & Crown Allotment 60C, Parish of Cargerie, located at 1625 Bamganie Road, Cargerie, VIC, 3334
Proposal: Use of the Land for Intensive Animal Production and the Development of a Goat Dairy
Lot size: 99.6 Hectare
Why is a permit required? Clause 35.07-1 Use of the land for Intensive Animal Production
Clause 35.07-2 Buildings and works association with a Section 2 Use
Clause 42.01 Buildings and Works under the Environmental Significance Overlay Schedule 1
Clause 43.02 Buildings and Works under the Design and Development Overlay, Schedule 2

RECOMMENDATION

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to grant the planning permit application PA2019012 for Proposal: Use of the Land for Intensive Animal Production and the Development of a Goat Dairy at 1625 Bamganie Road, Cargerie, subject to the following conditions:

Endorsed Plans:

1. The development as shown on the endorsed plans (Plans numbered 1-9) must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.

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.**

Farm Management Plan:

3. **A Farm Management Plan to the satisfaction of the Responsible Authority must be endorsed as part of this permit and cannot be varied without the written consent of the Responsible Authority.**

General Conditions:

4. **Nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.**
5. **All animal husbandry practices are to meet the 'Australian Industry Welfare Standards and Guidelines for Goats' dated July 2017, or equivalent successor document.**
6. **The permitted building(s) must not be used for any habitable purpose.**
7. **The existing or proposed effluent disposal areas (if applicable) must be kept free from stock, buildings, driveways and service trenching.**
8. **Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.**
9. **Access to the site and all internal driveways is to be provided by all-weather roads, constructed to a standard to accommodate emergency vehicles in accordance with Clause 53.02 of the Moorabool Planning Scheme**
10. **As part of the waste management practices on site, any soiled waste proposed to be stockpiled is to be done so in an isolated area more than 100m from any waterway and any surrounding dwelling. The stockpile must be stabilised, and measures imposed to reduce odour.**
11. **No more than 3,100 goats are to be kept on site at any one time, unless with the prior written consent of the Responsible Authority.**
12. **Screening and shelter vegetation is to be planted, outside of the bushfire defendable space and at least one row(s) of species that have a mature height of a minimum of 5.5 meters. The screening vegetation is to be planted on all sides of the approved works and maintained to the satisfaction to the responsible authority.**
13. **An earthen bund wall is to be created and maintained to the satisfaction of the Responsible Authority and all spent animal bedding and animal effluent is to be stored within. The bund wall is to be in an approximate 'U' shape, with the opening facing away from the Waterway. This is to be placed as far away from neighbouring dwellings as practicable.**

Infrastructure:

14. 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.
15. 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).
16. 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.
17. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Environmental Health:

18. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by AGR GeoSciences Pty Ltd, reference number 181302LCA, dated 19 October 2018 or any approved amendment are to be strictly adhered to.
19. An onsite wastewater system must be installed on the premises.
20. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
21. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
22. 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
23. 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.
24. 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.
25. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Country Fire Authority:

26. The Bushfire Management Plan prepared by Central Highlands Environmental Consultancy (Bushfire Management Statement for (CA 60C) 1625 Bamganie Rd, Cargerie, VIC 3334, dated September 2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Environmental Protection Agency:

27. Odours offensive to the senses of human beings must not be discharged, emitted or

released beyond the boundaries of the premises.

28. Nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.
29. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
30. Surface water discharge from the premises must not be contaminated with waste.
31. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 1698 Liquid Storage and Handling Guidelines, or as amended.
32. Discharge of wastewater to land must not adversely affect the land.
33. Deposit of animal or organic wastes to land must not adversely affect the land.
34. Management of waste at the premises should be in accordance with EPA Publication IWRG641 Farm Waste Management June 2009 or as amended.

Permit Expiry:

35. 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.

Permit Note:

Environmental Health

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

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	No
Notice in Moorabool Newspaper:	Yes
Number of objections:	1
Consultation meeting:	Offered, not held

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

VICTORIAN CHARTER OF HUMAN RIGHTS & 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.

General Manager – Satwinder Sandhu

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

Author – Samuel Duff

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

EXECUTIVE SUMMARY

Application referred?	Yes
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?	A request for further information was sent to the applicant.
Brief history.	Meredith Goat Dairy encompasses approximately 1 685 hectares in area, primarily contained within Golden Plains Shire Council jurisdiction. This is the second use (Intensive Animal Production) and development application within Moorabool.
Previous applications for the site?	PA2018-222, which applied for a Boundary Realignment. This application was approved under delegation.
General summary.	It is proposed to develop the site in order to house and milk approximately 3 000 lactating goats on the site. this is an intensive animal production. This site is one part of a 1 685 hectare farming enterprise known as Meredith Dairy.
Summary Recommendation	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Council issue a Notice of Decision for the Use of the Land for Intensive Animal Production and the development of a Goat Dairy .	

SITE DESCRIPTION

The subject site is an irregularly shaped parcel of land to the south of the municipality near the boundary with Golden Plains Shire. The land is an approximately 100 hectares in area, although a recent boundary realignment (under Planning Permit PA2018-222) will create two lots, one of approximately 21.17 ha and the balance of the land being 77.57 ha. The use and development would be wholly contained within the 77.56 parcel of land. As of 16/07/2019, the re-subdivision has not yet achieved Statement of Compliance. The land has been historically used for cropping and grazing.

The land in this area is typically gently undulating, with the topography of this site having a slight slope being from a low point to the west to a high point to the North West. To the immediate west of the site is a slight gully, which corresponds with a creek line (Cargerie Creek).

The site is one part of the Meredith Dairy operation. The majority of Meredith Dairy is located within Golden Plains Shire Council, with only one other asset having recently been approved in Moorabool Shire Council (under Planning Permit PA2018168).

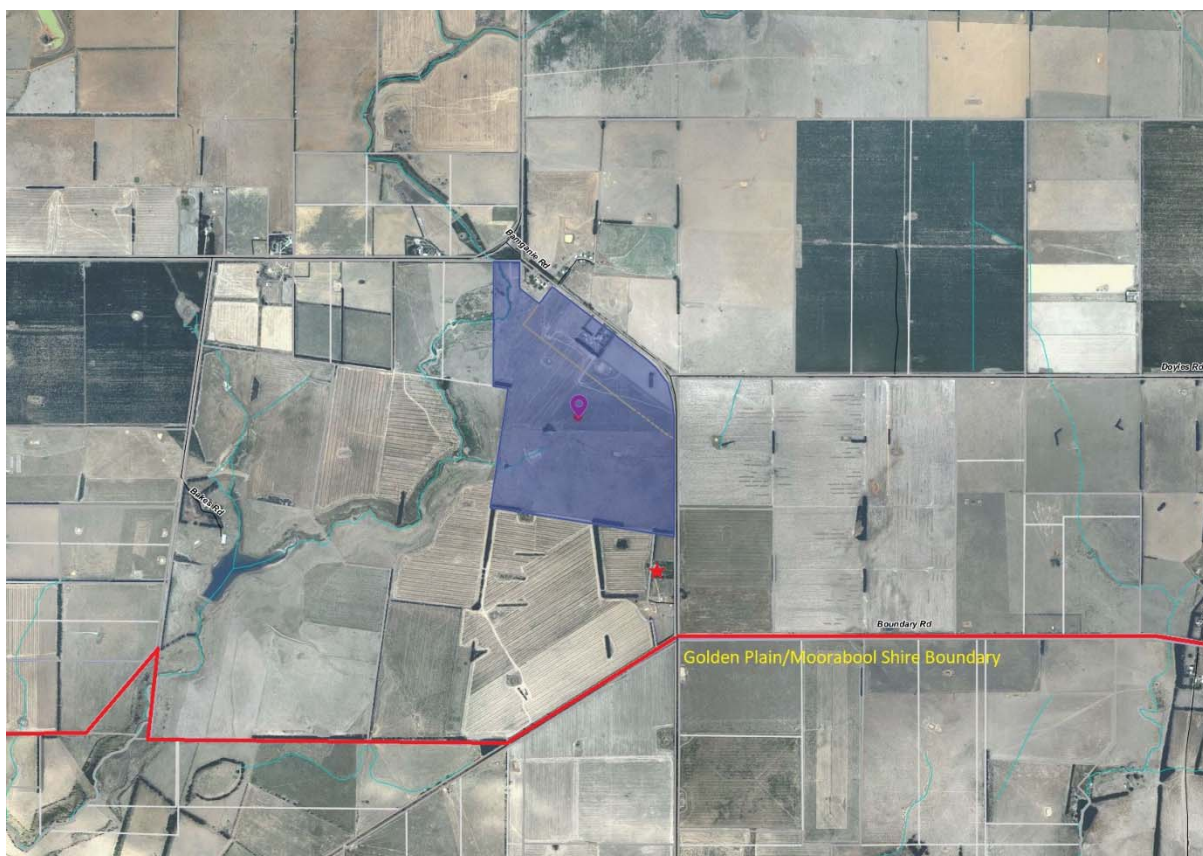


Figure 4. Map of the area denoting the subject site, location of the dwelling (star icon) and the Golden Plains/Moorabool Shire Councils municipal border

PROPOSAL

It is proposed to develop the site in order to facilitate the use of the site for Intensive Animal Production, specifically lactating goats for milk production, the product of which is then processed to turn into other dairy products. The site would be developed with the following farm infrastructure: Goat Milking Facility with staff office and amenities;

- 5 Goat Housing sheds, which are 16m x 72m and are open on 3 sides;
- Hay Shed;

- Grain Silos;
- Water Storage Tanks; and an
- All-weather track and access infrastructure.

The entirety of the developments would be clustered together, which would be situated in the south west of the site, taking up a relatively small amount of land, allowing the rest of the site to be used for pasture – which can be harvested and used for the animal rearing operations over the rest of the farm. The site where the goats would be kept is to be serviced by an all-weather track. Milk is collected at each of the dairies via a tanker that they own and is transported to the factory at the centre of the wider Meredith Dairy landholdings – within Golden Plains jurisdiction.

A copy of all relevant plans, including a Farm Management Plan, have been included as an attachment to this report.

The existing dairy has been in operation for a number of years on adjoining Council land.

BACKGROUND TO CURRENT PROPOSAL

Meredith Goat Dairy encompasses approximately 1 685 hectares in area, primarily contained within Golden Plains Shire Council jurisdiction.

HISTORY

There are two previous planning permit applications associated with the Meredith Dairy operation within Moorabool Shires jurisdiction. These permits are:

PA2018168, which allowed Intensive Animal Production and Development of Three (3) Animal Shelters and Associated Works utilising Zinacalume as building material (Rainwater Tanks, Hay Shed, Pellet Silo & an All Weather Track). This application was approved under delegation in October 2018, subject to conditions. This was for the lot to the immediate West to the subject site – Boundary Road, Cargerie.

PA2018222, which allowed for the boundary realignment of the subject site utilising an existing small title.

PUBLIC NOTICE

The application was notified to adjoining and surrounding landowners. As a result of the public notice process, one objection was received by Council

SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirements
1. Process. The objector did not receive a letter and was informed of the application when purchasing a neighbouring property that was advertised	Section 52 of the Planning and Environment Act

The objector wishes for more of a proactive approach to be implemented with more engagement with the adjacent land holders.	
<p>Officer's Response:</p> <p>This point is noted, however it is understood that the did receive notification through purchasing a neighbouring property.</p> <p>Offered a mediation and consultation meeting to the applicant, however the applicant requested that the item to go straight to Council.</p>	
<p>2. Errors and possible deficiencies within the application, specifically:</p> <p>a. In the Bushfire Management Statement (BMS) which highlights that possible ember attacks from a nearby pine plantation.</p> <p>b. The applicant did not disclose that there are other land owners are in the vicinity</p>	<p>Clause 13.02</p> <p>Clause 44.06</p> <p>Clause 53.02</p>
<p>Officer's Response:</p> <p>The areas of the site that is proposed to be developed is not within the Bushfire Management Overlay (BMO). The 'error' that the objector is referring to is the consultant identifying the main 'fire run' risks of the site from the surrounding revegetation and pine plantation sites.</p> <p>Council has the responsibility to ensure that notice of planning permits was undertaken in accordance with Section 52 of the Planning and Environment Act.</p>	
<p>3. Amenity Impacts including from Odours, Light and Noise</p>	<p>Clause 35.07</p>
<p>Officer's Response:</p> <p>The objector raises some valid concerns regarding these three aspects of the operation, however, these are common impacts of farming operations that are to be expected in Farming Zone areas. Restricting the use of machinery is considered to be ultra-vires as this is a legitimate farming operation in the appropriate zone.</p>	
<p>4. Land Capability</p> <p>This section raises concerns over the management of both human and animal waste and the potential effects on nearby water ways.</p>	<p>Clause 42.01</p>
<p>Officer's Response:</p> <p>Councils Environmental Health department have consented subject to conditions. Meredith Dairy utilises a 'dry sweep' method of managing goat waste and bedding. This involves storing the waste for 6 months then dispersing the waste over the paddocks to fertilise the land. A planning permit condition for the creation of a bund wall has been included on the recommended conditions. The bund wall is to be created and utilised to store the waste within the bund wall enclosure throughout the 6 month period specified</p>	

in the farm management plan to prevent leeching or loading of nutrients onto the surrounding waterways.	
5. Land Value	
Officer's Response: Not a planning consideration.	

LOCALITY MAP

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



Figure 1. Zoning of the surrounding area

PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

Clause 11.03	Planning for Places
Clause 12.01	Biodiversity
Clause 12.05	Significant Environments and Landscapes
Clause 13.02	Bushfire
Clause 13.05	Noise
Clause 13.07	Amenity and Safety
Clause 14.01	Agriculture
Clause 14.02	Water
Clause 17.01	Employment.
Clause 21.02	Natural Environment

Clause 21.04 Economic Development and Employment

The proposal complies with the relevant sections of the PPF and LPPF as defined under the Moorabool Planning Scheme.

ZONE**Clause 35.07 Farming Zone**

The land is a 100 (approx.) hectare lot in the Farming Zone, the purpose of the farming zone is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone

Intensive Animal Production is a Section 2 use under the Provisions of Clause 35.07

OVERLAYS**Clause 42.01 Environmental Significance Overlay, Schedule 1**

The land is covered by the Environmental Significance Overlay, Schedule 1, which provides environmental objectives for the Proclaimed Water Catchment Areas of Moorabool Shire, the environmental objectives to be achieved are:

To protect the quality and quantity of water produced within proclaimed water catchments.

To provide for appropriate development of land within proclaimed water catchments.

A planning permit is required under the provisions of this overlay.

Clause 43.02 Design and Development Overlay, Schedule 2

The land is covered by the Design and Development Overlay, Schedule 2, which provides design objectives for the Visual Amenity and Building Design of rural areas of the Shire, the design objectives are:

To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.

To encourage the use of external cladding, such as non-reflective materials for building construction.

To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

A planning permit is required under the provisions of this overlay.

Clause 44.06 Bushfire Management Overlay

A portion of the land is covered by the Bushfire Management Overlay. The purpose of the Bushfire Management Overlay is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

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

The areas where the development is proposed to be situated is not within the area covered by the BMO, therefore, a Bushfire Management Plan/Statement is not required.

Particular ProvisionsClause 53.10 Uses with Adverse Amenity Potential.

The purpose of this particular provision is to:

To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

There are no specific threshold distances specified for Intensive Animal Production or for a Dairy, however the use may fall under the broad definition of Industry, which has a threshold distance of 300m.

DISCUSSION

For this application, the zoning controls, the two overlays, in addition to a particular provision need to be considered during the assessment. It is also considered necessary to look at this proposal from two different perspectives, to consider both the use and development aspects of this application.

The site is one part of the Meredith Goat Dairy enterprise, which was, up until recently, solely located in Golden Plains Shire Council land, which is the land to the immediate south of the subject site. Meredith Dairy holdings encompass approximately 1680 hectares as of 2019 and operates as a goat and sheep dairy and producer of dairy products of which it is primarily known for, but the business has forays into other revenue streams and interests. Development of the agricultural sector has the potential to support employment outcomes for Moorabool Shire. Agriculture, in conjunction with forestry and fishing provides 805 jobs, accounting for 10% of employment, the Shire's 4th largest employment sector. The whole operation provides roughly one hundred jobs to the local area, with this application having the potential to add a farm manager and approximate four additional staff to Meredith Dairy. The land that the development is one of the newer additions to the farm holdings owned by the Meredith Dairy operators and the second in Moorabool Shire that these operators have proposed to develop.

Under the Planning Reforms for Animal Industries from July 2018, this operation would be classified as Intensive Animal Production. This is defined as 'land used for animal production where the animal's food is imported from outside the immediate building, enclosure paddock or pen. It does not include and abattoir or sale yard; or grazing animal production, pig farm, poultry

farm or poultry hatchery'. Animal production in and of itself is defined as 'land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.'

The planning permit is seeking approval for the development of a Goat Milking Facility with staff office and amenities; 5 Goat Housing sheds, which are 16m x 72m and are open on 3 sides; Hay Shed; Grain Silos; Water Storage Tanks and an all-weather track and access infrastructure. Across the site, approximately 3000 goats are proposed to be kept on site within the animal shelters. This site is proposed to be home for an additional 3 000 goats for milking. There are four dairies in Golden Plains – each of approximately 3 000 goats, of which 2 000 are lactating.

Under the zoning controls, a planning permit is required for intensive animal production in the farming zone, which is the one of the planning permit 'triggers' for this application. As it is proposed to have less than 5 000 goats on this site, a works approval from the EPA is not triggered. The decision guidelines under the Moorabool Planning Scheme identify that it is appropriate to grant a permit on the grounds under the zoning controls. As this is a use and development that would support an agricultural activity and would not limit the operating capacity of surrounding land for agricultural production, it is considered to be an appropriate land use. As this is just one part of the Meredith Goat Dairy, it would also have access to the infrastructure of that larger farm holding. It is also considered prudent to remember that these operators have been grown their business under the same zoning controls that are present in Golden Plains Shire.

This site is covered by the Environmental Significance Overlay, Schedule 1 for the Proclaimed Water Catchment Areas of Moorabool Shire Council, therefore it is considered prudent to contemplate any environmental detriment that may occur by approving this planning permit application and mitigation measures. It is considered that the use of the hay bedding and animal manure of the goat farming as a fertiliser for the fields would not introduce weed species to the area as they would be continuing to raise crops in the field where this has previously been used. This practice would not be continued should the owners/operators have found a weed problem in the initial trial of this. The applicants have also stated within their application that using this technique helps to restore soil nutrients and organic matter to the soil, which enriches it for when they sow crops. The animal effluent is managed utilising a dry sweep system, allowing a saving of water and it to be removed with the bedding of the animals. It is recommended that Council impose a requirement for appropriate stockpiling of waste until such a time as it is ready to be spread. This should be built with the opening away from the nearby Cargerie Creek and as far away from sensitive receptors as practicable. Further to this, as the animals would primarily be limited to a small area of the site, the negative environmental impact would be limited to a comparatively small area of the subject site.

It is also proposed to not remove any native or exotic vegetation in order to facilitate the development. The applicants have stated that they plan on planting a shelter belt of native species of indigenous trees and shrubs to help shelter the goats. Council's Environmental Health department have consented to this application, subject to conditions being imposed on the permit.

The final planning control that would trigger a permit is the Design and Development Overlay, Schedule 2, which is for the building design in rural areas, specifically limiting the use of Zinalume. The applicant is proposing to use Zinalume for the roof of the animal shelters, which was the subject of an amendment for the previously granted planning permit for a neighbouring site.

According to the proponent, Zinacume as a roofing material assists in the reflection of heat, keeping the animals under the shelter cooler in the summer months. The single wall – covering one side of the animal shelters would be clad Colorbond® Steel in the Wilderness, a dark green colour. It is proposed to use treated pine for the uprights. Overall, the visual amenity impacts of the development is considered to be minimal, especially since the applicant has suggested that they will be planting vegetation as part of the development, for both windbreak and visual screening purposes. It is considered appropriate to include this as a requirement on the planning permit. Part of the site is also covered by the Bushfire Management Overlay, however, the site where the proposed development would take place is outside of the BMO and is therefore exempt from requiring a bushfire management plan. However, the applicant submitted a Bushfire Management Statement and Plan, for which the CFA has reviewed and consented.

The relevant particular provision is Clause 53.10 - Uses with Adverse Amenity Potential. There is no applicable standard under this Particular Provision specifically for a dairy or intensive animal production, however under the most relevant definition, rural industry includes the processing and handling of primary produce. A 300m buffer/threshold distance is mentioned. The closest dwelling is approximately 700 m away from the site where the development would be located, meeting the requirements of Clause 53.10 of the Moorabool Planning Scheme. Consumer Affairs Victoria and Agriculture Victoria both have warnings regarding the amenity impacts of farming. This use is considered appropriate under the current land zoning in that area.

The proposed development Use of the Land for Intensive Animal Production and the Development of a Goat Dairy meets the relevant requirements of the Victorian Planning Provisions, Local Planning Policy Frameworks, Zone, Overlays, as well as the Particular and General Provisions.

GENERAL PROVISIONS

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

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

REFERRALS

Authority	Response
Environmental Health	Consent, subject to conditions
EPA – South West Region	Consent with conditions
Corangamite Catchment Management Authority	Consent
Environmental Planning and DEDJTR	Did not respond
Infrastructure	Consent with Conditions
CFA (for info referral)	Consent with conditions.

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS STRATEGY

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

OPTIONS

Council could consider the following options:

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

CONCLUSION

It is recommended that the development be approved, subject to conditions, as the proposal accords with the relevant Clauses of the Moorabool Planning Scheme.

HAY SHED

GENERAL NOTES:

- G1. Do not scale drawings. All dimensions shall have precedence over scaled drawings. Dimensions, conditions and levels to be verified on site. No part is to be undertaken by the applicable building departments.
- G2. All new construction work and the installation of services must comply with the Building Code of Australia, rules and Australian Standards, relevant codes and manuals, local municipal by laws and the requirements of the relevant authorities.
- G3. This building design should be reviewed by an appropriately qualified person with regard to the relevant Occupational Health & Safety Act in your state.
- G4. Moisture or moisture retaining materials should not be permitted to remain in contact with structures or components of steel joist & wall framing. Such contact will ultimately result in perforation (rust) of the material.

- G5. Clay tiles will swell and shrink with variations in moisture content. This movement may cause damage to the building. In order to minimize the damage recommended the following precautions are taken:
Provide adequate site drainage to ensure water will not pond against or near the building.
Grade the site within 3.0m of the building away from building. In ensure that water will not pond near the building.
Multiple downpipe, downspout and other drainage systems to that buildings will not occur. If they do occur they should be applied promptly.
Trusses and struts should not be attached or allowed to attach closer than 675 mm to the moisture height on the building. Avoid establishing garden beds next to the building. Concrete foundations should be watered adequately but not excessively. Saturated conditions may be important to prevent damage to the foundations during dry spells or drought.



CONCRETE:

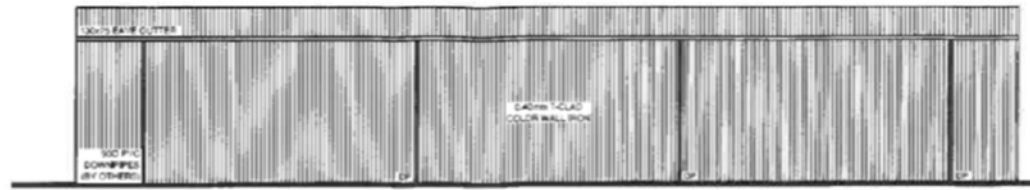
- C1. All workmanship and materials shall be in accordance with AS 3601 current editions with amendments, except where noted by the contract documents.
- C2. Concrete Characteristics:
Finish: Smooth Finish
Slump: 25 mm
Pump: 25 mm
Slab: 25 mm
Max. Agg. Size: 20mm
- C3. Cover to reinforcement shall be obtained by the use of approved bar chairs. All bar chairs to be spaced at 1000mm maximum. Cover shall not be less than the size of the aggregate or the main bars.
Concrete Cover:
Piles: 40mm U.N.C.
Footings: 50mm U.N.C.
Slab Footings: 50mm U.N.C.
Slab on Ground:
Top Internal: 30mm U.N.C.
Top External: 40mm U.N.C.
Bottom Internal: 50mm U.N.C.
Bottom External: 50mm U.N.C.
- C4. Sizes of concrete elements do not include thickness of applied finish.
- C5. Provide 0.3mm polythene moisture barrier throughout, under entire slab on ground.
- C6. No holes (pipes or accessories) or pipes other than those shown on the structural drawings shall be made in concrete members without the approval of the engineer.
- C7. Construction joints shall be properly formed and located only where shown or specifically approved by the Engineer.
- C8. Reinforcement is represented diagrammatically. It is not necessarily shown in true projection.
- C9. Splices in reinforcement shall be made only in the positions shown unless the approval of the engineer is obtained for any other splice.
- C10. Welding of reinforcement will not be permitted unless noted on the structural drawings.
- C11. Pipes or conduits shall not be placed within the cover to reinforcement without the approval of the engineer.
- C12. Reinforcement is to be supplied and fixed in accordance with AS 1523, AS 1523 & AS 1524 current editions and amendments. Reinforcement is covered by the following symbols:
R denotes structural grade rebar bars grade 500
R denotes non-rebar deformed bars grade 500
S: denotes hot dipped galvanized steel wire mesh fabric
RL: denotes hot dipped galvanized steel wire mesh fabric fabric
L: denotes hot dipped galvanized steel wire mesh fabric
C-3. All reinforcement for any one pour shall be completely placed and fixed prior to inspection. No concrete shall be poured until reinforcement has been inspected and approved.
C-4. Slab on ground and foundations to be cast onto a manually compacted subgrade or approved compacted fill, compaction to be to a minimum of 98% standard dry density to AS 1289.1.1.
C-5. All concrete shall be properly compacted by means of approved vibrators.
C-16. Where walls are non-load bearing or other horizontal or vertical faces they shall be separated from concrete or brickwork by 10mm thick skidproof cable or strips.
C-17. Concrete shall be separated from supporting masonry by two layers of suitable membrane or as directed by the Engineer. Vertical faces of concrete to be kept free by a 10mm thickness skidproof cable or strips.

STRUCTURAL STEELWORK:

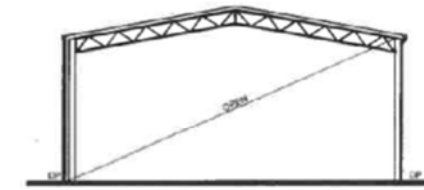
- S1. All workmanship and materials shall be in accordance with AS 1554.
- S2. Unless noted otherwise all steel shall be in accordance with:
AS 3678 and AS 3679 Grade 300 for rolled sections
AS 1163 Grade 300 for square hollow sections
AS 1074 Grade 300 for circular hollow sections
AS 1307 Grade 450 for cold formed light gauge sections
- S3. The Contractor shall provide temporary bracing as necessary to maintain the structure during erection and leave in place until permanent bracing elements are constructed.
- S4. Welding shall be in accordance with AS 1554 and be performed by an experienced operator.
- S5. Welds shall be 6mm continuous fillet unless noted otherwise.
- S6. Butt welds are to be complete penetration butt welds as defined in AS 1554. SAEPC approval shall be used.
- S7. Refer to structural drawings for girths and girth ends and spacings. Pulley and girth shall be installed in accordance with manufacturers directions. Use nutwashers under ball head and nut. Pulley balls shall be:
- M12 A4-70 for sections up to 200mm deep
- M16 A4-70 for sections over 200mm deep
- S8. Pulley plates shall be 6mm thick, with 6mm dia. unless otherwise noted.
- S9. Bolt type and procedure is as follows:
A4-70 refers to commercial bolts of strength grade A4 conforming to AS 1711 and approved using a standard wrench to a snug tight condition.
A4-70 refers to high strength bolts of strength grade A4 conforming to AS 1552 and fully torqued in a controlled manner to the requirements of AS 4100.
A4-70 refers to high strength bolts of strength grade A4 conforming to AS 1552 and fully torqued in a controlled manner to the requirements of AS 4100.
- S10. All structural steelwork shall be ground to be finished by concrete finish only, all round.
- S11. Concrete encased structural steel to be enclosed by 50mm mesh 20mm dia. or smaller. Encasing to provide 50mm min. cover. 20mm min. cover where exposed to earth. All steelwork to be given one shop coat of approved paint unless otherwise noted.

BRICKWORK / BLOCKWORK:

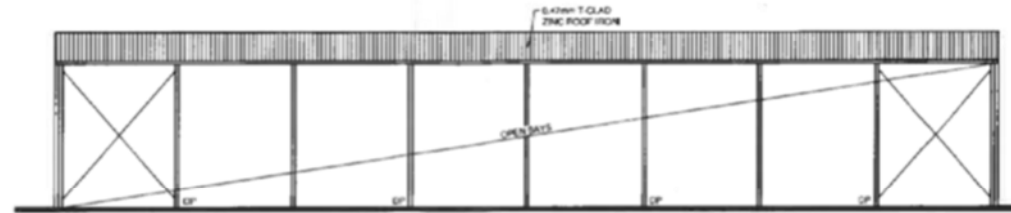
- B1. All brickwork / blockwork shall comply with AS 3703.
- B2. Mortar to brickwork / blockwork shall be 1:1:6 unless otherwise specified.
- B3. Minimum compressive strength of brick to be 30MPa unless otherwise approved.
- B4. Minimum compressive strength of concrete blocks to be 15MPa unless otherwise approved.
- B5. All joints in brick and or block walls to be in accordance with the relevant codes and good trade practice.
- B6. Cavity wall ties to be in accordance with current standards and requirements.
- B7. All steel columns, mullions and horizontal supports provide 3.2mm dia flat washed or flat in stainless in an approved manner at 600mm.
- B8. Provide struts / bracing / spacers @ 6.0m c/c max.



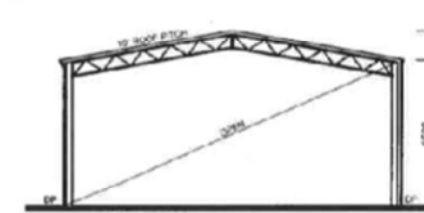
ELEVATION B



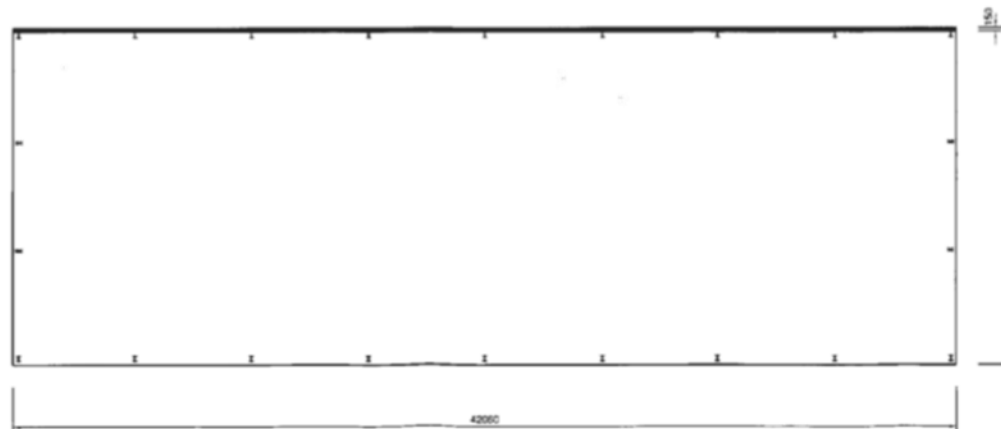
ELEVATION C



ELEVATION A



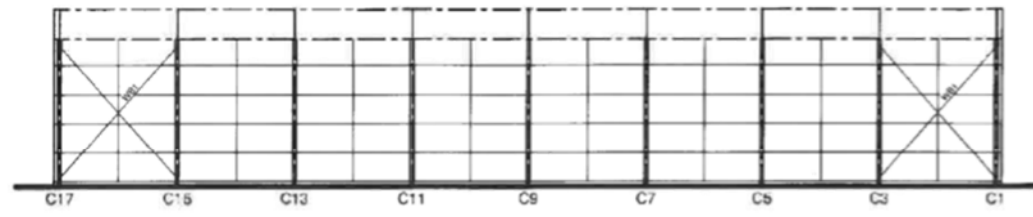
ELEVATION D



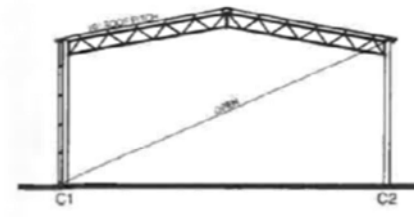
FLOOR PLAN

PROJECT PROPOSED SHED FOR: MEREDITH DAIRY AT: 106 CAMERONS Rd, MEREDITH, VIC.	DRAWING TITLE FLOOR PLAN & ELEVATIONS	<p>COMMERCIAL, INDUSTRIAL & RURAL BUILDING SPECIALISTS</p> <p>VIC. (Shepparton) Ph. (03) 5821 4399 VIC. (Dandenong) Ph. (03) 9793 8190 N.S.W. (Wollongong) Ph. (02) 4229 8116 QLD. (Yatala) Ph. (07) 3804 6688</p>	<p>IMPORTANT: PLEASE REFER TO TELFORD'S BUILDING SYSTEMS WORKSHOP DRAWINGS FOR EXACT MEASUREMENTS & DIMENSIONS. DO NOT USE THIS DRAWING.</p> <p>COPYRIGHT: THESE PLANS AND DESIGN REMAIN PROPERTY OF TELFORD'S BUILDING SYSTEMS AND ARE NOT TO BE REPRODUCED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION.</p>	DRAWN	J.GARCIA	DWG. No.	HR/50/278/13
				DATE	03/12/2013		
				SCALE	1:200	REF. No.	50/2.5/22/HR
				CHECKED	G.FORD	Sheet 1 of 3	

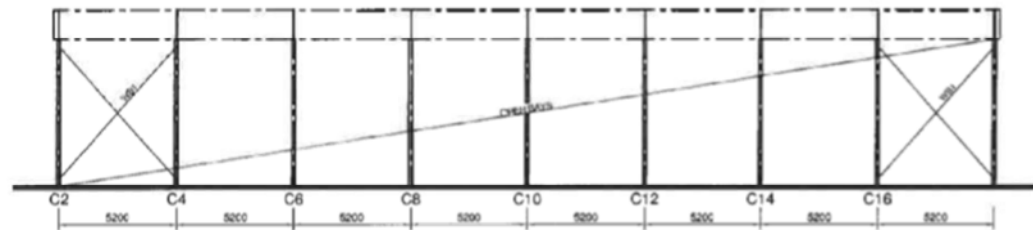
HAY SHED



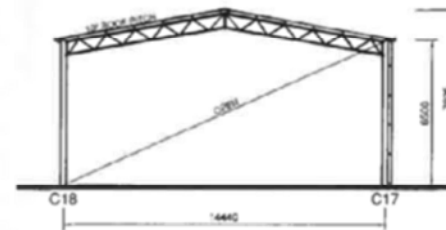
ELEVATION B



ELEVATION C



ELEVATION A



ELEVATION D

MARK	SIZE	BRACED SYSTEM
C1-C8	200UB3	NA

MARK	C-TO-TOE	WEIGHT	DN DEPTH
T1-T16	50-50x4.0 SHS	25-25x3.5 SHS	850

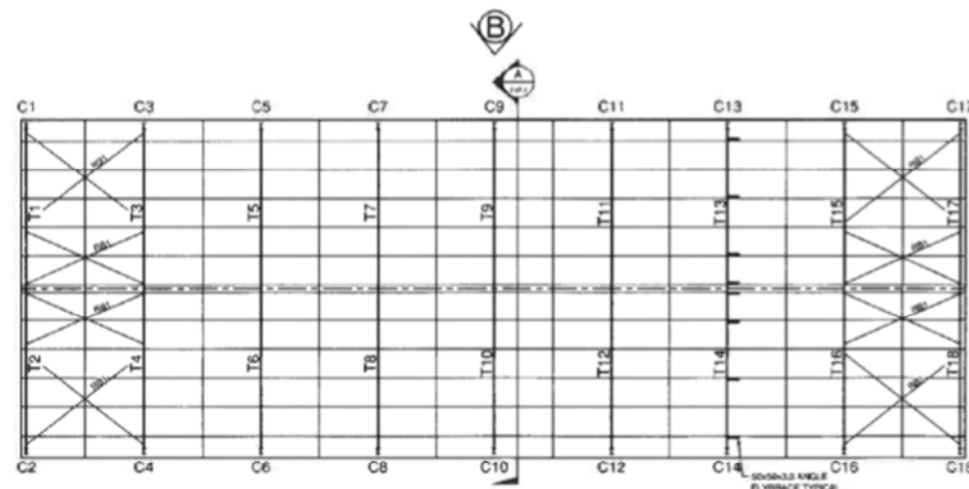
SIZE	SPACING	BRACING	LAP
200x12	1300	1 BAY	870

SIZE	SPACING	BRACING	LAP
200x12	1300	1 BAY	870

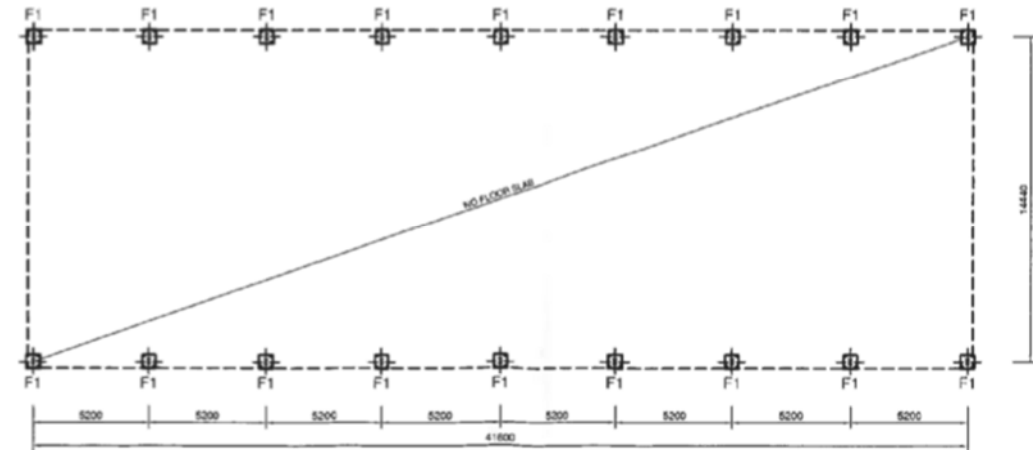
MARK	SIZE
RB1	1/8" Ø MS ROD
WB1	1/8" Ø MS ROD

MARK	SIZE	DEPTH
F1	800 Ø x 90	1500 MRL

FOOTING NOTE:
FOOTINGS TO BE FOUNDED A MINIMUM OF 300mm INTO NATURAL UNDISTURBED SOIL, WITH AN ALLOWABLE BEARING CAPACITY OF APPROXIMATELY 80kPa. TO BE CONFIRMED PRIOR TO CONSTRUCTION.



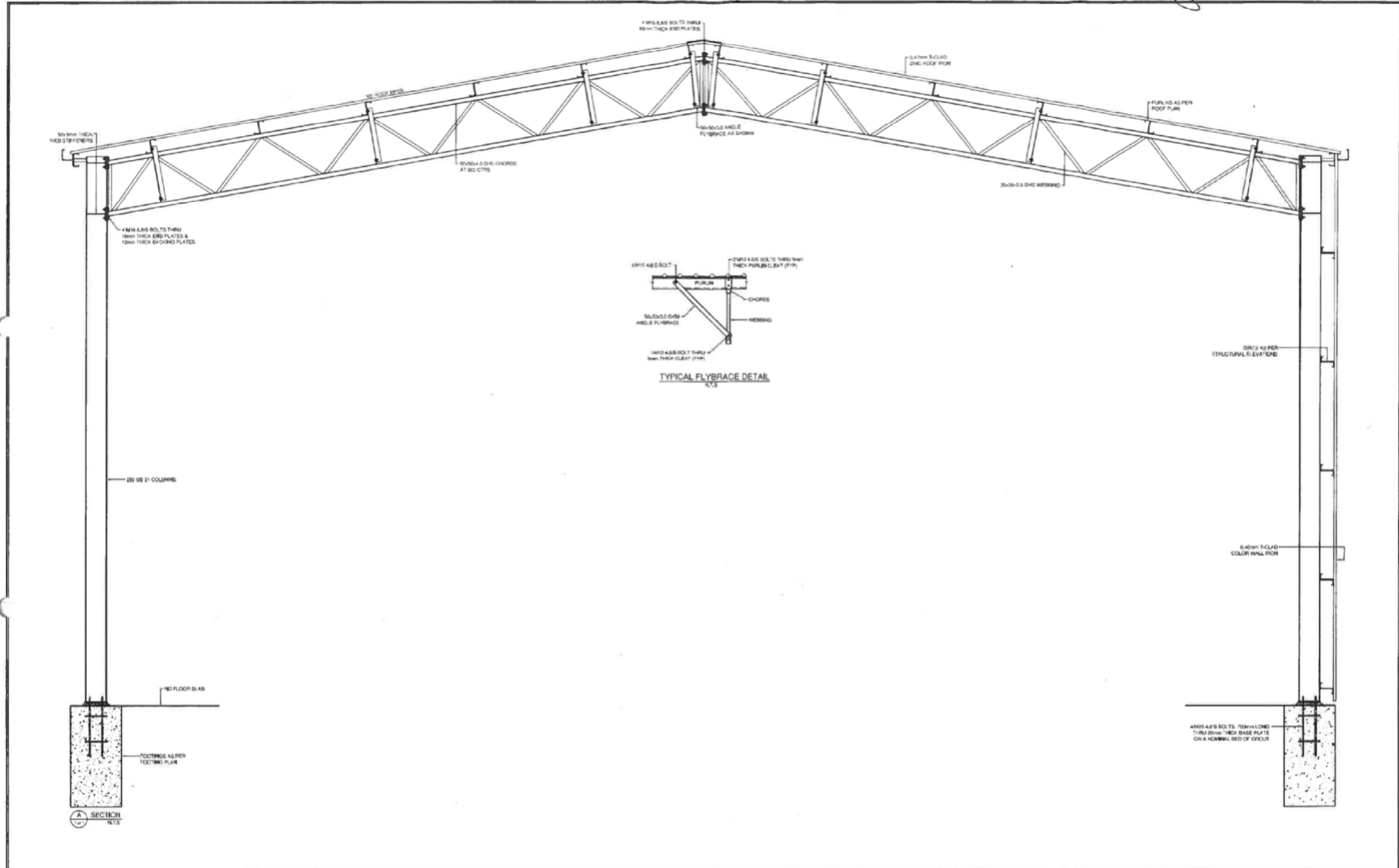
ROOF PLAN



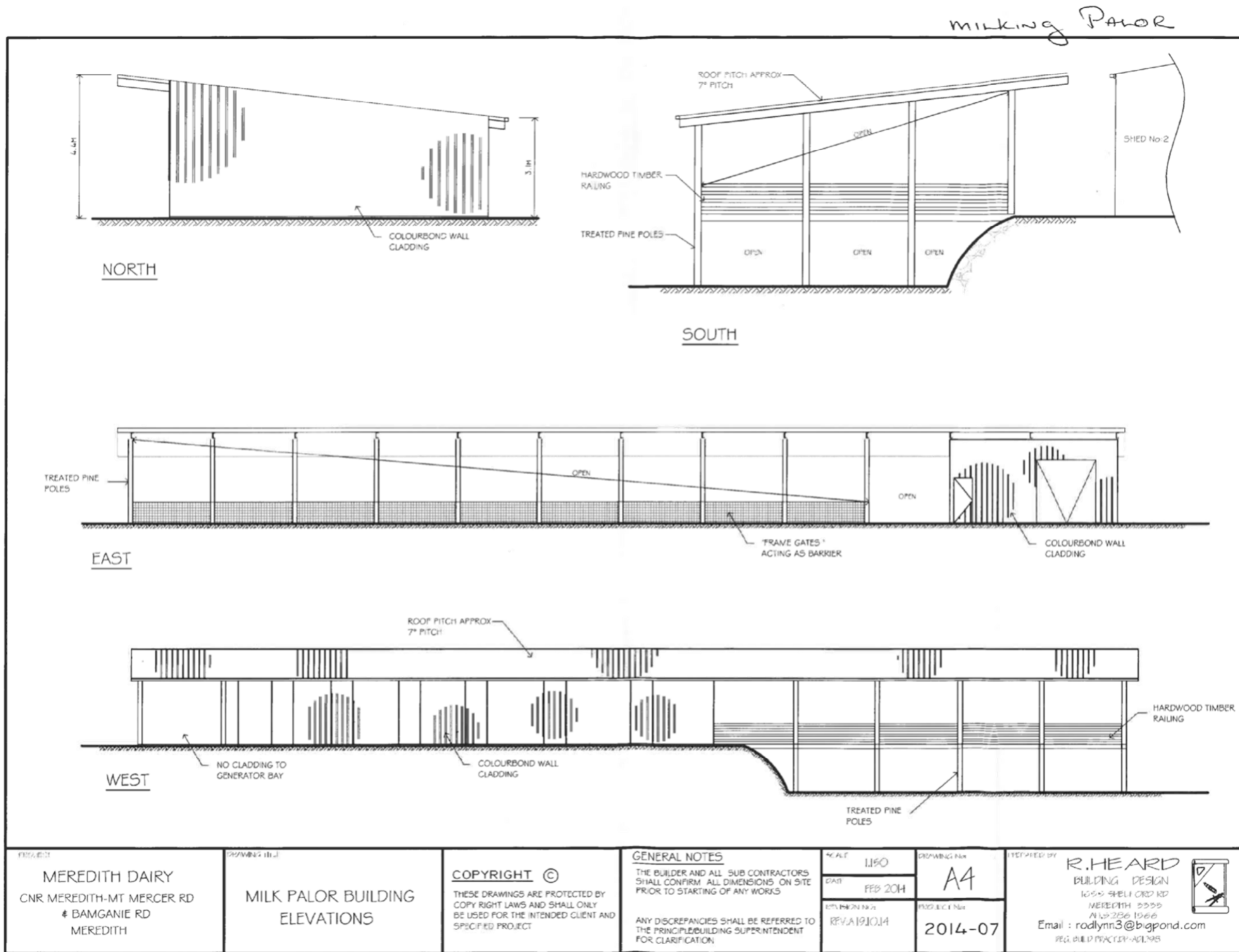
FOOTING PLAN

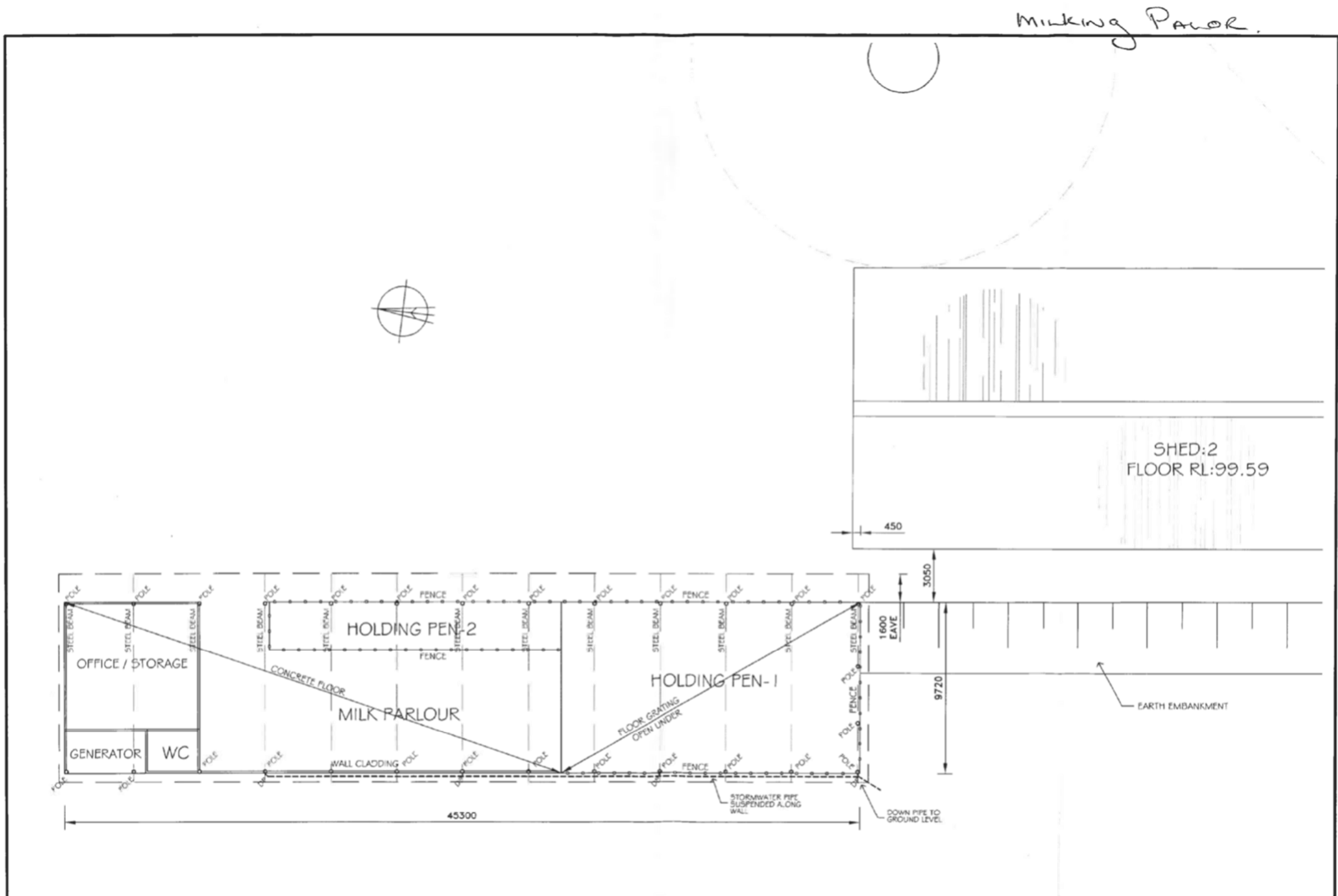
PROJECT PROPOSED SHED FOR: MEREDITH DAIRY AT: 106 CAMERONS Rd. MEREDITH, VIC.	DRAWING TITLE STRUCTURAL LAYOUT.	<p>COMMERCIAL, INDUSTRIAL & RURAL BUILDING SPECIALISTS</p> <p>VIC. (Shepparton) Ph. (03) 5821 4399 VIC. (Dandenong) Ph. (03) 9793 8190 N.S.W. (Wollongong) Ph. (02) 4229 8116 QLD. (Yatala) Ph. (07) 3804 6688</p>	<p>IMPORTANT: PLEASE REFER TO TELFORD'S BUILDING SYSTEMS WORKSHOP DRAWINGS FOR EXACT MEASUREMENTS & DIMENSIONS. DO NOT USE THIS DRAWING.</p> <p>COPYRIGHT: THESE PLANS AND DESIGN REMAIN PROPERTY OF TELFORD'S BUILDING SYSTEMS AND ARE NOT TO BE REPRODUCED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION.</p>	<p>TEL FORD'S BUILDING SYSTEMS HIA MEMBERSHIP No. 527937</p>	DRAWN: J.GARCIA DATE: 03/12/2013 SCALE: 1:200 CHECKED: G.FORD	DWG. No. HR/50/278/13 REF. No. 50/2.5/22/HR Sheet 2 of 3
	<p>TEL FORD'S BUILDING SYSTEMS HIA MEMBERSHIP No. 527937</p> <p>REGISTERED BUILDING PRACTITIONER GREGORY FORD DP-AD 109</p>					

milking Parlour



PROJECT		DRAWING TITLE		 TEL FORD'S BUILDING SYSTEMS <small>(A/C) PTY. LTD. - A.B.N. 47 576 240 670</small>	COMMERCIAL, INDUSTRIAL & RURAL BUILDING SPECIALISTS VIC. (Shepparton) Ph. (03) 5621 4399 VIC. (Dandenong) Ph. (03) 9793 8190 N.S.W. (Wollongong) Ph. (02) 4229 8116 QLD. (Yatala) Ph. (07) 3804 6688		IMPORTANT: PLEASE REFER TO TELFORD'S BUILDING SYSTEMS WORKSHOP DRAWINGS FOR EXACT MEASUREMENTS & DIMENSIONS. DO NOT USE THIS DRAWING. COPYRIGHT: THESE PLANS AND DESIGN ARE THE PROPERTY OF TELFORD'S BUILDING SYSTEMS AND ARE NOT TO BE REPRODUCED WHOLLY OR IN PART, WITHOUT WRITTEN PERMISSION.		DRAWN J.GARCIA DATE 03/12/2013 SCALE N.T.S. CHECKED G.FORD	DWG. No. HR/50/278/13 REF. No. 50/2.5/22/HR Sheet 3 of 3
PROPOSED SHED FOR: MEREDITH DAIRY AT: 106 CAMERONS Rd. MEREDITH, VIC.		STRUCTURAL DETAILS.			 TELFORD'S BUILDING SYSTEMS <small>HIA MEMBERSHIP No. 527637</small> REGISTERED BUILDING PRACTITIONER GREGORY FORD DF-AD 109					





<p>PROJECT MEREDITH DAIRY CNR MEREDITH-MT MERCER RD # BAMGANIE RD MEREDITH</p>	<p>DRAWING TITLE "GOAT HOUSING SHEDS" MILK PARLOUR LAYOUT PLAN</p>	<p>COPYRIGHT © THESE DRAWINGS ARE PROTECTED BY COPY RIGHT LAWS AND SHALL ONLY BE USED FOR THE INTENDED CLIENT AND SPECIFIED PROJECT</p>	<p>GENERAL NOTES THE BUILDER AND ALL SUB CONTRACTORS SHALL CONFIRM ALL DIMENSIONS ON SITE PRIOR TO STARTING OF ANY WORKS ANY DISCREPANCIES SHALL BE REFERRED TO THE PRINCIPLE BUILDING SUPERINTENDENT FOR CLARIFICATION</p>	<p>SCALE: 1:200 DATE: FEB 2014 REVISION NO: REV A 19/01/14</p>	<p>DRAWING NO: A3 PROJECT NO: 2014-07</p>	<p>DESIGNED BY: R. HEARD BUILDING DESIGN 1555 SHELFORD RD MEREDITH 5555 PH: 08 206 1566 Email: rodlynn3@bigpond.com REG. NO. 2 PRALDP-A91296</p>
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Co-ordinates of Plot Corners NW 760924,5812139 SW 760820,5809692 MGA Zone 54	Data Source: Vicmap Property	0 100 200 300 400 500 600 700 800 900 1000m Scale of Metres (1:10,000)	MGA Zone 54 Vicroads - 76 H6 Created 11:40 AM on May 22, 2018	Co-ordinates of Plot Corners NE 236537,5812017 SE 236590,5809568 MGA Zone 55
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WARNING: No warranty is given as to the accuracy or completeness of this map. Dimensions are approximate. For property dimensions, undertake a Title search.



Proposed Development at 1625 Bamganie Rd**April 29, 2019**

Prepared by Alexander Cameron, owner (with wife Julie) and manager of Glenspean, which is the 1700 ha property on which the development will occur.

Back ground to the proposal:

Meredith Dairy is a vertically integrated sheep and goat dairy centred at 106 Cameron Rd. The business was established in 1991 and has steadily grown to where it now employs about 100 people, and has revenue more than \$30,000,000 per year, and exports more than \$2,000,000 of goods per year.

Sheep and goat milk is largely sourced from four dairies, located on the southern side of the property known as Glenspean. This property consists of many contiguous titles, largely owned by Julie and Alexander Cameron (150 ha is owned by their parents). Approximately half the farm is in Golden Plains shire, and half in Moorabool. To date, all development has been in Golden Palins shire, except for the recent construction of a goat rearing facility, right on the shire boundary, accessed from Cameron Rd.

Of the four dairies currently used one is used for milking sheep and the other three for milking goats.

Each goat dairy consists of:

- A milking parlour (in sheds of about 10 m by 30 m)
- Five or six covered feed-pads (72 m by 16 m sheds within which the animals are fed a prepared ration).
- A hayshed
- Several silos for holding grain
- Approximately 3000 goats, including 2,000 adult females for milk production.

Milk is collected daily with our own small tanker (5,000 litres capacity) and processed into cheese and yoghurt at the factory, which is at 106, Cameron Road, right in the centre of the farm. Some milk comes from three external farms, one of which is in the Moorabool shire.

Meredith Dairy is a growing business and now wishes to build a new dairy, with associated feed pads and fodder stores in Moorabool shire. It makes sense to build these in the Moorabool shire as we wish to access the pasture we own in that shire.

Property Number	Property details	Hectares
Golden Plains Shire		
91003082	Meredith-Mt Mercer Rd	123.441Ha
91003081	Camerons Rd, Meredith	34.3046Ha
30800050	85 Camerons Rd Meredith	204.8744Ha
91000206	897 Meredith-Mt Mercer Rd, Meredith	220.761Ha
91000191	Lot1 Meredith-Mt Mercer Rd, Meredith	29.31Ha
39800010	Lot24A1 Meredith-Mt Mercer Rd, Meredith	88.95Ha,
91000274	Lot1 Meredith-Mt Mercer Rd, Meredith	69.444Ha
91000275	Lot15 Cameron Rd, Meredith	63.32Ha
30800030	106 Camerons Rd, Meredith	55.95Ha
34000180	Lot26A Meredith-Mt Mercer Rd, Meredith	67Ha
31200080	1023 Meredith-Mt Mercer Rd, Meredith	160.277Ha
34000070	1135 Meredith-Mt Mercer Rd, Meredith	89.2266Ha
30800010	934 Meredith-Mt Mercer Rd, Meredith	108.1917Ha
Moorabool Shire		
255900	Boundary Rd, Cargerie	222.6Ha
261500	Meredith-Mt Mercer Rd, Cargerie	151Ha
	Total	1,685 ha

The Proposed Development:

The proposal is to build five, 72 m by 16 m sheds for sheltering and feeding goats, a milking parlour and a 45 m by 15 m hayshed.

Location:

Address 1625 Bamganie Rd, Cargerie, VIC 3334 (though the usual access will be from Cameron Rd- see below.

Location Crown Allotment ^A, Section 2 and Crown allotment 60C, Parish of Cargerie.

Road Access: The site will be accessed from Cameron Rd, via a formed culvert (built by Vic Roads when Cameron Rd was upgraded two years ago). The access is already established (for accessing the rearing facility we build last year) and an all weather track will lead across to the proposed new site.

Vehicle Movements:

There will be generally about 4 to 10 visits by vehicles each day:

- From 5 am until 7 pm, on any particular day, there will usually be one or two people on site, feeding, milking and caring for the animals. For two shifts, this will be 4 vehicles
- Pellets will be delivered at least monthly by truck
- A milk tanker will collect milk daily
- The hayshed will hold about 600 tons of hay, so will require 15 annual trips with a B double truck to fill.
- There will be miscellaneous visitors – contractors etc

There will be a tractor and mixer wagon used to feed the goats, and spread straw daily. These will be confined to the site

There will be manure removed by tractor drawn manure spreaders – this will occur over a week, twice a year and involve perhaps 20 trips to surrounding paddocks each day for 5 days.

Management plan:

General: The farm will be managed according to the farm management plan that the 3 farms already managed for Meredith Dairy, situated on “Glenspean” adhere to. This management plan includes guidelines on nutrition, breeding, genetics, daily routine, pest control, waste management and pest control, as well as standard operating procedures and work instructions to ensure the management plan is adhered to.

The plan is overseen by Sandy and Julie Cameron (the directors of Meredith Dairy), and their management team that includes a farm vet, and two animal technicians who have degrees in Animal Science.

The day to day operations on the new site will be overseen by a manager, and about 4 additional staff, all of who will have their training overseen by the “Business Systems” department of Meredith Dairy.

All the documentation relating to the above will be provided if requested, or a visit by a representative of the planning department of Moorabool Shire to the Meredith Dairy Office, at 106, Cameron Rd will be welcome, as it will allow for detailed explanations of the management plan.

The management plan is summarized below:

- a) Daily routine:
 - i) Milking (of approximately 1,500 goats) will be conducted between 5.00 am and 9am in the morning, and 3.00 pm and 7.00 pm each day. Milking will be on a de Laval, double up herringbone dairy.
 - ii) Feeding will be total mixed ration, formulated by Sandy Cameron, according to ARC (Australian Research Council) guidelines. The mix will be prepared in a tractor drawn mixer wagon, on site and deposited in the central feed lane in each shed. The diet is designed to have all the essential ingredients, including fiber. The ration is fed ad libitum, with left over feed (typically 5% of the ration fed) swept up each morning and fed to a small herd of cattle located on Glenspean.
 - iii) Bedding (straw, a byproduct of our cropping) is spread each morning in the housing to provide a deep litter, that keeps the goats clean and dry.
 - iv) Water is provided ad libitum. The bore will be reticulated from the main water supply of Glenspean (a combination of dam water and bore water).
- b) Breeding: The herd is divided into 4 groups that kid down in either March, June, September or December (so ensuring the kid rearing facilities are no overwhelmed, plus providing a consistent flow of milk for Meredith Dairy).
 - i) Breeding is generally by natural mating, though some intravaginal insemination with fresh semen is carried out.
 - ii) Pregnant animals are inspected twice daily, and once kidding begins, they are inspected several times per day to treat dystocia.
 - iii) Kids (male and female) remain with their mothers for 24 to 48 hours after birth. They will then be reared in the new facility at Cameron Rd; provided with milk replacer for 6 to 8 weeks, then pellets and straw.

- iv) Male kids are sold for breeding or meat when they reach 25 kg live weight.
- v) Female kids are sold for breeding at 25 kg live-weight or retained as milking stock.
- c) Animal Health: The housing is designed so that all animals are easily inspected from the feed lane (all animals eat when fresh feed is put down in the morning, or when feed is pushed up at mid-day or in the evening- diseased animals will lag, so are inspected).
 - i) Preventative Health: the animals are vaccinated for clostridial diseases and Johnes disease. This, and the appropriate housing (they provide shelter from rain, and the prevailing wind, but also excellent ventilation), and nutrition ensures few animals are sick. CAE (a chronic disease that is endemic in some goat herds) has been eradicated from the Meredith Dairy herds, but a sample of the herd is regularly tested to guarantee this is so.
 - ii) Diseased animals: these are identified twice daily at feeding. They are placed in a hospital pen where they receive appropriate pain control, and when necessary, antibiotic, from the farm vet, or Sandy Cameron, who is also a veterinary surgeon.
 - iii) Culling: Unproductive animals (for example those that consistently yield well below average quantities of milk) are sold for slaughter at a registered abattoir. Animals that will not recover and are not suitable to transport for slaughter (for example animals with arthritis) are humanely destroyed with a captive bolt gun.

Animal Welfare

The farm management plan, and the standard operating procedures comply with all DPI guidelines on management of goats. Important features include:

- Housing: the housing provides for 1.5 square meters of floor space per adult goat, which is the European standard (there is no standard for Australia).
- Nutrition: is of excellent quality and adequate amounts (being formulated by someone trained in ruminant nutrition).
- Animal Health: is overseen by two veterinarians who are engaged full time in the business (the farm vet, and Alexander Cameron, the co-owner).
- There is a preventative health program, as described in the management plan.
- Culling: as described above, is timely and humane.
- Pain relief is provided where appropriate (for example full anesthesia for surgery or reduction of fractures; non-steroidal anti-inflammatories for minor ailments).
- All offspring are reared.

Pest Control

The facility will require a license from Dairy Food Safety Victoria (DFSV), and one of the licensing requirements is that the facility has an adequate, documented and audited Pest Control Program.

The QA program of Meredith Dairy, that is accredited by SQF, AQIS and DFSV also stipulates that the farm QA program is subject to regular audits, and that this includes audits of the pest control program.

Further details of these QA requirements can be provided as required, but in summary, the main features of the pest control program relate to fly and rodent control.

- Rodents are controlled through a baiting program. Poisoned baits are placed in bait stations, placed at about 15 m intervals across the facility. These bait stations are inspected and topped up at least monthly, and more frequently if rodent activity is noted. The position of the baits, the date of inspection, and the level of rodent activity are all recorded at each inspection, and these records are audited by both Meredith Dairy, and DFSV.
- Flies are controlled by applying an APVMA approved insecticide on the surfaces of the facility on which flies tend to roost.

Waste Management:

- Rubbish is sorted into recyclable (for example silage wrap) and that suitable for land fill, and removed by appropriate contractors (Cleanaway for land fill; various for recyclables)
- Effluent; the design of the dairy means the dairy is not washed down after milking; the manure falls through slats for removal by bobcat. Therefore, the site will only produce about 2,000 liters of effluent per day, which is the water used to wash the milking plant. This will be pumped to a small (approximately 1 ML) tank, located about 400 m south east of the proposed site. During summer months this will be irrigated onto adjacent pasture.
- Manure and bedding: The manure from the site is captured in the bedding in the housing. This builds up as expected in a deep litter system, so requires removing twice a year.
 - The bedding contains about 1% Nitrogen, 1% potassium and 1% phosphorous, on a dry matter basis.
 - Each goat generates about 400 kg of bedding & manure per year, on a dry matter basis.
 - The site will therefore produce about 1,000 tons of bedding and manure per year.
 - This will be spread over the adjoining 400 ha of land (the crown allotments on which this site is to be built (the site known as Emmets) and the titles to the South (that has the site known as Lyndalls and other parts of Glenspean). The 2.5 tons per ha provides appropriate amounts of phosphorous to replace what is removed by crop and livestock each year, and about half the nitrogen and potassium requirements. In other words, there is no reason for build up of excessive nutrient levels on these paddocks.
 - Manure spreading will be timed so that there is minimal risk of run-off immediately after spreading. Heavy rain within weeks of spreading conventional fertilizer, can result in nutrient pollution of adjacent streams. To minimize risk of this this, we will implement several control measures:
 - (i) Manure will not be spread in the second half of autumn and winter, when the risk of runoff is at a maximum.
 - (ii) Manure will not be spread on the slopes adjacent to any gullies or creeks, including the Cargerie creek.

We have been spreading manure on our paddocks for at least 15 years now. We have not observed any signs of pollution of the creeks on our farm (sadly it is now so dry that we only see run off every few years).

We have an annual soil testing program, including regular measurement of deep soil nitrogen and we see no evidence of excessive buildup of nutrients.

We do see excellent production from our farm land- the manure spreading is doing a wonderful job of replacing the nutrients removed on our highly productive farm, and is also increasing the carbon content of our soils, and so, almost certainly improving the water holding capacity of our soils.

Trees:

The trees we will plant in closest proximity to the site will be selected for their relative fire resistance; spotted gums and river sheoaks.

We have already planted trees at a greater distance from the site, including along the Bamganie Rd. These are mixed native species; largely local varieties of wattle, casuarina and eucalypts, though some drought resistant species such as red box. We have also planted some pinus radiata.

Our family has a great heritage of tree growing and take great pride in it. We anticipate the site being hidden by trees, whether viewed from the road or neighbors, within 5 years.

Management of the remaining land

The remaining land will be cropped for wheat, canola, and ryegrass i.e will be farmed very conventionally.

- 9 UPDATE ON TRENDS, ISSUES AND OTHER MATTERS**
- 10 PROCESS FORWARD AND WORK PROGRAM**
- 11 UPDATE ON VCAT DECISIONS**
- 12 OTHER BUSINESS**
- 13 DATE OF NEXT MEETING**
- 14 MEETING CLOSE**