

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 13 September, 2017

James Young Room, Lerderderg Library

Bacchus Marsh

4.00 pm

1. MEETING OPENING

Councillor Pat Toohey as the Chair welcomed all and opened the meeting at 4.02 pm.

ATTENDANCE

Cr. Pat Toohey (Chair)	Councillor – Woodlands Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. John Keogh	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mr. Tristan May	Acting Manager Engineering Services
Mr. Mark Lovell	Senior Statutory Planner
Ms. Jacquie Elliott	Minute Taker

2. 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.

3. CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for 9 August, 2017 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

Cr Tatchell advised he has an interest in item 5.3.

5. GROWTH & DEVELOPMENT REPORTS

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|-----|---|---------|
| 5.1 | Planning Permit Application PA2015-028; Development of a Two Storey Building comprising a Shop and Dwelling, Two (2) Lot Subdivision and a Reduction of Five (5) Car Spaces and Loading Facilities at Lot 3 on PS 206390C, 149 Inglis Street, Ballan VIC 3342. | Page 3 |
| 5.2 | Planning Permit Application PA2016-225; Development and Use of a Dwelling and Outbuildings. | Page 30 |
| 5.3 | Planning Permit Application PA2017-024; Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan VIC 3342. | Page 31 |
| 5.4 | Planning Permit Application PA2017-043; Development of Two (2) Dwellings at Lot 61 on PS 641299S, 105 Holts Lane, Darley VIC 3340. | Page 32 |
| 5.5 | Planning Permit Application PA2017-047; Development of Two (2) Dwellings at Lot 59 on PS 645535L, 101 Holts Lane, Darley VIC 3340. | Page 52 |
| 5.6 | Planning Permit Application PA2017-061; Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares, 77 Halletts Way, Bacchus Marsh VIC 3340. | Page 72 |

PRESENTATIONS/DEPUTATIONS

List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/Objector
5.1	Planning Permit Application PA2015-028	Robert Eskdale	Speaking on behalf of Applicant
5.3	Planning Permit Application PA2017-024	Robert Eskdale	Speaking on behalf of Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2015-028

Planning Permit Application PA2015-028; Development of a Two Storey Building comprising a Shop and Dwelling, Two (2) Lot Subdivision and a Reduction of Five (5) Car Spaces and Loading Facilities at Lot 3 on PS 206390C, 149 Inglis Street, Ballan VIC 3342.

Application Summary:	
Permit No:	PA2015-028
Lodgement Date:	20 February, 2015
Planning Officer:	Tom Tonkin
Address of the land:	Lot 3 on PS 206390C, 149 Inglis Street, Ballan 3342
Proposal:	Development of a Two Storey Building comprising a Shop and Dwelling, Two (2) Lot Subdivision, Reduction of Five (5) Car Spaces & Loading Facilities
Lot size:	307sq m
Why is a permit required?	Clause 34.01 – Commercial 1 Zone – Development and subdivision Clause 42.01 – Environmental Significance Overlay – Development and subdivision 52.06 – Car Parking – Reduction of car spaces 52.07 – Loading and Unloading of Vehicles – Waiver of loading bay Clause 52.29 – Land Adjacent to a Road Zone, Category 1 – Subdivision
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	Two (2)
Consultation meeting:	Informal discussion with one objector

Policy Implications:	
Key Result Area Objective Strategy	<p>Enhanced Natural and Built Environment.</p> <p>Effective and efficient land use planning and building control.</p> <p>Implement high quality, responsive, and efficient processing systems for planning and building applications.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	Yes, the application was referred to relevant water boards, DELWP and Council's Infrastructure unit.
Any issues raised in referral responses?	No
Preliminary Concerns?	Yes. The Council officer wrote to the applicant with concerns about proposed vehicle access to the site, three storey development and impacts on trees on adjoining land. Further information was also requested to demonstrate that vehicle access to the site could be legally obtained.

Any discussions with applicant regarding concerns	The Council officer wrote to the applicant, as described above, and the applicant responded with further information as follows: Proof of legal access to the site; impacts on trees were resolved by way of advice from the neighbouring landowner to the west who advised that the trees on his land were intended for removal; and a design solution in relation to a street tree suggested. The three storey built form was unchanged.
Any changes made to the application since being lodged?	<p>Yes. The abovementioned initial changes were made before advertising. After advertising, the applicant submitted an amended application on 31 March 2016 to reduce the height and bulk of the building at the street frontage by amending the upper storey floor plan. The proposed changes were not advertised.</p> <p>The application was further amended on 19 February 2017 by reducing the number of car spaces from four to three, reducing the size of the dwelling by reducing the number of storeys from three to two, and consequently amending the subdivision from three to two lots. Changes were also made to the façade detailing. This application was advertised and no further objections were received.</p>
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for Development of a Two Storey Building comprising a Shop and Dwelling, Two (2) Lot Subdivision and a Reduction of Five (5) Car Spaces and Loading Facilities.</p> <p>Subject to conditions, the proposal generally satisfies the relevant provisions of the Moorabool Planning Scheme. The proposal contributes to growth of commercial floor space and housing diversity. The proposed design is generally in keeping with the character of the area. The proposed reduction of parking and loading facilities is deemed to be reasonable, and subject to conditions car parking provision is acceptable.</p> <p>It is recommended the application be approved, subject to conditions.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to the conditions detailed at the end of this report.	

Public Notice

Notice of the application was originally given to adjoining and nearby landowners and occupiers by mail on 11 December 2015 and a sign erected on site from 11-28 December 2015. Two objections were received. Notice of the second amendment to the application was given to adjoining and nearby landowners and occupiers by mail on 14 July 2017 and a sign erected on site from 21 July until 5 August 2017. No further objections were received.

Summary of Objections

The objections received are detailed below with officer's accompanying comments. It is noted that both objections were received in response to the initial advertisement of the application. No further comments or objections were received in response to notice of the amended proposal.

Objection	Any relevant requirements
The scale and bulk of the building, which has an industrial character.	Clauses 15.01-2, 15.01-5, 21.03-4 & 21.08
Officer's response - This objection is addressed below.	
Noise from pool filter.	N/A
Officer's response - The amended proposal does not include the swimming pool.	
The 9.2m high west facing concrete wall is industrial in scale, will attract graffiti and should at least have a textural finish,	Clauses 15.01-2, 15.01-5, 21.03-4 & 21.08
Officer's response - This objection is addressed below.	
Inadequate parking provision	Clause 52.06
Officer's response - This objection is addressed below.	
Building not in character with existing or desired Inglis Street streetscape.	Clauses 15.01-2, 15.01-5, 21.03-4 & 21.08
Officer's response - This objection is addressed below.	
Lack of loading and unloading facilities.	Clause 52.07
Officer's response - This objection is addressed below.	

Proposal

As noted above, the application has been amended since it was originally submitted to Council. The most recent proposal is described below.

It is proposed to develop the site for a two storey building comprising a shop and dwelling, a two lot subdivision in accordance with the proposed development, and reduce car parking by five car spaces & waive the requirement for a loading bay.

The proposed building would comprise a shop at ground level, fronting Inglis Street with a floor area of approximately 174sq m. Toilet and kitchenette facilities would be provided at the rear of the premises. Further to the rear would be parking for three cars, two of which would be completely undercover. The two car spaces allocated to the dwelling would be in a tandem arrangement, one of which would encroach on the carriageway easement. The upper storey would comprise a dwelling with three bedrooms, laundry, bathroom, separate toilet and open plan kitchen, dining and family area leading to a covered balcony at the rear. Access to the dwelling would be via internal staircases from Inglis Street and from the rear car parking area.

Vehicle access to the site would be via a carriageway easement across the rear of the properties to the east at 145 and 147 Inglis Street to an existing accessway across Council owned land at 78 Steiglitz Street and a car park at 143 Inglis Street which is Crown land, to Steiglitz Street. Proposed

vehicle access across the Crown land is consistent with an existing licence agreement between the landowner and the land manager.

The building would have a generally conventional appearance, with sheer two storey walls to the front and sides. The car spaces would be provided in an undercroft at the rear. An awning above the Inglis Street public footpath would be provided. The building would be constructed of concrete tilt-up panels, with the western wall including vertical elements of a different texture to articulate the wall.

The proposed subdivision would provide separate titles for the dwelling and shop and associated car spaces, and common property for shared pedestrian and vehicle access from the rear of the site, in accordance with the proposed development plans.

The proposed plans are provided in Attachment 1.

Site Description

The site is identified as Lot 3 on PS 206390C and known as 149 Inglis Street, Ballan. The site is on the south side of the street approximately 100m east of Cowie Street and 95m west of Fiskin Street, and is rectangular in shape with a width of 6.1m and depth of 50.39m, yielding an area of 307sq m. The site has no discernible fall and is currently vacant. There is no formal vehicle access to the site, however the site is benefitted and burdened by a 6.0m wide carriageway easement to enable access from the east across adjoining lots 1 and 2 to Council and State owned land to the south and to Steiglitz Street further to the south. The site is also burdened by drainage and sewerage easements contained within the area of the aforementioned carriageway easement.

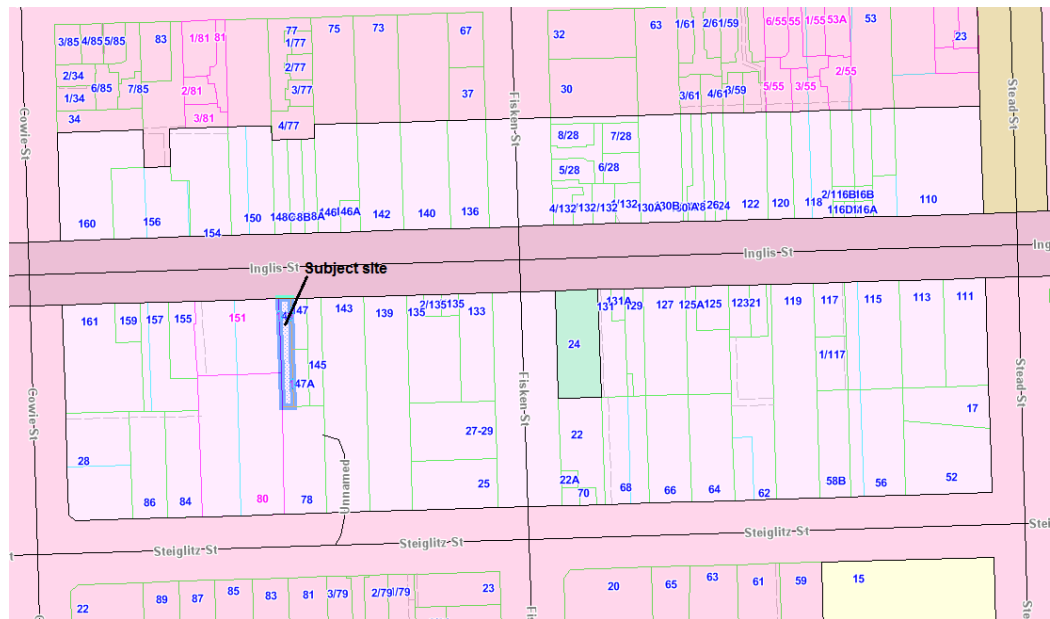
The site and surrounding land is in the Commercial 1 Zone and forms part of Ballan's commercial core. Surrounding development comprises a mix of uses including retail, community and residential. To the west is the Commercial Hotel comprising a 1-2 storey building. To the east are single storey shops. To the south is Ballan Men's Shed.

To the north, across Inglis Street, are single and double storey buildings, including dwellings, and a plant nursery. The site is approximately 80m from the nearest residential zoned land to the north and south. Inglis Street is a Road Zone, Category 1 road.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- 11.07-2 Peri-urban areas.
- 11.08 Central Highlands.
- 14.02 Water.
- 15.01-1 Urban design.
- 15.01-2 Urban design principles.
- 15.01-5 Cultural identity and neighbourhood character.
- 16.01-2 Location of residential development.
- 16.01-4 Housing diversity.
- 17.01-1 Business.
- 21.02-3 Water and Catchment Management.
- 21.03-2 Urban Growth Management.
- 21.03-3 Residential Development.
- 21.03-4 Landscape and Neighbourhood Character.
- 21.04-3 Commerce.
- 21.08 Ballan.
- 22.02 Special Water Supply Catchments.

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

Zone

The subject site is in the Commercial 1 Zone.

The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Under Clause 34.01-3 a permit is required to subdivide land.

Under Clause 34.01-4 a permit is required to construct buildings and works.

The proposed development and subdivision generally satisfies the purpose of the Commercial 1 Zone.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 due to the site being in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required to subdivide land and construct buildings and works. There are no relevant exemptions under Schedule 1.

The site has access to reticulated sewerage, drainage would be to an approved system and the site is more than 100m from a waterway. The proposal is generally consistent with the provisions of the Environmental Significance Overlay.

Relevant Policies

Council adopted the Ballan Structure Plan (BSP) on 17 December 2015. Council has since recently publically exhibited the draft Ballan Strategic Directions (BSD) Paper which strengthens but also superseded many elements of the BSP. The proposal is generally consistent with both the BSP and BSD Paper.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

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

A subdivision is exempt from a public open space requirement specified in this scheme if it subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided. In this instance it is recommended that no public open space requirement is applicable.

Clause 52.06 Car Parking

Under Clause 52.06-5 each three (3) bedroom dwelling must be provided with two (2) car spaces, and a shop must be provided with four (4) spaces to each 100sq m of leasable floor area. Accordingly, the proposed shop would require six (6) spaces. A total of three (3) spaces are proposed, two (2) of which would be for the dwelling and one (1) for the shop. Under Clause 52.06-3 a permit is required to reduce the number of car spaces required under Clause 52.06-5. In this instance a reduction of five (5) spaces is required.

The proposed car space dimensions are 2.4m width x 5.4m length, and on a 90 degree angle to the 6.0m wide accessway contained in a carriageway easement. Under Clause 52.06-9, the car space dimensions should be at least 2.8m width x 4.9m length. Furthermore, due to their being walls on either side of the parking area an additional 0.3m width must be provided to enable reasonable access for vehicle occupants. The overall layout of the car spaces does not satisfy the standards or purpose of Clause 52.06.

Clause 52.07 Loading and Unloading of Vehicles

Under Clause 52.07 no buildings or works may be constructed for the sale of goods unless space is provided on the land for loading and unloading of vehicles in accordance with the requirements of the clause. A permit may be granted to waive these requirements if either the land area is insufficient or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

No loading facilities are proposed, however the proposal is considered to be acceptable, as discussed below.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

Under Clause 52.29, a permit is required to subdivide land adjacent to a Road Zone, Category 1. In this instance there would be no change to the access arrangements to Inglis Street, and the proposal is considered to meet the purpose of this clause.

Clause 52.34 Bicycle Facilities

Based on the requirements of Clause 52.34-3 there is no requirement for bicycle parking for the proposed development.

Discussion

Overall, the proposal is considered to be generally consistent with relevant State and local planning policy, the Commercial 1 Zone, Environmental Significance Overlay and relevant Particular Provisions of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as a local service centre intended to support increased population growth. The proposal would contribute to both commercial development of the town's core commercial area and to consolidated residential growth, and take advantage of existing infrastructure. Growth must be balanced with the need for new development to respect the existing character and integrate with the surrounding environment.

Other relevant State and local planning policy emphasizes a range of concerns, including the need to:

- Strengthen and enhance the character, identity, attractiveness and amenity of peri-urban towns;
- Create a strong sense of place;
- Achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties;
- Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation;
- Extend the range of housing types available to provide resident choice and meet changing housing needs;
- Ensure new development in all zones respects the existing character, landscape setting and amenity of the local area;
- Protect the urban and landscape elements that contribute to the township's heritage and rural character;
- Provide diversity in housing that is in character with the township and provides for continued growth of the town as a regional centre.

The subject site and surrounding land is in the Commercial 1 Zone (C1Z) and developed for a mix of uses. Surrounding built form comprises a mix of single and double storey development but with no strongly unifying design elements apart from a modest scale and generally conventional façade treatments.

The purpose of the C1Z is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

The purpose of the C1Z, and the range of applicable State and local planning policies, indicate that development must achieve a balance between providing for increased growth and protecting the character and amenity of the area.

The key issues for discussion are considered to be:

- Is the proposed building designed to integrate with the streetscape and neighbourhood character of Ballan's main street?
- The design and provision of car parking.
- Loading and unloading of vehicles.

Is the proposed building designed to integrate with the streetscape and neighbourhood character of Ballan's main street?

Overall, the proposed building is considered to be an acceptable design response to its location in Ballan's main street, subject to conditions to amend elements of the façade.

As previously described, the proposal has been amended to reduce the building from three to two storeys, which, given the site features and context substantially, addresses issues such as scale, visual bulk and integration with the streetscape. Ballan's main street includes a mix of single and double storey buildings reflecting an array of building eras and designs, with variations in scale, cladding, roof forms and façade articulation. Development immediately adjacent to the subject site reflects this, with a single storey shop to the east and a hotel to the west with single and double storey elements. The proposed two storey form is considered acceptable.

The front façade elements, including windows, awning and parapet design are generally in keeping with development in the commercial area of Ballan. The west side wall is articulated with vertical elements mixing an applied finish, stippled raw concrete and stamped form concrete to break up the building mass, which is considered to be acceptable. Nevertheless, it is proposed that this wall would remain a natural concrete colour, which in the context of Ballan's main street and its visual prominence is considered to be inappropriate. It is therefore recommended that a condition of approval require this wall to be painted a light colour to Council's satisfaction, to better integrate the appearance of the building with surrounding development. The east side wall is unarticulated, and whilst less prominent than the west wall it is recommended that the same vertical elements and paint scheme be applied to at least 15.0m of the wall length measured from the north title boundary to articulate that section of the wall most visible from the street. The paint scheme should be consistent with the front façade paint colour. The rear of the building is adequately articulated with the ground level car park and upper storey balcony.

Subject to conditions, the proposed building is considered to be an acceptable design response.

The design and provision of car parking

- As previously described, the applicant seeks a reduction of five car spaces for the proposed shop. A reduction of parking is considered reasonable for the following reasons:
 - The site area of 307sq m restricts the possibility of providing all parking on site.
 - The proposed uses are 'as of right' in the Commercial 1 Zone, and the commercial use of the ground floor premises is highly desirable in this location.
 - The site's location in the commercial core of Ballan increases the likelihood that customers would make multi-purpose trips, thereby a 'sharing' of on-street parking by retailers occurs.
 - Provision of underground parking for a development of this scale and on a site of this size is impractical.

The proposed car space dimensions and layout are not acceptable, and would prejudice the safe, efficient and practical use of the car spaces. Car parking is constrained by the site's narrow width and limited access at the end of an accessway. It is recommended that a condition of approval require the position of car spaces 2 and 3, allocated to the dwelling in a tandem arrangement, be amended to ensure all parked vehicles are located clear of the carriageway easement, by effectively 'pushing' the car spaces further into the ground floor of the building, thus reducing the size of the commercial premises.

Given all the car spaces are constrained by a wall on at least one side, to ensure that all occupants can get in and out of vehicles it is recommended that the rear car space 3 be 'pushed' as far forward into the site as necessary to enable pedestrians to move between parked cars and the rear of the site. This change would require a consequential amendment to the layout of the commercial premises. Car space dimensions should be in accordance with the standards under Clause 52.06, as described above.

Subject to the above changes to the plans, there is sufficient space for all vehicles to enter and exit the site in a forward direction.

Loading and unloading of vehicles

The waiver of loading facilities is considered to be acceptable, given the physical constraints of the site and the size of the commercial floor space which is envisaged to be occupied by a small scale retail premises. Loading and unloading may occur informally in the accessway at the rear of the site, although this would require vehicles to either enter or exit in reverse, or to use an on-street car space in Inglis Street.

In any case, in commercial main streets it is not uncommon for there to be brief periods where goods are loaded and unloaded from vehicles to businesses. There is potential for Council to designate a loading bay in Inglis Street should the need arise in future.

General Provisions

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

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

Referrals

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

Authority	Response
Western Water	Consent with conditions
Southern Rural Water	Consent with conditions
DELWP	Consent
Infrastructure	Consent with conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application on the grounds that the layout and provision of car parking does not meet the requirements of Clause 52.06.

Refusing the application may result in an appeal of Council's decision at VCAT by the permit applicant.

Conclusion

The proposed development of a shop and dwelling, associated subdivision, and reduction of car parking and loading facilities is generally consistent with State and local planning policy, the Commercial 1 Zone, Environmental Significance Overlay and relevant Particular Provisions of the Moorabool Planning Scheme.

Subject to conditions, the proposal generally satisfies the relevant provisions of the Moorabool Planning Scheme. The proposal contributes to growth of commercial floor space and housing diversity. The proposed design is generally in keeping with the character of the area. The proposed reduction of parking and loading facilities is deemed to be reasonable, and subject to conditions car parking provision is acceptable.

Consideration of Deputations – Planning Permit Application No. PA PA2015-028

Robert Eskdale addressed Council on behalf of the applicant to the granting of a planning permit for the application.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit for PA2015-028 for Development of a Two Storey Building comprising a Shop and Dwelling, Two (2) Lot Subdivision and a Reduction of Five (5) Car Spaces & Loading Facilities at Lot 3 on PS 206390C, 149 Inglis Street, Ballan, subject to the following conditions:

Endorsed Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Catania Designs , revision C dated 8 February 2017 and Plan of Subdivision PS738925E version 3, ref. 11162, received by Council on 13 April 2017, but modified to show:
 - a. All car spaces located clear of the carriageway easement and resulting in no loss of car spaces.
 - b. All car spaces with minimum dimensions of 3.1m width x 4.9m length.
 - c. The west wall painted a light colour.
 - d. The façade of the east wall articulated and painted consistent with the west wall for the length of that section of wall within 15 metres of the north title boundary.
 - e. The front awning modified to accommodate the existing street tree.
 - f. The plan of subdivision amended in accordance with the above requirements, as applicable.

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.

Telecommunications:

2. The owner of the land must enter into agreements with:
 - a. A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan 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 in an area where the National Broadband Network will not be provide by optical fibre.
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.

Servicing:

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. 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.

Amenity:

7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
9. Any security alarm or similar device installed must be of a silent type.
10. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'
11. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

Infrastructure:

12. Prior to the issue of a Statement of Compliance for the subdivision, the common property must be constructed in reinforced concrete to a depth of 125 mm, 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. Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - 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 legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
 - a) 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.
18. 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. details of the underground drainage;
 - b. location of drainage legal points of discharge;
 - c. standard details for vehicle crossings and legal points of discharge; and
 - d. civil notes as required to ensure the proper construction of the works to Council standard.

Southern Rural Water and Western Water:

19. The development must be connected to a reticulated sewerage system to the satisfaction of the responsible authority.

20. Polluted or sediment laden runoff must not be discharged beyond the boundaries of the land or into any watercourse or stormwater drain to the satisfaction of the responsible authority.
21. Stormwater must be treated and disposed of to the satisfaction of the responsible authority.
22. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.
23. 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.
24. Each allotment must be connected to reticulated sewerage system and stormwater infrastructure.
25. 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 at the time.

Permit Expiry:

26. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit;
 - b. The development is not completed within four (4) years of the date of this permit; and
 - c. The plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987. Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certificate.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit for PA2015-028 for Development of a Two Storey Building comprising a Shop and Dwelling, Two (2) Lot Subdivision and a Reduction of Five (5) Car Spaces & Loading Facilities at Lot 3 on PS 206390C, 149 Inglis Street, Ballan, subject to the following conditions:

Endorsed Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Catania Designs , revision C dated 8 February 2017 and Plan of Subdivision PS738925E version 3, ref. 11162, received by Council on 13 April 2017, but modified to show:
 - a. All car spaces located clear of the carriageway easement and resulting in no loss of car spaces.
 - b. All car spaces with minimum dimensions of 2.75m width x 4.9m length.
 - c. The west wall painted a light colour.
 - d. The façade of the east wall articulated and painted consistent with the west wall for the length of that section of wall within 15 metres of the north title boundary.
 - e. The front awning modified to accommodate the existing street tree.
 - f. The plan of subdivision amended in accordance with the above requirements, as applicable.

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.

Telecommunications

2. The owner of the land must enter into agreements with:
 - a. A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan 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 in an area where the National Broadband Network will not be provide by optical fibre.

- 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.**

Servicing

- 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 6. 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.**

Amenity

- 7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.**
- 8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**
- 9. Any security alarm or similar device installed must be of a silent type.**
- 10. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'**
- 11. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.**

Infrastructure

- 12. Prior to the issue of a Statement of Compliance for the subdivision, the common property must be constructed in reinforced concrete to a depth of 125 mm, 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. Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - 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 legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system:
 - a. 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.
18. 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. details of the underground drainage;
 - b. location of drainage legal points of discharge;
 - c. standard details for vehicle crossings and legal points of discharge; and
 - d. civil notes as required to ensure the proper construction of the works to Council standard.

Southern Rural Water and Western Water

19. The development must be connected to a reticulated sewerage system to the satisfaction of the responsible authority.
20. Polluted or sediment laden runoff must not be discharged beyond the boundaries of the land or into any watercourse or stormwater drain to the satisfaction of the responsible authority.
21. Stormwater must be treated and disposed of to the satisfaction of the responsible authority.

22. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.
23. 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.
24. Each allotment must be connected to reticulated sewerage system and stormwater infrastructure.
25. 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 at the time.

Permit Expiry

26. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit;
 - b. The development is not completed within four (4) years of the date of this permit; and
 - c. The plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987. Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certificate.

CARRIED.

Report Authorisation:

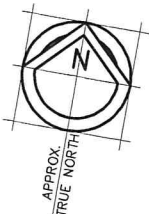
Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

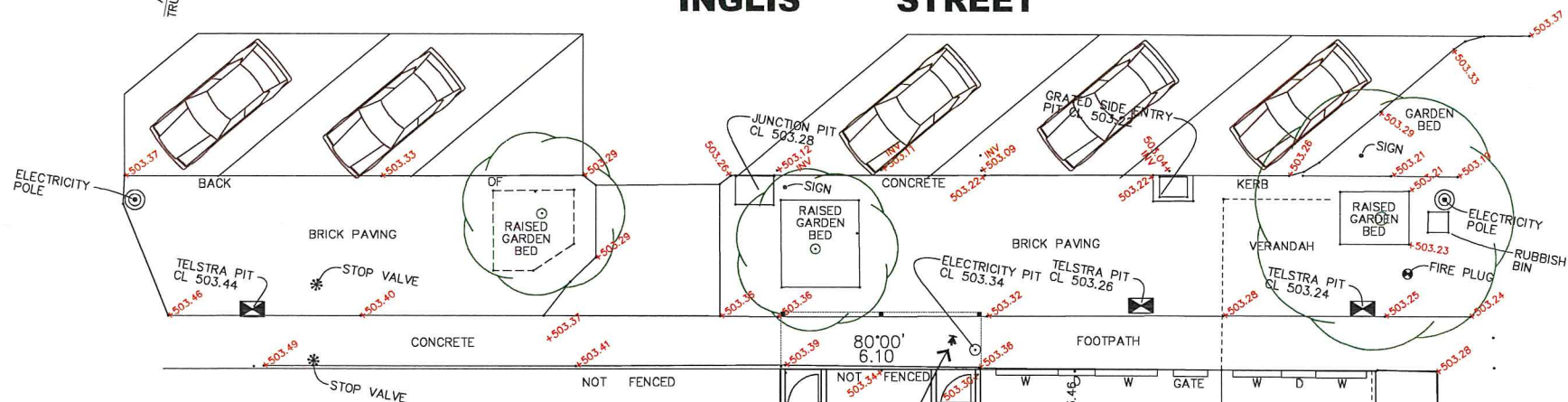
Date: 13 September, 2017



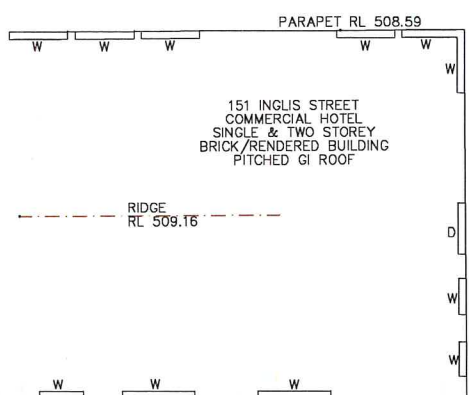


INGLIS STREET

LEGEND	
* STOP VALVE	
W WATER METER	
S SEWER I/O	
⊙ SIGN	
⊙ TELECOM PIT	
⊙ ELECTRICITY POLE	
T.B.M.	
⊙ TITLE PEG	
⊙ TREE	



ABBREVIATIONS			
GALVANISED IRON	GI	HW	HABITABLE WINDOW
METERS	m	W	WINDOW
COVER LEVEL	CL	V	VERANDAH
PALING	PALS	D	DOOR
FLOOR LEVEL	FL	W	WROUGHT IRON
INVERT LEVEL	INV	DD	DOUBLE DOOR
DENOTES LOWER FLOOR	L	U	DENOTES UPPER FLOOR
REDUCED LEVEL	RL	SD	SLIDING DOOR
TEMPORARY BENCH MARK	T.B.M.	BK	BRICK
COLORBOND	CB	N.F.	NOT FENCED



PROPOSED OFFICE SHOWROOM OUTLET AND RESIDENCE ABOVE.

FFL 503.370

149 INGLIS STREET VACANT LAND AS OF 02/02/2015

FFL 503.370

147A INGLIS STREET SINGLE STOREY BRICK/RENDERED UNIT FLAT GI ROOF

NOTE: TREE TO BE CUT BACK CLEAR OF TITLE BOUNDARY

EASEMENTS

- E-1: DRAINAGE & SEWERAGE WIDE LP 144300 2.0m WIDE.
E-2: CARRIAGEWAY WIDE LP 206390 2.0m WIDE.
E-3: CARRIAGEWAY, DRAINAGE & SEWERAGE WIDE LP 206390 4.0m WIDE.

AREAS

Site:	307m ²
Building coverage:	270m ²

CATANIA DESIGNS PTY.

45 Riversdale Crescent
Bacchus Marsh, 3340
Phone/Fax: (03) 53677947
BP No. DP-AD 15435
ACNABN 18 686 317 20



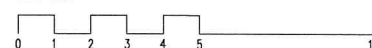
Proposed office/showroom with residence above

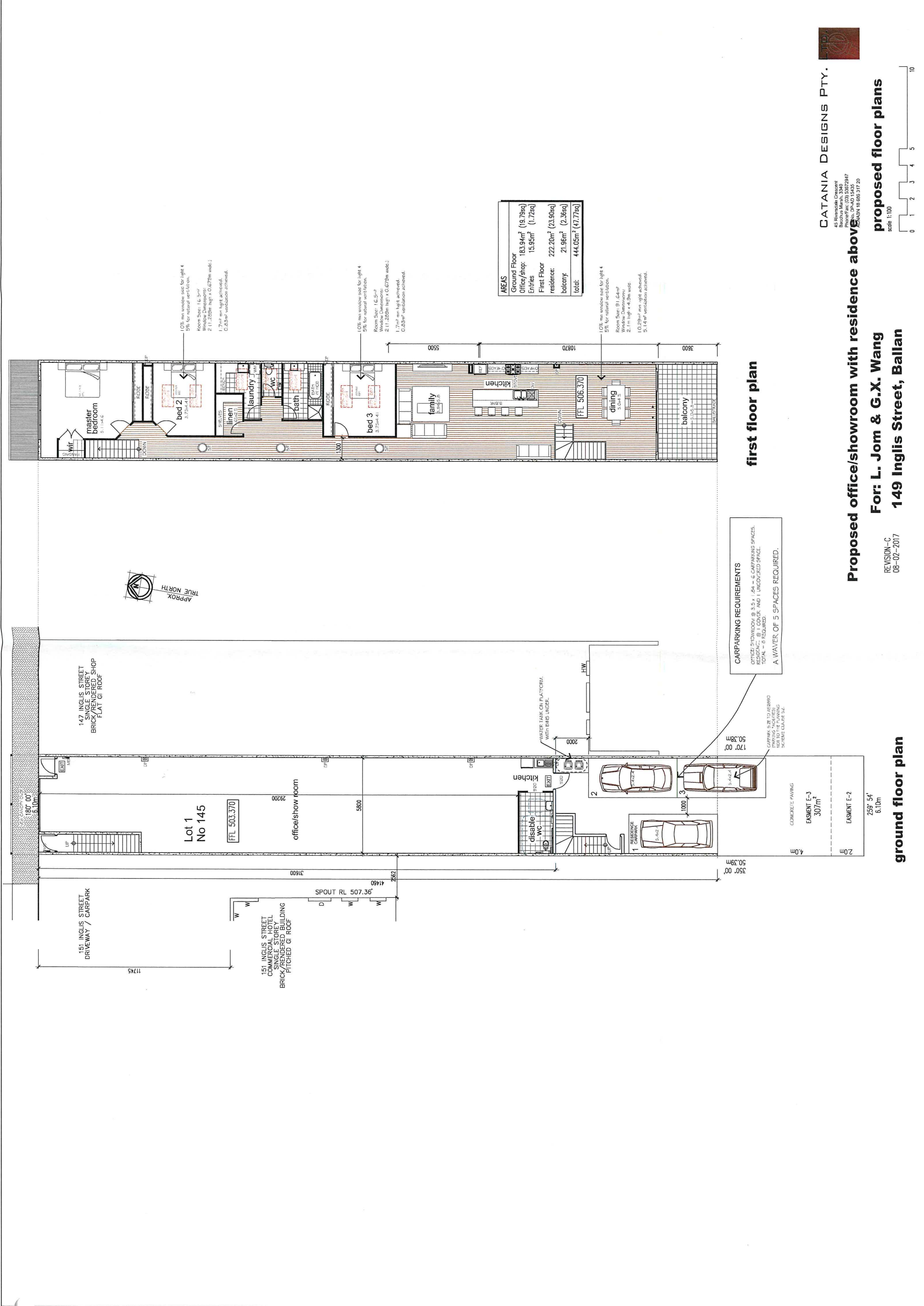
For: L. Jom & G.X. Wang
149 Inglis Street, Ballan

REVISION-C
08-02-2017

survey

scale 1:100





CATANIA DESIGNS PTY.
45 Riversdale Crescent
Bacchus Marsh, 3340
VIC 3040
Phone: 08 865 317 20
Fax: 08 865 317 21
Email: info@catania.com.au
CRN 18 665 317 20

Proposed office/showroom with residence above

For: L. Jom & G.X. Wang
149 Inglis Street, Ballan

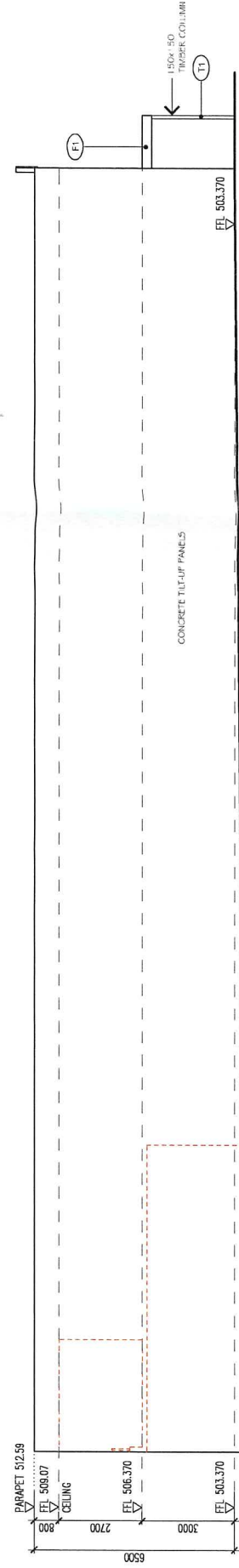
REVISION - C
08-02-2017

ground floor plan

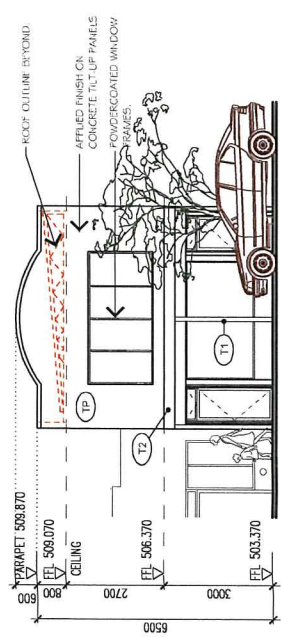
proposed floor plans

scale 1:100

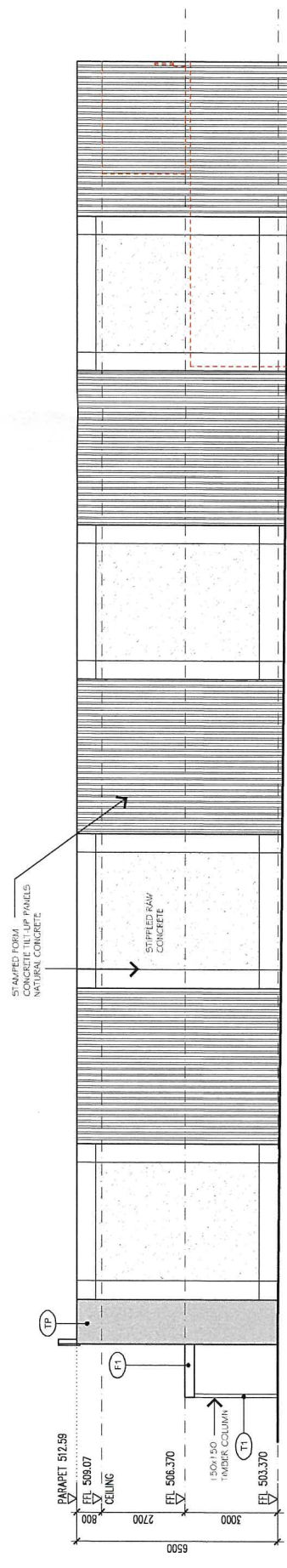




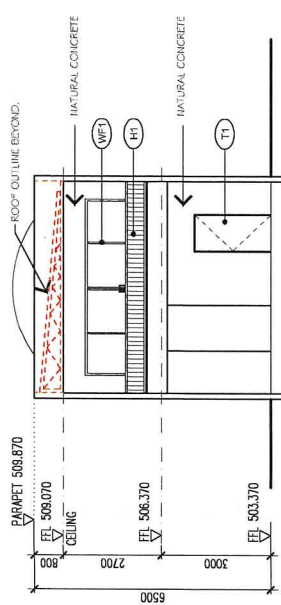
east elevation



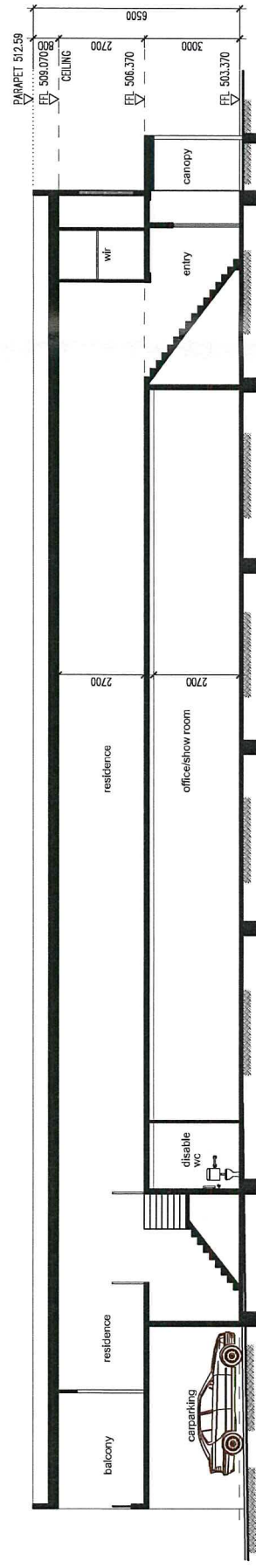
north elevation



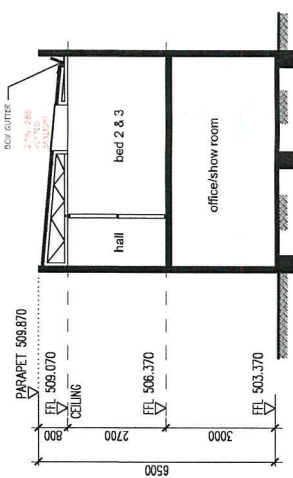
west elevation



south elevation

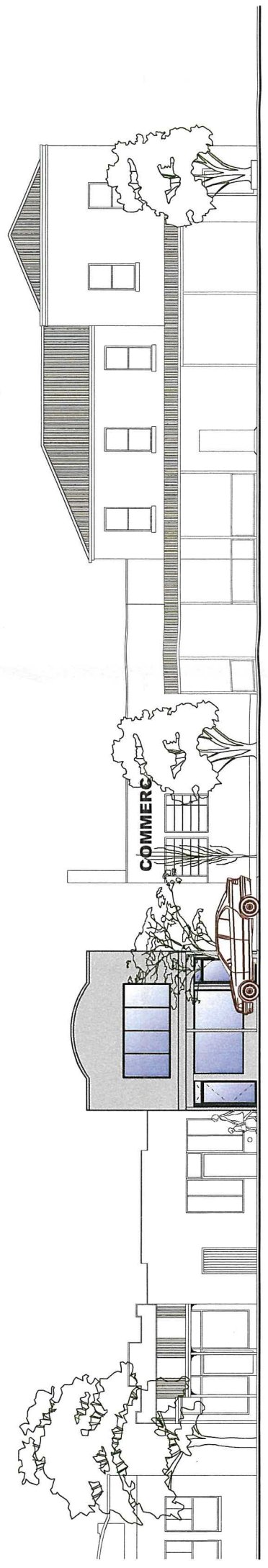


section



cross section

LEGEND	
(RT)	COLORBOND TRIMDECK ROOFING. - COLOUR: SHALE GREY OR SIMILAR APPROVED
(GT)	GUTTERS. - COLOUR: SHALE GREY OR SIMILAR APPROVED
(F)	FASCIA AND BARGE. - COLOUR: SHALE GREY OR SIMILAR APPROVED
(TP)	CONCRETE TILT-UP PANELS APPLIED FINISH - COLOUR: SHALE GREY OR SIMILAR APPROVED
(WF)	TYPICAL ALUMINUM FRAMED WINDOWS POWERGLASS GLAZING - COLOUR: BLACK OR SIMILAR APPROVED
(T)	TIMBER OR FC SHEETING APPLIED FINISH - COLOUR: LIGHT GREY OR SIMILAR APPROVED
(T2)	TIMBER OR FC SHEETING - COLOUR: LIGHT GREY OR SIMILAR APPROVED
(H)	HANDRAILS - POLISHED STAINLESS STEEL OR SIMILAR APPROVED



CATANIA DESIGNS PTY.

Street view along Inglis Street

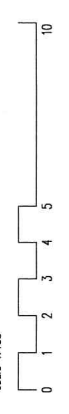
Proposed office/showroom with residence above

For: L. Jom & G.X. Wang

149 Inglis Street, Ballan

REVISION-C
08-02-2017

elevations and section
scale 1:100



PLAN OF SUBDIVISION			LV USE ONLY EDITION 1_	PS 738925E	
LOCATION OF LAND PARISH : BALLAN TOWNSHIP : BALLAN SECTION : 7 CROWN ALLOTMENT : 6 (PART) CROWN PORTION : TITLE REFERENCE : VOL 9739 FOL 514 LAST PLAN REFERENCE : LOT 3 LP206390C POSTAL ADDRESS : 149 INGLIS STREET, (At time of subdivision) BALLAN VIC 3342 MGA94 Co-ordinates (of approx centre of land in plan)E 254 951 ZONE: 55 N 5834 881 GDA 94			MOORABOOL SHIRE COUNCIL		
			NOTATIONS		
			BOUNDARIES DEFINED BY BUILDINGS ARE SHOWN BY CONTINUOUS THICK LINES LOCATION OF BOUNDARIES DEFINED BY BUILDINGS: INTERIOR FACE : ALL BOUNDARIES ALL INTERNAL COLUMNS, SERVICE DUCTS, PIPE SHAFTS, CABLE DUCTS, & SERVICE INSTALLATIONS WITHIN THE BUILDING ARE DEEMED TO BE PART OF COMMON PROPERTY No. 1. THE POSITION OF THESE COLUMNS, SERVICE DUCTS, PIPE SHAFTS, CABLE DUCTS & SERVICE INSTALLATIONS HAVE NOT BEEN SHOWN ON THE DIAGRAMS CONTAINED HEREIN.		
VESTING OF ROADS AND/OR RESERVES					
IDENTIFIER		COUNCIL/BODY/PERSON			
NIL		NIL			
NOTATIONS					
DEPTH LIMITATION DOES NOT APPLY					
Survey: This plan is based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. 148 STAGING This is not a staged subdivision. Planning Permit No.					
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE LAND IN THIS SUBDIVISION					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	CARRIAGEWAY	4	LP206390C	LOTS ON LP206390C	
E-1	DRAINAGE & SEWERAGE	4	LP206390C	LOTS ON LP206390C	
E-2	CARRIAGEWAY	2	LP206390C	LOTS ON LP206390C	
E-2	DRAINAGE & SEWERAGE	2	LP144300	LOTS ON LP144300	
LAND MANAGEMENT SURVEYS (MELB) 34 BALCOMBE ROAD, (P.O. BOX 158) MENTONE 3194 Phone: 9583 0888 Fax: 9583 5888 Email: lms_melb@dmmpl.com.au			DIGITALLY SIGNED BY LICENSED SURVEYOR: PETER R. MORRISON REF 11162		Sheet 1 of 5 Sheets
					ORIGINAL SHEET SIZE A3
					VERSION 03

PS 738925E

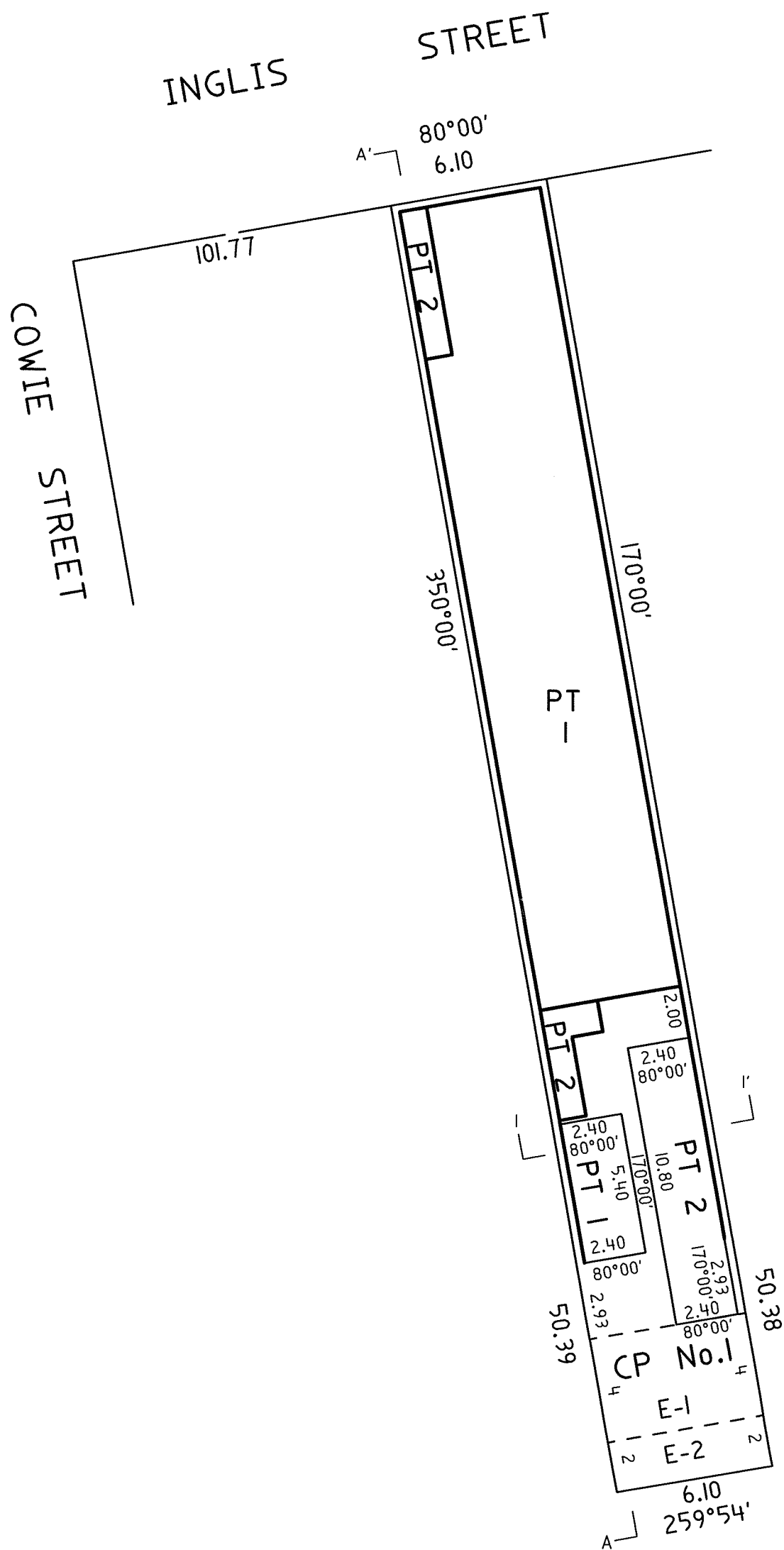
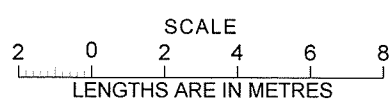


DIAGRAM I
GROUND FLOOR

LAND MANAGEMENT SURVEYS (MELB)
34 BALCOMBE ROAD, (P.O. BOX 158)
MENTONE 3194
Phone: 9583 0888
Fax: 9583 5888
Email: lms_melb@dmmp.com.au



ORIGINAL
SCALE
1:200

Sheet 2

ORIGINAL SHEET SIZE A3

DIGITALLY SIGNED BY LICENSED SURVEYOR: PETER R. MORRISON

REF 11162

VERSION 03

INGLIS STREET

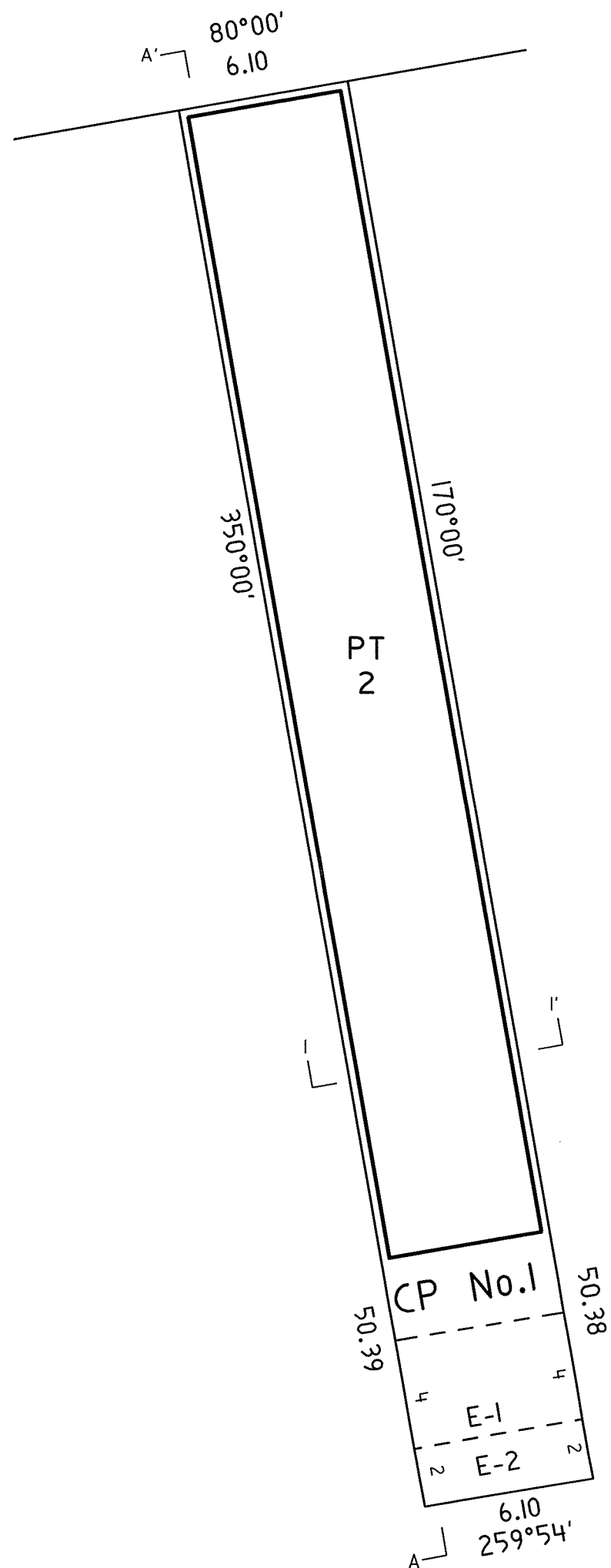
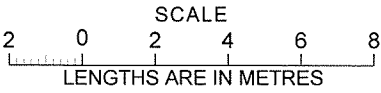


DIAGRAM 2
FIRST FLOOR

LAND MANAGEMENT SURVEYS (MELB)
34 BALCOMBE ROAD, (P.O. BOX 158)
MENTONE 3194
Phone: 9583 0888
Fax: 9583 5888
Email: lms_melb@dmmp.com.au



ORIGINAL
SCALE
1:200

Sheet 3
ORIGINAL SHEET SIZE A3

DIGITALLY SIGNED BY LICENSED SURVEYOR: PETER R. MORRISON

PS 738925E

Plan no> PS 738925E

Unlimited

Lot Entitlement and Lot Liability

Lot	Entitlement	Liability
1	40	40
2	60	60
Total	100	100

VERSION 03

Item 5.2 Planning Permit Application PA2016-225

The matter was removed from the S86 Development Assessment Committee agenda at the request of two (2) Councillors and deferred to the next available Ordinary Meeting of Council as per the S86 Development Assessment Committee Terms of Reference.

Item 5.3 Planning Permit Application PA2017-024

This item was heard after item 5.6 to allow time for the Objector to be present.

SUSPENSION OF STANDING ORDERS 4.23PM

Resolution:

Moved: Cr. Tatchell
Seconded: Cr. Keogh

That Standing Orders be suspended to facilitate a discussion on Item 5.3.

CARRIED.

RESUMPTION OF STANDING ORDERS 4.30PM

Resolution:

Moved: Cr. Tatchell
Seconded: Cr. Keogh

That Standing Orders now be resumed to facilitate a return to the business of the agenda.

CARRIED.

The business of the meeting then returned to Agenda Item 5.3 – Planning Permit Application PA2017-024.

An Alternative Motion was provided to the Applicant for consideration prior to the deferred meeting.

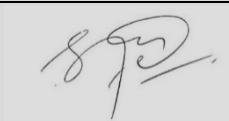
Resolution:

Moved: Cr. Tatchell
Seconded: Cr. Keogh

That the matter be deferred at the request of the applicant to the next available S86 Development Assessment Committee meeting.

CARRIED.

Report Authorisation



Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 13 September, 2017

Item 5.4 Planning Permit Application PA2017-043

Planning Permit Application PA2017-043; Development of Two (2) Dwellings at Lot 61 on PS 641299S, 105 Holts Lane, Darley VIC 3340.

Application Summary:	
Permit No:	PA2017-043
Lodgement Date:	15 March, 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 61 on PS 641299S, 105 Holts Lane, Darley VIC 3346
Proposal:	Development of Two (2) Dwellings
Lot size:	686sq m
Why is a permit required?	Clause 32.08-6 – General Residential Zone – to construct two or more dwellings on a lot.
Restrictions registered on title	Yes, covenant AJ079511F. The proposal would not be in breach of the covenant.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties?	Six (6)
Notices on site?	One (1)
Notice in Moorabool Newspaper?	None
Number of Objections?	One (1) petition with 11 signatures, withdrawn after publication of agenda.
Consultation meeting?	No. Given the content of the petition a consultation meeting was considered unnecessary.
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.

Strategy	<p>Implement high quality, responsive, and efficient processing systems for planning and building applications.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>
Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application referred?	The application was referred to Council's Infrastructure unit.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	Features of the proposed layout inconsistent with Council's preferred character for the area as outlined in the Bacchus Marsh Framework Settlement Plan. The issues related to walls constructed to both side boundaries and provision of two crossovers. Additionally, site coverage exceeded the ResCode standard, and minor plan changes were requested.
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?	Minor plan changes were made but did not seek to address concerns initially raised by the Council officer.
VCAT history?	None.
Previous applications for the site?	None.

General summary	<p>The application is for the development of two (2) semi-detached single storey dwellings, both comprising three (3) bedrooms and the usual utilities with a single garage and tandem car space accessed from separate crossovers.</p> <p>A petition received against the proposal raises concerns about existing traffic conditions on safety on Holts Lane in the vicinity of the site.</p> <p>Subject to conditions, the proposal meets the relevant objectives of State and local planning policy, and all ResCode requirements.</p> <p>Overall, the proposal is an acceptable response to the character and amenity of the area.</p>
Summary Recommendation:	
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , subject to conditions detailed at the end of this report.	

Public Notice

The application was advertised to adjoining landowners by mail on 14 June 2017 and a sign erected on site. One (1) objection in the form of a petition with 11 signatures was received.

Summary of Objection

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

A petition with 11 signatures was received, and reads as follows:

We the undersigned humbly request that you make the following changes to accommodate the undersigned's concerns on safe ingress/egress from properties arising as a result of the developments between Halletts Way and Cunningham Court.

To alleviate our concerns regarding safety, we see the following changes to roadworks and signage to be made as follows:

- *50 km/h limit from roundabout at Halletts Way instead of 60km/h as current.*
- *Middle double white line on the blind crest nearby.*
- *Speed hump on each side of the crest.*

We feel these changes are required if the development of 105 Holts Lane and blocks nearby are to proceed.

Objection	Any relevant requirements
See above	N/A
Officer's response - The objection relates to an existing issue. In the context of the area the proposed development is relatively minor, and there are nearby lots currently being developed for single dwellings. It is not considered reasonable to refuse this application based on the issues raised in the petition, and it is not considered that refusing the application would resolve the issues raised.	

Proposal

It is proposed to develop the land for two (2) semi-detached single storey dwellings.

The proposed dwellings would have mirror-image floor plans and both comprise three (3) bedrooms, main with ensuite, lounge, bathroom, separate toilet, laundry and open plan kitchen, meals and family area leading to an area of secluded private open space at the rear. Car parking would be provided in an attached single garage with a tandem car space. Each dwelling would have a separate crossover, with Unit 1 using an existing double crossover shared with the existing dwelling at 107 Holts Lane.

The proposed dwellings would be clad with face brick with rendered sections, with low pitched hipped tile roofs.

The garages would be constructed to the side boundaries for 6.46m lengths. Front setbacks would be 4.0-8.6m and side setbacks 1.4m. Site coverage would be 62.97%. There would be no front fence.

All reticulated services are available to the site.

The proposed plans are included at Attachment 1.

Site Description

The subject site is at 105 Holts Lane Darley, on the south side of the road approximately 20 metres east of Meridie Way and 40 metres west of Hamish Road. The site is rectangular in shape, with a 20 metre width and 34.25 metre depth, yielding an area of 686sq m.

The site is encumbered by a 3.0m wide drainage and sewerage easement parallel to the rear boundary.

The site is currently vacant and contains no vegetation. There is an existing vehicle crossover adjacent to the west title boundary. The site has a gradual fall from the northwest to the southeast.

The subject site and surrounding land is in the General Residential Zone and characterised by predominantly single dwellings with few examples of medium density housing development nearby. Dwellings on the south side of this section of Holts Lane are part of a recent subdivision with dwellings constructed since 2011 and still containing several vacant lots. Dwellings are typically single storey face brick with low pitched hipped tile roofs. Garages and carports are often a visible streetscape element, typically in keeping with the scale and form of the host dwelling.

Front setbacks are mostly landscaped with lawn, shrubs and small canopy trees. Boundary wall construction is uncommon, and side setbacks are usually between 1.0-2.0m. Front fences are uncommon.

Most dwellings are served by a single crossover. Street trees are not a prominent landscape element. The topography of the area is typified by sloping land.



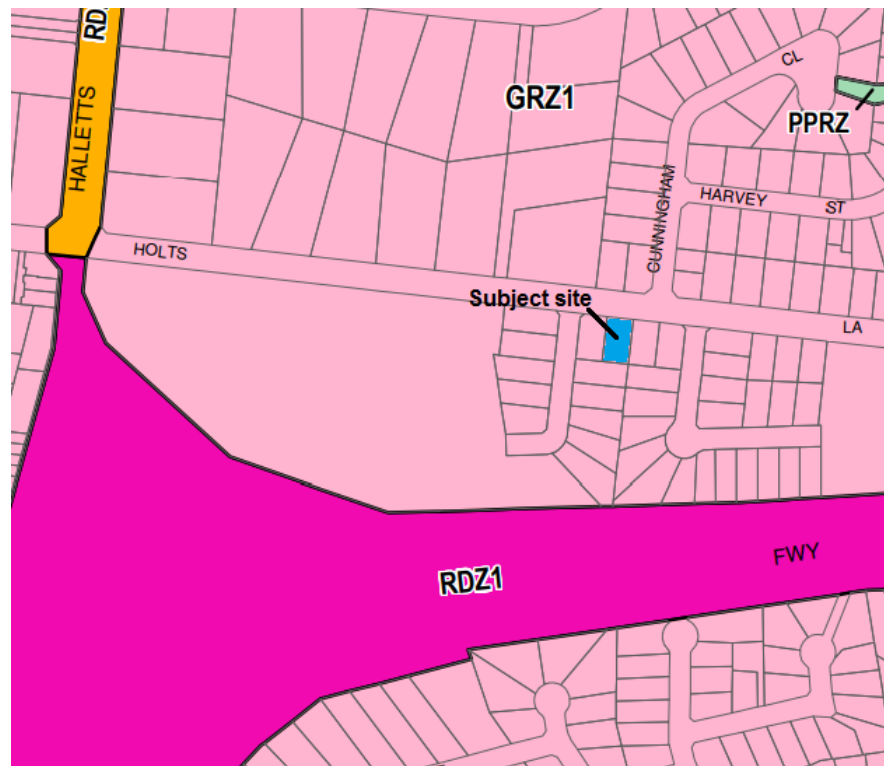
To the east of the site is a vacant lot fronting Holts Lane. To the south is a single storey brick dwelling with a low pitched tile roof fronting Meridie Way.

To the north, across Holts Lane, are several single storey brick dwellings with a low pitched tile roofs.

To the west is a single storey brick dwelling with a low pitched tile roof fronting Holts Lane and on the corner of Meridie Way.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

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

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

Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

The purpose of the zone is:

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

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

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

It is noted that the minimum garden area requirement of Clause 32.08-4 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110, which was 27 March 2017.

Overlays

The subject site is not affected by any Overlays.

Relevant Policies

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

Urban Growth Policy

The Urban Growth Policy states that:

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

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

Housing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

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

The site is located in Precinct 11 of the Settlement Framework Plan, identified as a ‘Natural Residential Growth Area’, which applies to residential land that has been identified for natural change over time. Appropriate well designed, infill development, including multi-unit developments that complement the preferred character of the area, while providing for a variety of housing options will be encouraged in suitable locations.

The Preferred Character Statement for Precinct 11 gives direction to the following:

- The existing streetscape rhythm should be maintained, with regard to side setbacks.
- Boundary to boundary development should be avoided.
- Built form of a modest scale sympathetic to the existing character
- Multi-dwelling developments should minimise the need for additional crossovers, be within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Some lots may not be suitable for further intensification.
- Moderate to high site coverage for smaller lots but with reasonable level of amenity.
- Open front gardens with minimal front fencing.
- Increased canopy tree cover.

Particular Provisions

Clause 52.06 Car Parking

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

The 3.0m crossover and accessway widths satisfy the minimum requirements and the garage dimensions of 6.0m length x 4.0m width meet the standard. The tandem car space dimensions of 4.5m length x 2.6m width do not meet the standard which requires a minimum length of 4.9m. A condition of approval should require the plans to be amended.

It is also recommended that a condition of approval require any landscaped areas around the crossovers to be clear of obstructions in accordance with the requirements of Clause 52.06-8

Clause 55 Two or More Dwellings on a Lot

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

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

Discussion

Overall, the proposed development of two (2) dwellings on the subject site is generally consistent with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings the proposal would also contribute to housing affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings although occasional examples of medium density development are evident nearby.

The purpose of the GRZ includes the following:

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

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

The proposal would generally fit with the character of the area – the dwellings would be of a similar form, scale and appearance to nearby dwellings, albeit with a somewhat bulkier form given the attached construction. The front façades are articulated with different materials, with eaves above the porches, and varied setbacks with space for landscaping.

On-site amenity would be generally acceptable, each dwelling having a north-facing lounge in addition to the main living areas at the rear and secluded private open space with space for landscaping. The secluded private open space areas do not have sufficient depth to gain solar access in accordance with the minimum ResCode requirements, and it is recommended that a permit condition require this to be resolved through a redesign. Dwelling entries would be readily visible and provide shelter and a sense of address.

Off-site amenity impacts would be acceptable, with boundary walls positioned to generally minimise unreasonable visual bulk and maintain acceptable daylight to habitable room windows. Overshadowing would be kept to within acceptable limits and unreasonable overlooking mitigated by way of permit conditions.

The design proposes boundary to boundary construction. In this instance the design response is considered acceptable given the walls are well recessed from the front façades, set back 8.6m from the front boundary which would reduce their visual prominence.

The proposed sit coverage of 62.97% is considered excessive, and would be addressed by way of the abovementioned requirement to improve solar access to the open space areas.

General Provisions

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

Referrals

No referrals were required to be made pursuant to s.52 of the *Planning and Environment Act 1987*. Council's Infrastructure unit was provided with an opportunity to make comment on the application.

Authority	Response
Infrastructure	No objection subject to conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application on the grounds that the proposal is an unacceptable design response to the neighbourhood character of the area.

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

Conclusion

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

It is recommended that the application be supported by Council.

Officers advised that condition '1.g' was part of condition '1.f' therefore the 'g' has been removed.

Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2017-043; Development of Two (2) Dwellings at Lot 61 on PS 641399S, 105 Holts Lane, Darley VIC 3340 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided.

The plans must be generally in accordance with the plans identified as Floor Plans, Roof Plans, Elevations and Landscape Plan prepared by DreamPlan Design Drafting Service, dated 10/01/2017 and received by Council on 5 June 2017 but modified to show:

- a. A landscape plan in accordance with Condition no. 12.
- b. The rear boundary fence with a height of 2.1m above natural ground level as measured at the title boundary.
- c. The east side boundary fence to the rear of Unit 2's garage with a height of 2.1m above natural ground level as measured at the title boundary.
- d. The rear wall of Units 1 and 2 set back a minimum 5.2 metres from the rear title boundary. This must not result in any reduction of front or side boundary setbacks.
- e. The tandem car spaces with a minimum length of 4.9 metres.
- f. A notation that any landscaping, fencing or other feature around the crossovers and within the property (including boundary fences) shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool Planning Scheme.
- g. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Amenity:

2. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
3. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.
4. Landscape Plans:

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

Infrastructure:

6. Each of the proposed dwellings must be provided with a standard urban residential vehicle crossing on Holts Lane 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.
7. 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.
8. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
9. 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.
10. 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.
11. 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.
12. 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).
13. 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 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.
14. 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.
15. 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.

Permit expiry:

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

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

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

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council to Grant Permit PA2017-043; Development of Two (2) Dwellings at Lot 61 on PS 641399S, 105 Holts Lane, Darley VIC 3340 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided.

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- a. A landscape plan in accordance with Condition no. 12.
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- c. The east side boundary fence to the rear of Unit 2's garage with a height of 2.1m above natural ground level as measured at the title boundary.
- d. The rear wall of Units 1 and 2 set back a minimum 5.2 metres from the rear title boundary. This must not result in any reduction of front or side boundary setbacks.
- e. The tandem car spaces with a minimum length of 4.9 metres.
- f. A notation that any landscaping, fencing or other feature around the crossovers and within the property (including boundary fences) shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool Planning Scheme.

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

Amenity:

2. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
3. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.

Landscape Plans:

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

Infrastructure:

5. Each of the proposed dwellings must be provided with a standard urban residential vehicle crossing on Holts Lane 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.
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 - 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.
7. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
8. 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.
9. 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.
10. 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.
11. 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).

12. 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 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.
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- a. Location of vehicle crossings;
 - b. Details of the underground drainage;
 - c. Location of drainage legal points of discharge;
 - d. Standard details for vehicle crossing and legal point of discharge; and
 - e. Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

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

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

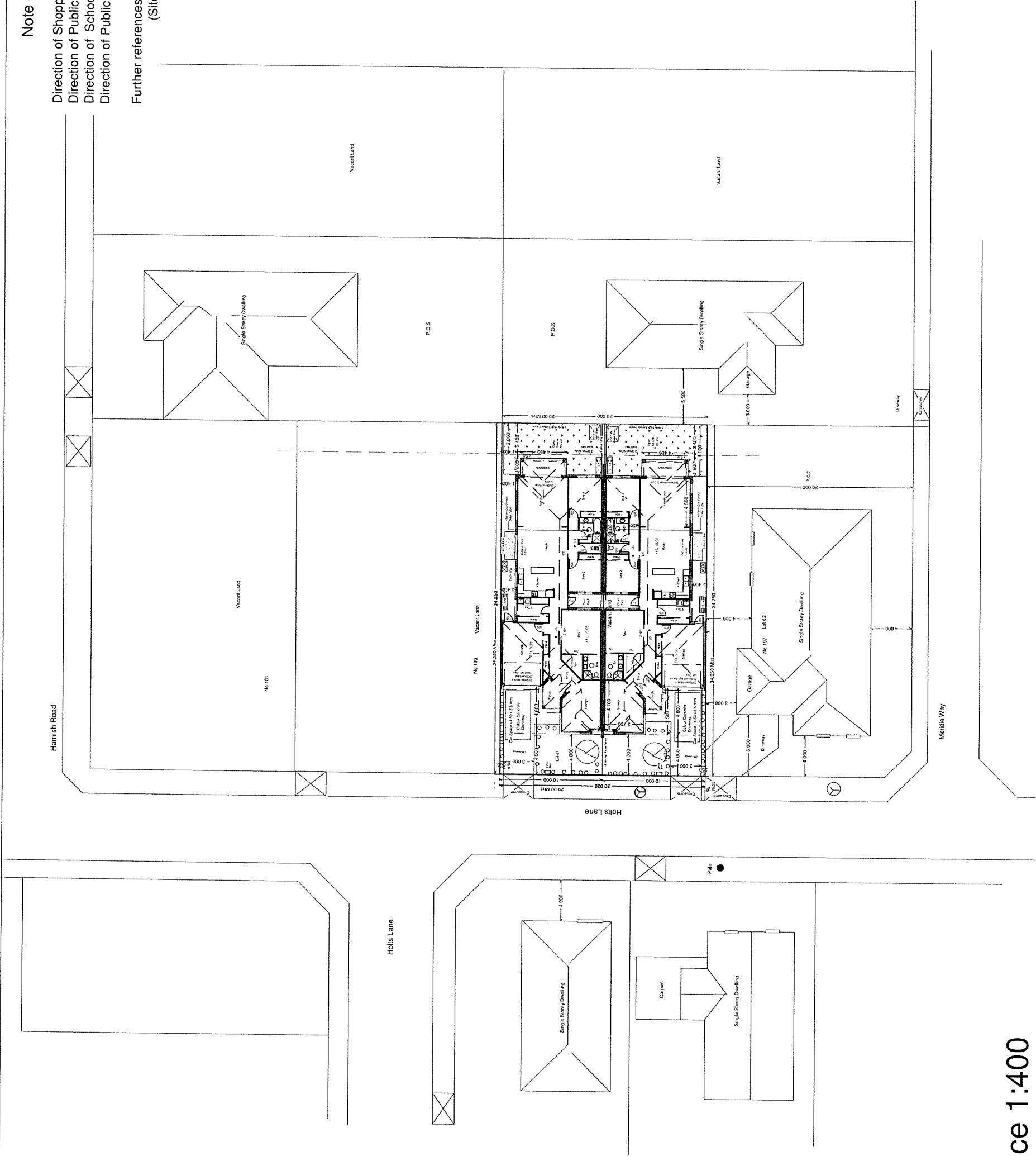
Date: 13 September, 2017



Note - Facility Locations

- Direction of Shopping Complex - 10.km East of Site
- Direction of Public Transport - 100mtrs on Halletts Wat(West)
- Direction of Schools - 100mtrs Darley Prim 2.0km (North)
- Direction of Public Open Space - 100mtrs (North)

Further references on Council Neighbourhood Plan
(Site Response)



Design Response 1:400

DREAMPLAN DESIGN DRAFTING SERVICE	17 Lockton Ave, Reservoir 3073 PHONE : (03) 9359 2548 FAX : (03) 9359 2548 RBP - DP AD 515 HIA - 5534742	ADDRESS: Lot 61 No 105 Hols Lane, Darley Vic 3340	PROJECT: Two Dwelling Development	CLIENT: Melika	DRAWN - Kon Moutis	Internal Reference No: 305 10/01/2017 Council Permit No:	GENERAL NOTES: All work to be constructed in accordance with relevant Australian standards. Building code of Australia and local Authorities regulations. Execute all work in the best and most tradesman like manner and to the satisfaction of the superintendent. All dimentions in millimeters unless otherwise noted.
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Ground Floor Area

Dwelling - 1 - 192.00 m2
Dwelling - 2 - 192.00 m2

Total Dwelling - 1 - 216.00 m2
Total Dwelling - 2 - 216.00 m2

Garage

Dwelling - 1 - 24.00 m2
Dwelling - 2 - 24.00 m2

Open Space Area - Total

Dwelling - 1 - 50.00 m2
Dwelling - 2 - 50.00 m2

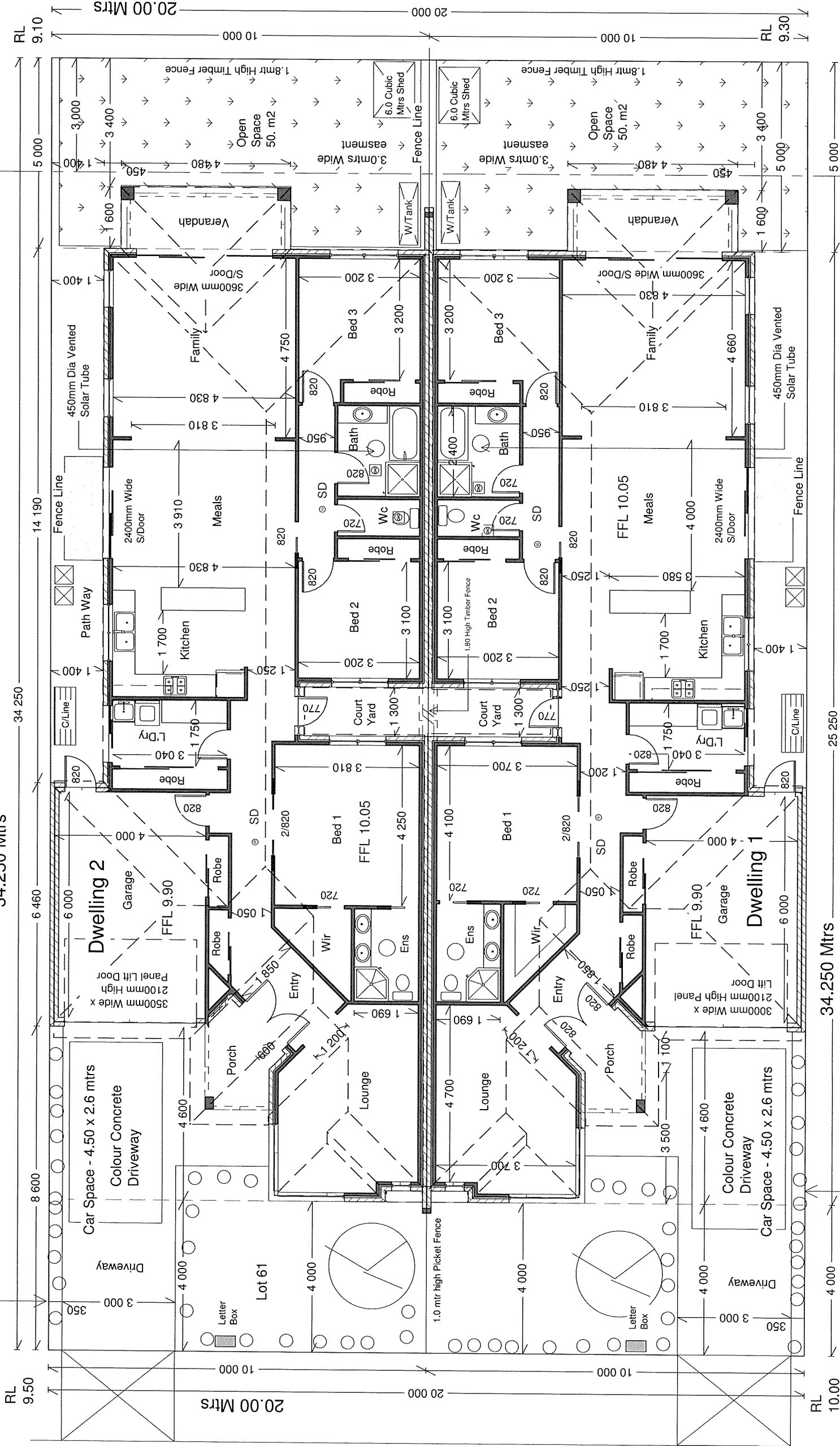
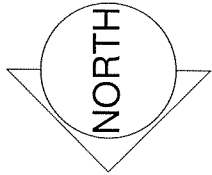
Water Tanks - 2500 ltrs Each

Note -Rain Water Tanks will be Gravity Fed-

LOT SIZE - 686. M2

Total Site Developed to 432m2 60 %

Permbililty 30%



GROUND FLOOR 1:100

Note - side boundary fence to taper down to 1.20mtrs in height within 5 meters of front title boundary

Note - Existing Site and Adjoining Properties are flat with slight fall to rear boundary

Concrete Area - 60 m2
Driveway & Pavement

DREAMPLAN
DESIGN DRAFTING
SERVICE

17 Lockton Ave, Reservoir 3073
PHONE : (03) 9359 2548
FAX : (03) 9359 2548
RBP - DP AD 515
HIA - 5534742

ADDRESS:
Lot 61 No 105
Holts Lane,
Darley Vic 3340

PROJECT:
Two Dwelling
Development

CLIENT:
Melika

DRAWN -
Kon
Moutis

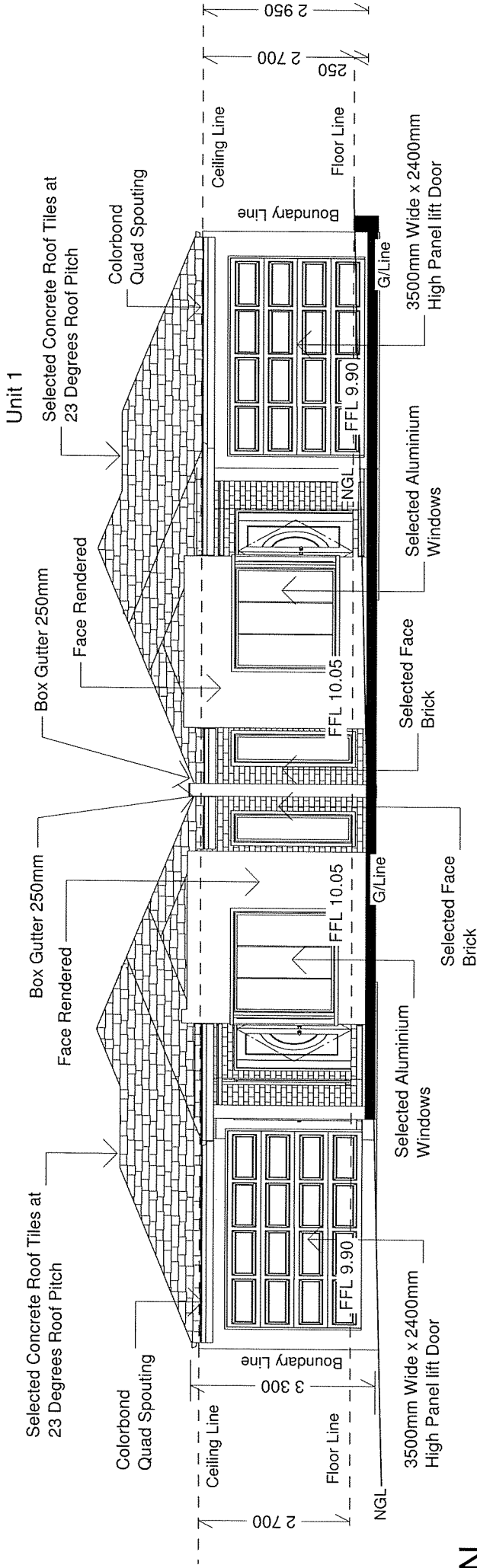
Internal Reference No: 305
10/01/2017
Council Permit No:

GENERAL NOTES:
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Dwelling 2

Dwelling 1

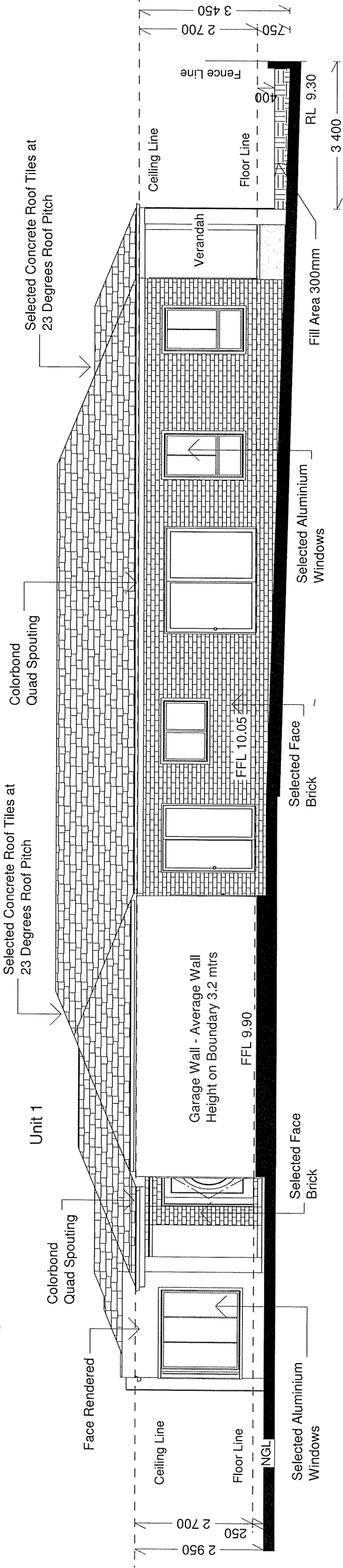
Unit 2



NORTH ELEVATION

1:100

Dwelling 1



WEST ELEVATION

1:100

DREAMPLAN
DESIGN DRAFTING
SERVICE

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Two Dwelling
Development

CLIENT:
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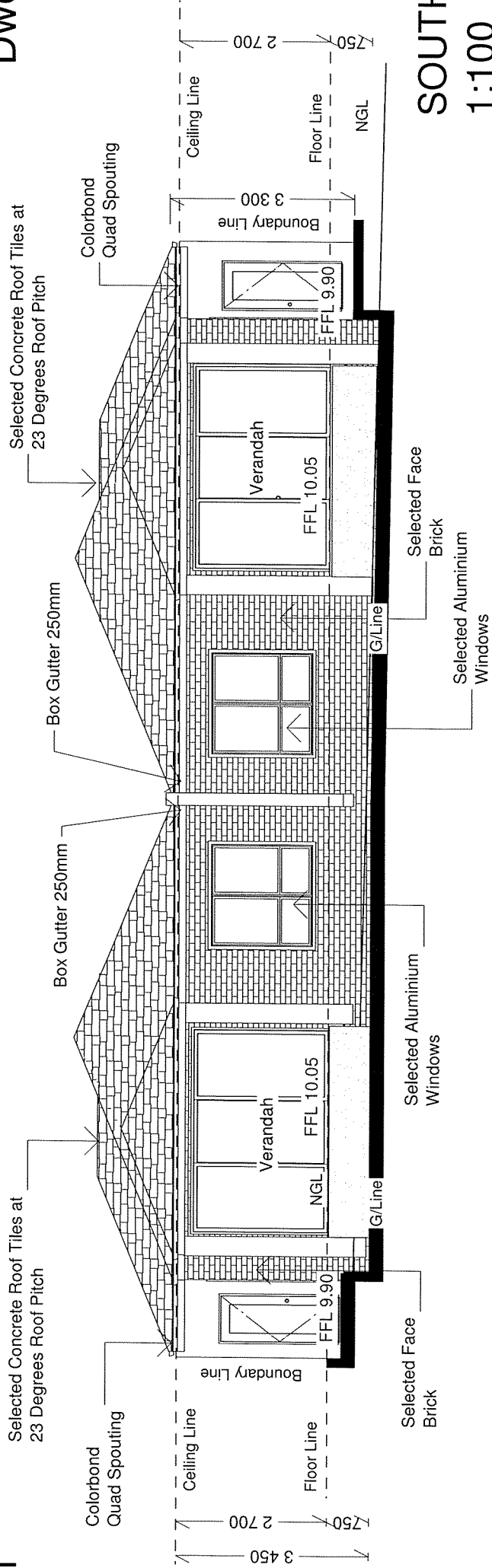
DRAWN -
Kon
Moutis

Internal Reference No: 305
10/01/2017
Council Permit No:

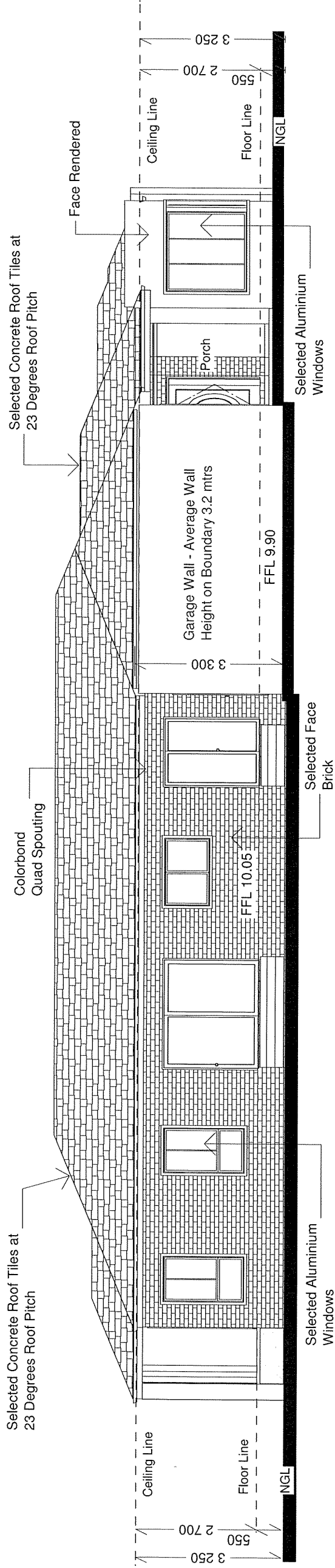
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Dwelling 1

Dwelling 2



Dwelling 2



DREAMPLAN
DESIGN DRAFTING
SERVICE

17 Lockton Ave, Reservoir 3073
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RBP - DP AD 515
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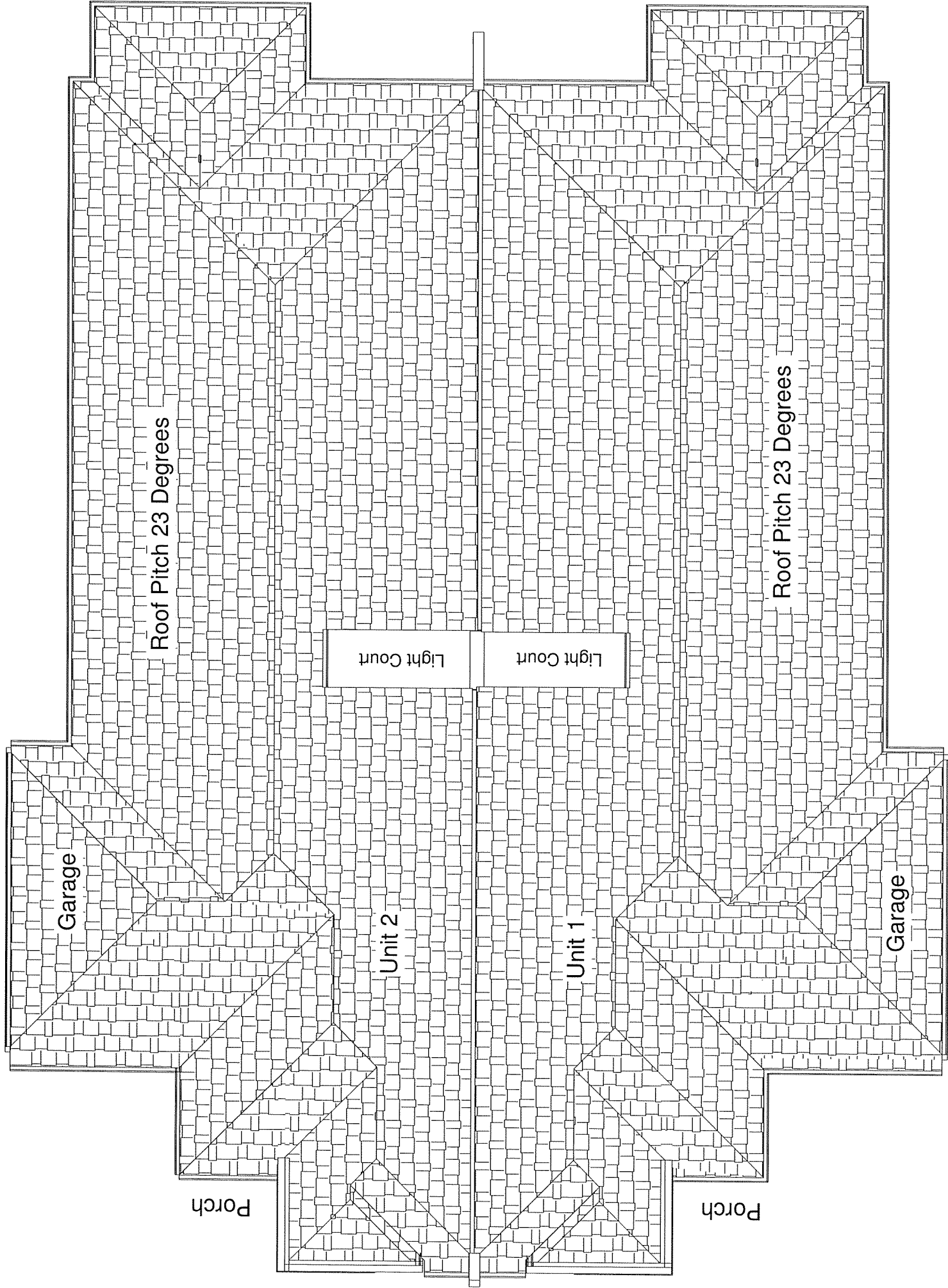
PROJECT:
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CLIENT:
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DRAWN -
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10/01/2017
Council Permit No:

GENERAL NOTES:
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Holts Lane

ROOF PLAN 1:100

Note - Existing Site and Adjoining Properties
are flat with slight fall to rear boundary

<div>DREAMPLAN DESIGN DRAFTING SERVICE</div>	<div>17 Lockton Ave, Reservoir 3073</div> <div>PHONE : (03) 9359 2548 FAX : (03) 9359 2548 RBP - DP AD 515 HIA - 5534742</div>	<div>ADDRESS:</div> <div>Lot 61 No 105 Holts Lane, Darley Vic 3340</div>	<div>PROJECT:</div> <div>Two Dwelling Development</div>	<div>CLIENT:</div> <div>Melika</div>	<div>DRAWN -</div> <div>Kon Moutis</div>	<div>Internal Reference No: 305</div> <div>10/01/2017</div> <div>Council Permit No:</div>	<div>GENERAL NOTES:</div> <div>All work to be constructed in accordance with relevant Australian standards. Building code of Australia and local Authorities regulations. Execute all work in the best and most tradesman like manner and to the satisfaction of the superintendent. All dimentions in millimeters unless otherwise noted.</div>
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Item 5.5 Planning Permit Application PA2017-047

Planning Permit Application PA2017-047; Development of Two (2) Dwellings at Lot 59 on PS 645535L, 101 Holts Lane, Darley VIC 3340.

Application Summary:	
Permit No:	PA2017-047
Lodgement Date:	23 March, 2017
Planning Officer:	Tom Tonkin
Address of the land:	Lot 59 on PS 645535L, 101 Holts Lane, Darley VIC 3340
Proposal:	Development of Two (2) Dwellings
Lot size:	679sq m
Why is a permit required?	Clause 32.08-6 – General Residential Zone – to construct two or more dwellings on a lot.
Restrictions registered on title	Yes, covenant AN651365Q. The proposal would not be in breach of the covenant.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties?	Eight (8)
Notices on site?	Two (2)
Notice in Moorabool Newspaper?	None
Number of Objections?	Five (5) objections
Consultation meeting?	Yes, held 10 August with the landowner and three of the objectors. There were no subsequent changes made to the plans or resolution of issues.
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application referred?	The application was referred to Council's Infrastructure unit.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	The proposed layout did not provide sufficient solar access to Unit 2's secluded private open space or any direct north light to living areas or secluded private open space. Additional plan details were also requested.
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?	Plan changes were made to address the concerns initially raised by the Council officer.
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for the development of two (2) detached single storey dwellings, both comprising three (3) bedrooms and the usual utilities with a single garage and tandem car space accessed from separate crossovers.</p> <p>Objections received against the proposal related to impact on property values, overshadowing, increased dwelling density and traffic, parking availability and the accuracy of the plans in relation to site slope.</p>

	<p>Subject to conditions, the proposal meets the relevant objectives of State and local planning policy, and all ResCode requirements.</p> <p>Overall, the proposal is an acceptable response to the character and amenity of the area.</p>
Summary Recommendation:	
<p>It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, subject to conditions detailed at the end of this report.</p>	

Public Notice

The application was advertised to adjoining landowners by mail on 19 May 2017 and signs erected on site facing Holts Lane and Hamish Road. Three (3) objections were received.

Summary of Objections

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

Objection	Any relevant requirements
The proposal does not fit with the existing single dwelling per lot density and sets a precedent.	Clause 32.08
Officer's response - The covenant does not restrict development of more than one dwelling, and the zoning generally encourages housing diversity. A development must meet the requirements of Clause 55 for residential development which includes an assessment of off-site amenity impacts. Increased density does not in and of itself mean there would be an unreasonable loss of amenity. With regard to precedence, any development of more than one dwelling on a lot requires a permit and is subject to an assessment on its merits. The current proposal indicates that it may be possible to develop other nearby lots for more than one dwelling.	
Devaluation of property	N/A
Officer's response - No evidence was provided in support of this claim. Property values are impacted by a range of factors and thus not usually considered to be a valid objection.	
Additional traffic and parked cars in Hamish Road.	Clause 52.06 & 56.06-8
Officer's response - Proposed car parking provision meets the standard requirements for three bedroom dwellings. The Hamish Road carriageway and verge widths of, respectively, approximately 7.6m and 4.0m exceed the requirements for a Level 1 Access Street designed to accommodate traffic volumes of 1000-2000vpd (vehicles per day) and parking on both sides of the carriageway.	
Overshadowing	Clause 55.04-5
Officer's response - Overshadowing of adjoining secluded private open space would be within acceptable limits in compliance with Standard B21 at Clause 55.05-4.	

Objection	Any relevant requirements
The site topography is not accurately reflected on the plans, affecting site cut and fill and potentially having overshadowing and overlooking impacts.	Clauses 55.04-5 & 55.04-6
Officer's response - The plans have subsequently been amended to accurately show the site topography, and site cut and fill. Overlooking and overshadowing would be within acceptable limits to comply with ResCode.	
Assuming the dwellings will be rented, the street's reputation, property values and lifestyle of existing residents will be detrimentally affected.	N/A
Officer's response - Whether future occupants will own or lease the property is not a planning consideration, and is in any case beyond Council's control.	

Proposal

It is proposed to develop the land for two (2) detached single storey dwellings.

Unit 1 would front Holts Lane and Unit 2 would front Hamish Road. Both dwellings would comprise three (3) bedrooms, main with ensuite, living room, bathroom, separate toilet, laundry and open plan kitchen, meals and family area leading to an area of secluded private open space at the side or rear of the dwelling.

Car parking would be provided in an attached single garage with a tandem car space.

Each dwelling would have a separate crossover, with Unit 1 utilising an existing single crossover to Holts Lane and Unit 2 a proposed single crossover to Hamish Road.

The proposed dwellings would be clad with face brick with rendered sections, with low pitched hipped tile roofs.

Front setbacks would be 4.5-6.0m and side and rear setbacks 1.0-4.6m. Unit 1's garage would be constructed to the west side boundary for a length of 6.98m and set back 6.0m from the front title boundary. Site coverage would be 51%. There would be no front fences.

All reticulated services are available to the site.

The proposed plans are included at Attachment 1.

Site Description

The subject site is at 101 Holts Lane Darley, on the southwest corner of Holts Lane and Hamish Road. The site is roughly rectangular in shape, having a splayed northeast corner, with a 20 metre width and 34.20 metre depth, yielding an area of 679sq m.

The site is encumbered by a 3.0m wide drainage and sewerage easement parallel to the rear boundary.

The site is currently vacant and contains no vegetation. There are existing single vehicle crossovers to Hamish Road towards the south title boundary and on Holts Lane adjacent to the west title boundary. The site has a gradual fall from the northwest to the southeast of up to 2.61m.

The subject site and surrounding land is in the General Residential Zone and characterised by predominantly single dwellings with few examples of medium density housing development nearby. Dwellings on the south side of this section of Holts Lane are part of a recent subdivision with dwellings constructed since 2011 and still containing several vacant lots. Dwellings are typically single storey face brick with low pitched hipped tile roofs. Garages and carports are often a visible streetscape element, typically in keeping with the scale and form of the host dwelling.

Front setbacks are mostly landscaped with lawn, shrubs and small canopy trees. Boundary wall construction is uncommon, and side setbacks are usually between 1.0-2.0m. Front fences are uncommon.

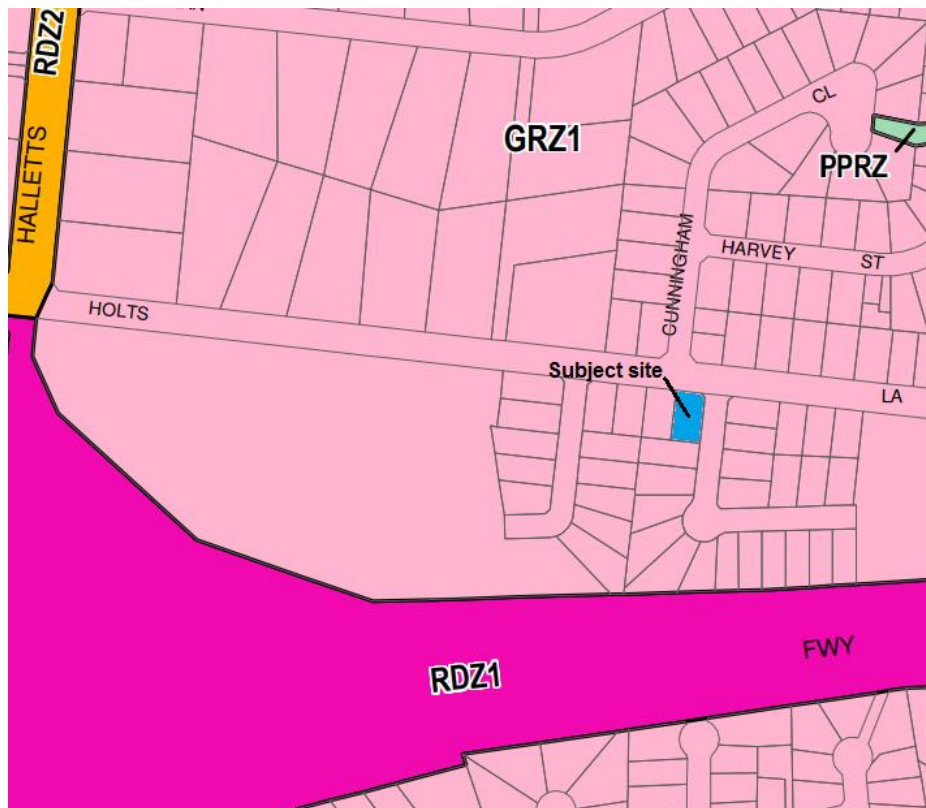
Most dwellings are served by a single crossover. Street trees are not a prominent landscape element. The topography of the area is typified by sloping land.



To the east of the site, across Hamish Road, are lots with single dwellings currently under construction. To the south is a single storey brick dwelling with a low pitched tile roof fronting Hamish Road. To the north, across Holts Lane, is the intersection of Cunningham Close and Holts Lane and several single storey brick dwellings with a low pitched tile roofs. To the west is a 685sq m vacant lot fronting Holts Lane.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

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

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

Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

The purpose of the zone is:

- a. To implement the SPPF and the LPPF, including the Municipal Strategic Statement and local planning policies.*
- b. To encourage development that respects the neighbourhood character of the area.*
- c. To provide a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- d. 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 of the Moorabool Planning Scheme, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The SPPF and the LPPF, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

It is noted that the minimum garden area requirement of Clause 32.08-4 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110, which was 27 March 2017.

Overlays

The subject site is not affected by any Overlays.

Relevant Policies

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

Urban Growth Policy

The Urban Growth Policy states that:

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

The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected.

The strategy looks at what our future population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.”

Housing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

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

The site is located in Precinct 11 of the Settlement Framework Plan, identified as a ‘Natural Residential Growth Area’, which applies to residential land that has been identified for natural change over time. Appropriate well designed, infill development, including multi-unit developments that complement the preferred character of the area, while providing for a variety of housing options will be encouraged in suitable locations.

The Preferred Character Statement for Precinct 11 gives direction to the following:

- The existing streetscape rhythm should be maintained, with regard to side setbacks.
- Boundary to boundary development should be avoided.
- Built form of a modest scale sympathetic to the existing character Multi-dwelling developments should minimise the need for additional crossovers, be within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Some lots may not be suitable for further intensification.
- Moderate to high site coverage for smaller lots but with reasonable level of amenity.
- Open front gardens with minimal front fencing.
- Increased canopy tree cover.

Particular Provisions

Clause 52.06 Car Parking

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

The 3.0m crossover and accessway widths satisfy the minimum requirements and the garage dimensions meet the standard. The tandem car space dimensions of 4.5m length x 2.6m width do not meet the standard which requires a minimum length of 4.9m. A condition of approval should require the plans to be amended.

It is also recommended that a condition of approval require any landscaped areas around the crossovers to be clear of obstructions in accordance with the requirements of Clause 52.06-8. This should include a requirement to reposition the proposed boundary fence between Unit 1 and 2 near Unit 2’s driveway to provide a clear view of pedestrians using the Hamish Road public footpath adjoining the property.

Clause 55 Two or More Dwellings on a Lot

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

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

Discussion

Overall, the proposed development of two (2) dwellings on the subject site is generally consistent with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings the proposal would also contribute to housing affordability. Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The subject site and surrounding land is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings although occasional examples of medium density development are evident nearby.

The purpose of the GRZ includes the following:

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

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

The proposal would generally fit with the character of the area – the dwellings would be of a similar form, scale and appearance to nearby dwellings. The front façades are articulated with different materials, with eaves above the front façades, and front setbacks with space for landscaping and small canopy trees. On-site amenity would be generally acceptable, with Unit 1 having north and east-facing living areas and Unit 2 east and south facing living areas and secluded private open space with space for landscaping. Unit 1's secluded private open space would receive direct north light and the depth of Unit 2's open space is sufficient to gain solar access in accordance with the minimum ResCode requirements.

Dwelling entries would be readily visible and provide shelter and a sense of address. Off-site amenity impacts would be acceptable. The proposed site cut would substantially reduce the impact of Unit 1's boundary wall height, and its length is within acceptable limits. There would be no loss of daylight to existing habitable room windows, and overshadowing and overlooking kept to within acceptable limits given the siting of the development including the site cut, and provision of 1.8m boundary fences.

General Provisions

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

Referrals

No referrals were required to be made pursuant to s.52 of the *Planning and Environment Act 1987*. Council's Infrastructure unit was provided with an opportunity to make comment on the application.

Authority	Response
Infrastructure	No objection subject to conditions

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

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

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

Conclusion

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

It is recommended that the application be supported by Council.

Officers advised that condition '1.b' was included in the conditions as an error therefore has been removed.

Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2017-047; Development of Two (2) Dwellings at Lot 59 on PS 645535L, 101 Holts Lane, Darley VIC 3340 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans identified as Floor Plans, Roof Plans, Elevations and Landscape Plan prepared by DreamPlan Design Drafting Service, dated 10/03/2017 and received by Council on 25 July 2017 but modified to show:
 - a. A landscape plan in accordance with Condition No. 12.
 - b. The rear wall of Units 1 and 2 set back a minimum 5.2 metres from the rear title boundary. This must not result in any reduction of front or side boundary setbacks.
 - c. The tandem car spaces with a minimum length of 4.9 metres.
 - d. The section of boundary fence between Unit 1 and 2 adjacent to Unit 2's front setback repositioned to provide a splay of 2.0 metres along the road frontage and 2.5 metres into the site.
 - e. A notation that any landscaping or other feature around the proposed crossovers and within the property (including proposed boundary fences) shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool.

Planning Scheme:

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

Amenity:

2. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
3. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.

Landscape Plans:

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

Infrastructure:

5. The proposed new vehicle crossings must be constructed to urban residential standard 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 crossings.
6. 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.
7. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
8. 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.
9. 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.
10. 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.
11. 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).
12. 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 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.
13. 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.
14. 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.

Permit expiry:

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

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

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

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2017-047; Development of Two (2) Dwellings at Lot 59 on PS 645535L, 101 Holts Lane, Darley VIC 3340 subject to the following conditions:

Endorsed Plans:

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans identified as Floor Plans, Roof Plans, Elevations and Landscape Plan prepared by DreamPlan Design Drafting Service, dated 10/03/2017 and received by Council on 25 July 2017 but modified to show:**
 - a. A landscape plan in accordance with Condition No. 12.**
 - b. The tandem car spaces with a minimum length of 4.9 metres.**
 - c. The section of boundary fence between Unit 1 and 2 adjacent to Unit 2's front setback repositioned to provide a splay of 2.0 metres along the road frontage and 2.5 metres into the site.**
 - d. A notation that any landscaping or other feature around the proposed crossovers and within the property (including proposed boundary fences) shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool.**

Planning Scheme:

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

Amenity:

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

3. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.

Landscape Plans:

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

Infrastructure:

5. The proposed new vehicle crossings must be constructed to urban residential standard 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 crossings.
6. 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.
7. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
8. 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.
9. 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.
10. 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.
11. 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).
12. 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 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.

13. 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.
14. 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.

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

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

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

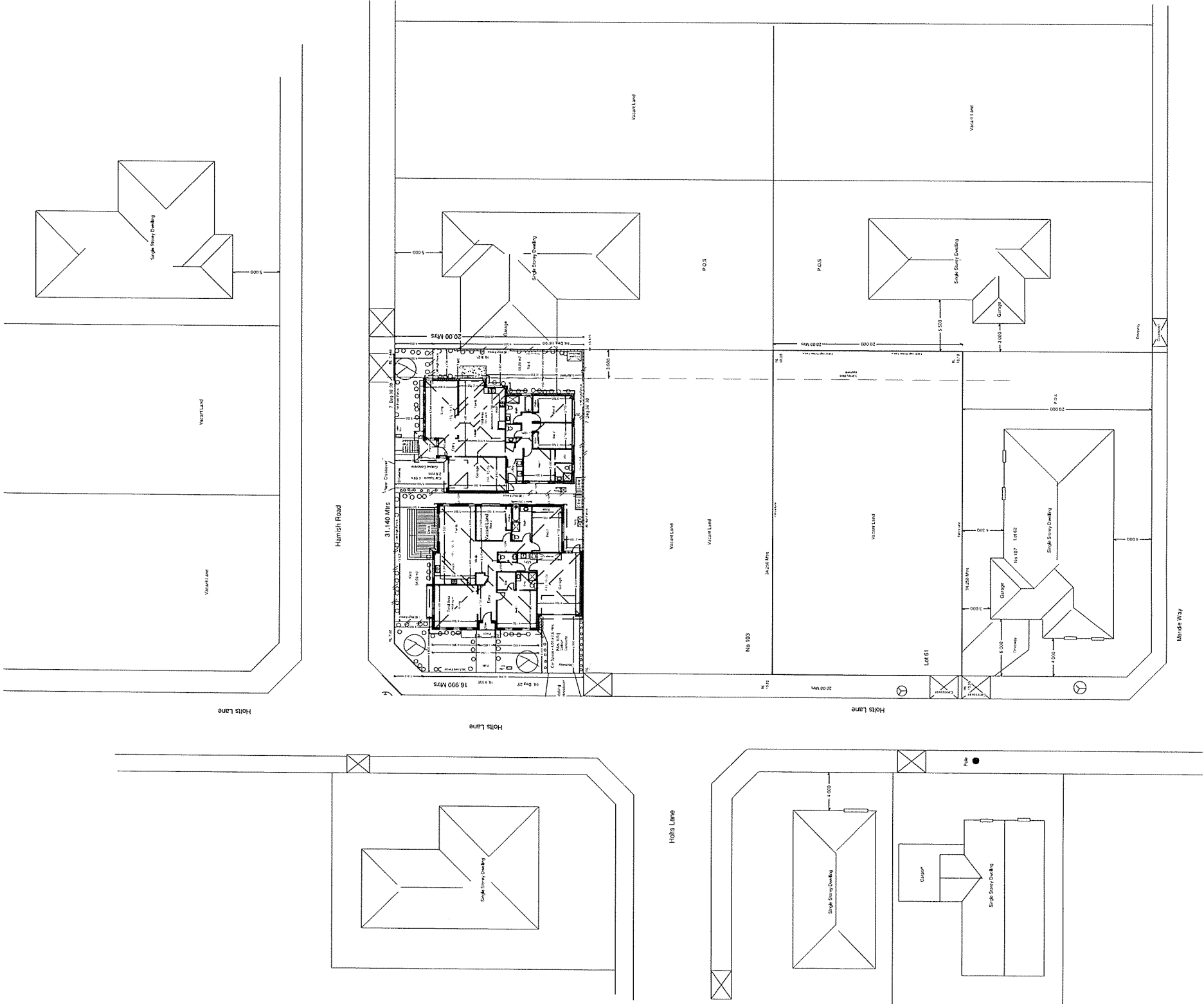
Date: 13 September, 2017



Note - Facility Locations

- Direction of Shopping Complex - 10.km East of Site
- Direction of Public Transport - 100mtrs on Halletts Wat(West)
- Direction of Schools - 100mtrs Darley Prim 2.0km (North)
- Direction of Public Open Space - 100mtrs (North)

Further references on Council Neighbourhood Plan
(Site Response)



Design Response 1:400

DREAMPLAN DESIGN DRAFTING SERVICE	17 Lockton Ave, Reservoir 3073 PHONE : (03) 9359 2548 FAX : (03) 9359 2548 RBP - DP AD 515 HIA - 5534742	ADDRESS: Lot 59 No 101 Holts Lane, Darley Vic 3340	PROJECT: Two Dwelling Development	CLIENT: Azmi Mohammed	DRAWN - Kon Moutis	Internal Reference No: 305 10/03/2017 Council Permit No:	GENERAL NOTES: All work to be constructed in accordance with relevant Australian standards. Building code of Australia and local Authorities regulations. Execute all work in the best and most tradesman like manner and to the satisfaction of the superintendent. All dimention in millimeters unless otherwise noted.
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Ground Floor Area
Dwelling - 1 - 156.35 m2
Dwelling - 2 - 140.20 m2

Total Dwelling - 1 - 185.60 m2
Total Dwelling - 2 - 161.20 m2
Total Floor Area - 346.80 m2

Garage
Dwelling - 1 - 29.25 m2
Dwelling - 2 - 21.00 m2

Open Space Area - Total
Dwelling- 1 - 54.00 m2
Dwelling - 2 - 53.00 m2

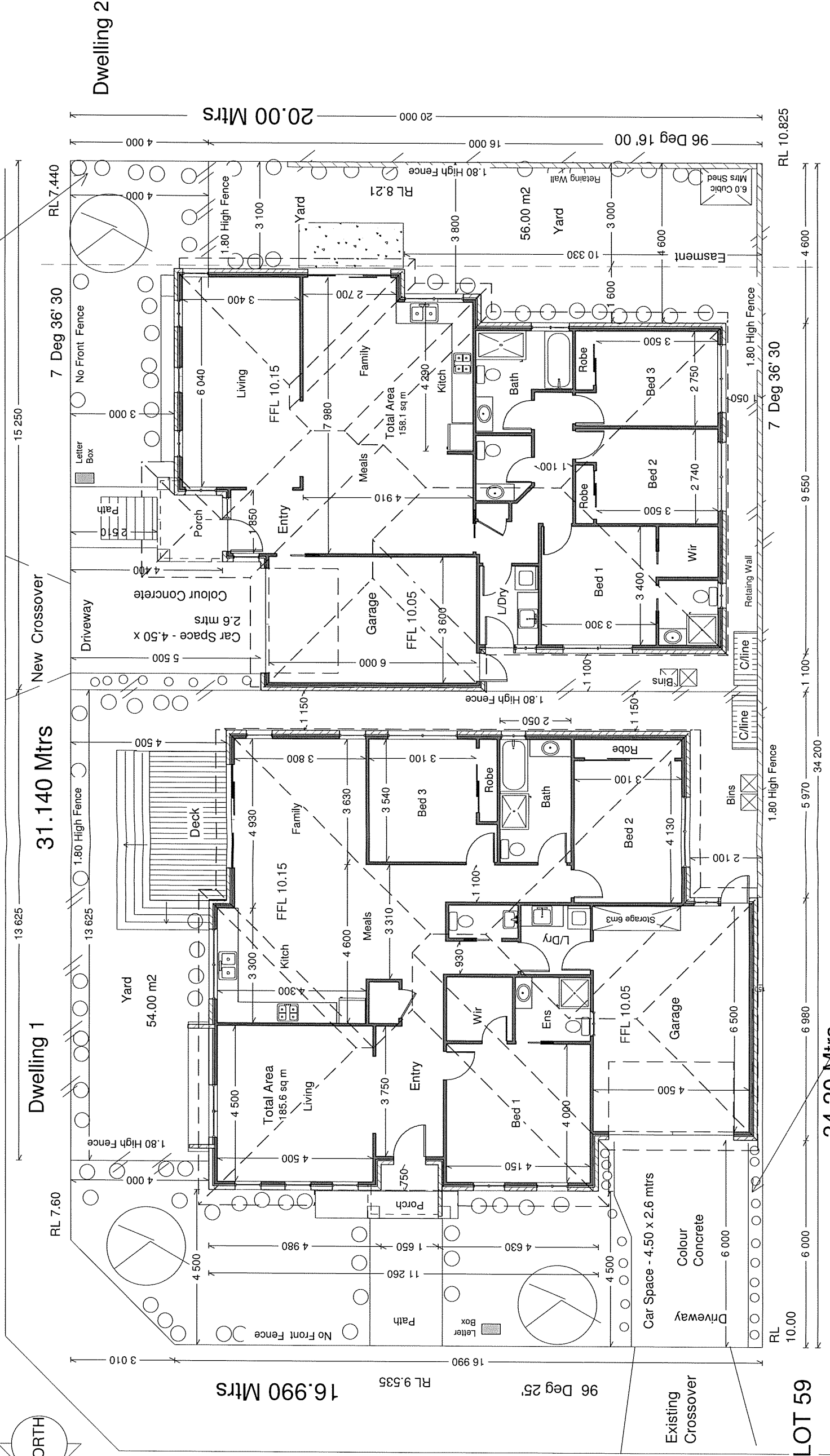
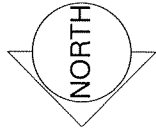
Water Tanks - 2500 ltrs Each
Note -Rain Water Tanks will be Gravity Fed-

LOT SIZE - 679. M2
Total Site Developed to 346.80m2 51 %

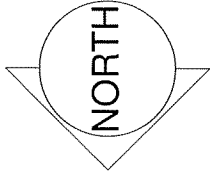
Permibility 30%

Note - side boundary fence to taper down to 1.20mtrs in height within 5 meters of front title boundary

Hamish Road



No 101



GROUND FLOOR 1:100

Note - side boundary fence to taper down to 1.20mtrs in height within 5 meters of front title boundary

Concrete Area - 60 m2
Driveway & Pavement

Note - Existing Site and Adjoining Properties are flat with slight fall to rear boundary

DREAMPLAN
DESIGN DRAFTING
SERVICE

17 Lockton Ave, Reservoir 3073
PHONE : (03) 9359 2548
FAX : (03) 9359 2548
RBP - DP AD 515
HIA - 5534742

ADDRESS:
Lot 59 No 101
Holts Lane,
Darley Vic 3340

PROJECT:
Two Dwelling
Development

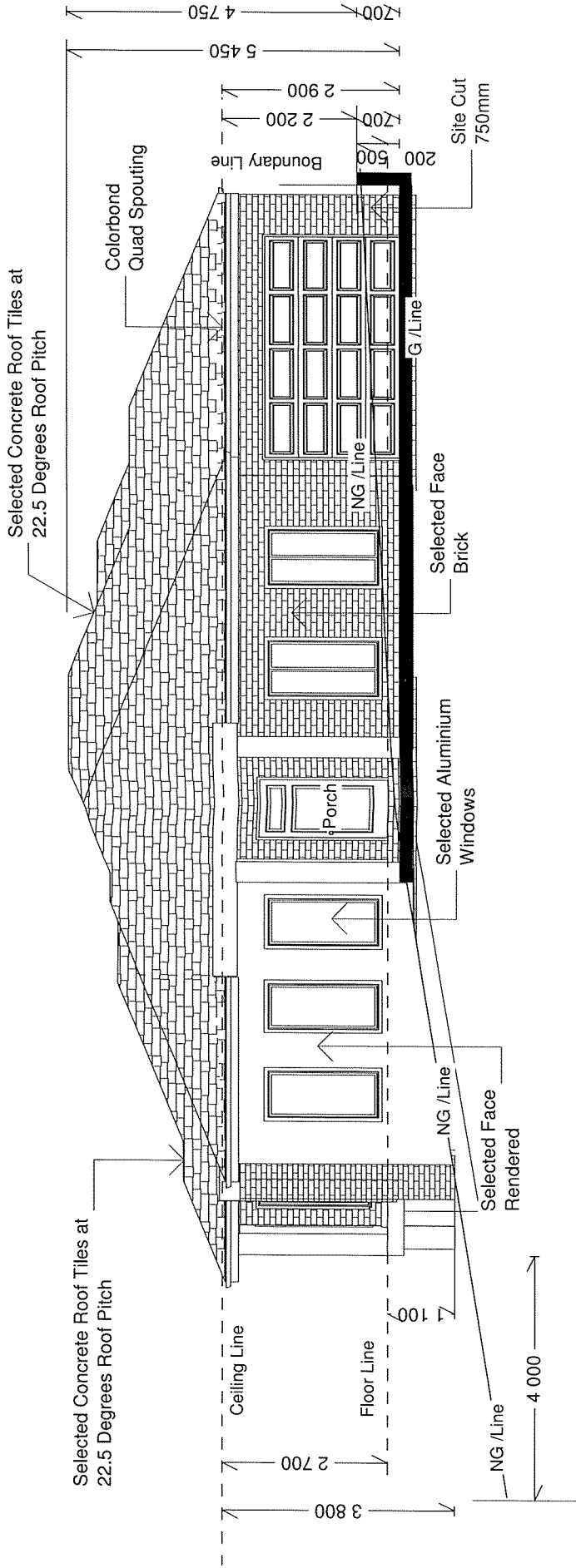
CLIENT:
Azmi
Mohammed

DRAWN -
Kon
Moutis

Internal Reference No: 305
10/03/2017
Council Permit No:

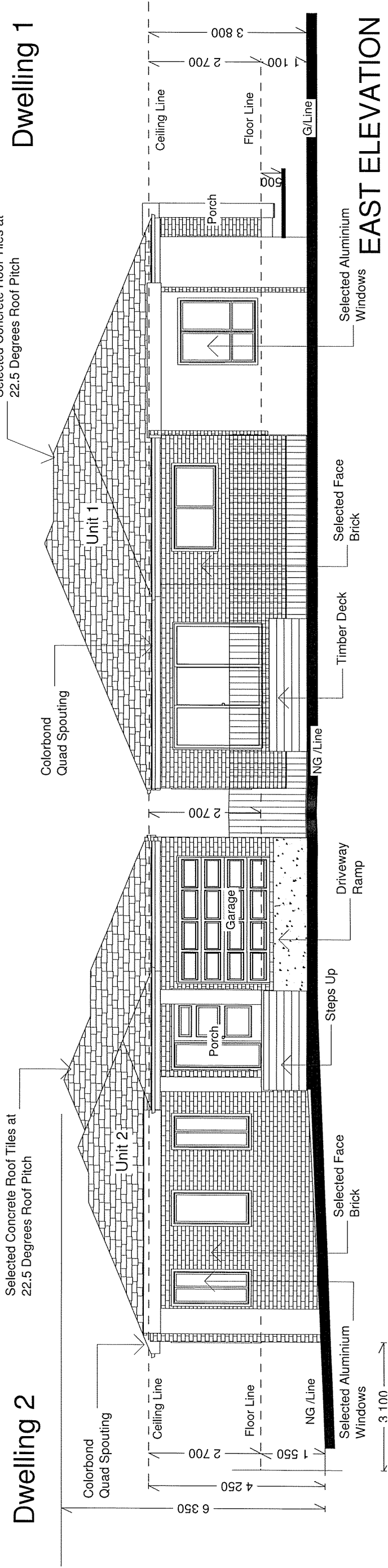
GENERAL NOTES:
All work to be constructed in accordance with relevant Australian standards. Building code of Australia and local Authorities regulations. Execute all work in the best and most tradesman like manner and to the satisfaction of the superintendent. All dimensions in millimeters unless otherwise noted.

Dwelling 1



NORTH ELEVATION
1:100

Dwelling 2



Dwelling 1

EAST ELEVATION
1:100

DREAMPLAN
DESIGN DRAFTING
SERVICE

17 Lockton Ave, Reservoir 3073
PHONE : (03) 9359 2548
FAX : (03) 9359 2548
RBP - DP AD 515
HIA - 5534742

ADDRESS:
Lot 59 No 101
Holts Lane,
Darley Vic 3340

PROJECT:
Two Dwelling
Development

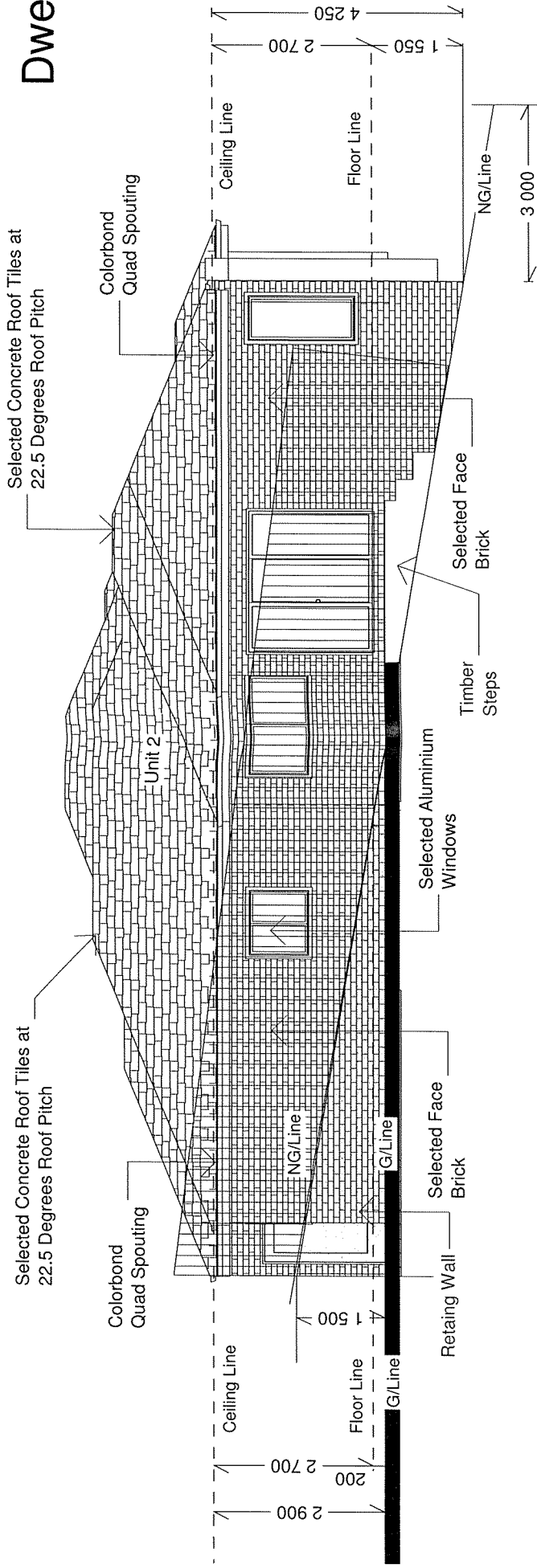
CLIENT:
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Internal Reference No: 305
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Council Permit No:

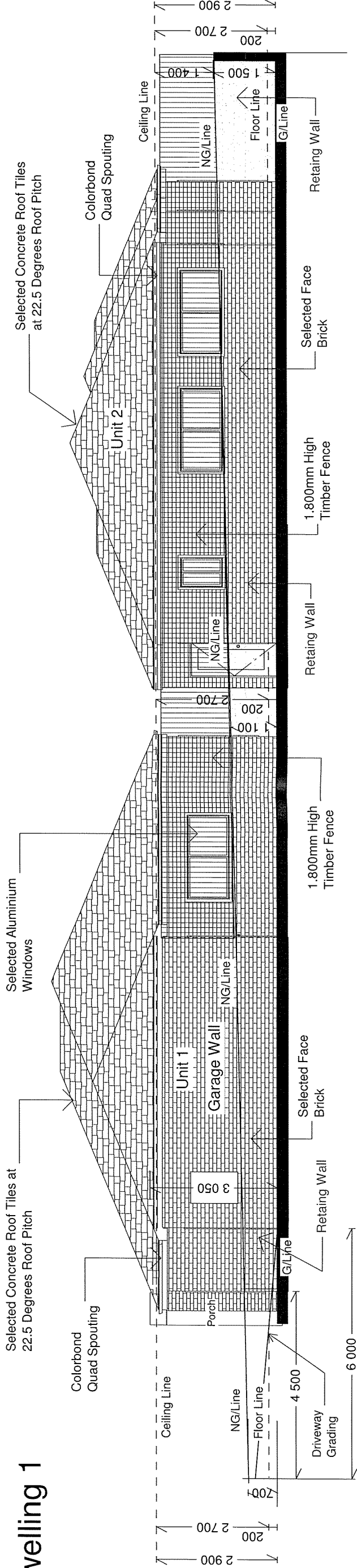
GENERAL NOTES:
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and to the satisfaction of the superintendent. All
dimensions in millimeters unless otherwise noted.

Dwelling 2



SOUTH ELEVATION
1:100

Dwelling 2



WEST ELEVATION
1:100

DREAMPLAN
DESIGN DRAFTING
SERVICE

17 Lockton Ave, Reservoir 3073
PHONE : (03) 9359 2548
FAX : (03) 9359 2548
RBP - DP AD 515
HIA - 5534742

ADDRESS:
Lot 59 No 101
Holts Lane,
Darley Vic 3340

PROJECT:
Two Dwelling
Development

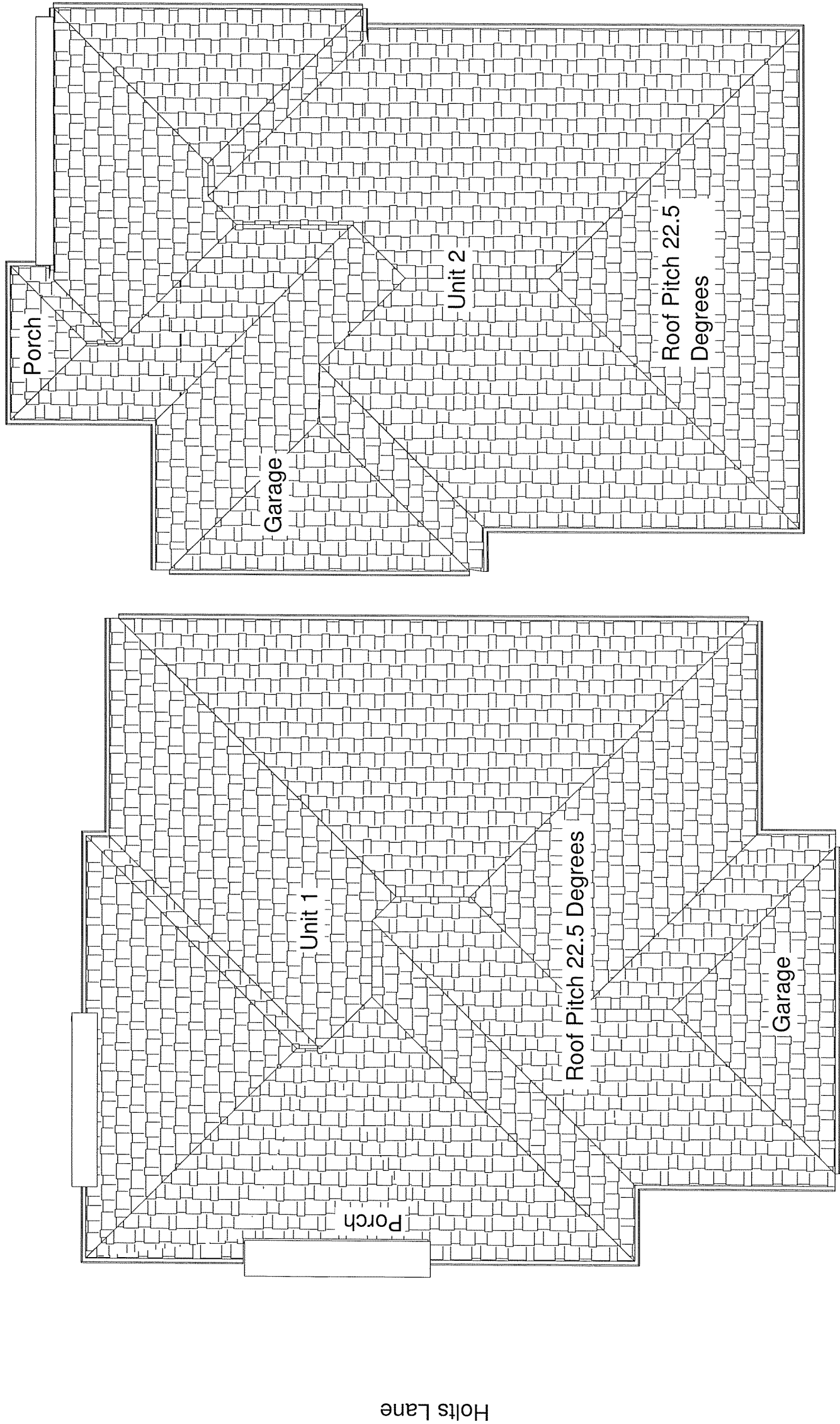
CLIENT:
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DRAWN -
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Internal Reference No: 305
10/03/2017
Council Permit No:

GENERAL NOTES:
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Australia and local Authorities regulations. Execute
all work in the best and most tradesman like manner
and to the satisfaction of the superintendent. All
dimensions in millimeters unless otherwise noted.

Hamish Road



ROOF PLAN 1:100

Note - Existing Site and Adjoining Properties
are flat with slight fall to rear boundary

DREAMPLAN DESIGN DRAFTING SERVICE	17 Lockton Ave, Reservoir 3073 PHONE : (03) 9359 2548 FAX : (03) 9359 2548 RBP - DP AD 515 HIA - 5534742	ADDRESS: Lot 59 No 101 Holts Lane, Darley Vic 3340	PROJECT: Two Dwelling Development	CLIENT: Azmi Mohammed	DRAWN - Kon Moutis	Internal Reference No: 305	
						10/03/2017	
						Council Permit No:	
GENERAL NOTES: All work to be constructed in accordance with relevant Australian standards. Building code of Australia and local Authorities regulations. Execute all work in the best and most tradesman like manner and to the satisfaction of the superintendent. All dimensions in millimeters unless otherwise noted.							

Item 5.6 Planning Permit Application PA2017-061

Planning Permit Application PA2017-061; Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares , 77 Halletts Way, Bacchus Marsh VIC 3340.

Application Summary:	
Permit No:	PA2017-061
Lodgement Date:	18 April, 2017
Planning Officer:	Victoria Mack
Address of the land:	77 Halletts Way, Bacchus Marsh 3340 Lot 14 on PS 530947C
Proposal:	Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares.
Lot size:	711sqm
Why is a permit required	General Residential Zone Clause 32.08-4 – Garden area requirement Clause 32.08-6 – Two or more dwellings on a lot Clause 52.02 – Easements, restrictions and reserves Clause 55 Rescode
Public Consultation:	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation meeting:	No
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006	
<p>In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.</p>	
Officer's Declaration of Conflict of Interests	
<p>Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.</p> <p><i>Manager – Rob Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Victoria Mack</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	To Council's Infrastructure Department
Any issues raised in referral responses?	No
Preliminary Concerns?	None
Any discussions with applicant regarding concerns.	No
Any changes made to the application since being lodged?	No
VCAT history?	Nil
Previous applications for the site?	<p>PA2014-067 being for <i>Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares</i> issued on 29 May 2015.</p> <p>PA2015-178 being for a two (2) lot subdivision which is in process.</p>

General summary	<p>This application is identical to a previous application PA2014-167 which has subsequently lapsed, however, through the advertising process one objection has been received to the application.</p> <p>The application generally accords with the Moorabool Planning Scheme including State and Local policies, the Municipal Strategic Statement and the purposes and decision guidelines of the General Residential Zone. The application also generally accords with Rescode Clause 55 objectives and standards for multiple dwelling developments.</p> <p>It is considered that the objector's concerns do not have planning merit which is discussed further in this report.</p> <p>It is considered that the application should be supported.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for the <i>Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares</i> in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, subject to the conditions detailed at the end of this report.</p>	

Background

Permit number PA20014167 was issued on 29 May 2015 which was an application that was identical to this application. However, the applicant did not meet the requirements of the expiry condition on the permit was as follows:

This permit will expire if any of the following applies:

- a. The variation of the Restrictive Covenant No AE932066P, item (f), to allow for a Dwelling, the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares, is not registered with the Land Titles office within twelve (12) months of the date of this permit using the required lodging form.*
- b. The development is not started within two years of the date of this permit; or*
- c. The development is not completed within four years of the date of this permit.*
- d. The responsible authority may extend the periods referred to above if a request is made in writing before the permit expires or in accordance with the times frames as specified in Section 69 of the Planning and Environment Act 1987.*

The owner/applicant did not register the variation to the restriction on title within 12 months of the date of the permit required by part a) of the expiry condition; nor did the applicant apply for an extension of time within the permitted time to apply for an extension before the permit expired.

This application is to apply for the permit again. The plans remain the same as the previous permit.

Restrictive Covenant

Covenant number AE932066P is registered on the title to the subject land which relates generally to design and siting issues and materials to be used in construction including for fencing.

Item f) specifies that a dwelling must not be erected on the land whereby:

The living areas (which expression does not include garages, carports, and other like areas) of which are of a floor area of less than 14 squares.

The proposal to develop two dwellings on the land is not in accordance with the covenant specifically item f). The application seeks planning approval to amend item f) of the restriction to allow for slightly smaller dwellings, each no less than 13 squares.

Public Notice

The application was advertised to adjoining and surrounding landowners and one objection was received.

Summary of Objections

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

Objection	Any relevant requirements
Two units on our east side boundary will devalue our house.	
Officer's response – VCAT has advised planning departments that the impact of a proposed development on neighbouring property values is not a planning consideration.	
We do not want "renters" next to our house which we purchased approximately 12 months ago.	Rescode–Clause 55
Officer's response – the dwellings are generally compliant with Rescode. The units might be purchased by investors for rental purposes or may be purchased by owner occupiers. In either event whoever eventually lives in the dwellings is not planning consideration.	

Proposal

Planning approval is sought for the development of two dwellings on Lot 14 Halletts Way, Bacchus Marsh. The lot has a total area of 711sqm.

Due to the proposed size of the dwellings planning approval is also sought to vary the restrictive covenant item (f) to allow for the floor areas of the dwellings, excluding garages, carports and other like areas, to be no less than 13 squares. Currently the covenant specifies not less than 14 squares.

The units would have the following specifications:

Unit 1

The proposed Unit 1 would be single storey facing north to Simmons Drive and would comprise: open kitchen family and meals area; three bedrooms the master with ensuite, family bathroom with separate WC, laundry; and a two car attached garage. The total floor area of Unit 1 would be 160.18sqm including the garage. The floor area of the dwelling, excluding the garage, would be 120.82sqm or 13 squares. The unit would have a garden area of 141.85sqm excluding the driveway and dwelling which is 53% of the site area which complies with the garden area requirement.

Unit 2

The proposed Unit 2 would be single storey facing east to Halletts Way and would comprise: open kitchen family and meals area; three bedrooms the master with ensuite, family bathroom with separate WC; laundry; and a single car attached garage with a single uncovered car space in front of the garage. The total floor area of Unit 2 would be 151.66sqm including garage. The floor area of the dwelling, excluding the garage and porch, would be 127.37sqm or 13.71 squares. The unit would have a garden area of 141.85sqm excluding the driveway, path and dwelling which is 44.81% of the site area which complies with the garden area requirement.

Both units have a ground floor area, excluding the garages, carports and other like areas, of less than 14 squares which is not in accordance with the covenant No. AE932066P, and hence the application seeks permission to vary item (f) to allow dwellings of no less than 13 squares.

No native vegetation is proposed to be removed as part of this proposal.

Plans of the proposal are provided in Attachment 1.

Site Description

The subject site is on a corner and is irregular in shape with the east front boundary to Halletts Way being 19.86m. The south side boundary is 30.41m, the west side rear boundary is 31m and the north side boundary to Simmonds Drive is 19.55m.

There are two easements on the land – one that runs parallel to the north side boundary (2.5m wide), and a second that runs parallel to the west side boundary (3m wide). Both easements are for drainage and sewerage purposes and both are in favour of Western Water and/or Moorabool Shire Council.

The site has a slope from west to east and is devoid of any vegetation. There is a roughly constructed rock retaining wall along the west side boundary of the land approximately 3m wide, on the site of the sewerage and drainage easement.

The overall site is located on the fringe of Bacchus Marsh approximately 1.7km west north-west of Bacchus Marsh Town Centre.

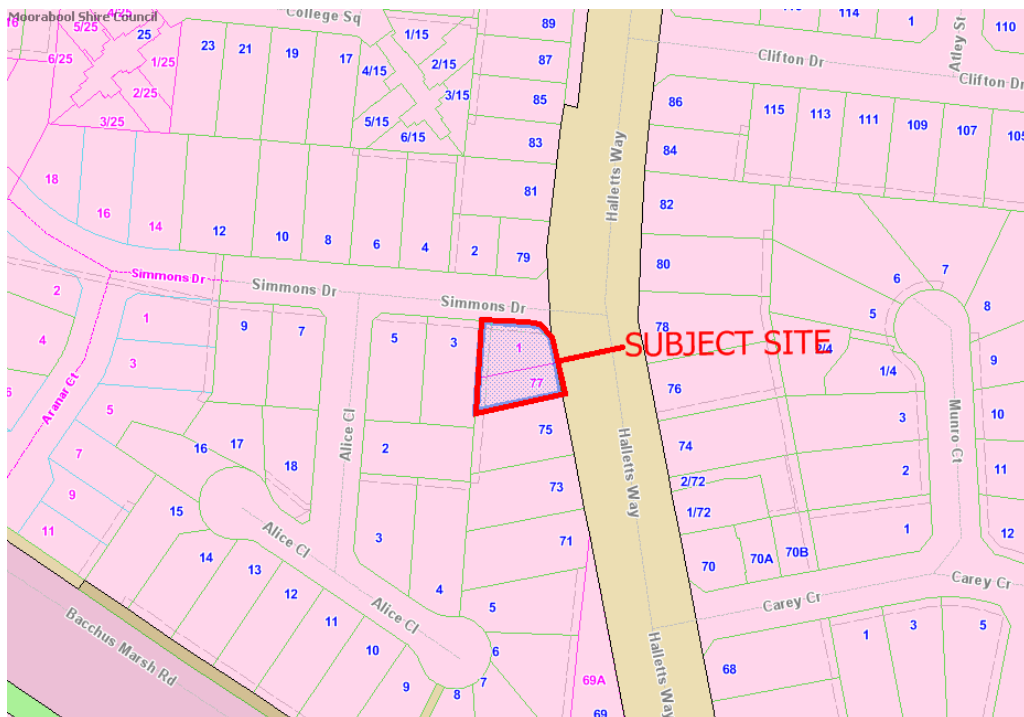
The subject site is within 1.2km of the nearest Western Freeway interchange and approximately 2.8kms from the Bacchus Marsh railway station. The site has access to a public bus service which provides access to the Bacchus Marsh township and the railway station.

Locality Map

The aerial map below indicates the location and features of the subject site.



The zone map below shows the zoning of the site and surrounding area.



Planning Scheme Provisions

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

The relevant clauses are:

Clause 11 – Settlement

The proposed development is consistent with this policy.

Clause 21.03 – Settlement

The proposed development is relatively close to the Bacchus Marsh town centre, public transport and train station and is consistent with this policy.

Clause 21.05 - Development and infrastructure

The proposal enhances use of existing and proposed infrastructure and supports the policy intent.

Clause 21.08 - Bacchus Marsh

The proposal is in keeping with General Residential Zoned land with access to the Bacchus Marsh town centre, train station and other community facilities. The proposal contributes to growth and development within the Bacchus Marsh community.

The proposal is generally in accordance with State and Local planning Policies.

Zone

General Residential Zone – Schedule 1 (GRZ1)

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

The purpose of the zone is:

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

In accordance with Clause 32.08-6 of the Moorabool Planning Scheme a permit is required for the construction of two or more dwellings on a lot.

Pursuant to this clause the development must meet the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings).

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1 as discussed further in this report.

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives, standards and decision guidelines of Clause 55.*

Pursuant to Clause 32/08-4 a development must provide for a garden area requirement of at least 35%.

Overlays

The subject site is not affected by the any overlays.

Relevant Policies

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

Urban Growth Policy

The Urban Growth Policy states that:

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

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

Housing Bacchus Marsh to 2041

One of the objectives of the strategy is to:

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

The subject site is within Neighbourhood character precinct No. 16 – this character type is recommended for ‘Natural Residential Growth’:

Existing character Statement

This precinct is characterised by recent contemporary development with a mix of a sloping, and in part undulating topography, with a curvilinear street network and several cul-de-sacs. Both one and two sided footpaths exist throughout the precinct, however connectivity within and to adjoining precincts is limited with all access from Halletts Way. Some lots at the northern end of the precinct are still to be developed.

Front gardens are generally formal and sparse. Street tree plantings are non-existent in parts and where plantings do exist they are inconsistent and yet to reach maturity, therefore canopy cover is currently low. Minimal front fencing exists, and where front fencing does exist it is of a low scale.

A range of lot sizes exist throughout the precinct, including several small lots. The smaller lot sizes typically display a very high site coverage outcome with reduced front setbacks, often minimal side setbacks and limited passive open space..

The southern section of the precinct is more established with contemporary built form still dominant, however these lots are larger, and as a result have generous front and side setback, lower site coverage and more established street tree plantings.

The predominant building style is single storey brick dwellings in contemporary or reproduction styles with integrated double garages.

Preferred Character Statement

This precinct will generally 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, including double storey dwellings 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 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 build form.

Site coverage will remain moderate to high for the smaller lots, however a reasonable level of amenity should still be provided for these lots. Increasing canopy tree cover should be encouraged to assist in enhancing the character of the precinct, while also achieving a balance between open space, landscaping and built form.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves.

Under Clause 52.02, a permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

For restrictions created after 1991, the provision of Section 60(2) of the Planning & Environment apply. The responsibility must not grant a permit for a variation of restriction unless it is satisfied that owners of any land benefiting from such a restriction are unlikely to suffer:

- a) financial loss;
- b) loss of amenity;
- c) loss arising from change to the character of the neighbourhood; and
- d) or any other material detriment.

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.

A Rescode assessment was provided with the application and was determined to be generally compliant with the provisions with the following comments:

- **Standard B6 Street setback** – The subject land is a corner allotment with dwellings on both abutting allotments. Unit 2 is setback 6.0m from Halletts Way. The dwelling on the south side abutting this proposed unit is set back 6.6m. To comply with Rescode Unit 2 should be setback 6.6m. However, due to the easement and retaining wall at the rear of the site, achieving a 6.6m setback would impact on the private open space available to the future residents of the unit.

The south side dwelling is double story and creates a visual bulk that would offset any perceived impact of the development being 600mm further forward than prescribed. It is considered in this instance that the setback of 6m is acceptable.

The proposed Unit 1 is setback 3.28m from Simmonds Drive. The abutting dwelling on the west side of this proposed unit is setback 5.56m but the scheme allows the side setback to be 3m, therefore therefor the front setback on Unit 2 complies.

- **Standard B10 Energy Efficiency** – this standard requires that buildings should be oriented to make appropriate use of solar energy where living areas and private open space are located on the north side of the development if practicable, and developments should be designed so that solar access to the north facing windows is maximised.

The applicant was asked to reconsider the configuration of rooms in both units to achieve improved solar efficiency outcome. The proposed Unit 2 now complies with the requirements of Standard B10 but the proposed Unit 1 still has its living spaces more generally oriented to the south. On balance the layout achieves a reasonable level of solar efficiency.

- **Standard B13 - Landscaping** – An outline of a landscaping plan was provided which includes a canopy tree in the front setback of each unit and landscaping on the retaining wall at the rear of the site. In the context of the site the landscape plan is acceptable.
- **Standard B28 and B29** – private open space and solar access to open space – Unit 2 has 45.59sqm of secluded private open space, excluding the area of the retaining wall which meets the requirements of this standard and achieves good solar access. Unit 1 has 29.01sqm of secluded private open space with a minimum width of 3m and additional private open space on the south side of Unit 1 which makes up a total of 40sqm of private open space.

Clause 52.06 Car Parking

The proposal includes the required number of resident car spaces, being two car (2) spaces for each three (3) bedroom dwelling.

The garage dimensions for the single and double garages meet the required dimensions of this standard.

Discussion

The proposal generally accords with the objectives of State and Local planning policies. The proposal provides for medium density development offering housing choice to meet changing community needs for housing in Bacchus Marsh, while being in keeping with emerging neighbourhood character of the area. The application is generally in accordance with the Moorabool 2041 Neighbourhood Character precinct No. 16.

The site is located within a residential area that provides for residential growth in the Bacchus Marsh while also meeting changing housing needs for residents. Medium density housing increases the opportunity for housing diversity and a variety of housing choice.

The proposal was advertised and one objection was received. While the objectors were concerned that the development would result in undesirable people living next, and would also negatively impact on the value of their property, neither of these concerns are considered to be a planning matters.

It is considered that the construction of two single storey dwellings on the site would not be detrimental to the surrounding area. The design, siting and layout of the units are generally appropriate.

The application includes variation to the restrictive covenant to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares. Both dwellings meet this minimum requirement. It is considered that this request should be supported.

General Provisions

Clause 65 – Decision Guidelines have informed officers in evaluating this application.

It is considered that the proposal accords with the Decision Guidelines of Clause 65 of the Moorabool Planning Scheme and accords with the orderly planning of the area. The proposal meets the purpose of the Zone to encourage development that respects the neighbourhood character of the area; to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport; and to provide a variety of residential choice.

The application to vary the restriction, specifically item f) would allow for slightly smaller dwellings on each lot.

The proposal is considered to satisfy the requirements of the General Residential Zone, State and Local Planning Policy and the Provisions of the Moorabool Planning Scheme.

Referrals

No referrals were required to be made pursuant to s.55 of the *Planning and Environment Act 1987*. Council's Infrastructure unit was provided with an opportunity to make comment on the application.

Authority	Response
Infrastructure	Consent with conditions

Financial Implications

The recommendation of refusal of this application may represent a financial implication for Council. The applicant may lodge an application for Review of Council's decision with VCAT.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to issue a Refusal to Grant an Permit. The applicant could apply to VCAT for a Review of Council's Decision with associated cost to Council in defending the decision.

Conclusion

It is considered that the application responds appropriately to the site constraints. The proposal is generally in accordance with the Moorabool Planning Scheme including the zone, overlays and particular provisions including Clause 55, Rescode.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant Permit PA2017-061 for the *Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares* in accordance with Section 61 of the *Planning and Environment Act 1987*, subject to the following conditions.

Endorsed Plans:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

Certification:

2. The plan of variation of restriction must be lodged for certification in accordance with the Subdivision Act (1988).

Infrastructure:

3. A standard urban residential vehicle crossing must be provided on to Unit One on Simmons Drive 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.
4. 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.
5. Storm Water runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
6. 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.
7. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
8. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

9. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991).
10. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
11. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a. location of vehicle crossings;
 - b. details of the underground drainage;
 - c. location of drainage legal points of discharge;
 - d. standard details for vehicle crossing and legal point of discharge; and
 - e. civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Permit expiry

13. This permit will expire if one of the following circumstances applies:
 - a. The development 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;
 - c. The permit will expire if the variation to the Restrictive Covenant No AE932066P, item (f), to allow for a Dwelling, the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares, is not registered with the Land Titles office within twelve (12); and months of the date of this permit using the required lodging form.

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

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Tatchell

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant Permit PA2017-061 for the *Development of Two (2) Dwellings and Variation of Restrictive Covenant No AE932066P item (f) to allow for a Dwelling the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares* in accordance with Section 61 of the *Planning and Environment Act 1987*, subject to the following conditions.

Endorsed Plans:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

Certification:

2. The plan of variation of restriction must be lodged for certification in accordance with the Subdivision Act (1988).

Infrastructure:

3. A standard urban residential vehicle crossing must be provided on to Unit One on Simmons Drive 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.
4. 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.
5. Storm Water runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
6. 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.
7. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.

8. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
9. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991).
10. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
11. Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a. location of vehicle crossings;
 - b. details of the underground drainage;
 - c. location of drainage legal points of discharge;
 - d. standard details for vehicle crossing and legal point of discharge; and
 - e. civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Permit expiry

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

- a. The development 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;
- c. The permit will expire if the variation to the Restrictive Covenant No AE932066P, item (f), to allow for a Dwelling, the living areas of which (excluding garages, carports, and other like areas) have a floor area of no less than 13 squares, is not registered with the Land Titles office within twelve (12); and months of the date of this permit using the required lodging form.

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

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 13 September, 2017

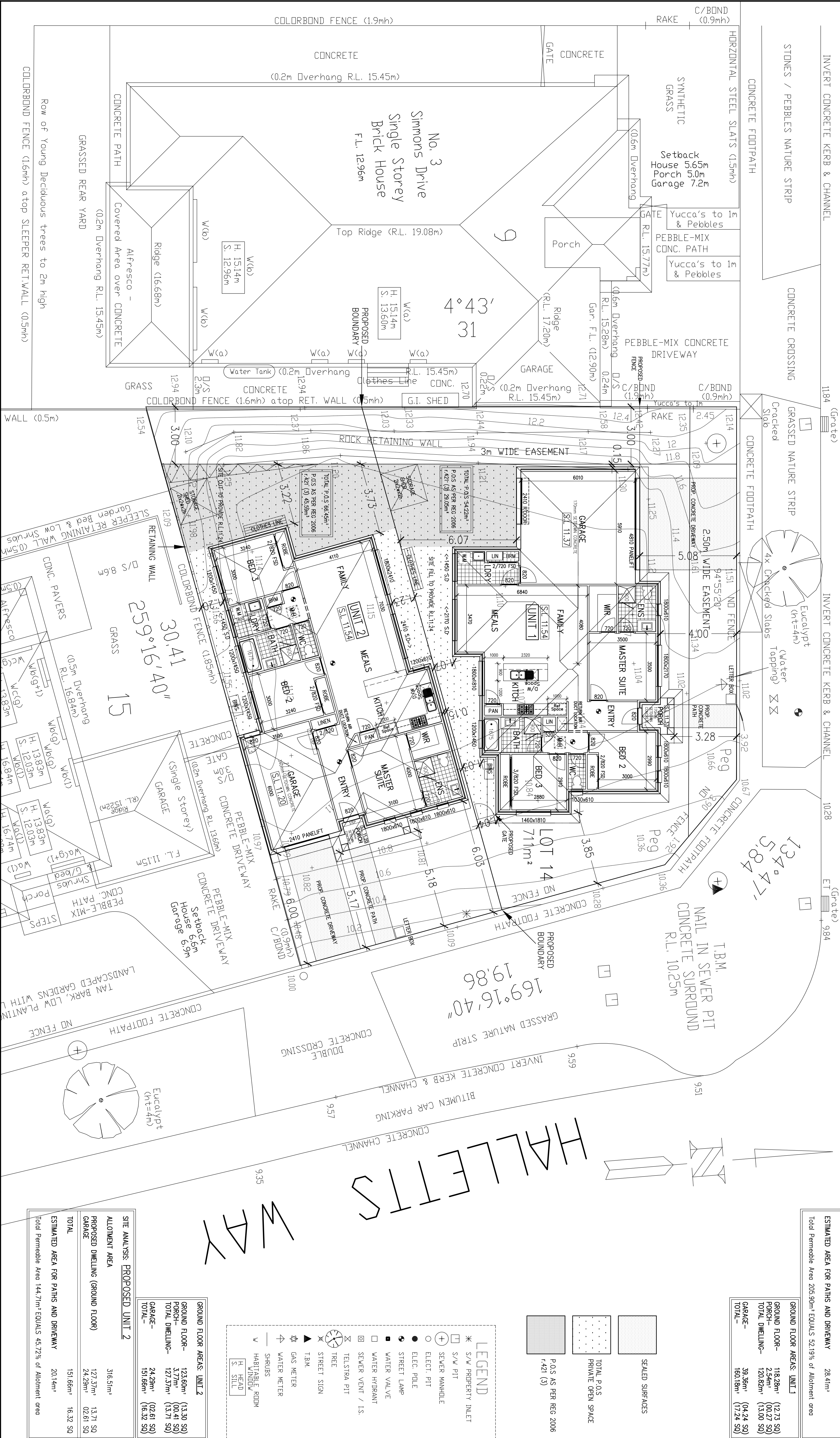


SITE PLAN

SCALE 1:100

SIMMONS DRIVE

94°43' 19.55



SITE ANALYSIS: PROPOSED UNIT 1	
ALLOTMENT AREA	394.49m²
PROPOSED DWELLING (GROUND FLOOR)	120.82m² 13.00 SQ
GARAGE	39.36m² 04.24 SQ
TOTAL	160.18m² 17.24 SQ
ESTIMATED AREA FOR PATHS AND DRIVEWAY	
28.41m²	
Total Permeable Area 205.90m² EQUALS 52.19% of Allotment Area	

GROUND FLOOR AREAS: UNIT 1	
GROUND FLOOR--	118.28m² (12.73 SQ)
PORCH--	2.54m² (0.02 SQ)
TOTAL DWELLING--	120.82m² (13.00 SQ)
GARAGE--	39.36m² (04.24 SQ)
TOTAL--	160.18m² (17.24 SQ)

LEGEND	
✱ S/W PROPERTY INLET	
☐ S/W PIT	
☐ SEWER MANHOLE	
⊕ ELECT. PIT	
● ELEC. POLE	
⚡ STREET LAMP	
⚡ WATER VALVE	
⚡ WATER HYDRANT	
⊖ SEWER VENT / I.S.	
⊖ TREE	
⊖ TELSTRA PIT	
⊖ STREET SIGN	
⊖ T.B.M.	
⊖ GAS METER	
⊖ WATER METER	
⊖ SHRUBS	
⊖ HABITABLE ROOM WINDOW	
⊖ H. HEAD	
⊖ S. STILL	

GROUND FLOOR AREAS: UNIT 2	
GROUND FLOOR--	123.69m² (13.30 SQ)
PORCH--	3.71m² (0.04 SQ)
TOTAL DWELLING--	127.37m² (13.71 SQ)
GARAGE--	24.29m² (02.61 SQ)
TOTAL--	151.66m² (16.32 SQ)

SITE ANALYSIS: PROPOSED UNIT 2	
ALLOTMENT AREA	316.51m²
PROPOSED DWELLING (GROUND FLOOR)	127.37m² 13.71 SQ
GARAGE	24.29m² 02.61 SQ
TOTAL	151.66m² 16.32 SQ
ESTIMATED AREA FOR PATHS AND DRIVEWAY	
20.14m²	
Total Permeable Area 144.71m² EQUALS 45.72% of Allotment Area	

Quantum Homes

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PROPOSED BRICK VENEER RESIDENCE

PROJECT ADDRESS

LOT 14

HALETTTS WAY

BACCHUS MARSH

CLIENT

KAYE ANDERSON

DRAWN

PETER SPITERI

BUILDING PRACTITIONER

REGISTRATION No. DP-1121

DRAFTSPERSON

KATRINA

SKETCH No.

SK.2014.008

COMMENCE DATE

05/03/2014

REVISION

REVISION DATE

12/09/2014

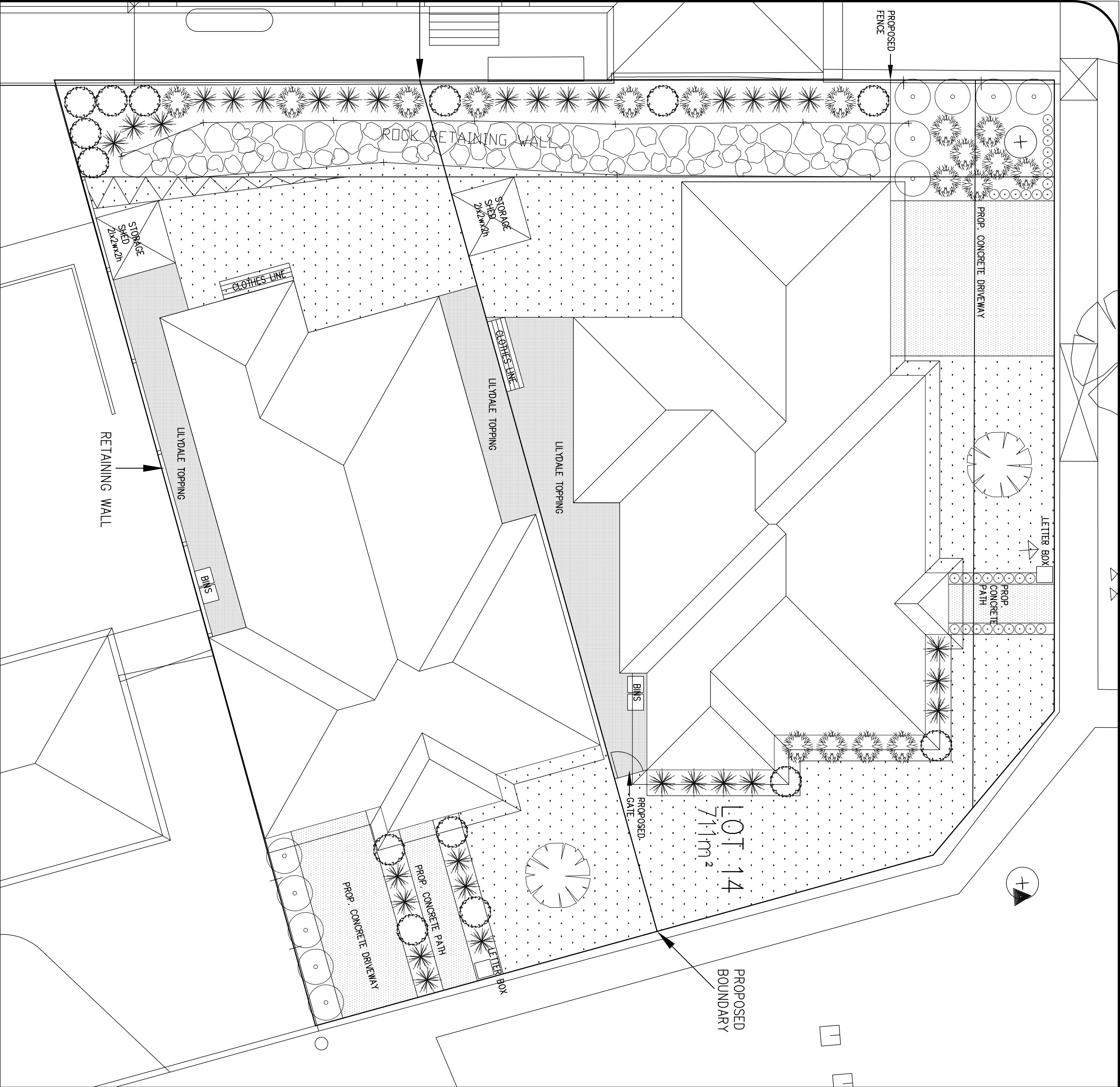
TITLE

SITE PLAN

SHEET No.

1

88



LEGEND

✱

S/V PROPERTY INLET

▣

S/V PIT

⊕

SEWER MANHOLE

○

ELECT. PIT

●

ELEC. POLE

⬤

STREET LAMP

■

WATER VALVE

□

WATER HYDRANT

⊠

SEWER VENT / I.S.

⊗

TELSTRA PIT

⊙

TREE

⊗

STREET SIGN

▲

T.B.M.

⚡

GAS METER

⬆

WATER METER

—

SHRUBS

W

HABITABLE ROOM WINDOW

H

S

HEAD
SILL

LANDSCAPE PLAN

SCALE 1:100

IRRIGATION SYSTEM

IN-GROUND IRRIGATION SYSTEM TO BE PROVIDED TO ALL LANDSCAPE AREA. TO BE PROVIDED AS A DESIGN/CONSTRUCT CONTRACT TO COMPLY TO WATER AUTHORITY GUIDELINES. IRRIGATION SYSTEM TO INCORPORATE LOW PRESSURE TIMER/CONTROLLER AND LOW PRESSURE IRRIGATION PIPE.

PLANT SCHEDULE					
SYMBOL	COMMON NAME	BOTANICAL NAME	POT SIZE	SIZE AT MATURITY	QUANTITY
	ROBINIA MOP TOP STANDARD	ROBINA PSEUDOCACIA INTERMIS	45LT	2.0m X 2.0m	2
	PRICKLY SPEAR—GRASS	AUSTROSTIPA STIPOIDES	14cm	0.8m X 0.8m	31
	YELLOW BUTTONS	CHRYSOCEPHALUM APICULATUM	14cm	0.3m X 0.5m	30
	ROCK CORREA	CORREA GLABRA	14cm	1.2m X 1.5m	11
	FLAX LILY	DIANELLA REVOLUTA	14cm	1.0m X 0.8m	18
	SMOKEY COAST ROSEMARY	WESTRINGIA FRUITICOSA 'SMOKEY'	14cm	1.0m X 1.0m	14
	SAPPHIRE BUFFALO TURF	STENOTAPHRIUM SECUNDATUM			

Quantum
Homes

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PROJECT

PROPOSED BRICK VENEER RESIDENCE

PROJECT

LOT 14
HALLETT'S WAY
BACCHUS MARSH

CLIENT

KAYE ANDERSON

DRAWN

PETER SPITERI
BUILDING PRACTITIONER
REGISTRATION No. DP-1121

REVISION

REVISION DATE

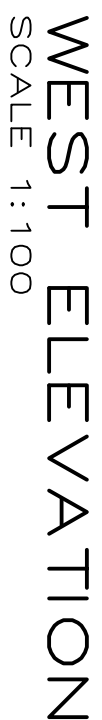
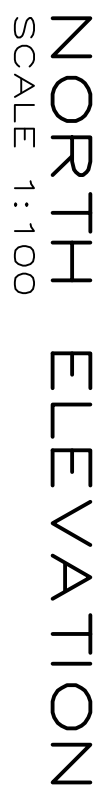
19/06/2014

TITLE

ELEVATIONS

SHEET No.

3



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PROJECT LOT 14
ADDRESS HALLETT'S WAY

CLIENT KAYE ANDERSON

PETER SPITERI

BUILDING PRACTITIONER

RAFTSPERSON SKETCH No.

A TRINA

COMMENCE DATE

LANDSCAPE
PLAN

SHEET No.

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Robert Fillisch, Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

DATE OF NEXT MEETING

Wednesday 11 October, 2017

4.00pm

James Young Room, Lerderderg Library, Bacchus Marsh

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 4.38pm.

A handwritten signature in black ink, appearing to read 'P. D. Noohy', is positioned on the right side of the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.