

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council to be held at
the James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh on
Wednesday 21 August 2013,
commencing at 7:00 p.m.

Members:

Cr. Pat Toohey (Mayor)	Woodlands Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Paul Tatchell	Central Ward
Cr. Tom Sullivan	West Moorabool Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Toohey, opened the meeting with the Council Prayer at 7.00pm.

2. PRESENT**Members:**

<i>Cr. Pat Toohey (Mayor)</i>	<i>Woodlands Ward</i>
<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. John Spain</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Ms. Robert Fillisch</i>	<i>Statutory Planning Coordinator</i>
<i>Ms. Deb Absolom</i>	<i>Minute Taker</i>

3. APOLOGIES**4. CONFIRMATION OF MINUTES****4.1 Ordinary Meeting of Council – Wednesday 7 August 2013****Resolution:**

Crs. Comrie/Spain

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 7 August 2013.

CARRIED.

5. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

- a direct interest
 - (section 77A, 77B)
- an indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

Nil.

6. MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor, Cr. Pat Toohey, attended the following meetings and activities:

Cr Pat Toohey – Mayor's Report	
August 2013	
9 August	Western Highway Action Committee Meeting, Stawell
10 August	Official Opening of the new Bungaree Recreation Facility (guests included The Hon Hugh Delahunty, Minister for Sport and Recreation & Minister for Veteran Affairs; Mr Simon Ramsay MP, Member for Western Victoria; Cr Tom Sullivan; Mr Andrew Mahar, Committee of Management Chairperson)
13 August	EBC Public Hearing regarding State Redivision of Electoral Boundary Changes
14 August	Assembly of Council – Rural Advisory Committee Assembly of Council – Centenary of Anzac Proposed Projects
17 August	Ballan Jockey Club Country Racing Awards, Melbourne Convention Centre
21 August	Assembly of Council – Draft Health & Wellbeing Plan Assembly of Council – Economic Development & Tourism (including MSC Investment Attraction Assistance Policy and Parwan Industrial Employment Zone) Assembly of Council – Instrument of Delegations Assembly of Council – Community Satisfaction Survey Ordinary Meeting of Council

Resolution:

Crs. Sullivan/Edwards

That the Mayor's report be received.

CARRIED.

7. COUNCILLORS' REPORTS

Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:

Cr. Dudzik	
August 2013	
10 August	Centenary Awareness Day – WW1
14 August	Principal for the Day – Bacchus Marsh Primary School
15 August	Public Meeting BM Aquatic Centre Community Consortium
18 August	Vietnam Veterans National Day – Wreath Laying Service

Cr. Edwards	
August 2013	
9 August	Peri Urban Meeting
10 August	Centenary Awareness Day – WW1

Cr. Sullivan	
August 2013	
8 August	Proposed Restructure of Regional Waste Management Group
9 August	Launch – Katter Party
10 August	Bungaree Recreation Reserve
15-16 August	Association of Waste Management Groups

Cr. Comrie	
August 2013	
9 August	Announcement by Catherine King – Funding for BM Aquatic Centre
15 August	BM Aquatic Centre Community Consortium
21 August	RSL Meeting

Cr. Spain	
August 2013	
9 August	Western Highway Action Committee Meeting, Stawell
10 August	Centenary Awareness Day – WW1
10 August	Bungaree Recreation Reserve
15 August	BM Aquatic Centre Community Consortium
18 August	Vietnam Veterans national Day – Wreath Laying Service

Cr. Tatchell	
August 2013	
10 August	Centenary Awareness Day – WW1
10 August	Bungaree Recreation Reserve
14 August	Ballan Boy Scouts AGM
20 August	Ballan Homeless Group

Resolution:

Crs. Sullivan/Dudzik

That the Councillors' reports be received.

CARRIED.

8. PUBLIC QUESTION TIME

The Council has made provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time.

Public Question Time is required to be conducted in accordance with the requirements contained within the **Public Question Time Protocols and Procedural Guidelines**.

The person asking the question is to stand and identify themselves by name and residential address before asking the question.

All questions are to be directed to the Mayor as Chairperson, who shall determine the appropriate person to respond to the question.

The person asking the question must be present in the gallery when the question is considered and may be asked for clarification by the Mayor.

At the discretion of the Mayor, a lengthy question may be required to be placed into writing by the person asking the question. The Mayor may accept a question on notice, in the event that research is required to provide a response. In the case of questions taken on notice, both the question and response shall be recorded in the Minutes of the Meeting.

Procedural Guidelines – Public Question Time

A maximum of two questions may be asked by any one person at any one time.

If a person has submitted 2 questions to a meeting, the second question: may, at the discretion of the Mayor, be deferred until all other persons who have asked a question have had their questions asked and answered; or may not be asked if the time allotted for public question time has expired.

A maximum of three minutes per question will be allocated. An extension of time may be granted at the discretion of the Mayor.

The Mayor will nominate the appropriate person to respond to each question. In the event that the question is directed for response by a Council Officer, it shall be referred through the Chief Executive Officer.

The Mayor may disallow any question, which is considered:

To relate to a matter outside the duties, functions and powers of Council;

To be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or substance;

To be confidential in nature or of legal significance;

To deal with a subject matter already answered; To be aimed to embarrass any person;

To relate to personnel matters;

To relate to the personal hardship of any resident or ratepayer;

To relate to industrial matters;

To relate to contractual matters;

To relate to proposed developments;

To relate to legal advice;

To relate to matters affecting the security of Council property; or

To relate to any other matter which Council considers would prejudice the Council or any person.

The Mayor has the discretion to seek clarification of the question if deemed necessary but otherwise the person asking the question is not permitted to enter into debate with or directly question the Mayor or Chief Executive Officer.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

The following questions were taken on notice by the Chair at the meeting:

Mr. Pat Griffin – Bacchus Marsh – Bacchus Marsh Aquatic Centre – Requesting a response from Council on resolutions from the Bacchus Marsh Aquatic Centre Minutes.

Mr. David Stewart – Bacchus Marsh – Bacchus Marsh Aquatic Centre – List of pools designed by architect.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

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

Item No	Description	Name	Position
11.3.1	<i>Community Grants Program Review and Draft Policy</i>	Michael Tudball	Objector
11.3.1	<i>Community Grants Program Review and Draft Policy</i>	Pat Griffin	Objector

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 Officers report on the planning item.

Item No	Description	Name	Applicant/ Objector
11.2.1	Planning Application 2013-066; Development and Use of a Dwelling at Lot 1 on TP 612273N, 52 Settlement Road, Elaine	Robert Eskdale	Speaking on behalf of Applicant
11.2.1	Planning Application 2013-066; Development and Use of a Dwelling at Lot 1 on TP 612273N, 52 Settlement Road, Elaine	Mark Dunne	Applicant
11.2.2	Planning Permit 28/93; Amendment of Erection and Use of Site for a Childcare Centre and waiver of car parking requirements (15 spaces) for land in PC355721, 138 Halletts Way, Bacchus Marsh	Emma Prespanoski	Speaking on behalf of Applicant
11.2.4	Planning Application 2012-249; Development of Three (3) Dwellings; Lot 6 on PS647243P, 5/36 Somerton Court, Darley	Jacqueline Elliott	Objector
11.2.4	Planning Application 2012-249; Development of Three (3) Dwellings; Lot 6 on PS647243P, 5/36 Somerton Court, Darley	Robert Jackson	Objector
11.2.4	Planning Application 2012-249; Development of Three (3) Dwellings; Lot 6 on PS647243P, 5/36 Somerton Court, Darley	Nadia Sidea	Objector
11.2.4	Planning Application 2012-249; Development of Three (3) Dwellings; Lot 6 on PS647243P, 5/36 Somerton Court, Darley	Tony Anile	Applicant
11.2.5	Planning Application 2013-040; Development of Two (2) dwellings on Lot 2 PS519664E, 2/11 Carey Crescent, Bacchus Marsh	Linda Lyle	Objector

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

11.2 GROWTH AND DEVELOPMENT**11.2.1 Planning Application 2013-066; Development and Use of a Dwelling at Lot 1 on TP 612273N, 52 Settlement Road, Elaine**

Application Summary:	
Permit No:	PA2013-066
Lodgement Date:	3 April 2013
Planning Officer:	Natalie Robertson
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	17 August 2013
Address of the land:	Lot 1 on TP 612273N 52 Settlement Road, Elaine
Proposal:	Development and Use of a Dwelling
Lot size:	0.7 hectares (7000 sq m)
Restrictive Covenant / 173 Agreement	Not applicable
Why is a permit required	Clause 35.07-1 . Dwelling in Farming Zone Clause 42.01-2 . Buildings and works in Environmental Significance Overlay Schedule 1
Public Consultation:	
Number of notices to properties:	7
Notices on site:	1
Notice in Moorabool Newspaper:	Not applicable
Number of Objections:	None
Consultation meeting:	Not applicable.

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>General Manager Growth and Development – Satwinder Sandhu</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 Senior Statutory Planner – Natalie Robertson</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
<p>The application is for development and use of the land for a dwelling on land that is located at 52 Settlement Road, Elaine. The total land area for the subject site is 0.7 hectares.</p> <p>The subject land is located on the northern boundary of the Elaine township. The site itself does not have direct access from Settlement Road with access proposed via an existing unmade road. The lot is one of four adjoining land parcels in the proponent's ownership. The larger of which is 8.43 hectares and the remaining three form the subject site, a long narrow strip of land which appears to have once been intended as an access way and a strip of narrow land that directly abuts the subject site.</p>	

Given the area in entirety is including the subject site totals 10.8 hectares the proponent was asked to consider consolidation of the lot pursuant to Council's Local Policy 22.03 Houses and House Lot Excisions within the Rural Areas. The proponent declined to Pursue consolidation on the basis that it would *"reduce his future options and flexibility in farm management of his property"*.

The proposal provides for the construction of a single storey dwelling on the site comprising four bedrooms plus study, 2 bathrooms, separate lounge, combined kitchen/dining area together with a double car garage.

The supplementary information states that the principle land is not large enough for farming purposes, however the proponent is currently undertaking agricultural activities on the lot and surrounding land parcels.

The proposal fails to justify that there would be an overriding need to establish a dwelling on this lot to manage any proposed agricultural business.

The proposal has been assessed against the relevant components of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework and Clause 35.07- Farming Zone.

It is considered that the proposed application is inconsistent with the State and Local Planning Policies of the Moorabool Planning Scheme, including the provisions of Clauses 11.05-2, 14.01, 21.03-5 and 22.03.

The application was referred to all appropriate authorities and within Council departments for comment. No objections from referral authorities were raised provided certain conditions were placed on any permit granted.

Summary Recommendation:

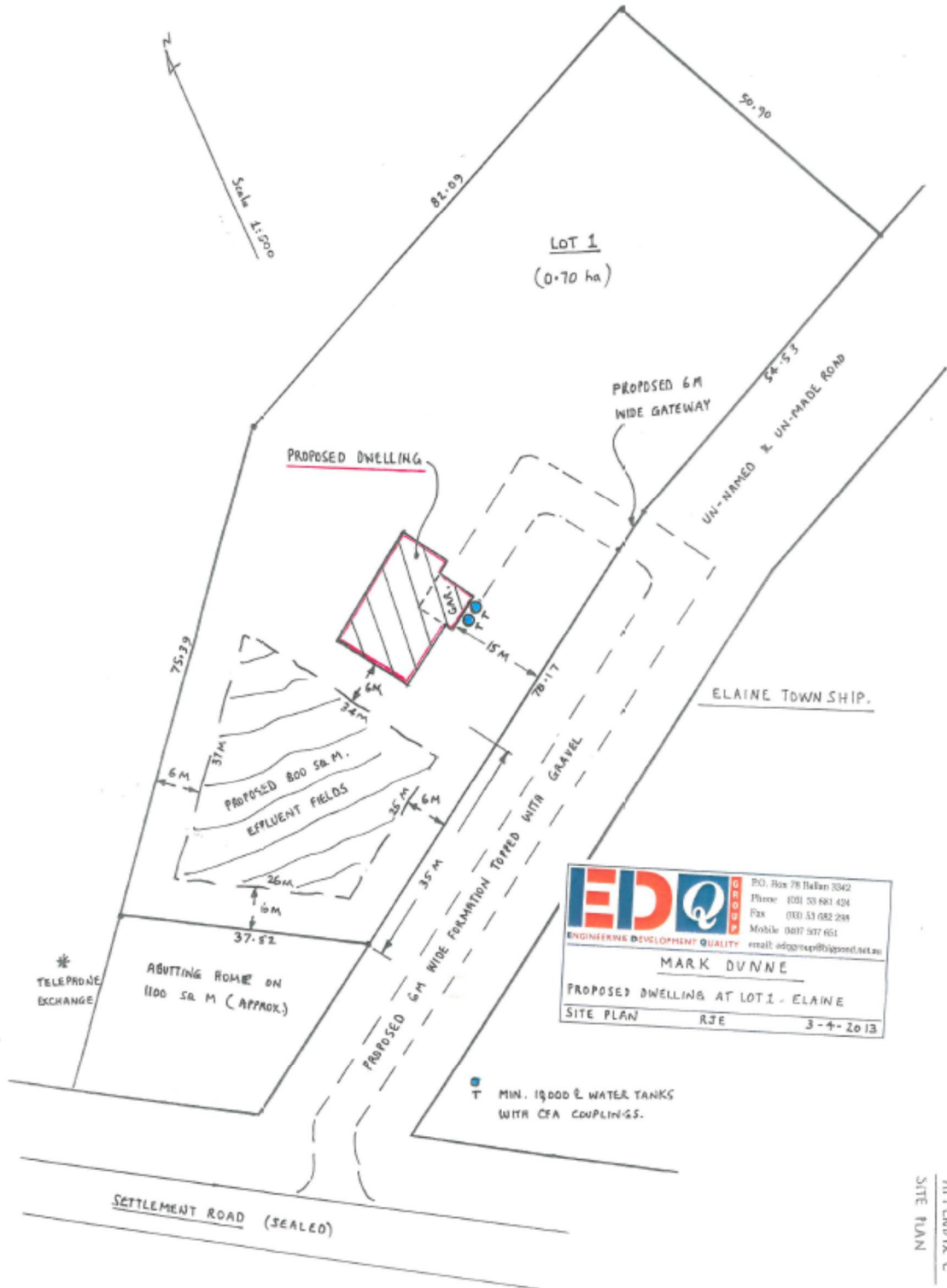
It is recommended that Council resolve to refuse to grant a permit for this application in accordance with Section 61(1) of the Planning and Environment Act 1987, on the grounds stated.

Proposal

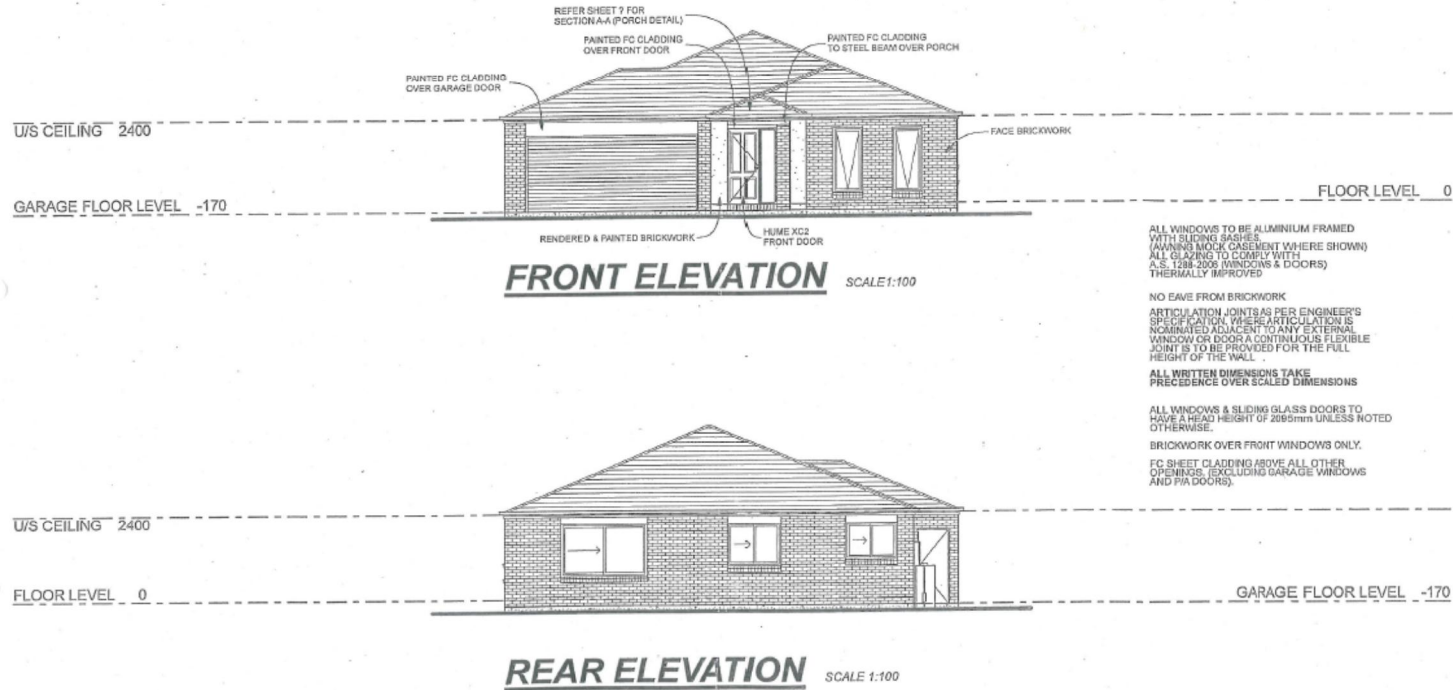
The proposal involves the development of a single dwelling on the subject site. The proposed dwelling comprises three bedrooms, 2 bathrooms, a separate living room, a combined kitchen/living area and a double garage. The dwelling would have a total floor area 216.72sqm. The proposed dwelling would be 15m from the unmade road access to the east and 35m from the front southern boundary. The effluent disposal area would be approximately 6m from the adjoining lot to the south.

On the adjoining land to the east, which is described as an unmade road, it is proposed to construct a 6m wide access from Settlement Road to the subject site with the crossover created on the eastern boundary.

Proposed Site Plan, Floor Plan and Elevations



APPENDIX C
SITE PLAN



ALL WINDOWS TO BE ALUMINIUM FRAMED WITH SLIPING SASHES (AWNING WINDOW CASEMENT WHERE SHOWN) ALL GLAZING TO COMPLY WITH A.S. 1288-2008 (WINDOWS & DOORS) THERMALLY IMPROVED

NO EAVE FROM BRICKWORK ARTICULATION JOINTS AS PER ENGINEER'S SPECIFICATION, WHERE ARTICULATION IS NOMINATED ADJACENT TO ANY EXTERNAL WINDOW OR DOOR A CONTINUOUS FLEXIBLE JOINT IS TO BE PROVIDED FOR THE FULL HEIGHT OF THE WALL

ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS

ALL WINDOWS & SLIDING GLASS DOORS TO HAVE A HEAD HEIGHT OF 2050mm UNLESS NOTED OTHERWISE

BRICKWORK OVER FRONT WINDOWS ONLY. FC SHEET CLADDING ABOVE ALL OTHER OPENINGS, EXCLUDING GARAGE WINDOWS AND PIA DOORS.

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APPROVED FOR RELEASE TO INTRANET

MANAGING DIRECTOR		PRODUCT DEVELOPMENT MANAGER	
DATE	SIGNED	DATE	SIGNED
/ /		/ /	

ALL EXTERNAL WALLS 240mm UNLESS OTHERWISE SPECIFIED. ALL INTERNAL WALLS 90mm UNLESS OTHERWISE SPECIFIED.

AREA	GROUND FLOOR:	172.72m ²
	GARAGE:	35.04m ²
	PORCH (front):	4.77m ²
	PORCH (side):	3.19m ²
	TOTAL:	215.72m ²
	ALFRESCO 1 (optional):	18.72m ²
	ALFRESCO 2 (optional):	13.53m ²

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MARK DUNNE - DWELLING PLANS FOR LOT TP6112 7 3 N ELAINE

DRAWN:	LAST RELEASED DATE:	SHEET:
RAC	19-07-10	9 of 15

B/3



LEFT ELEVATION SCALE 1:100

ALL WINDOWS TO BE ALUMINIUM FRAMED WITH SLIDING SASHES.
 WINDOW SIZES TO BE AS SHOWN (WHERE SHOWN).
 ALL GLAZING TO COMPLY WITH A.S. 1288-2000 (WINDOWS & DOORS) THERMALLY IMPROVED.

NO EAVE FROM BRICKWORK

ARTICULATION JOINTS AS PER ENGINEER'S SPECIFICATION. WHERE ARTICULATION IS NOMINATED ADJACENT TO ANY EXTERNAL WINDOW OR DOOR A CONTINUOUS FLEXIBLE JOINT IS TO BE PROVIDED FOR THE FULL HEIGHT OF THE WALL.

ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS

ALL WINDOWS & SLIDING GLASS DOORS TO HAVE A HEAD HEIGHT OF 2055mm UNLESS NOTED OTHERWISE.

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RIGHT ELEVATION SCALE 1:100

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DATE	SIGNED	DATE	SIGNED
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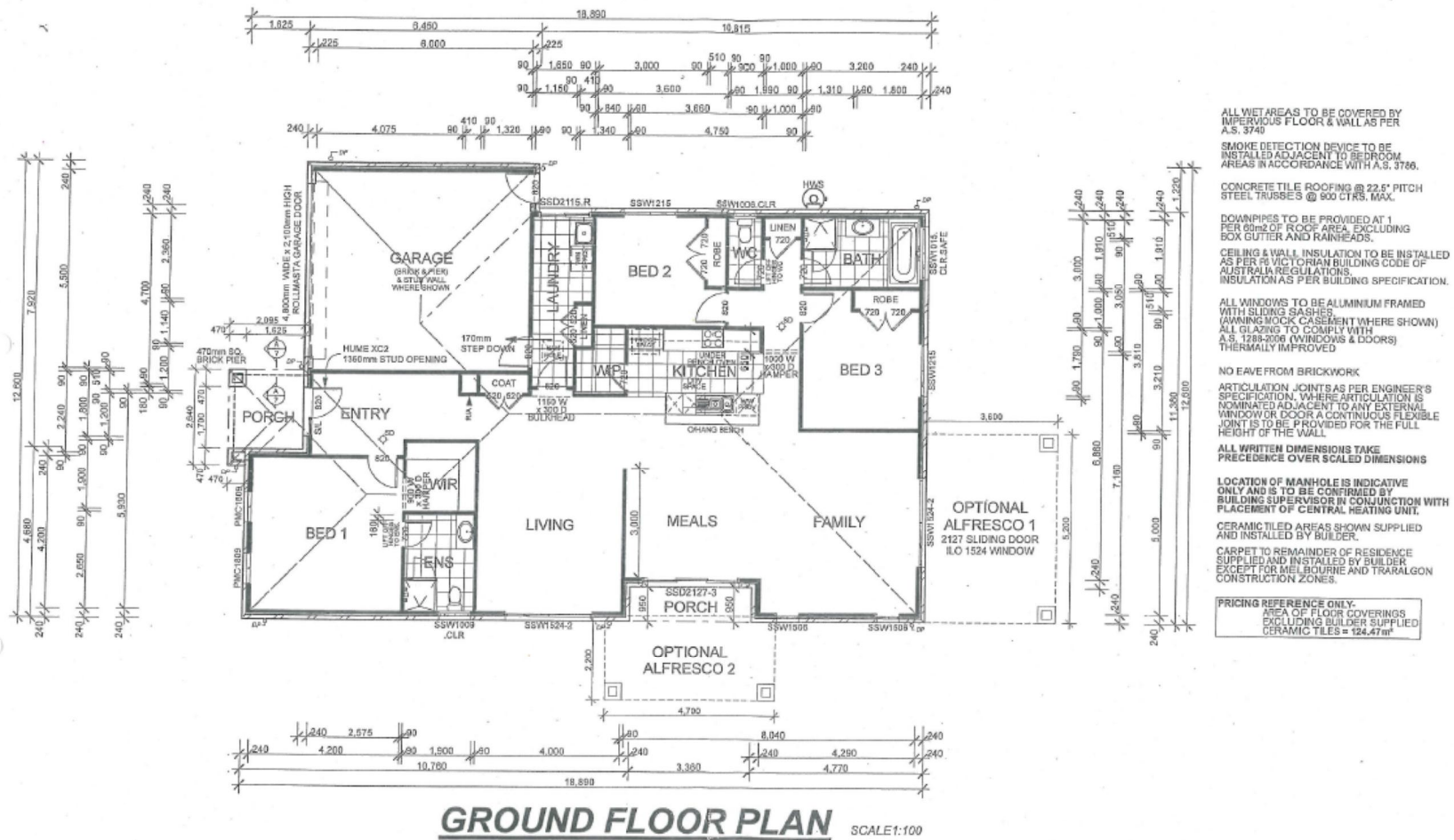
ALL EXTERNAL WALLS 240mm UNLESS OTHERWISE SPECIFIED.
 ALL INTERNAL WALLS 90mm UNLESS OTHERWISE SPECIFIED.

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AREA	
GROUND FLOOR:	172.72m ²
GARAGE:	35.54m ²
PORCH (front):	4.77m ²
PORCH (side):	3.19m ²
TOTAL:	216.22m ²

MARK DUNNE - DWELLING PLANS
LOT 1 TP 612273N - ELAINE

DRAWN:	LAST RELEASED DATE:	SHEET
RAC	19-07-10	10 of 15



- ALL WET AREAS TO BE COVERED BY IMPERVIOUS FLOOR & WALLS PER A.S. 3740
- SMOKE DETECTION DEVICE TO BE INSTALLED ADJACENT TO BEDROOM AREAS IN ACCORDANCE WITH A.S. 3786.
- CONCRETE TILE ROOFING @ 22.5° PITCH STEEL TRUSSES @ 900 CTRS. MAX.
- DOWNPIPES TO BE PROVIDED AT 1 PER 60m² OF ROOF AREA, EXCLUDING BOX GUTTER AND RAINEHEADS.
- CEILING & WALL INSULATION TO BE INSTALLED AS PER 60 VICTORIAN BUILDING CODE OF AUSTRALIA REGULATIONS. INSULATION AS PER BUILDING SPECIFICATION.
- ALL WINDOWS TO BE ALUMINIUM FRAMED WITH SLIDING SASHES (AWNING/HOOK CASSEMENT WHERE SHOWN) ALL GLAZING TO COMPLY WITH A.S. 1288-2006 (WINDOWS & DOORS) THERMALLY IMPROVED
- NO EAVE FROM BRICKWORK
- ARTICULATION JOINTS AS PER ENGINEER'S SPECIFICATION, WHERE ARTICULATION IS NOMINATED ADJACENT TO ANY EXTERNAL WINDOW OR DOOR A CONTINUOUS FLEXIBLE JOINT IS TO BE PROVIDED FOR THE FULL HEIGHT OF THE WALL.
- ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS
- LOCATION OF MANHOLE IS INDICATIVE ONLY AND IS TO BE CONFIRMED BY BUILDING SUPERVISOR IN CONJUNCTION WITH PLACEMENT OF CENTRAL HEATING UNIT.
- CERAMIC TILED AREAS SHOWN SUPPLIED AND INSTALLED BY BUILDER.
- CARPET TO REMAINDER OF RESIDENCE SUPPLIED AND INSTALLED BY BUILDER EXCEPT FOR MELBOURNE AND TRARALGON CONSTRUCTION ZONES.
- PRICING REFERENCE ONLY. AREA OF FLOOR COVERINGS EXCLUDING BUILDER SUPPLIED CERAMIC TILES = 124.47m²

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MANAGING DIRECTOR		PRODUCT DEVELOPMENT MANAGER	
DATE	SIGNED	DATE	SIGNED
/ /	/ /	/ /	/ /

ALL EXTERNAL WALLS 240mm UNLESS OTHERWISE SPECIFIED.
 ALL INTERNAL WALLS 90mm UNLESS OTHERWISE SPECIFIED.

AREA	
GROUND FLOOR:	172.72m ²
GARAGE:	36.94m ²
PORCH (front):	4.77m ²
PORCH (side):	3.19m ²
TOTAL:	218.72m ²
ALFRESCO 1:(optional)	18.72m ²
ALFRESCO 2:(optional)	13.53m ²

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MARK DUNNE - DWELLING PLANS
FOR LOT 1 TP 6122 73N - ELAINE

DRAWN:	LAST RELEASED DATE:	SHEET:
RAC	19-07-10	8 of 15

DISBURSEMENT SHEET

Site Description

An inspection of the site was undertaken on Wednesday 22 May 2013

The land title states the road name as 52 Settlement Road, Elaine, however the subject site has no direct access to Settlement Road and must be accessed via what is currently an unmade road.

The site forms the eastern land parcel of three land parcels in the same ownership. The land parcels comprise:

- Lot 1 on TP 612273N, 0.7 hectares, subject site
- Lot 1 on TP420374, 8.4 hectares, vacant.
- CA14P, Psh Borhoneyghurk, 1.8 hectares, vacant

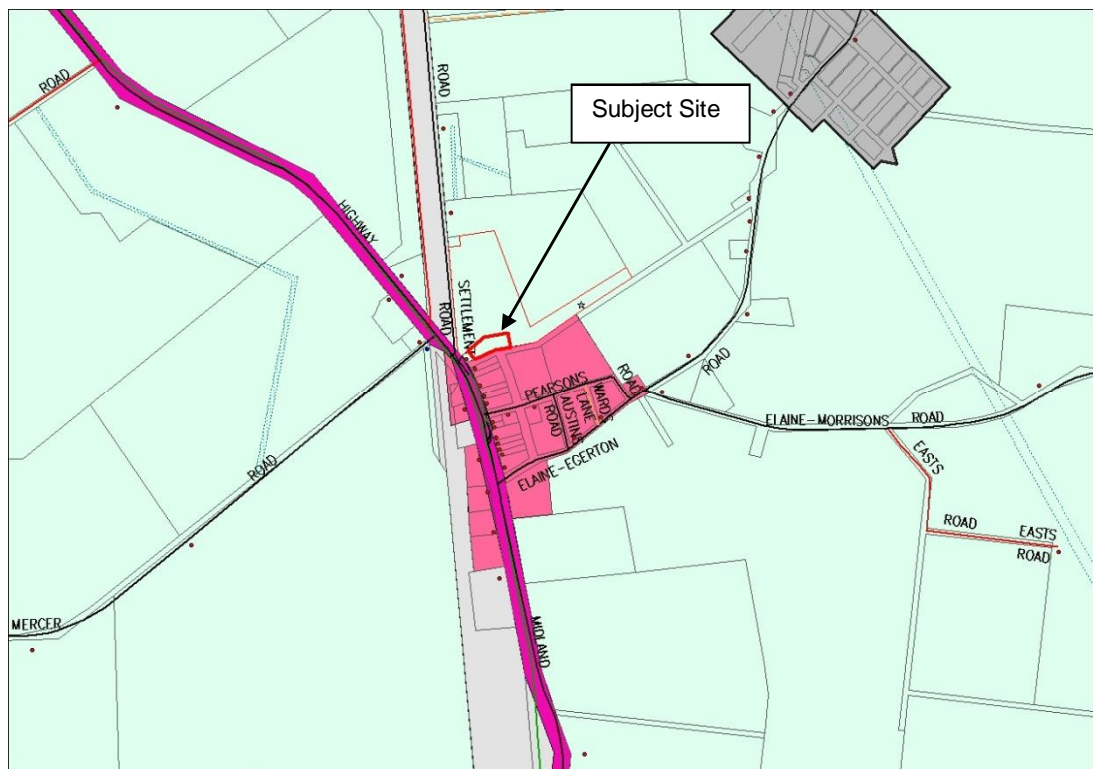
The subject land parcel is irregular in shape and has no significant vegetation.

The southern boundaries of the subject site directly abuts an 1100sqm land parcel containing a dwelling in the same ownership as the proponent.

The application states that the land is used for various farm interests.

The subject site directly abuts to the east the Township Zone of Elaine which stands to reason why there are several dwellings in close proximity to the subject site.

Subject Site



Planning Scheme Provision

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).

SPPF		
Clause 11.05-2	Melbourne's hinterland areas	<p>The objective of this policy is to manage growth in Melbourne's hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of the Melbourne's Central Activities District and to:</p> <ul style="list-style-type: none"> ▪ Provide for development in selected discrete settlements within the hinterland of Metropolitan Melbourne having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area. ▪ Prevent dispersed settlement. <p>Does not comply.</p>
11.05-3	Rural productivity	<p>The objective of this policy is to manage land use change and development in rural areas to promote agriculture and rural production aiming to:</p> <ul style="list-style-type: none"> • Prevent inappropriately dispersed urban activities in rural areas. • Limit new housing development in rural areas, including: <ul style="list-style-type: none"> • Directing housing growth into existing settlements. • Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses. <p>Does not comply.</p>

Clause 14.01-1	Protection of agricultural land	<p>The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context and to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.</p> <p>The agricultural quality and productivity of the land must be assessed and the permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.</p> <p>In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.</p> <p>Does not comply.</p>
Clause 14.01-2	Sustainable agricultural land use	<p>The objective of this policy is to encourage sustainable agricultural land use and to ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.</p> <p>Does not comply.</p>
Clause 14.02-2	Water quality	<p>The objective of this policy is to protect water quality and to protect reservoirs, water mains and local storage facilities from potential contamination.</p> <p>Does not meet the decision guidelines for dwellings in potable water catchments.</p>

Clause 16.02-1	Rural residential development	<p>The objective of this policy is to identify land suitable for rural living and rural residential development and to:</p> <ul style="list-style-type: none"> ▪ Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development. ▪ Reduce the proportion of new housing development provided in rural areas and encourage the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made. <p>Does not comply.</p>
LPPF		
Clause 21.01-2	Municipal context, Key Issues, Economic development	<p>It is important to ensure planning to accommodate demand for rural living opportunities produces enhanced environmental outcomes and also protects agricultural production, particularly highly productive areas in the west of the Shire + There is an ongoing need to manage existing and potential conflict between residential, rural residential and agricultural and horticultural production.</p> <p>Does not comply.</p>
Clause 21.03	Settlement and Housing . Key issues and influences	<p>The communities and towns of Moorabool Shire have a very strong rural setting and character that is defined by the local agricultural base, spectacular scenic landscapes and diverse vegetation. There is a need to ensure that these values, which draw people to the area, are protected.</p> <p>Does not comply.</p>
Clause 21.03-2	Urban Growth Management	<p>The objective of this policy is to plan and manage sustainable urban growth that is concentrated in and around the Shire's major towns and to avoid urban development where it is likely to impact on highly productive agricultural land, environmental values and the long-term sustainability of natural resources and to ensure a clear separation between urban development and farming activities.</p> <p>Does not comply.</p>

Clause 21.03-4	Landscape and Neighbourhood Character	<p>The objective of this policy is to ensure new development in all zones respects the existing character, landscape setting and amenity of the local area and to:</p> <ul style="list-style-type: none"> ▪ Retain non-urban breaks between towns and settlements. ▪ Avoid residential development in the farming areas unless it is required for the agricultural use of the land. <p>Does not comply.</p>
Clause 21.04-1	Key issues and influences, agriculture and horticulture	<p>The diversity in agricultural production and potential across the Shire is an economically valuable resource.</p> <p>The protection of agricultural and horticultural production is an important planning outcome. The policy states there is a need to avoid fragmentation of land suitable for rural production by discouraging subdivision and houses that are unrelated to the rural use of the land and further to encourage the consolidation of lots.</p> <p>The Shire's agricultural base and attractive rural setting are important drivers in attracting people to live in Moorabool. Council supports rural living development where it does not compromise the long term productive use of rural land for agriculture and horticulture, maintains the Shire's environmental qualities, and provides services and infrastructure to support such development.</p> <p>Does not comply.</p>

Clause 22.03	Houses and House Lot Excisions in Rural Areas	<p>This policy applies to all land within the Farming Zone.</p> <p>Agriculture is still the major land use in the Shire and a significant component of the economy. The Shire is committed to facilitating sustainable agriculture and protecting the long term supply of productive agricultural and horticultural land. There is need to avoid fragmentation of land suitable for rural production by discouraging subdivision and houses that are unrelated to the rural use of the land. It is also important to ensure that farm production is not compromised or adversely affected by residents living in rural areas.</p> <p>Does not comply.</p>
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Zone

Farming Zone

Pursuant to Clause 35.07-1, section 2, and the schedule to the Farming Zone, a planning permit is required to use the land for a dwelling if the land is less than 40ha.

Pursuant to Clause 35.07-4 of the Farming Zone a planning permit is required for a building or works associated with a use in section 2 of Clause 35.07-1.

The subject site is in the Farming Zone. The Purpose of the Farming Zone is to implement the State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies and to:

- provide for the use of land for agriculture;
- encourage the retention of productive agricultural land;
- ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture;
- encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision;
- protect and enhance natural resources and the biodiversity of the area.

The lot must be at least the area specified in a schedule to this zone which states the minimum area for which no permit is required to use land for a dwelling is 40 hectares.

Farming Zone . Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the dwelling would result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling would be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling would adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.

Design and Development Overlay – Schedule 2

The site is covered by the Design and Development Overlay . schedule 2.

Pursuant to Clause 43.02-2 of the Moorabool Planning Scheme a permit is required to construct a building or construct or carry out works unless the schedule to the Overlay says that a permit is not required. The schedule to the Overlay states that a permit is only required if the development is to be constructed with reflective materials. In this instance a permit is not triggered as no reflective materials are proposed to be used.

Environmental Significance Overlay – Schedule 2

The site is covered is by the Environmental Significance Overlay . schedule 1, Proclaimed Water Catchment Areas.

Pursuant to Clause 42.01-2 of the Moorabool Planning Scheme a permit is required to construct a building or construct or carry out works unless the schedule to the Overlay says that a permit is not required. The schedule to the Overlay states that a permit is required to construct a dwelling in the Farming Zone where the lot is less than 40 hectares.

In this respect, Barwon Water are the Section 55 referral authority and the proposal was referred to Barwon Water and Council's Environmental Health Department for comment.

Both Barwon Water and Environmental Health have no objection to the proposal subject to conditions that relate to wastewater and effluent treatment, stormwater and adherence to the recommendations of the Land Capability Assessment of the site provided as part of the application.

Particular Provisions

No particular provisions apply to this application.

General Provisions

Clause 65 . Decision Guidelines have been considered by officers in evaluating this application as appropriate as follows:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Section 60(1A)(g) of the Planning and Environment Act 1987 allows for consideration of any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council in the assessment of an application.

In this regard, Council's **"Rural Growth Policy Statement and Identified Areas"** does not identify the site as one to support dwellings, however where there is no clear strategy for the site the Policy does accept that ~~one~~ size fits all+ rural land use policies have proven to be inadequate for peri urban Shires.

The policy suggests, where applicable, that council should:

- Support the agricultural sector so that it can be more productive, diverse, resilient and adaptive to changing agricultural trends, including supporting agricultural activities that recognise Moorabool's advantageous proximity to market;
- Protect agricultural land use from permanent loss and allow development that increases agricultural productivity;

- Supports investment and development in innovative agricultural activities and agricultural diversity;
- Recognise that there are substantial existing lots under 40 hectares capable of supporting the viable operation of agricultural enterprises.
- The policy states that Council should be mindful of the aim to facilitate growth of existing farm businesses and to facilitate the establishment of new agricultural enterprises.

The proposal does not fall within the requirements of Council's Rural Growth Policy.

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

Referrals

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

Authority	Response
Barwon Water	Consent, subject to conditions
Infrastructure Environmental Health Coordinator	Consent, subject to conditions Consent, subject to conditions

All referral authorities consented to the application subject to conditions being placed on any permit issued.

Public Notice

Notification of the proposal was undertaken. The application was advertised to nearby adjoining owners and occupiers on 3 June 2013 by mail. A total of seven (7) notices were provided to properties within the surrounding area together with a sign being placed on the site between 3 June 2013 and 17 June 2013.

No objections were received.

Discussion:

The Moorabool Planning Scheme provides discretion for a permit to be granted to use and develop land for the purposes of a dwelling on a lot less than 40ha. Where a permit is required the decision guidelines of the Farming Zone require that consideration be given to a range of matters before deciding on an application.

The purpose of the Farming Zone is to provide for the use of land for agriculture, encourage the retention of productive agricultural land and ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

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

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

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

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

In considering the application in this area of Elaine and particularly its proximity to the township of Elaine a primary question is whether the dwelling is reasonably required for the use of the land for agricultural. The second consideration is whether the land should be preserved for agricultural use to protect the future land use for the area.

State planning policies provide guidance to Council as to the objectives that are to be achieved in relation to the protection of prime agricultural land across Victoria.

Specifically Clause 11.05-3 relating to rural productivity, Clause 14.01-1 relating to the protection of agricultural land and Clause 16.02-1 relating to rural residential development all stress the need to protect farming land from encroachment by non-agricultural activities and dwellings and that the permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

Local planning policies, specifically Clause 21.01-2 relating to Municipal context, key issues, economic development, Clause 21.03-2 relating to urban growth management and Clause 21.04-1. Key issues and influences, in relation to agriculture and horticulture relating to rural living development all stress that protection of agricultural and horticultural land is a key consideration and the ongoing need to manage existing and potential conflict between residential, rural residential and agricultural and horticultural production.

Preserving such agricultural land from urban encroachment, by defining and maintaining a strong urban growth boundary would come under increasing pressure from development applications unless State and local policies are upheld.

Generally these policies enshrine the protection of productive agricultural land from non-agricultural uses and dwellings unless strong justification can be made that such dwellings are required to support the agricultural use.

The applicant has not made a case for the use of the land for the dwelling to support a horticultural or agricultural business. There are residential areas within 50m of the subject site which would provide accommodation for the landowner without imposing a significant burden on them being able to access their land for farming. Indeed, the landowner resides on a lot adjoining the subject site.

As part of a request for additional information the Proponent was asked to provide documentation that would assist in the assessment of a dwelling on the site, particularly consideration of consolidation of lots. The applicant response was:

“(The Landowner) does not wish to consent to the consolidation of the subject lot 1 TP420374, as it would reduce his future options and flexibility in the farming management of is property. At present (the Landowner’s) brother owns abutting land, and at present they work in managing their combined farming interests.

In the future there may be a change in such arrangements and (the Landowner’s) future options and opportunities would be limited by the suggested consolidation of land.

The proposal for the dwelling on the subject 7000sqm abuts several houses on the north west boundary of the Elaine Township. Its development will provide economic support to existing Elaine General Store, Hotel and Hardware / Stockfeed business and assist in the promotion and use of local community infrastructure such as Elaine Recreation Reserve (incl. Tennis & Cricket Club and Facilities).”

Given the parties who farm the land parcels, including the subject site, reside in immediate vicinity to their farming practices, it is difficult here to justify consent to an additional dwelling that would be for little purpose other than for sale purposes.

Whilst, the proponent suggests that to allow the dwelling would be support the commercial and community facilities of the Elaine Township, the township itself exists to support surrounding agricultural land parcels. To continue to consent to dwellings with no nexus to agriculture, on small fragmented land parcels, in close proximity to the immediate township area merely to support the township is contrary to the intent of both the farming zone and the township zone.

Ample opportunity exists within the Elaine Township to meet the housing needs of potential residents. The compromising of agricultural land at this location is not warranted and merely produces a precedent for other smaller Farming Zoned land parcels that directly adjoin the Township Zones.

The zone and planning policy framework all seek to provide for the use of land for agriculture, to encourage the retention of productive agricultural land, and to encourage use and development of land based on comprehensive and sustainable land management practices.

The planning scheme specifically recognises threats to agricultural land use from non-agricultural land uses such as dwellings which can impact on the fragmentation and restriction on the viability and potential for agricultural land uses to operate.

The Tribunal is generally consistent in its assessment of applications for dwellings on small lots in the Farming Zone.

In *Strachan v LaTrobe CC (2012)* Member Tracey Bilston-McGillen stated that:

“In considering applications for dwellings in the Farming Zone, the Tribunal has on a number of occasions commented on the adverse impact on agricultural production associated with the intrusion of dwellings on small lots in the Farming Zone. In particular the Tribunal has commented that the impact of permitting dwellings in small rural lots in the Farming Zone is incremental in nature and that care must be exercised not to lose sight of the cumulative impact of each dwelling when considering applications for individual proposals.

The failure to do so lead inevitably to the circumstances where the proliferation of dwellings on small lots changes the character of a locality to rural residential and productive agricultural land is lost forever.”

The strong guidance provided by the Moorabool Planning Scheme supports the protection of agricultural land, particularly Council's own Local Policy and it is therefore reasonable to suggest that this land should be protected and that the use of the land for a dwelling should not be supported.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with the Planning and Environment Act 1987, and no objections were received. The applicant was informed that this matter would be heard by Council and was advised of their right to address Council. The applicant will be advised of Council's determination.

Conclusion:

It is considered that the application is not consistent with the State and Local Planning Policy Framework or the Municipal Strategic Statement of the Moorabool Planning Scheme. The proposal is also considered to be inconsistent with the purpose of the Farming Zone and fails to protect the potable water supply catchment from the cumulative threat of concentrated effluent disposal.

Consideration of Deputations – Planning Permit Application No. 2013-066.

Mr. Robert Eskdale and Mr. Mark Dunne addressed Council as the owner and applicant in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Refusal to Grant A Planning Permit PA2013-066 for Use and Development of Dwelling on Lot 1 on TP612273N, Settlement Road, Elaine subject to the following grounds:

- 1. The applicant has failed to provide sufficient information that provides a nexus between agricultural use and the need for a dwelling on the subject site.**
- 2. The proposal is not supported by the State Planning Policies.**
- 3. The proposal is not supported by the Local Planning Policies.**
- 4. The proposal is not supported by the purpose of the Farming Zone.**

Resolution:**Crs. Sullivan/Comrie**

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Planning Permit PA 2013-066 for Development and Use of a Dwelling at Lot 1 on TP 612273N, 52 Settlement Road, Elaine subject to the following grounds:

- 1. The use or development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***
- 2. The dwelling must not have wall or roof cladding of reflective material unless with the prior written approval of the responsible authority.***
- 3. A wastewater treatment system that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) is required via an approved EPA Aerated Wastewater Treatment System (AWTS).***
- 4. The effluent disposal system must be located at least 100m from any surface waterway.***
- 5. The proponent must at his own cost construct the unnamed road abutting subject land from Settlement road to the proposed site entrance to the following standard:***
 - a. A 6.0 metre wide carriageway of which the central 4.0 metres section shall have a pavement of approved granular material to a minimum compacted depth of 150 millimetres;***
 - b. Table drainage as required to minimum width 2.0 metres and depth 0.2 metres;***
 - c. The pavement shall be formed to facilitate water runoff to the table drains;***
 - d. Culverts of minimum 375 millimetre diameter installed as required to facilitate drainage;***
 - e. A turning area for service and emergency vehicles to be provided at the termination of the road works.***
- 6. All road and drainage works must be maintained in good condition and repair for a minimum of 6 months after completion of the works to the satisfaction of the responsible authority.***

7. ***A security deposit of 5% of the total value of engineering works as approved by the responsible authority must be lodged with the responsible authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 6 months after completion of works, subject to the satisfactory completion of all required maintenance and rectification works.***
8. ***A standard rural vehicle crossing with culvert must be provided on Settlement Road to the satisfaction of the responsible authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.***
9. ***Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the responsible authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.***
10. ***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).***
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. ***Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the responsible authority.***

Barwon Water conditions:

13. ***Waste water treatment is to achieve a minimum water quality standard of 20mg/L BOD, 30mg/L SS, i.e. secondary treatment, via an EPA approved all-wastewater treatment system.***
14. ***Effluent disposal must be undertaken via a subsurface irrigation system designed and installed by a wastewater irrigation expert.***
15. ***All components of the wastewater management system including the effluent disposal area must be located at least 100m from any surface waterway.***
16. ***All stormwater must be directed away from the effluent disposal area and rood stormwater must not be disposed to the effluent disposal area.***

17. ***Monitoring, Operation and Maintenance must be undertaken in accordance with the Land Capability Assessment Report No C3086 and the relevant treatment systems EPA certificate of approval.***
18. ***Sediment control measures as outlined in the EPA's publication No 275 Sediment Pollution Control shall be employed during the construction of the dwelling and maintained until the disturbed area has regenerated.***
19. ***This permit will expire under the following circumstances:***
 - (a) ***The use and development is not commenced within two years of the date of this permit: or***
 - (b) ***The development is not completed within four years of the date of this permit.***

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Permit Notes - Environmental Health:

The proponent must apply to Council's Environmental Health Department for a permit to install a septic system.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 7 August 2013



11.2.2 Planning Permit 28/93; Amendment of Erection and Use of Site for a Childcare Centre and waiver of car parking requirements (15 spaces) for land in PC355721, 138 Halletts Way, Bacchus Marsh.

Application Summary:	
Permit No:	PA28/93
Lodgement Date:	18 March 2013
Planning Officer:	Robert Fillisch
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	22 June 2013
Address of the land:	PC 355721 138 Halletts Way, Bacchus Marsh
Proposal:	Extension of existing Childcare Facility to increase numbers from 68 to 106 places. The amendment requires waiving of an additional 9 on site car spaces (total of 15 of which 6 have already been waived).
Lot size:	2001 square metres
Why is a permit required	Clause 32.01-6 . Residential 1 Zone . Buildings and works associated with a Section 2 use. Clause 52.06 Car Parking
Public Consultation:	
Number of notices to properties:	14
Notices on site:	1
Notice in Moorabool Newspaper:	No
Number of Objections:	One (1)
Consultation meeting:	Offered but declined by objector

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>General Manager Growth and Development – Satwinder Sandhu</i></p> <p>In providing this advice to Council as the General Manager, I have no interests to disclose in this report.</p> <p><i>Author – Robert Fillisch</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
<p>The applicant seeks approval to extend the existing Child Care Facility at 138 Halletts Way, Bacchus Marsh. The extension will consist of 191 m² floor area and 43 m² verandah over the existing 452 m² floor area and existing verandahs of 16 m². This will bring the total area of building to 702 m².</p> <p>The extension will allow the current operator to increase child care places from 68 to 106. The increase in places requires an additional 9 on site car parking spaces. The site currently has a total of 9 on site car parking spaces which is one short of the original planning permit requirement which had granted a waiver of onsite car parking spaces.</p>	

The application was advertised to adjoining neighbours and a sign was placed on site. Council received one objection which related to safety concerns particularly with regard to parking.

A traffic assessment was provided by the applicant and reviewed by Council's engineering department. It was considered that the increase in places without the required car parking would not create a safety issue subject to conditions included on any permit to issue.

This report recommends that Council issue a Notice of Decision to Grant an Amended Planning Permit for Erection and Use of Site for a Childcare Centre and waiver of car parking requirements (15 spaces).

Summary Recommendation:

That, having considered all relevant matters as required by s.60 of the Planning and Environment Act 1987, Council issue Notice of Decision to Grant an Amended Permit for Erection and Use of Site for a Childcare Centre and waiver of car parking requirements (15 spaces) at PC 355721, (formerly Lots 150 & 151 on PS305503), 138 Halletts Way, Darley subject to certain conditions.

Background

Planning permit 28/93 was issue in 1993 at a time when the area was undeveloped. The permit allowed for 68 child care places and provided a waiver of car parking spaces provided. The original permit required a total of ten car parking spaces two of which were included in a double garage which was never constructed.

The facility has been in operation since the issue of the planning permit without any known issues. It is clear that parking is currently being provided on the road reserve within the dedicated slip lane. As the facility operates only during the week it appears the impact on adjoining residence is acceptable.

Proposal

Planning permission is sought from the responsible authority to amend existing planning permit 28/93 and endorsed plans at the land known as 138 Halletts Way in Darley.

The subject site contains a single building used with associated outdoor play areas, car parking and landscaping. Planning permit 28/93 was issued on 29 April 1993 for the Erection and Use of Site for a Child care Centre.

The use at the site will remain a childcare centre. The maximum number of children in care at the site at any one time is proposed to be increased from the current 68 child places by a further 38 places up to 106 child places.

Subsequently the number of staff at the site will also increase by 3 full-time staff, from the current 4 full-time, 7 part-time, and 12 casual staff and resulting in seven full-time staff.

The proposed buildings and works comprise increasing the floor area of the existing building by an additional 191m² as well as a new verandah. The buildings and works will be carried out along the south-eastern side of the building with the verandah extending along the north-eastern side. The internal layout of the centre will remain largely unchanged. Minor internal alterations include a small extension to the width of Playroom 3 (2.121m) and the removal/opening up of a store room adjacent to the foyer to allow access to the proposed Playroom 4.

One additional playroom (Playroom 4) will be constructed adjacent to the foyer and Playroom 3. The room will be 118.9m² and contains a sink, children's water closet room, staff toilet room and a storeroom. In addition an outdoor store room is proposed to be located along the eastern side of the playroom store.

Nine (9) car parking spaces are currently available onsite. No additional onsite car parking spaces can be provided within the proposed amendment. A detailed analysis/comparison of the car parking requirements under the Scheme and the conclusions of the Traffic Impact Assessment Report are outlined in the supplied report.

The applicant also requests that condition (b) of the current permit be amended from "The applicant shall provide car parking for 10 vehicles, paved, sealed and drained to the requirements of the Shire Engineer" as only 9 spaces are provided onsite with one car space waived with the original application.

The new condition (b) could read "The applicant shall provide car parking for 9 vehicles, paved, sealed and drained to the satisfaction of the responsible authority."

Land surrounding the site is mostly used for residential purposes. The primary school and shire offices are located one block to the north along Halletts Way.

No detailed landscaping plan is provided with the application, and this could be included as a permit condition.

Site Description

The subject land appears on title as Lot 1 PC355721U (formerly Lots 150 & 151 Parish of Korkuperrimul), and known as 138 Halletts Way in Darley.

The subject site is located within a well established residential area and is currently occupied by a single building, outdoor shade sails and play areas with associated car parking/driveway access and landscaping.

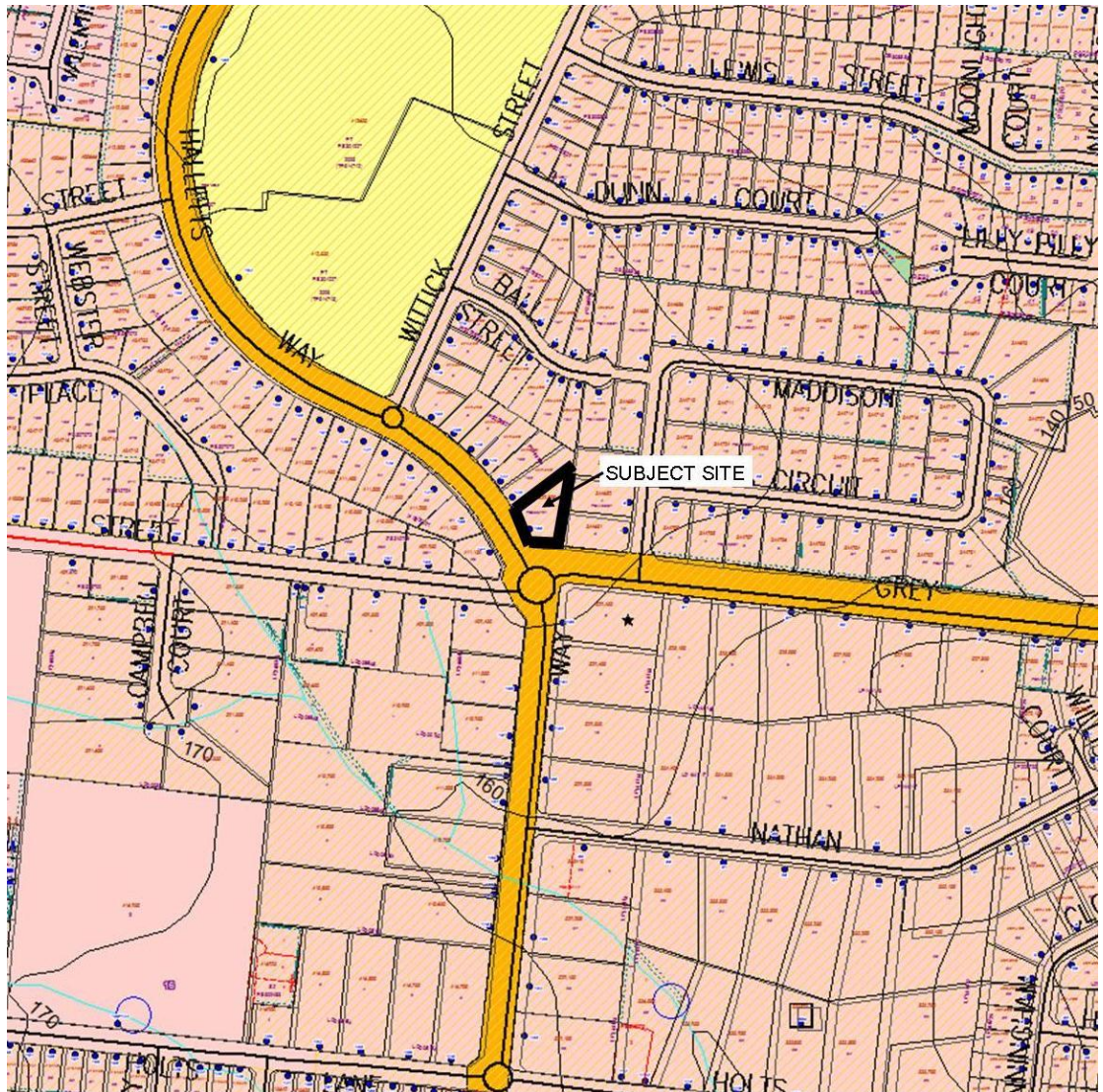
The land has two road frontages to Halletts Way and Grey Street of 36.59m and 26.01m respectively. The land is irregular in shape, of a roughly upside-down kite shape, and covering 2001m².

The site has good access to the surrounding street network via Halletts Way to Grey Street, Bacchus Marsh-Gisborne Road, and the Western Freeway. It is on the northern side of the Western Freeway and northwest of the Bacchus Marsh CBD.

The land surrounding the subject site is mostly residential in nature. A primary school, community facilities, football/outdoor sports oval and park are also in relatively close proximity, as well as the Shire Council Offices further to the north along Halletts Way.

The land is within the Residential 1 Zone (R1Z) and is not subject to any overlays.

Locality Map



Subject Site



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).

SPPF		
Clause 11	Settlement	Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. The intent of this policy is supported by the proposal.

Clause 11.02-1	Supply of urban land	To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. The intent of this policy is supported by the proposal.
LPPF		
Clause 21.03-2	Settlement, Objective- Urban Growth Management	To promote an accelerated rate of population and local employment growth to support the provision of improved social and physical infrastructure in the Shire. To plan and manage sustainable urban growth concentrated in and around the Shire's major towns. To ensure the supply of land zoned for industry, business, and residential purposes is sufficient to accommodate accelerated rates of growth. This utilises land for relevant business activity (childcare) within the residential zone.
Clause 21.07	Bacchus Marsh	New residents have been attracted to Bacchus Marsh by the combination of its distinctively country lifestyle setting combined with attributes found in a metropolitan corridor such as well-established commercial, business, industry and community infrastructure. Adequate childcare provision is one of these well-established commercial/business attributes.

Zone

The development lies within the Residential 1 Zone and the provisions of Clause 32.01 apply.

A permit is required for Buildings and Works associated with a Section 2 Use under Clause 32.01-2 if the Scheme.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy
- Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

This application is for the extension of an existing childcare centre, being a permissible non-residential use serving community needs.

Particular Provisions

Clause 52.06 Car Parking

This is particularly relevant to this application, and Clause 52.06-1 states that 52.06 applies to a new use or an increase in the floor area or site area of an existing use.

Clause 52.06-2 states that before [among other things] an existing use is increased, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided in accordance with the Table to the satisfaction of the responsible authority.

Clause 52.06-3 states that a permit is required to reduce the number of car parking spaces required or to provide some or all of the car parking spaces required on another site.

In accordance with the table at Clause 52.06, an additional 9 car spaces are required based on 0.22 spaces per child, where an increase of 38 child places is to be provided as a result of the building extension.

Discussion

The proposal responds well to the State and Local Planning Policy Frameworks and the purpose of the Residential 1 Zone. With the inclusion of specific conditions on any amended permit the proposal would have a positive effect on the area and the overall community.

The main issue with this proposal is the inability to provide additional car parking to the site. The location of the child care facility is not ideal however the use was assessed many years ago before this area of Darley become well developed. During discussions with the applicant and the operator of the facility the issue of car parking was highlighted. The operator agreed that staff could be encouraged not to use the onsite car parks but use off street parking. This would make the onsite parks available for parents dropping off children in a safer manner.

While off street parking is not the preferred location for dropping off children particularly on the western side of Halletts Way, this section of the road is within the school area and has a speed limit of 40 kph. This slows the traffic to a reasonable level to allow children accompanied by parents to cross the road in a safe manner.

Council Community Services department are aware of a lack of child care places in the growing community of Bacchus Marsh and as a result Council should be encouraging additional facilities provided they can meet the standards required.

Short term car parking restrictions can be investigated during the peak periods of between 8.00 and 9.00 am and 3.30 to 5.00 pm in the area immediately adjacent to the site. This will be stipulated as a planning condition for further investigation. While the outcome of this process cannot be fully predicted at the time it is considered that the parking restrictions would improve the situation but not be critical to the determination of this application.

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

No referrals were required pursuant to s.55 of the Planning and Environment Act 1987. Council's Infrastructure department were provided with an opportunity to make comment on the proposed development.

Authority	Response
Infrastructure	No objection subject to conditions

Council's Infrastructure Department has offered no objection to the proposal subject to the inclusion of several provided conditions on any permit issued.

Public Notice

Adjoining and surrounding landowners and occupiers received written notification (14). A sign was also placed in a prominent location the site. One objection was received.

Summary of Objections

One written submission was received and the issues presented are detailed and addressed below.

Objection	Officer's response
Built on increasingly busy corner, which will only get busier with the planned freeway access ramp on Halletts Way	This is acknowledged by officers however the area is covered by a 40 kph speed restriction.
In the last five years have noticed a marked increase in traffic, and with parents often hurrying to get their children into care so they can get to work or elsewhere on time, there is an increase in dangerous manoeuvres in the street	The applicant has agreed to restrict staff use of the existing on site car parks to allow more direct access for parents to drop children off.
The Centre currently has 1 less car space than required by law, it is another matter entirely to provide 14 less spaces than required, especially on a busy corner.	Car parking requirements are set in the planning scheme under Clause 52.06, this clause allows for assessment of less car parking spaces. The applicant has provided a traffic management plan which includes a car parking report.
On most days there are 5 cars parked each side of Halletts Way, and although this seems a small number, these parked cars reduce visibility for traffic coming through the roundabout and heading towards the shire offices.	The cars parked on the side of the road are within the designated slip lane and do not impact on the drivable pavement area.
Increasing from 68 to 106 means that during peak times there will be up to 38 more cars in this small area at an increasingly busy corner with no extra parking	The increase in numbers will also have a minimal impact on traffic numbers on Halletts Way. Halletts Way has been constructed to cater for this amount of traffic as confirmed by Council's engineering department.
Already at times people park across private home driveway while they take their children across the road.	This is a matter for enforcement and should be reported to Council's Community Safety department. It should be noted that this issue also occurs at other locations such as schools and requires monitoring by the Community Safety Department.

There is plenty of parking in Grey Street and Halletts Way but none are close to the corner and parents need to walk their children to the childcare centre front door. To do this safely on Grey St for example would require a marked pedestrian crossing.	A condition on the permit will require the operator to encourage staff to park in these areas to allow parents to utilise the road reserve in the immediate vicinity of the facility.
Parents who drop their children off en route to work would continue to try to do so as close to the door as possible and the ensuing chaos will eventually result in accidents.	The permit conditions have been drafted to avoid this from happening by providing as many car parks in the immediate vicinity of the facility during peak periods.

Other Policies/Procedures

Council adopted the Urban Growth Policy Statement at the OMC of the 5th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The policy seeks to ensure that future housing development compliments the character of the town. This policy has been considered to the extent appropriate in the writing of this report.

Financial Implications

Alterations to signage and parking time arrangements along Halletts Way and Grey Street in the vicinity of the Childcare Centre would be at some cost to council but the applicant will be expected to contribute towards this cost.

Risk and Occupational Health and Safety Issues

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

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987. A consultation meeting was also offered to all parties and the objector chose not to take up the offer.

Conclusion

The proposal is generally consistent with the relevant policies contained within the Moorabool Planning Scheme. The subject land is located within the residential area of Darley and is an established childcare facility.

There are valid concerns regarding road user safety during peak pick-up and drop-off times. The resolution of these will be addressed through changes to parking arrangements for staff vehicles, and the introduction of signage designating short-time drop-off/pick-up parking in close proximity to the childcare centre but still beyond the roundabout area to avoid limiting visibility of drivers.

The proposal seeks an amendment for the Extension of the existing Childcare Facility to increase numbers from 68 to 106 places. The amendment requires waiving of an additional nine (9) on-site car parking spaces. Six (6) spaces were already waived with the original permit for the 68 place Childcare Facility.

The proposal provides for an appropriate development catering to the increasing demand for childcare service as the population increases. It has been assessed against the relevant sections of the Moorabool Planning Scheme, and found to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant a Permit.

Consideration of Deputations – Planning Permit Application No. 28/93.

Ms. Emma Prespanoski addressed Council on behalf of the applicant in favour of the granting of a amended planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Sullivan/Dudzik

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant an Amended Permit No. 28/93 for Erection and Use of Site for a Childcare Centre and waiver of car parking requirements (15 spaces) on PC355721 (formerly Lots 150 & 151 on PS305503), 138 Halletts Way, Darley subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority***
- 2. The applicant shall provide car parking for 9 vehicles, paved, sealed and drained to the satisfaction of the responsible authority.[condition amended]***

3. ***Landscape plan required*** *Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.*
4. ***As part of the dispensation for the waiver of a further 9 car parking spaces upon the subject land applicable for this building extension:***
 - (a) ***A maximum of three existing car spaces upon on the land will remain available for staff car parking purposes. These car spaces are to be designated and marked accordingly.***
 - (b) ***All other staff vehicle parking must be within the parallel car parking along the southern side of Grey Street and along Halletts Way to the south of the Grey Street roundabout. .***
 - (c) ***Nine car parks must be maintained on the site.***
5. ***Prior to the issue of a building permit the applicant must submit engineering drawings to Council to extend the parallel parking on both sides of Halletts Way to the south to achieve additional on street parking. Once approved the works to be undertaken at the cost of the applicant to the satisfaction of Council.***
6. ***Stormwater drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the site to the satisfaction of the Responsible Authority.***
7. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA1991)***
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. ***Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
10. ***The building must be provided with an accessible entrance in accordance with the provisions of AS1428-Design for Access and Mobility.***


- 11. *The permit will expire if the development is not completed within two years of the granting of this permit.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 7 August 2013



11.2.3 Planning Application 2013-113; Business identification signage, waiver of car parking (one space) and alteration of an access in a Road Zone Category 1 ancillary to a Medical Centre; Lot 4 on PS 002353, 54 Grant Street, Bacchus Marsh.

Application Summary:	
Application No:	PA2013-113
Lodgement Date:	20 May 2013
Planning Officer:	Victoria Mack
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	15 July 2013
Address of the land:	54 Grant Street, Bacchus Marsh Lot 4 on PS002353
Proposal:	Business identification signage, waiver of car parking (one space) and alteration of an access in a Road Zone Category 1 ancillary to a Medical Centre.
Lot size:	634 sqm
Restrictive Covenant:	None registered on title
Why is a permit required?	Under Clause 52.06, a permit is required to reduce the standard car parking requirement. Under Clause 52.05-9, a permit is required to display a business identification sign. Under Clause 52.29, a permit is required to alter access to a road in a Road Zone Category 1.
Public Consultation:	
Number of notices to properties:	Eleven (11)
Notices on site:	One
Notice in Newspaper:	Nil
Number of objections:	Two (2)
Submission of support:	Nil
Consultation meeting:	Both objectors declined an opportunity to attend a consultation meeting.

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	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>General Manager Growth and Development – Satwinder Sandhu</i> In providing this advice to Council as the General Manager, I have no interests to disclose in this report. <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
The application is for business identification signage, waiver of car parking (one space) and alteration of an access in a Road Zone Category 1 ancillary to a Medical Centre at 54 Grant Street, Bacchus Marsh. This application is before Council due to the receipt of two objections from nearby residents and also because the subject site is within an area of Grant Street where any application seeking a waiver of car parking requirements is required to be determined by Council. When the application was lodged with Council, the development and use of land for a medical centre in the Mixed Use Zone (MUZ) required a planning permit. However, changes to the Moorabool Planning Scheme on 15 July 2013 resulted in a medical centre no longer requiring a permit in the MUZ. Therefore this assessment is now based on permit requirements for a car parking waiver of one (1) car space, business identification signage and the alteration of the access to a road in a Road Zone Category 1.	

The site has an area of 634 sqm, and is partly developed with an unused single-storey office building which would be removed. The proposed medical centre would be appropriately located at the rear of the site on a main road within a commercial precinct close to the Bacchus Marsh Hospital. The associated car parking, with ten spaces to be provided, makes efficient use of the site with limited adverse impact on the amenity of the area, the streetscape or neighbourhood character.

A shortfall of one car space on the site is considered justified on the basis of net community benefit, access to public transport and the availability of on and off-street car parking. The proposal would improve the appearance of the property, the economic viability of a mixed-use commercial strip and the provision of health facilities in Bacchus Marsh.

Objections relate to the reduced car parking provision and the impact this has on the wider street network and also the impact of a widened access way on the on-street parking in Grant Street. Details of the objectors concerns and response to the key issues have been provided later in the report.

It is considered that the proposal accords with State and Local Planning Policies, and the objectives of particular provisions in relation to car parking, advertising and the alteration of access to a road in a Road Zone Category 1.

Summary Recommendation:

That pursuant to Section 61(1) of the Planning and Environment Act 1987, Council resolve to issue a Notice of Decision to Grant a Permit subject to conditions for business identification signage, waiver of car parking (one space) and alteration of an access in a Road Zone Category 1 at 54 Grant Street, Bacchus Marsh.

Site History

Planning Permit PA2010-071 issued on 27 August 2010 allowed for the development and use of a warehouse and buildings and works associated with an existing office, waiver of car parking and advertising signage.

The development was commenced but is not yet completed within the four year timeframe allowed.

Proposal

On 20 May 2013 this application was lodged with Council for the development and use of a medical centre in the Mixed Use Zone (MUZ) which required a planning permit. However, changes to the Moorabool Planning Scheme on 15 July 2013 resulted in a medical centre no longer requiring a permit in the MUZ. Therefore this assessment is now based on the permit triggers including a car parking waiver of one (1) car space, business identification signage and the alteration of access to a road in a Road Zone Category 1.

The proposed single-storey medical centre would have a total floor area of 239.45 sqm and would be setback 19.5m east of Grant Street.

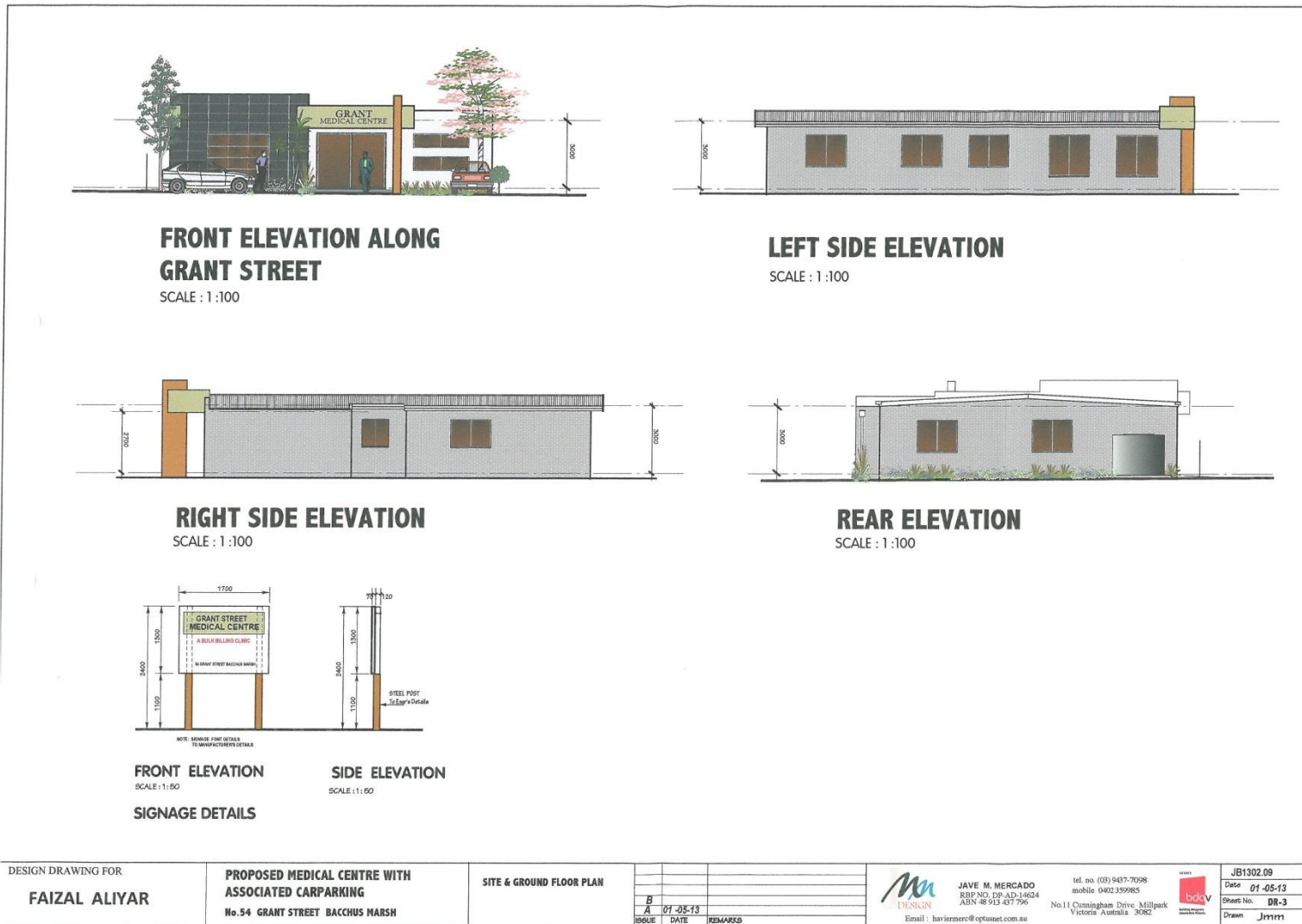
The medical centre would be operated by three medical professionals: two general practitioners; and one specialist. The proposed hours of operation would be 8.30am - 6.30pm Monday to Friday and 9.00am . 2.00pm on Saturdays and public holidays. The internal layout of the building would include a reception waiting area, two consulting rooms, specialist, allied health and pathology rooms, a treatment room, lunch/staff room and amenities.

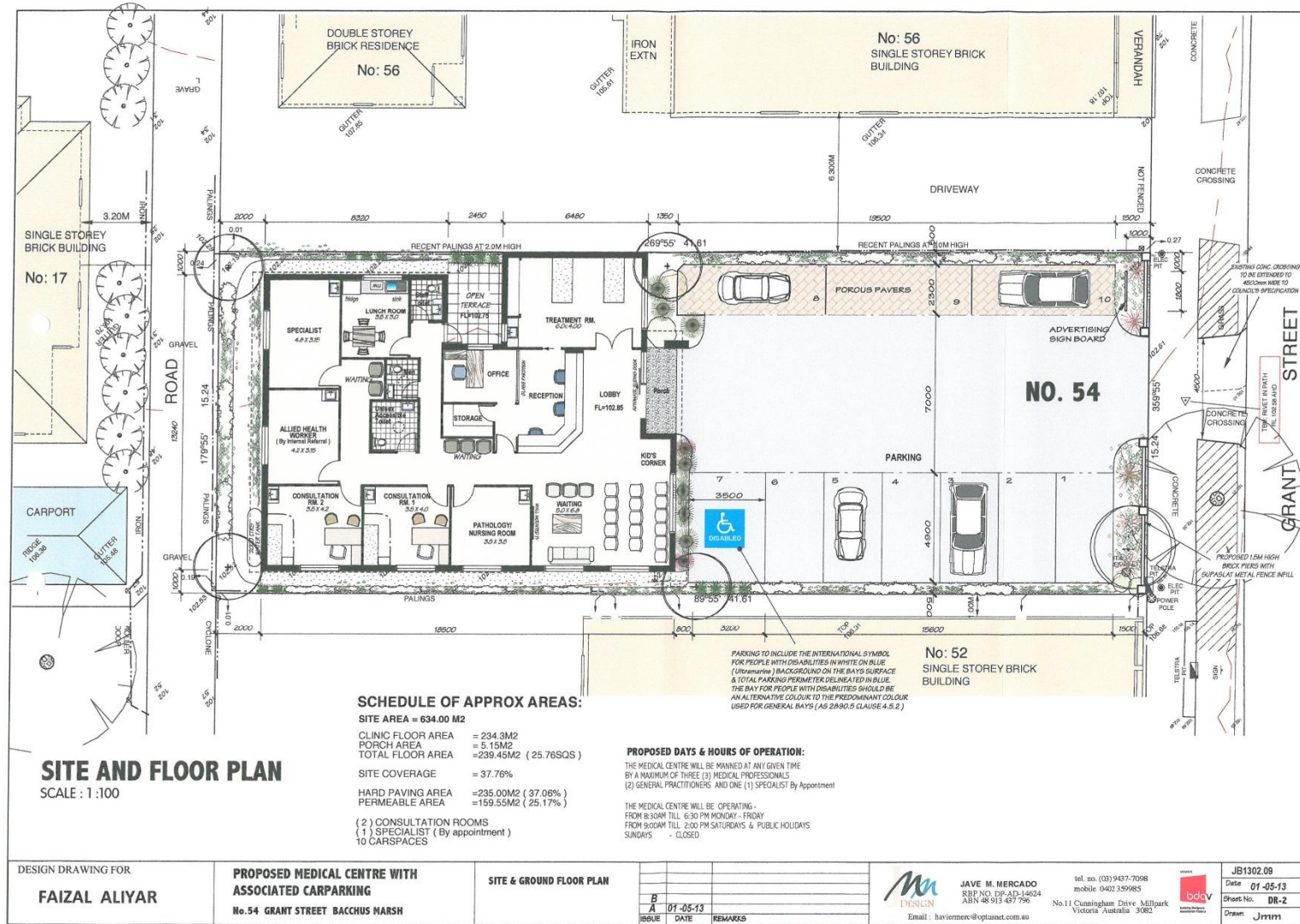
The front setback area would provide for ten (10) car spaces including one for disabled persons. Access to the car spaces would be via a widened crossover from Grant Street. The widening of the crossover will not occur within the root zone of the existing street tree.

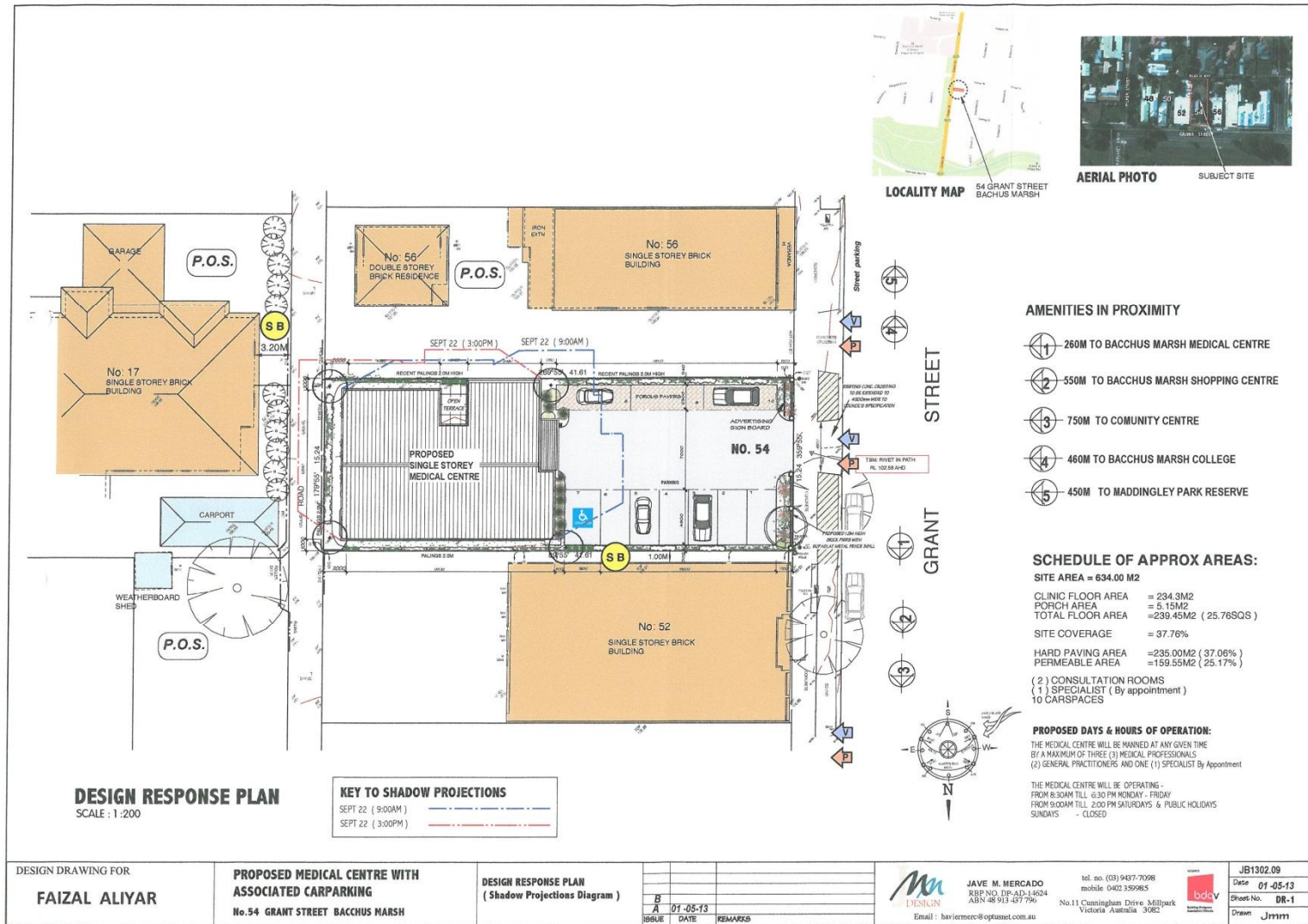
It is also proposed to erect a free-standing sign with an area of 2.2 sqm (1.7m x 1.3m) adjacent to the street, advertising the name of the business with relevant details similar to other professional organisations. The business name would also be displayed on the verandah fascia above the front entry.

New landscaping would be mainly confined to a 1.5m front setback area, either side of the central access way.

The existing building would be demolished.







Site and Surrounds

The site is located on the east side of Grant Street between Pilmer and Sydney Streets, approximately 500m south of Main Street (Bacchus Marsh Road).

The site has a rectangular shape with a street frontage width of 15.24m, a depth of 41.6m and an area of 634 sqm. The land is generally flat. There are no easements or restrictions affecting the land.

The site is partially developed with a vacant single-storey office building setback approximately 5m from the street and abutting the north side boundary. The remainder of the site is covered in grass and remnant concrete paving. Vehicle access to the site is via an existing single crossover from Grant Street. Temporary cyclone wire fencing has been erected across the street frontage.

A 3m wide right-of-way abuts the rear boundary. Properties on the opposite side of the right-of-way have been developed with single-storey dwellings fronting Pilmer and Standfield Streets.

The adjoining property to the north of the subject site has been developed with a single-storey office building abutting the street, setback 1m from the common boundary. The building is occupied by a community organisation known as the Ballarat Child and Family Service. Vehicle access to car parking, located at the rear, is from the right-of-way abutting the east side rear boundary.

The adjoining property to the south of the subject site has been developed with a single-storey shop and two-storey detached dwelling, located one behind the other. The shop abuts the street frontage and both buildings are setback approximately 5.5 m from the common boundary. The driveway to car parking at the rear abuts the common boundary.

Properties on the opposite side of Grant Street, setback behind an open space reserve, have been developed with single-storey dwellings facing west onto Shelly Court.

The mixed use area, confined to the east side of Grant Street, extends south from the central business area north of Waddell Street to the Werribee River. It includes a mix of shops, cafes, offices, service industries and dwellings. A bus service between the train station and the central business area operates along Grant Street.

Grant Street is a main arterial road with two-way traffic, footpaths and restricted parallel parking on both sides and a 60kph speed limit. The parking is restricted to 2 hours during normal business hours and unrestricted at all other times. There is a street tree directly in front of the subject site.

Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	Anticipating and responding to the needs of existing and future communities, the proposal supports the role and function of the Bacchus Marsh Urban Development Activity Centre.
Clause 15.01	Urban Design	The proposal is consistent with urban design principles for non-residential development. In particular, the proposed building has good access to daylight and sunlight, a safe and functional layout, and high standard of architecture.
Clause 19.02	Health facilities	In accordance with policy, facilitation of the proposed medical centre supports urban growth strategies.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The proposed design complements the mixed streetscape, and landscaping softens the impact of on-site parking.
Clause 21.05	Development and community infrastructure	In response to policy, the proposal builds on the community fabric of the Shire by providing quality and flexible community and social infrastructure for people of all ages.
Clause 21.07	Bacchus Marsh	The site is located within the Urban Development Activity Centre on the Bacchus Marsh Framework Plan.

Zone:

The site is located within the Mixed Use Zone abutting a Road Zone Category 1. Pursuant to Clauses 32.04-2, section 1 and 32.04-8 of the Moorabool Planning Scheme, a planning permit is NOT required to use the land for the purpose of a medical centre, or construct a building or carry out works associated with a use in Section 1 of Clause 32.04-2, provided the gross floor area of the medical centre does not exceed 250 sqm. In this instance the gross floor area of the medical centre is 239.45 sqm.

Pursuant to Clause 32.04-8, advertising sign requirements in the Mixed Use Zone fall into Category 3 of Clause 52.05 relating to advertising signage.

The purpose of the zone is:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

The proposed medical centre complements the mix of shops, offices, cafes, service industries and dwellings within a mixed-use commercial precinct.

Overlay:

The site is not affected by any Overlay.

Particular Provisions:

Car Parking

Pursuant to Clause 52.06 of the Moorabool Planning Scheme, prior to a new use commencing, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Under Clause 52.06-5, the proposed medical centre operated by three health practitioners requires the provision of 11 car spaces (5 car spaces for the first person providing health services and 3 car spaces for every other person providing health services). With the provision of 10 car spaces, a shortfall of one car space exists.

Under Clause 52.06-3, a permit is required to reduce the requirement to provide the number of car parking spaces required under Clause 52.06-5.

The purpose of car parking provisions is:

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Before granting a permit to reduce the number of car spaces required, Council must consider, among other things, the likely car parking demand generated by the use, the availability of alternative car parking in the locality, access to public transport, any adverse impacts on the economic viability of nearby activities and any potential detriment to nearby residential areas.

Having regard to the location of the site on a main road with good access to public transport, it is possible that the car parking demand generated by the proposed use may be less than the standard requirement. However, in the event that there is greater reliance on private transport, it is considered that the shortfall of one car space could be accommodated on Grant Street if short-term parking is required, or in the Peppertree Park car park (approximately 150 m south) if long-term parking is required. Grant Street has parking on two sides of the street for businesses on one side only, and the public car park adjacent to Peppertree Park is usually empty during normal business hours.

It is also noted that the approved warehouse and associated office provides for a car parking waiver of three car spaces compared to the proposed car parking waiver of one in this application. When the previous proposal was considered, the applicant acknowledged that parking was problematic in the residential side streets due to the demand for long-term parking by

employees of the Ballarat Child and Family Services Centre. Assuming this to be the case, it is important to understand that any new application cannot be held to account for a pre-existing problem.

Further justification for a reduced requirement is based on the likelihood of multi-purpose trips with the potential to improve the economic viability of other businesses in Grant Street, and the net community benefit derived from a new health facility in close proximity to the Bacchus Marsh Hospital.

Advertising signs

Pursuant to Clause 52.05-9, a permit is required to display a business identification sign.

The objectives for advertising signs are:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

In Category 3 . high amenity areas, where there is medium limitation, the purpose of advertising is:

- *To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.*

The proposed signs, one on the building and one in the front garden, provide clear and simple identification of a professional service with no perceived adverse impact on the appearance of the property, the streetscape or character of the mixed-use commercial precinct. More particularly, the scale and form of the signs relate well to the proposed building and streetscape without impacting on views, other signage or road safety.

Access to Road Zone

Pursuant to Clause 52.29, a permit is required to alter access to a road in a Road Zone Category 1.

The purpose of the control is:

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

The proposed widening of existing crossover creates safer access and egress by allowing all vehicles to enter and exit the site in a forward direction. There will be no adverse impact on the existing street tree as any widening works will be located outside of the trees drip line.

Although the proposed crossover involves the loss of one on-street car space, the location of the car space between two existing crossovers is less than ideal. If occupied by a large vehicle, turning movements and sightlines can be challenging. It is also inevitable that any new development on the site would involve the construction of a widened crossover and the loss of one on-street car space. The only other alternative would be to locate the car parking at the rear of the building with access via the right-of-way, however, this would affect residential amenity and is not a preferred option.

General Provisions

Having regard to the decisions guidelines under Clause 65, the proposed development and use is consistent with State and Local Planning Policies, the objectives of the zone and particular provisions in relation to car parking, advertising and vehicle access to a road in a Road Zone Category 1. It is considered that there would be no adverse impact on the amenity of surrounding properties or the orderly planning of the area.

Referrals

The application was referred to VicRoads pursuant to Section 55 of the Planning and Environment Act 1987, and internally to Council's Infrastructure Department. A summary of responses is as follows:

Authority	Response
VicRoads	No objection subject to conditions
Infrastructure	No objection subject to conditions

Public Notice

Pursuant to Clause 52 of the Planning and Environment Act 1987, the application was advertised to the owners and occupiers of opposite and adjoining properties by sending individual notices on 6 June 2013 and a sign placed on the site from 17 June to 1 July 2013. Two (2) objections have been received.

Summary of Objections

The grounds of objection are outlined below with officer's comments accompanying them. The objectors are residents from the opposite side of the rear right-of-way in Pilmer and Standfield Streets.

Objection	Officer's response
Lack of car parking in Pilmer Street is already a problem and another business will only worsen the situation.	The shortfall of one car space for staff and visitors is unlikely to exacerbate existing parking difficulties in Pilmer Street.

The rear laneway is in poor condition and requires urgent attention if more traffic is to use this thoroughfare.	The only vehicle access to the site is from Grant Street and as such the medical centre should not generate any additional traffic along the right-of-way.
Car parking available in Grant Street is already at a premium and altering the width of the access will reduce the space by one.	The availability of car parking on both sides of Grant Street caters to a mix of uses on one side only, compares favourably with the car parking provision in streets with commercial and/or residential uses on both sides. Also, the benefits of vehicles being able to exit the property in a forward direction outweigh the cost of one on-street car space.
The number of car spaces provided is inadequate for three doctors plus staff.	The provision of 10 instead of the standard 11 car spaces is justified on the basis of net community benefit, access to public transport and the availability of on and off-street parking.
The demand for long-term parking by businesses reduces the availability of on-street car parking in nearby residential streets.	While it is usual for some car parking competition in side streets close to businesses, the inconvenience to residents has to be weighed up against the economic and social benefits for the wider community. If considered necessary one and two hour parking restrictions may be a solution to long term parking concerns.

Financial Implications

The recommendation to grant approval for business identification signage, reduction in car parking and alteration of access will not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

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

Other Policies/Procedures

Council adopted the Urban Growth Policy Statement at the OMC of the 5th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The policy seeks to ensure that future housing development compliments the character of the town. This policy has been considered to the extent appropriate in the writing of this report.

Council adopted the Bacchus Marsh Activity Centre Structure Plan by David Lock and Associates November 2011 at the OMC of 7th December 2011. The medical centre is located just south of the area nominated by the plan as Health Precinct.

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.

Conclusion

The medical centre responds appropriately to the growing demand for health services in Bacchus Marsh with no perceived adverse impact on the amenity of the area, the streetscape or neighbourhood character. It will also improve the appearance of the property and the viability of a traditional mixed-use commercial precinct. The proposal is consistent with State and Local Planning Policies, the objectives of the zone, and particular provisions in relation to car parking, advertising and access to a road in a Road Zone Category 1.

Resolution:

Crs. Dudzik/Sullivan

That Council having considered all relevant matters as prescribed by s.60(1) of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Permit 2013-113 for business identification signage, waiver of car parking (one space) and alteration of an access in a Road Zone Category 1 at 54 Grant Street, Bacchus Marsh, also known as Lot 4 on PS002353 subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. The location, dimensions and features of the approved signs (including the design, colours, materials and sign type) shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.***
- 4. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan must be made available for such use and must not be used for any other purpose.***

VicRoads conditions

- 5. Access to the arterial road pavement must be designed so that all vehicles can be driven in a forward direction when entering or leaving the subject site.***

6. **The crossover must be constructed to Council's satisfaction and at no cost to VicRoads.**
7. **The signs as detailed in the submitted plans must be professionally manufactured from non-reflective or non-fluorescent materials and be located within the property line. Furthermore, the signs facing the declared road traffic shall not be illuminated or have flashing lights.**

Infrastructure conditions

8. **A standard urban industrial vehicle crossing must be provided on Grant Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
9. **Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

Expiry condition:

10. **This permit will expire if either 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.**

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

11. **Subject to the display of the approved signs before the permit lapses, the permission for advertising signs expires 15 years from the date this permit was issued.**

Permit Note (to be included at the end of the permit):

Planning Department: The assessment of a waiver of car parking has been based on there being a maximum of three (3) providers of health services on the site.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 7 August 2013



11.2.4 Planning Application 2012-249; Development of Three (3) Dwellings; Lot 6 on PS647243P, 5/36 Somerton Court, Darley.

Application Summary:	
Application No:	PA2012-249
Lodgement Date:	19 October 2012
Planning Officer:	Victoria Mack
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	20 May 2013
Address of the land:	Lot 6 on PS647243P 5/36 Somerton Court, Darley
Proposal:	Development of three (3) dwellings
Lot size:	495 sqm
Restrictive covenant	Section 173 Agreement No. AJ619103Q
Why is a permit required?	Under Clause 32.01-4 of the Moorabool Planning Scheme, a planning permit is required to construct two or more dwellings on a lot.
Public Consultation:	
Number of notices to properties:	Twelve (12)
Notices on site:	One
Notice in Newspaper:	Nil
Number of objections:	Two, one with eight signatories
Submission of support:	Nil
Consultation meeting:	30 May 2013 attended by the applicant and seven (7) objectors.
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>General Manager Growth and Development – Satwinder Sandhu</i> In providing this advice to Council as the General Manager, I have no interests to disclose in this report.</p> <p><i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
<p>The application is for the construction of three (3) single storey dwellings on Lot 6, 5/36 Somerton Court, Darley. This application is before Council due to the receipt of two objections from nearby neighbours.</p> <p>The site has an area of 495 sqm. While the proposed development improves housing choice for a range of households, which accords with State and Local Planning Policies, and the objectives of the zone, it is considered that the location, layout and design of the development is not in accordance with the character of the surrounding area.</p> <p>The layout of the dwellings on the site does not meet all the requirements of Clause 55 (Rescode) of the Moorabool Planning Scheme.</p> <p>Objections relate to dwelling density, traffic in the street and car parking and overdevelopment. Details of the objectors' concerns and response to the key issues have been provided in the report.</p> <p>It is considered that the proposal is inconsistent with the pattern of development in this small Estate which is clustered around common property known as Anile Place.</p>	

Summary Recommendation:

The proposal has been assessed against the relevant components of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 32.01-4 - Residential 1 Zone . and Clause 55 of the Moorabool Planning Scheme (Rescode), and it is considered that the proposed development is generally inconsistent with requirements of the scheme.

It is recommended that Council resolve to Refuse to Grant a Permit for this application pursuant to Section 61(1) of the Planning and Environment Act 1987 on grounds contained later in this report.

Site History

PA2011-160 for a 13 lot subdivision on the subject site was issued on 5 January 2012.

Site and Surrounds

The site is located within a new subdivision on the north side of Somerton Court, approximately 75 metres due west of Gisborne Road.

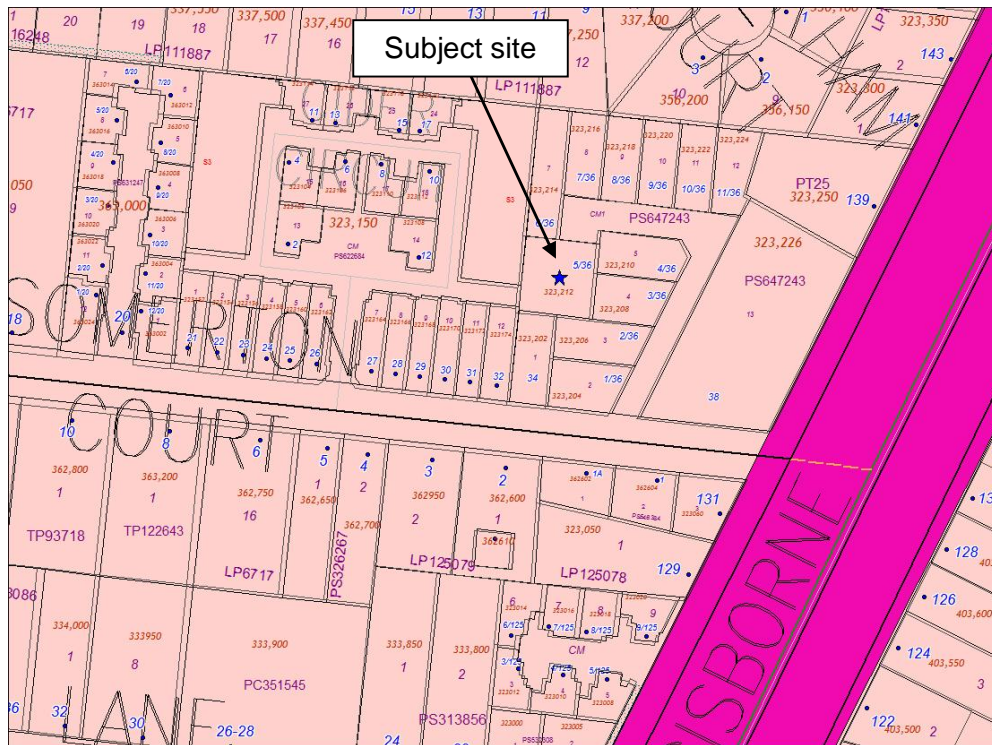
Somerton Court is a cul-de-sac with sealed road pavement, concrete kerbs, power lines on the north side, few street trees and no footpaths.

Anile Place is a concrete sealed access way and is also a cul-de-sac which runs north from Somerton Court, with a width of 8.53m, and then west, with a width of approximately 10m, to a square turning area of dimensions 13m x 12m.

Anile Place is a common property under an Owners Corporation from which 11 lots, most now with constructed dwellings, gain access to Somerton Court.

The site is part of a thirteen (13) lot subdivision approved by permit number PA2011-160 with Lot 1 gaining direct access to Somerton Court, and Lots 2. 12 gaining access to Somerton Court via Anile Place. Lot 13 is a large remainder lot of 2410sqm which is currently being developed with sixteen dwellings within an apartment style development.

The surrounding properties within the %Anile Place+subdivision to the north, east and south of the subject site have recently developed single-storey dwellings, or dwellings under construction. One adjoining property abutting the east side of the subject site remains vacant.



Somerton Court, as mentioned above, is a cul-de-sac which is approximately 283m long. On the south side of the Court the lots generally have single dwelling on lots ranging in size from 600 . 1200 sqm with the larger allotments in the majority.

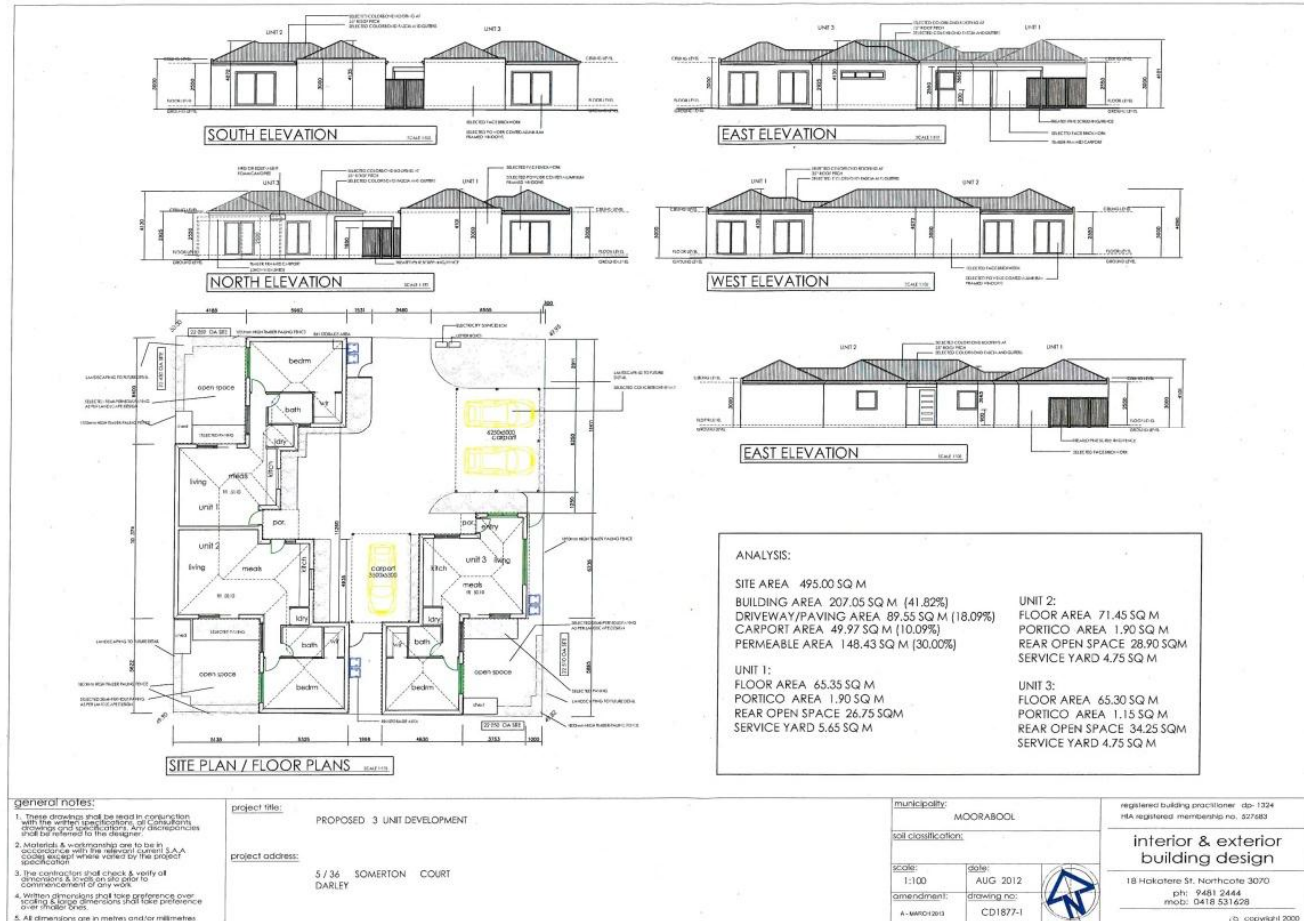
On the north side of Somerton Court there is one allotment of greater than 3000 sqm with a dwelling and outbuildings and another of 1200sqm with a dwelling. There are also two approved subdivisions on the north side, one with 16 lots, with an average lot size of approximately 180sqm, which is fully constructed with single dwellings and another with 22 lots, with an average lot size ranging from 170-220 sqm, also with fully constructed with single dwellings.

Somerton Court runs west to east from Gisborne Road. This access is approximately 180m north of the Western Freeway and Gisborne Road interchange. Somerton Court is approximately 2kms north of the centre of Bacchus Marsh. A public bus service is accessible on Gisborne Road.

Proposal

Approval is sought for the construction of three (3) dwellings on the lot.

The subject site is a square undeveloped block of land with 12-metre frontage to a private access road . Anile Place (common property). It has a depth of 22.51 metres and an area of 495 square metres. The land is generally flat. There are no easements affecting the land, nor any vegetation. Vehicle access, from Somerton Court via Anile Place, abuts the northern boundary.



General notes:

- These drawings shall be read in conjunction with the written specifications, all conditions of contract and the relevant provisions of the Building Act 1993 and the Building Regulations 2006.
- Materials & workmanship are to be in accordance with the relevant contract S.A.A. (S.A.A. 2006) except where varied by the project specification.
- The contractor shall check & verify all dimensions & levels on site prior to commencement of any work.
- Where dimensions that take preference over drawings & large dimensions shall take preference over smaller ones.
- All dimensions are in metres and/or millimetres.

Project title: PROPOSED 3 UNIT DEVELOPMENT

Project address: 5 / 36 SOMERTON COURT DARLEY

Municipality: MOORABOOL

Scale: 1:100

Date: AUG 2012

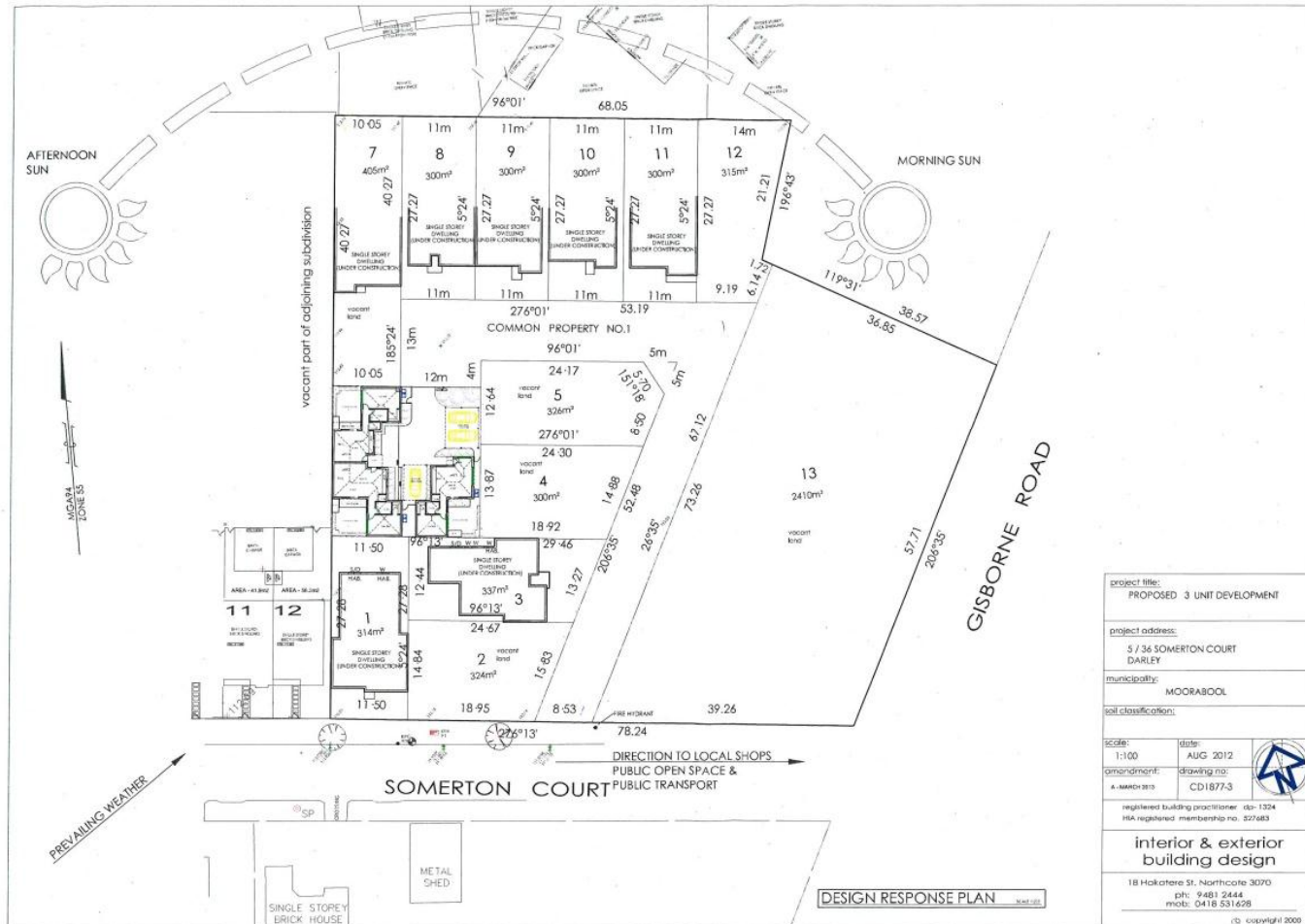
Drawing no: CD1877-1

Registered building practitioner: db-1324
RBA registration membership no. 527683

interior & exterior building design

18 Hakatere St. Northcote 3070
ph: 9481 2444
mob: 0418 531628

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project title:	
PROPOSED 3 UNIT DEVELOPMENT	
project address:	
5 / 36 SOMERTON COURT DARLEY	
municipality:	
MOORABOOL	
soil classification:	
scale:	date:
1:100	AUG 2012
amendment:	drawing no.:
A-MARCH 2013	CD1877-3
registered building practitioner: 02-1324 HA registered membership no. 527683	
interior & exterior building design	
18 Hakatere St, Northcote 3070 ph: 9481 2444 mobi: 0418 531628	
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Details of the proposal can be summarised as follows:

- Two semi-detached dwellings would be constructed facing east onto the common driveway within the site, and one detached dwelling would be constructed facing north, setback 10.4 metres from Anile Place.
- Each dwelling would have the following rooms: a single bedroom with WIR; a bathroom; a laundry; an open plan kitchen, meals and living area; and a porch over the entrance way.
- Relevant areas allocated to each dwelling would be as follows:

	Dwelling 1	Dwelling 2	Dwelling 3
Floor area	65.35 sqm	71.45 sqm	65.30 sqm
Portico area	1.90 sqm	1.90 sqm	1.15 sqm
Rear open space	26.75 sqm	28.90 sqm	34.25 sqm
Service yard	5.65 sqm	4.75 sqm	4.75 sqm
Total floor area per dwelling	99.65 sqm	107.00 sqm	105.45 sqm

- New walls would be constructed on boundaries to a height of 3m and would extend for 6m along the northern boundary, 10.4m along the western boundary and 10.1m along the southern boundary. All other walls would be setback a minimum 1m from side and rear boundaries.
- The dwellings would each be of contemporary design constructed in face brickwork with aluminium window frames and pitched Colorbond roofs.
- Buildings would occupy 42% of the site with a maximum height of 4.1m.
- Buildings and hard surfaces would occupy 70% of the site.
- Secluded private open space would be provided to each of the dwellings ranging in area from between 27 and 29 sqm with a minimum dimension of 4.2 to 5.1m.
- One undercover car space would be provided for each of the dwellings.
- Vehicle access would be via a common driveway leading to Anile Place which is also a common driveway.
- Indicative landscaping would provide for canopy trees within the front setback area and small shrubs elsewhere.
- No front fencing except for treated pine screening around bin storage associated with Dwelling 1 would be provided.
- The dwellings have been designed to provide affordable accommodation for singles or couples with close proximity to the Western Freeway and public transport.

Restrictive Covenant

Section 173 Agreement No. AJ619103Q is registered on the title to the land which requires that:

The owner agrees that it will enter into an Agreement with a private contractor for the collection of domestic waste and recycling materials from the subject site in accordance with condition 13 of the original subdivision permit PA2011-160.

Owners Corporation

The land in this folio is affected by Owners Corporation 1 Plan No. PS647243P.

Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	The proposal for three dwellings with an average floor area of 67.3sqm is inconsistent with this policy, which advocates sustainable development that takes full advantage of existing settlement patterns. The dwellings are not consistent with the developments within the balance of this subdivision.
Clause 11.02-1	Supply of urban land	Responding to urban consolidation strategies, the size of the site makes it suited to medium density housing, however the location of the site does not afford acceptable access being at the end of a common property which already contains a compact development.
Clause 11.05-2	Melbourne's hinterland	Providing for residential development within the urban growth boundary of the Bacchus Marsh township is supported by this policy.
Clause 16.01-2	Location of Residential Development	In accordance with policy, the site has good access to public transport, which provides a direct links to the Bacchus Marsh township.
Clause 16.01-4	Housing Diversity	The proposed development makes efficient use of the site, and improves housing choice but the subdivision provides for a compact development of dwellings with an average lot size of 320 sqm. The average area allocated to the proposed dwellings is approximately 100sqm with a common property driveway.

LPPF		
Clause 21.03-3	Residential Development	The proposal is consistent with strategies to extend the range of housing types and densities to improve resident choice and meet changing housing needs, however, the location of the proposed development is out of character with the pattern of development in this particular subdivision and is poorly located at the end of an already highly compact court.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal is inconsistent with the emerging built form of the subdivision and affords limited opportunity for landscaping.
Clause 21.07	Bacchus Marsh	The proposal is consistent with strategies aimed at consolidating urban growth within the inner area of Bacchus Marsh.

Zone:

The site is located within the Residential 1 Zone. Pursuant to Clause 32.01-4 of the Moorabool Planning Scheme, a planning permit is required to construct two or more dwellings on a lot.

The purpose of the zone is:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

Overlay:

The site is not affected by an Overlay.

Particular Provisions:

An assessment against Clause 55 of the Moorabool Planning Scheme shows compliance except in the following standards:

Clause	Title	Detail	Compliance
Rescode			
55.02-1	Neighbourhood Character Objectives	Standard B1	Does not comply The site is located in the far end of a new subdivision developed with single storey brick dwellings with a range in titled lot size of between 300 sqm and 415 sqm with an average lot size of 320 sqm. Within this context, the three proposed single-storey brick dwellings would have an average title area of 104 sqm (excluding the common property driveway) which is out of character with the character of the subdivision.
55.02-5	Integration with street	Standard B5	Does not comply. The dwellings would be located at the end of a cul-de-sac facing onto a common property driveway, which faces onto a second common property driveway. There is no integration with the street.
55.03-1	Street setback	Standard B6	Does not comply. The dwellings do not meet the required setbacks to comply with this standard.
55.03-5	Energy efficiency	Standard B10	Does not comply. Dwelling 1 generally meets this standard but dwellings 2 and 3 are not oriented to make appropriate use of solar energy.
55.03-9	Access	Standard B14	Does not comply. There is shared vehicle and pedestrian access via Anile Place to Somerton Court. A concern relates to the turning template for the single car space afforded to Dwelling 3, which would have to reverse from the site.

55.03-10	Parking location	Standard B15	Does not comply. Car spaces are reasonably located for residents and noise sensitive rooms except for Dwelling 1; windows less than 1.5m from the common driveway do not include raised sill heights of 1.4m.
55.03-11	Parking provision	Standard B16	Variation required The design of car parking allowing one space per one bedroom dwelling meets the requirements. No lighting has been nominated in the common property but could be conditioned.
55.05-2	Dwelling entry	Standard B26	Does not comply Each dwelling has two walls on a boundary but none exceed 10m in length. Dwellings 1 and 2 have a shared front entrance way (porch) which is undesirable in the context of the site.
55.06-4	Site services	Standard B34	Does not comply Mailboxes are conveniently located at the entrance. Bins are stored with easy access of the dwellings, however, service trucks do not enter Anile Place to collect waste. A section 173 agreement is registered on the title to the land which requires that the Owners Corporation applying to all lots in Anile Place is required to enter into a private contract for waste collection and recycling. See discussion on this matter further in this report.

Clause 65.02- Decision Guidelines

This report has considered the decision guidelines of Clause 65.

Referrals:

Pursuant to Section 52 of the Planning and Environment Act 1987 the application was referred to the following authorities.

Authority	Response
Infrastructure	No objection . subject to 7 conditions

Public Notice:

The application was advertised to adjoining owners and occupiers by sending individual notices on 26 March 2013 and a sign placed on the site from 12 April 2013 to 30 April 2013.

Two objections were received, one with eight (8) signatories.

A consultation meeting was held on 30 May 2013 attended by the applicant and seven (7) objectors.

Summary of Objections:

The grounds of objection are outlined below with officers' comments accompanying them.

Objection	Officer's response
This is a small Estate, with lots either having a single dwelling or a single dwelling under construction. The Estate is not designed to accommodate three additional dwellings on such a small lot.	The eleven lots in the Estate have an average lot size of 320sqm (excluding the common driveway Anile Place). The average lot size for each of the proposed dwellings, once subdivided, would be in the order of 104 sqm (excluding the common property driveway). The compact nature of this proposal is complicated with its location at the end of Anile Place, which already contains a compact development.
Such unlivable sized units will cause a precedent and further intensification and overdevelopment of the area.	The proposed dwellings are significantly smaller than the average dwelling size in the Estate.
The development is out of character in terms of appearance compared with the existing development of the Estate.	The location of this medium density development is not ideal being located at the end of a cul de sac. The subdivision is already quite compact and two additional dwellings, in addition to one that would be as of right, would likely increase overall congestion in the private access road that is Anile Place.

<p>The existing fences abutting the proposed development have been paid for by the owners of Lots 1, 3 and 7 who object to them being removed. The owner of Lot 6 has yet to contribute to the cost of these adjoining fences.</p>	<p>The applicant / owner made it clear at the consultation meeting that he would rectify any costs that were owing in this regard.</p>
<p>The increase in cars and traffic in the common property with three new dwellings (as opposed to a single dwelling on the lot) and only one access point is unacceptable. Access and parking in the common property is already constrained, and there are no footpaths to enable pedestrians to avoid cars entering and exiting the street. There are safety concerns.</p>	<p>Anile Place is adequate to service the existing lots but the three proposed dwellings located at the far end of this private road is not a preferred location for such a development.</p>
<p>The existing dwellings in the Estate are dwellings, not units. Each has a two car garage. The single car spaces allocated to each of the proposed dwellings do not account for the fact that if residents have two cars then one would have to be parked on the common property driveway which would hinder access to the other established dwellings in the Estate.</p>	<p>This is a relevant concern but such issues should be addressed by the Owners Corporation with respect to visitor, or overflow, parking in the access way.</p>
<p>The Body Corporate has responsibility for the common property driveway and the cost of repair of the driveway surface. The Body Corporate has a right to have a say in what is constructed.</p>	<p>The subject lot is also part of the Owners Corporation and would pay a proportionate share of any cost incurred. However, section 32 of the Subdivision Act 1988 raises concerns relating to the resubdivision of lots within land covered by an Owners Corporation, with a particular requirement that there is unanimous consent of members to such developments or proposals. This application clearly has not sought nor would likely achieve consent from the Owner Corporation to the eventual subdivision of the subject lot into three lots.</p>

<p>The bins have to be taken to the end of Anile Place for Council garbage collection.</p>	<p>The Section 173 Agreement registered on the title to the land requires the <i>'owners enter into an Agreement with a private contractor for the collection of domestic waste and recycling materials from the subject site in accordance with condition 13 of the original subdivision permit PA2011160.</i> This has not been done, and bins are currently wheeled to Somerton Court where they are emptied by Council waste collection vehicles. It is understood that Council charges the residents of Anile Place for this service.</p>
<p>The exit from Anile Place to Somerton Court is already dangerous with an unacceptable dip which causes small cars to scrape on it.</p>	<p>This is an issue that the Owners Corporation should address and is a separate matter to the merits of this application.</p>

Assessment of Application

It is considered that the proposal generally supports the purpose of the Residential 1 Zone by increasing the range of dwelling types to enhance consumer choice, however, it is considered that the location of the proposed dwellings at the end of the narrow cul de sac, Anile Place, is out of character with the pattern of development in this small residential Estate.

The immediate area is characterised by compact lots with an average lot size of 320 sqm (excluding the common property access way). This proposal would create three new lots with an average lot size in the order of 104sqm (excluding the common property access way) which is significantly smaller than the average lot size within the subdivision.

The Estate generally comprises new single storey dwellings facing Anile Place with garages at the side which are clearly visible from the street, and tandem parking on driveways which is a common feature. Landscaping is only recently established, and there is no front fencing.

Within this context the proposed three single-storey one bedroom dwellings would have an obscure frontage to the streetscape, and would add limited landscape benefits to the precinct.

The layout of the dwellings on the lot shows that dwellings 2 and 3 have relatively poor energy efficiency. The setback distances of habitable rooms from the common property driveway means that to achieve a 1.5m setback the sill height of windows to these habitable rooms would be required to be raised, further restricting natural light. The bedroom in dwelling 1 abutting Anile Place would likely be affected by traffic noise from cars accessing other dwellings in Anile Place which is undesirable.

The Section 173 Agreement that is registered on the title to the land requires that the *'owners enter into an Agreement with a private contractor for the collection of domestic waste and recycling materials from the subject site in accordance with condition 13 of the original subdivision permit PA2011160q*. This appears to have not been done, and bins are currently wheeled to the end of Anile Place to Somerton Court where they are emptied by Council waste collection vehicles, and which is charged for accordingly through Council rates. It is clear that this arrangement is in contravention of the Section 173 Agreement and needs to be remedied.

The subject lot is part of the Owners Corporation and if three dwellings were approved then proportionately they would contribute to a private waste collection change.

The objections to the development were predominantly from members of the Owners Corporation. In the event that these three dwellings were subdivided in the future, Section 32(d) and 32 (e) of the Subdivision Act 1988 raises a concern that a resubdivision of a lot to create new lots or increase the number of lots affected by the Owners Corporation can only proceed with the unanimous consent of all members of the Owners Corporation. It is unlikely that a future subdivision of the subject lot into three lots would gain the consent of the members of the Owners Corporation.

The proposed development generally does not comply with a number of the required Rescode Standards nor does it meet a number of the objectives of Clause 55 of the Moorabool Planning Scheme.

Consideration of Deputations – Planning Permit Application No. 2012-249.

Ms. Jacqueline Elliott addressed Council as an objector to the granting of a planning permit for the application.

Mr. Robert Jackson addressed Council as an objector to the granting of a planning permit for the application.

Ms. Nadia Sidea addressed Council as an objector to the granting of a planning permit for the application.

Mr Tony Anile addressed Council as the applicant in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:**Crs. Comrie/Dudzik**

That Council having considered all relevant matters as prescribed by s.60(1) of the Planning and Environment Act 1987 issue a Refusal to Grant a Permit PA 2012-249 for the development of three (3) dwellings at 5/36 Somerton Court, Bacchus Marsh also known as Lot 6 on PS647243P on the following grounds:

- 1. The development is an overdevelopment of the site in the context of the subdivision in which it is located with respect to neighbourhood character.***
- 2. The development does not satisfy a number of the Rescode standards nor achieves the objectives contained within Clause 55 of the Moorabool Planning Scheme.***
- 3. The proposal does not have the consent of a majority of members of the Owners Corporation.***

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 7 August 2013



11.2.5 Planning Application 2013-040; Development of two (2) dwellings on Lot 2 PS519664E, 2/11 Carey Crescent, Bacchus Marsh

Application Summary:	
Permit No:	PA2013-040
Lodgement Date:	20 February 2013
Planning Officer:	Tom Tonkin
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	4 July 2013
Address of the land:	2/11 Carey Crescent, Bacchus Marsh
Proposal:	Development of two (2) dwellings
Lot size:	919 square metres
Restrictive Covenant/173 Agreement:	Yes. The covenant prohibits erection of a dwelling with a floor level less than 300mm above the finished ground level surrounding the dwelling.
Why is a permit required	Clause 32.01-4 . Residential 1 Zone . to construct two or more dwellings on a lot.
Public Consultation:	
Number of notices to properties:	20
Notices on site:	One
Notice in Moorabool Newspaper:	No
Number of Objections:	Two (2)
Consultation meeting:	None held. A meeting was offered but declined by both objectors.

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	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Statutory Planning Coordinator – Robert Fillisch</i> In providing this advice to Council as the Coordinator, I have no interests to disclose in this report. <i>Author – Tom Tonkin</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
This application seeks approval for the development of the land for two single storey dwellings and associated provision of car parking. The application was referred within Council departments for comment. No objections were raised provided certain conditions were placed on any permit granted. The application was reviewed against the provisions of the Moorabool Planning Scheme with particular attention paid to the requirements of the following: <ul style="list-style-type: none"> • Clause 55 for residential development of two or more dwellings on a lot. • Clause 52.06 for car parking 	

The site has an area of 919sqm. The layout of the dwellings on the site satisfactorily meets the requirements of Clause 55 (Rescode) of the Moorabool Planning Scheme. Private open space associated to each of the dwellings meets the standard requirements.

The application was advertised and two objections were received. Submissions were based on traffic and safety, and visitor car parking, given the site is accessed via a shared single lane carriageway off Carey Crescent. Concerns about rubbish collection, drainage and overlooking were also raised.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for buildings and works comprising the development of two (2) dwellings subject to conditions.

Summary Recommendation:

The proposal has been assessed against the relevant provisions of the Moorabool Planning Scheme, particularly those set out in the State and Local Planning Policy Framework, Clause 32.01-4 - Residential 1 Zone . and Clause 55 of the Moorabool Planning Scheme.

It is considered that the proposed development is generally consistent with the State and Local Planning Policies of the Moorabool Planning Scheme, the Residential 1 Zone and Clause 55 (Rescode).

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit for this application pursuant to Section 61(1) of the Planning and Environment Act 1987, subject to conditions.

Background

Planning permit PA2004-154, issued at the direction of VCAT on 19 November 2004, granted approval for a four (4) dwelling development behind an existing dwelling. This permit was not acted upon.

Planning permit PA2011-259, issued on 19 July 2012, granted approval for a two (2) lot boundary realignment affecting the subject site and 3 Pike Court to the south.

Proposal

The application seeks approval for the construction of two (2) single storey dwellings and associated car parking facilities. Both dwellings are to be of rendered brick construction with low pitched tile roofs. Details of both dwellings are:

Unit 1:

- Three (3) bedrooms, main with en suite.
- Open plan kitchen, meals and living area
- Bathroom
- Separate toilet
- Laundry
- 124sqm secluded private open space, including 80sqm with a minimum dimension of 4.6m
- Attached double garage

Unit 2:

- Three (3) bedrooms, main with en suite.
- Open plan kitchen, meals and living area
- Bathroom
- Separate toilet
- Laundry
- 215sqm secluded private open space, including 148sqm with a minimum dimension of 9.3m
- Detached double garage



Figure 1: Site plan and floor plan

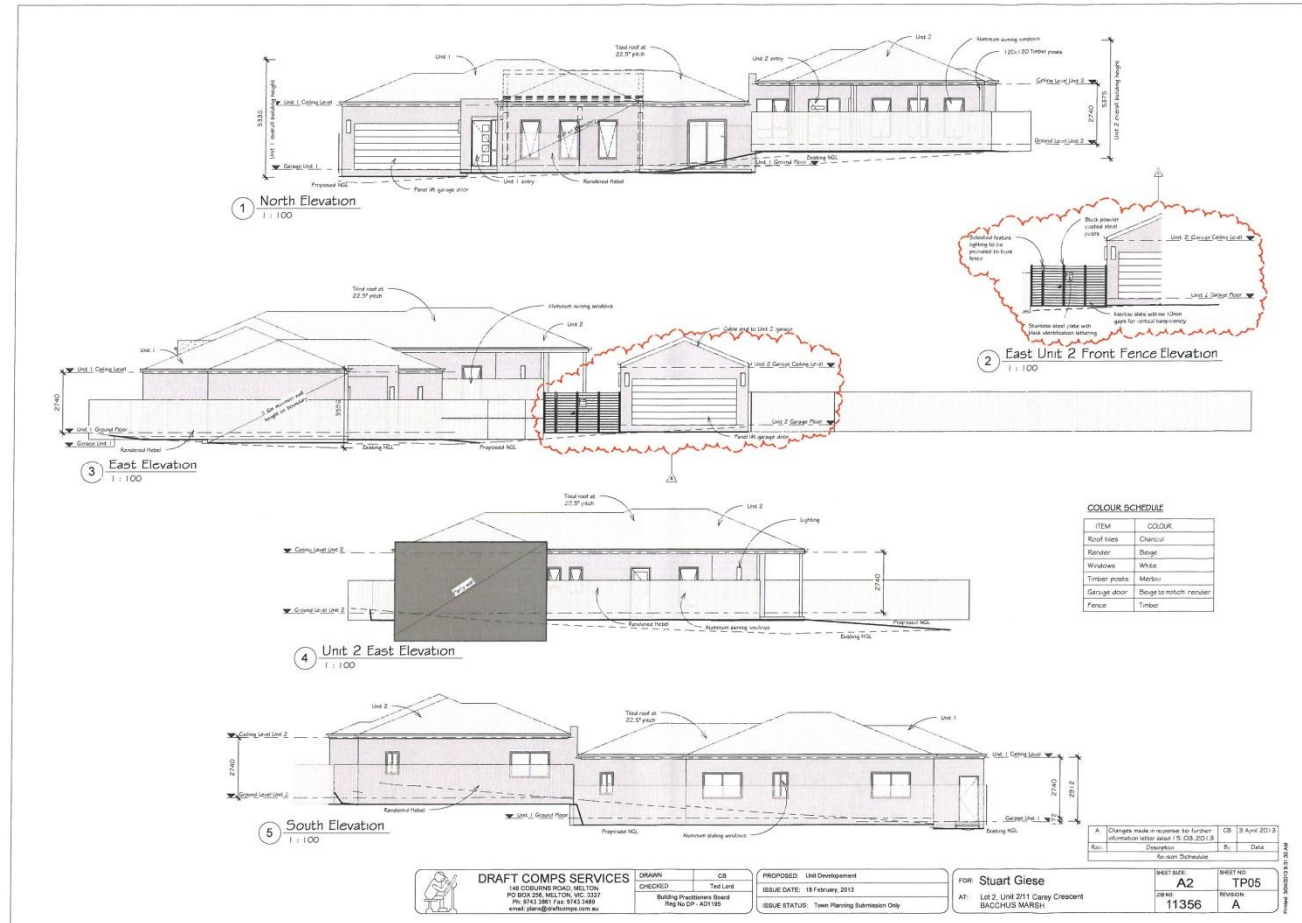


Figure 2: Elevations



Figure 3: Elevations and 3-dimensional model

Site Description

The site, although irregular in shape, is roughly rectangular and measures 919sqm. The site is oriented in a north-south direction and experiences a fall generally from the north, west and south to the east.

Access to the site is from the northeast, via an existing 6.0m wide carriageway easement from Carey Crescent. The site is encumbered by a 3.0m wide drainage and sewerage easement running diagonally across the site from the north-west boundary to the eastern boundary.

The site has previously been cleared of vegetation.

The site is in a predominantly residential area, generally characterised by single dwellings on generous sized allotments, although medium density housing developments are evident in the area, including to the immediate southeast of the subject site.

The built form is generally characterised by single storey brick dwellings with hipped and gabled tile or metal roofs. Front setbacks are generally landscaped with a mix of lawn and ground cover plantings, low level shrubbery, small trees and occasionally larger trees. Established native street trees are present in Carey Crescent. Front fences, where present, are generally low and permeable, allowing dwellings and front gardens to contribute to the streetscape. Dwellings are served by single or double width vehicle crossovers, with garages and carports generally incorporated within the dwelling structure or positioned behind the line of the dwelling.

To the north of the site is a single storey brick dwelling fronting Carey Crescent. The dwelling has a hipped and gabled metal roof and a shed in the rear setback. Vehicle access is via a crossover from Carey Crescent.

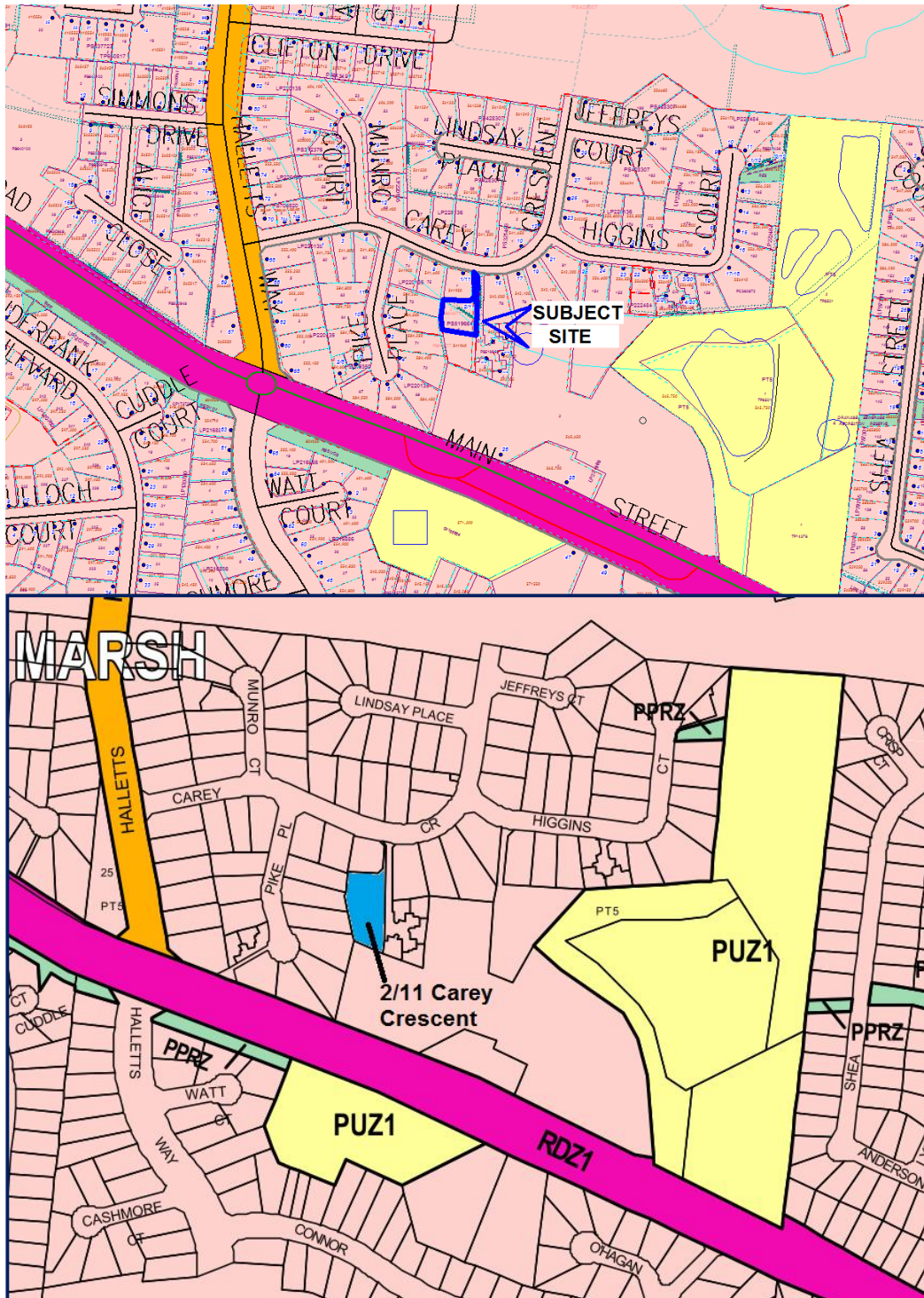
To the west of the site are single storey brick dwellings fronting Pike Place. These dwellings have hipped metal roofs and sheds in their respective rear setbacks.

To the south is the rear setback of a double storey brick dwelling fronting Pike Place.

To the east, beyond the carriageway easement, is a single storey brick dwelling fronting Carey Crescent. The dwelling has a hipped tile roof and a single crossover off Carey Crescent. Behind this dwelling, and to the southeast of the subject site, is a five dwelling development accessed via the carriageway easement. This development comprises single storey brick dwellings with hipped tile roofs arranged in a semi-circular pattern around a vehicle access way and turning area.

Locality Map

The site below indicates the location of the subject site and the zoning applicable to 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).

SPPF		
Clause 11	Settlement	The proposed development is consistent with this policy
Clause 11.02-1	Supply of urban land	Responding to urban consolidation strategies, the size of the site makes it suitable to medium density housing.
Clause 11.05-2	Melbourne's hinterland	Providing for residential development in Bacchus Marsh is supported by this policy.
Clause 16.01-2 Clause 16.01-4	Location of Residential Development Housing Diversity	In accordance with policy, the site has good access to town centre and public transport. The proposed development makes efficient use of the site and promotes housing choice.
LPPF		
Clause 21.03-3	Residential Development	The proposal is consistent with strategies to extend the range of housing types and densities to improve resident choice and meet changing housing needs.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal respects the emerging built form of the new estates within the township.
Clause 21.07	Bacchus Marsh	In proposing the development of Residential 1 Zoned land within Bacchus Marsh, the proposal recognises the strategy to provide diversity in housing and is identified within the Urban Growth Boundary of the Bacchus Marsh Framework Plan. This Policy encourages high quality medium density housing that is well located in relation to retail, commercial, public transport, recreation and community services.

Zone

The subject site is in the Residential 1 Zone and the provisions of Clause 32.01 apply.

A permit is required for the construction of two or more dwellings on a lot under Clause 32.01-4 of the Scheme.

The proposal contributes to achieving the purpose of the zone and is supported by the provisions of Clause 55 as required by the zone.

Particular Provisions

Clause 52.06 Car parking requires that car parking be provided on the land before a new use commences. The number of spaces provided is to be in accordance with the table at Clause 52.06-5. The proposal includes the required number of car spaces, being two spaces for each three bedroom dwelling, in accordance with the Scheme.

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 of this clause and should meet all of the standards of this clause.

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken and overall compliance has been achieved.

The overall assessment for each section is outlined below:

Neighbourhood and Site Description, Design Response, Character and Infrastructure

Detailed plans and specifications as well as written documentation have been provided to satisfactorily address the above.

The proposed development is to the rear of an existing dwelling to the north, which fronts Carey Crescent, and will not be readily visible from the street. However, the proposed dwellings entrances are oriented so as to be visible when approaching from the street.

The proposal will not exceed the capacity of utilities and the increased traffic generated by the development will not substantially increase the traffic load on nearby roads.

Site Layout and Building Massing

The proposal meets the required standards for street setback, building height, site coverage, permeability, open space, safety, landscaping, access and parking location.

The development takes advantage of its northern orientation, with both dwellings living areas and private open spaces designed with good exposure to north light and solar access.

The Landscape Plan submitted with the application provides sufficient space for plantings and includes an acceptable number of native or indigenous species.

Vehicle and pedestrian access to the site is safe and manageable, and vehicles are able to exit in a forward direction.

Amenity Impacts

The proposal meets the required standards for side and rear setbacks, daylight to existing windows including north facing windows, internal views, and noise impacts.

The garages for both dwellings are to be built to the boundary, and the average heights of 3.6 metres and 3.2 metres for Unit 1 and 2 respectively. Boundary walls do not comply with the standard of 3.0 metres. However, the amenity impacts are limited by their location and orientation, which will not result in any unreasonable visual bulk or overshadowing of adjoining properties.

Overlooking from Unit 2 of adjoining private open spaces to the west and north may be addressed as a condition of approval by requiring these boundary fences to be raised in height to a minimum 1.8 metres and 2.0 metres respectively.

Onsite Amenity and Facilities

The proposal meets the required standards for accessibility, daylight to new windows, communal open space, private open space, solar access to open space and storage.

Unit 2's front door is obscured from the internal access way; however a sense of address is provided by the design treatment around the front gate adjoining the access way, which incorporates signage and lighting.

Secluded private open space for both dwellings is generously proportioned, exceeding the minimum standard, and is oriented for maximum solar access.

Detailed Design

The proposal meets the required standards for design detail, front fences, common property and site services.

The façade articulation and detailing, roof form, eaves and building materials are generally in keeping with the surrounding residential built form and make a positive contribution to the neighbourhood character.

Common property is limited to the vehicle access way and is functional and capable of efficient management.

No front fence is proposed given the site has no direct street frontage.

Clause 65 – Decision Guidelines

This report has considered the decision guidelines at Clause 65.01.

Referrals

Council's Infrastructure department was provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Infrastructure	No objection, subject to conditions
Arborist	No objection, subject to conditions

Council's Infrastructure Department and Arborist have consented to the proposal, subject to conditions.

Public Notice

The application was advertised to adjoining owners and occupiers by sending individual notices on 12 April 2013 and a sign placed on the site from 17 April 2013 to 1 May 2013. Two objections were received.

Summary of Objections

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

Objection	Officer's response
<p>The existing carriageway easement already serves five dwellings and cannot accommodate the additional vehicle movements generated by the proposed development.</p> <p>Safety is compromised for vehicles exiting the site into the shared access way, and for pedestrians, cyclists and vehicles using the access way.</p> <p>The existing single width crossover to Carey Crescent will make for tight access and egress along the access way.</p>	<p>The carriageway easement has a width of 6.0m which includes a 0.5m wide landscaped strip along its eastern length. The existing easement meets the design standards for vehicle access ways at Clause 52.06-8 of the Scheme. It is not anticipated that the two additional dwellings proposed will create an unreasonable burden on the shared access way.</p> <p>Vehicles will be able to manoeuvre within the subject site to exit into the carriageway easement in a forward direction. It is considered that there is sufficient space for vehicles, pedestrians and cyclists to safely share the access way.</p> <p>Given the width of the existing access way at its boundary with the street reserve, it is considered reasonable to require the existing crossover to be widened to 6.0m. This may be done as a condition of approval.</p>

<p>The existing carriageway easement already serves five dwellings and cannot accommodate the additional vehicle movements generated by the proposed development.</p>	<p>The design of the existing carriageway easement meets the requirements for an access way to serve the existing and proposed dwellings.</p>
<p>Because neither the existing five unit development nor the proposed development has on-site visitor car spaces, on-street parking and safety in Carey Crescent will be unreasonably impacted.</p>	<p>The proposed development is not required to provide on-site visitor parking facilities. It is not anticipated that the additional traffic generated by the proposed development will have an unreasonable impact on on-street parking availability and safety in the area.</p>
<p>Rubbish bins put out for collection will occupy space in front of dwellings fronting the street, in addition to those belonging to residents of 13 Carey Crescent. This is unsightly, and when bins are left in the street for days after rubbish collection creates unsanitary conditions.</p>	<p>Responsibility for removing bins after rubbish collection lies with individual residents, as with all other residents in the street, and is not a planning issue.</p>

Assessment of Application

Planning policy at both the State and local level, including the purpose of the Residential 1 Zone which is to provide a range of residential densities and dwelling diversity, supports residential development of existing lots in the Bacchus Marsh township.

The proposal for two 3-bedroom dwellings on a lot contributes to a modest increase in density in the immediate neighbourhood while responding positively to the surrounding neighbourhood character.

The proposal provides an acceptable level of on-site amenity with optimal orientation of living areas and outdoor open space to sunlight and open space dimensions which easily satisfy the ResCode standard. Safety and vehicle access for future occupants has been adequately addressed in the design. Whilst the proposed development will not be readily visible from the street, the design sufficiently provides for a sense of address and identity.

The proposed design generally provides acceptable off-site amenity for neighbouring properties. Daylight to all existing habitable room windows will be unaffected, the proposed setbacks are acceptable and overshadowing will be minimal.

The proposal does not meet the standards for off-site amenity impacts with regard to walls on boundaries or overlooking. The location and orientation of the proposed boundary walls does however mitigate any amenity impacts associated with their height and the design response is considered acceptable. Overlooking from the development can be adequately addressed by conditions on a permit to limit any unreasonable amenity impacts on neighbours.

Financial Implications

The recommendation of to grant a permit for the development of two dwellings on the site will not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

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

Other Policies/Procedures

Council adopted the Urban Growth Policy Statement at the OMC of the 5th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The policy seeks to ensure that future housing development compliments the character of the town. This policy has been considered to the extent appropriate in the writing of this report.

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.

Conclusion

The proposal is generally consistent with the relevant policies in the Moorabool Planning Scheme. The subject site is in an established residential area of Bacchus Marsh with access to established infrastructure and services.

The proposal makes a modest contribution to dwelling diversity by providing dwellings on smaller lot sizes in an area generally characterised by single dwellings on large allotments. However, the proposal responds positively to the neighbourhood character in its single storey form, low pitched roof and rendered brick construction with sufficient setbacks for landscaping and private open space.

The proposal provides for appropriate development of residential land. It has been assessed against the relevant sections of the Moorabool Planning Scheme and found to be supported by the policies therein. The application should be issued with a Notice of Decision to Grant a Permit.

Consideration of Deputations – Planning Permit Application No. 2013-040.

Ms. Linda Lyle addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Spain/Sullivan

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit PA2013-040 for development of two (2) dwellings on Lot 2 PS 519664E, 2/11 Carey Crescent, Bacchus Marsh subject to the following conditions:

- 1. Before the development starts, amended plans 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 provided. The plans must generally be in accordance with the plans submitted with the application but modified to show:**
 - (a) The west boundary fence with a minimum height of 1.8 metres above finished ground level as measured at the west boundary.**
 - (b) The section of the north boundary fence positioned west of Unit 2's garage with a minimum height of 2.0 metres above finished ground level as measured at the north boundary.**
 - (c) A notation confirming that the finished floor levels of both dwellings will be a minimum of 300 millimetres above the finished ground level surrounding the dwellings.**
 - (d) The existing crossover to Carey Crescent widened to 6.0 metres and aligned with the existing access way. The crossover must not encroach closer than 1.5 metres from the trunk of the Red Spotted Gum (*Eucalyptus mannifera*) street tree situated east of the crossover.**
 - (e) Annotations detailing a Tree Protection Zone and associated Tree Protection Fence situated 1.5 metres (measured from the base of the trunk) west of the Red Spotted Gum (*Eucalyptus mannifera*) street tree situated east of the existing crossover.**
- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**

3. ***The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.***
4. ***All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced to the satisfaction of the Responsible Authority.***

Street Tree Protection Conditions

5. ***Before works to widen the crossover start, a tree protection fence must be erected on the western side of the Red Spotted Gum (*Eucalyptus mannifera*) street tree, 1.5 metres from the base of the trunk and between the public footpath and the kerb to define a 'Tree Protection Zone'.***

The fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction of the crossover is completed.

Before the development starts, the ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch and be watered regularly to the satisfaction of the Responsible Authority.

6. ***Except with the written consent of the Responsible Authority, within the Tree Protection Zone:***
 - (a) ***No vehicular or pedestrian access, trenching or soil excavation is to occur***
 - (b) ***No storage or dumping of tools, equipment or waste is to occur.***

Infrastructure Conditions:

7. ***The common property driveway must be constructed in reinforced concrete to a depth of 125mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.***
8. ***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 is 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.**
 - (d) **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. **Prior to the commencement of the development, the applicant must enter in to "Section 173 Building Over Easement Agreement" with the shire to construct the proposed fence over the drainage easement.**
- 13. **If required, the layout of the development must be modified based on the approved stormwater design.**
- 14. **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).**
- 15. **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.**
- 16. **Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**
- 17. **Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**
 - (a) **location of vehicle crossings**
 - (b) **details of the underground drainage**

- (c) **location of drainage legal points of discharge**
- (d) **standard details for vehicle crossing and legal point of discharge**
- (e) **civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.**

Expiry Condition:

18. This permit will expire if either 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.**

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 7 August 2013



11.2.6 Planning Application 2013-056; Department of Human Services C/o Huw Halse Architect; Development of (2) dwellings; Lot 59 on PS 063762, 18 Anderson Street, Bacchus Marsh.

Application Summary:	
Application No:	PA2013-056
Lodgement Date:	20 March 2013
Planning Officer:	Roger Cooper
Earliest date the applicant may apply to VCAT for an appeal against Failure to Determine:	19 May 2013
Address of the land:	Lot 59 on PS 063762 18 Anderson Street, Bacchus Marsh
Proposal:	Development of two (2) dwellings
Lot size:	611 sq m
Restrictive Covenants:	Nil
Public Consultation:	
Number of notices to properties:	Thirteen (13)
Notices on site:	One
Notice in Newspaper:	N/A
Number of objections:	Two
Submission of support:	Nil
Consultation meeting:	16 July 2013
Policy Implications:	
Key Result Area -	Enhanced Infrastructure and Natural and 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

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

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

General Manager Growth and Development – Satwinder Sandhu

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

Author – Roger Cooper

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

Executive Summary:

The application is for the construction of two (2) single-storey dwellings at 18 Anderson Street, Bacchus Marsh. This application is before Council due to the receipt of two objections from the adjoining neighbours.

The site has an area of 611 sq m. The layout of the dwellings on the site satisfactorily meets the requirements of Clause 55 (Rescode) of the Moorabool Planning Scheme. Private open space associated each of the dwellings exceeds the standard requirements. The provision of one secure car space for each dwelling satisfies the requirements of Clause 52.06.

Objections relate to loss of privacy, suitability of the site for medium density housing and the impact on property values. Details of the objectors' concerns and response to issues have been provided in the report. A consultation meeting between the applicant and objectors was held on 16 July 2013 and as of the writing of this report, neither objection was withdrawn.

The proposed development makes efficient use of the site, respects the neighbourhood character, and improves housing choice for small households.

The proposal is consistent with State and Local Planning Policies, the objectives of the zone, and particular provisions in relation to medium density housing and car parking.

Summary Recommendation:

That Council resolve to issue a Notice of Decision to Grant a Permit for the Development of two (2) dwellings at 18 Anderson Street, Bacchus Marsh, pursuant to Section 60(1) of the Planning and Environment Act 1987.

Site History

No planning permits are recorded as having been issued for the subject site.

Proposal

Approval is sought for the construction of two (2) single-storey, semi-detached one bedroom dwellings on a lot. The dwellings are orientated to face Shea Street, on an angle that maximizes sightlines at the street corner.

The dwellings are setback 3.5 to 6.7 m from Shea Street, and 7.9 m from Anderson Street. The minimum setback from side and rear boundaries is 4.3 m. Each of the dwellings has 62.4 sq m of floor space, providing for an open plan kitchen/dining/living area, one bedroom and bathroom/laundry. The building footprint occupies 22.4% of the site with a maximum height of 4.5 m.

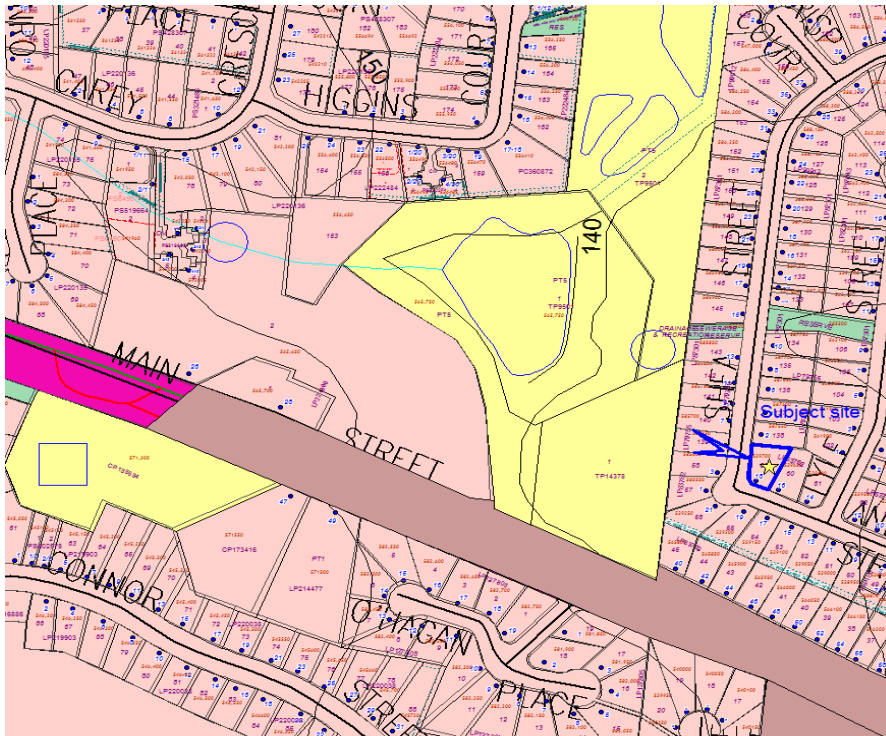
Given the dwellings are modest in size, one bedroom and semi-detached, the development presents to the street as one single dwelling.

The mirror image design of the dwellings is contemporary, constructed in face brickwork and split face blockwork with gabled front entries, sliding windows and pitched Colorbond roof

Unit 1 has access to 157 sq m of secluded private open space and 65 sq m of front garden while Unit 2 has access to 96 sq m of secluded private open space and 150 sq m of front garden.

There is one secure car space plus visitor car space on the driveway associated with each of the dwellings. Vehicle access to car spaces is via the existing crossover from Shea Street and a proposed crossover from Anderson Street.

Permeable areas occupying 305 sq m represents 50% of the site. There is no indicative landscaping. Front fencing consists of metal pickets to a height of 1.0 m.



(Development plan is shown on the next page)

Site Description

The site is located at the north east corner of Shea and Anderson Streets, approximately 200 metres west of Lidgett Street, and one block north of Bacchus Marsh Road.

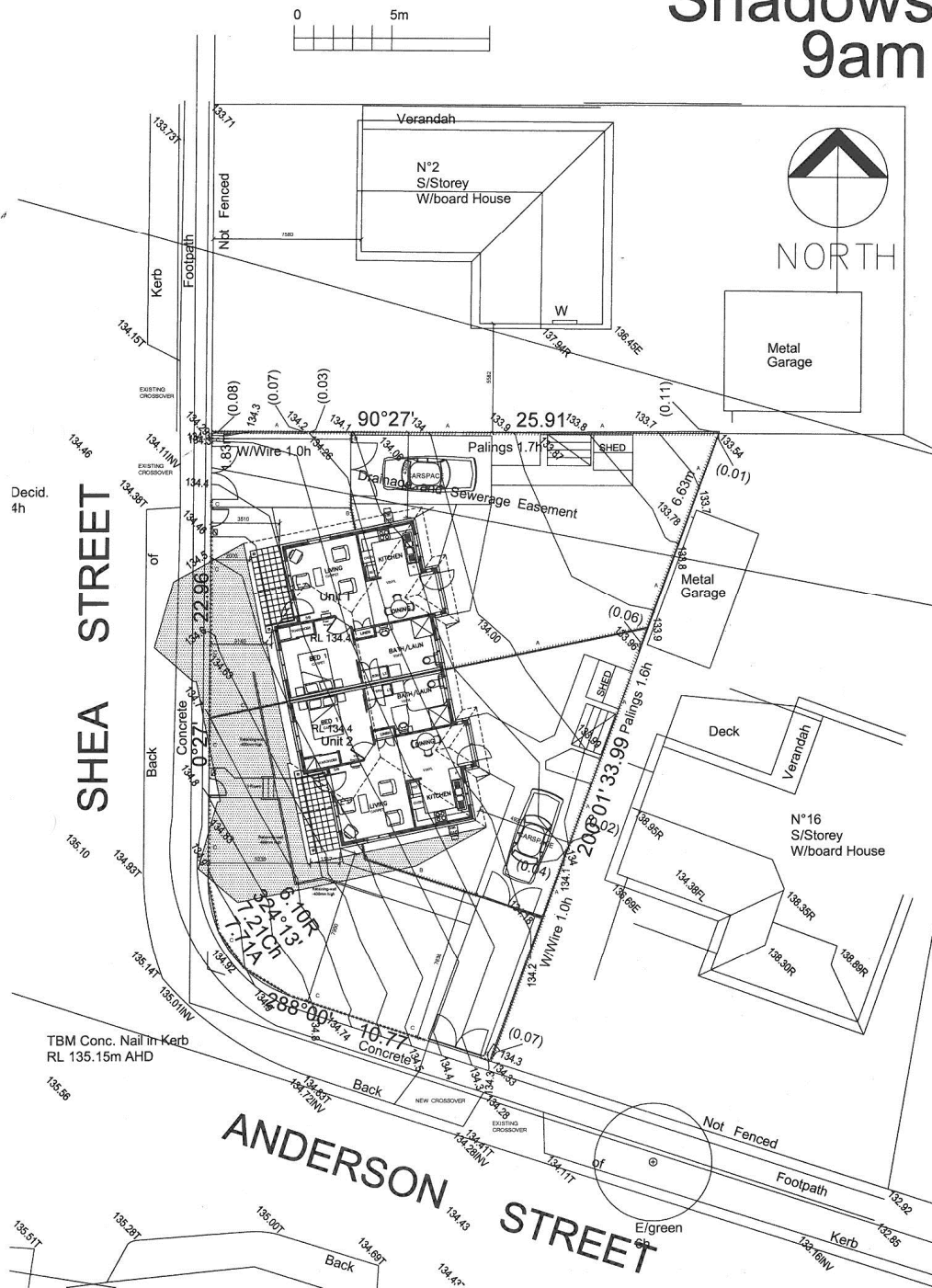
It has an irregular shape with a curved street frontage width of 41.44 m, a maximum depth of 25.91 m and an area of 611 sq m. The land falls gently from the street corner towards the north-east. A sewerage and drainage easement, varying in width from 1.83 to 6.63 m, abuts the northern side boundary.

The site comprises undeveloped land with grass cover and no trees. There is an existing crossover from Shea Street adjacent to the northern boundary.

The adjoining property to the north has been developed with a single-storey weatherboard dwelling setback 7.6 m from the street and 5.6 m from the common boundary. There is one south-facing habitable room window. The driveway to garage at the rear abuts the common boundary. Front fencing consists of capped timber lattice to a height of approximately 1.0 m.

Appendix 1

Shadows 9am



The adjoining property to the east has been developed with a single-storey weatherboard dwelling setback 7.8 m from the street and 2.8 m from the common boundary. There are no west-facing habitable room windows. The driveway and garage at the rear abut the common boundary. There is no front fencing.

Properties on the opposite side of the street have been developed with single-storey weatherboard dwellings setback 7.5 to 14.4 m from the street.

Shea and Anderson Streets are local roads with concrete kerbs, footpaths, nature strips and various street trees. The only other street feature directly in front of the site is a street sign.

The wider area is characterised by a predominance of single-storey weatherboard dwellings with varied setbacks, front and rear lawns, side driveways to garages at the rear and low or no front fencing.

The site has good access to public transport, shops and public open space. There is a bus service along Bacchus Marsh Road (via Lidgett Street) approximately 280 m away, a local park at the rear of Anderson Street less than 200 m away, and the Bacchus Marsh Shopping Centre approximately 700 m to the south east.

Planning Scheme Provisions

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

SPPF		
Clause 11	Settlement	In accordance with policy, the construction of two dwellings promotes sustainable development that takes full advantage of existing settlement patterns.
Clause 11.02-1	Supply of urban land	Responding to urban consolidation strategies, the size and corner location makes it suitable for medium density housing.
Clause 11.05-2	Melbourne's hinterland	Providing for residential development within the urban growth boundary of the Bacchus Marsh township is supported by this policy.
Clause 16.01-2	Location of Residential Development	In accordance with policy, the site has good access to public transport, which provides a direct link to Bacchus Marsh Shopping Centre.
Clause 16.01-4	Housing Diversity	The proposed development makes efficient use of the site and improves housing choice.

LPPF		
Clause 21.03-3	Residential Development	The proposal is consistent with strategies to extend the range of housing types and densities to improve resident choice and meet changing housing needs.
Clause 21.03-4	Landscape and Neighbourhood Character Objective	The proposal respects the existing built form and landscape character of the neighbourhood.
Clause 21.07	Bacchus Marsh	The proposal is consistent with strategies aimed at consolidating urban growth within the inner area of Bacchus Marsh.

Zone:

The site is located within the Residential 1 Zone. Pursuant to Clause 32.01-4 of the Moorabool Planning Scheme, a planning permit is required to construct two or more dwellings on a lot.

The purpose of the zone is:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

It is considered that the proposal supports the purpose of the Residential 1 Zone by increasing the range of dwellings for small households in keeping with the neighbourhood character.

Overlay:

The site is not affected by any Overlay.

Particular Provisions:

Pursuant to Clause 52.06 of the Moorabool Planning Scheme, the car parking spaces required under Clause 52.06-5 of the Moorabool Planning Scheme must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Under Clause 52.06-5, a one-bedroom dwelling requires the provision of one car space.

The provision of one car space for each of the proposed dwellings satisfies this requirement.

Pursuant to Clause 55, an application to construct two or more dwellings on a lot must meet all of the objectives of this clause and should meet all of the standards of this clause.

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken and overall compliance has been achieved.

The overall assessment for each section is outlined below:

Neighbourhood and Site Description, Design Response, Character and Infrastructure

Detailed plans and specifications as well as written documentation have been provided to address the above satisfactorily.

The immediate area is characterised by single-storey detached dwellings and suburban backyards. Within this context, the proposed dwellings which present to the street as one modest building respect the scale and spacing of the built form.

Site Layout and Building Massing

The proposal meets the required standards for street setback, building height, site coverage, permeability, open space, safety, access and parking provision. Buildings only occupy 22.4% of the site where ResCode considers up to 60% to be acceptable.

There are no details of proposed landscaping, however this is addressed as a condition of the permit.

Amenity Impacts

The proposal meets the required standards for side and rear setbacks, walls on boundaries, daylight to existing windows, north facing windows, internal views and noise impacts.

As overlooking of private open space to the east of the proposed development may be considered intrusive, a condition of the planning permit is to provide a fixed trellis fence extension to a height of 2.1 metres for 6.0 m along the eastern boundary.

Onsite Amenity and Facilities

The proposal meets the required standards for accessibility, dwelling entry, daylight to new windows, communal open space, private open space, solar access to open space and storage.

Clause 65.02- Decision Guidelines

This report has considered the decision guidelines of Clause 65.

Other policies/procedures

Council adopted the Urban Growth Policy Statement at the OMC of the 5th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The policy seeks to ensure that future housing development compliments the character of the town. This policy has been considered to the extent appropriate in the writing of this report.

Agriculture is the major sector in the Moorabool Shire's economy and should be protected by containing urban growth to existing residential areas. The proposal supports this by containing development in an established urban area away from sensitive agricultural uses.

The Policy says in the medium term Bacchus Marsh will continue to have a population profile with a high proportion of families and in the longer term the community will age and have smaller household units. The proposal supports this demographic change through the provision of two 1 bedroom dwellings close to existing infrastructure and services.

Referrals

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was referred to Council's Infrastructure Department. The department raised no objection subject to conditions.

Referral of the application pursuant to Section 55 of the Act was not required.

Public Notice

The application was advertised to surrounding property owners and occupiers by sending individual notices on 10 April 2013 and a sign placed on the site from 16 to 30 April 2013. There have been two objections received from adjoining neighbours to the north and east. A consultation meeting between the applicant and objectors was held on 16 July 2013 and as of the writing of this report, neither objection was withdrawn.

Summary of Objections

The grounds of objection are outlined below with officer's comments accompanying them.

Objection	Officer's response
The ground is a former quarry and deemed unsuitable for construction.	This is a building matter that can be addressed at the building application stage.
The proposed development will cause a loss of privacy to the adjoining property to the east.	Due to the fall of the land towards the north east, the potential for overlooking from the rear living areas to a deck on the adjoining property may cause a loss of privacy. To address concerns, a lattice fence extension to a height of 2.1 m above ground level can be required as a condition of the permit.

The site is too small for two units.	There is no evidence to suggest that the site is too small for the proposed one-bedroom dwellings occupying less than 25% of the site compared to the maximum site coverage requirement of 60%.
Further public housing will devalue overall land prices.	The provision of public housing is consistent with housing strategies to meet community needs. Fluctuations in the property market are not relevant planning considerations.

Discussion

On a corner site within an established residential area, the proposed single-storey semi-detached, mirror-image dwellings respect the neighbourhood character.

In accordance with ResCode, the layout and building mass meets the standard height, setback, site coverage and permeability requirements as well as energy efficiency and safety objectives. The only non-compliance relates to the requirement for a landscape plan. However, this can be achieved by way of a permit condition. Certainly, there is ample scope for landscaping including canopy trees.

From an amenity perspective, new habitable room windows have good access to natural daylight, and secluded private open spaces have good access to sunlight. The open space provision exceeds requirements, and there is good connection between indoor and outdoor living spaces. Front entries are clearly visible from the street and are easily accessible to people with limited mobility. The provision of external storage for each dwelling meets the standard requirement.

In terms of off-site impacts, there will be no overshadowing of adjacent private open space and no overlooking within a horizontal distance of 9.0 m from habitable room windows and doors. However, views of the existing deck area at the rear of the adjoining property to the east may cause a loss of privacy. This is due to the location of proposed dwellings on elevated ground and the low height of the common boundary fence. To address concerns, a fixed trellis fence extension to a height of 2.1 m for a distance of 6.0 m should be provided to restrict overlooking to the existing deck.

The design of the dwellings offers a contemporary response with reasonable articulation and detailing in keeping with the neighbourhood character. Similar to other properties, transparent front fencing to a height of 1.0 m complements the proposed dwellings and low or no front fencing on the adjoining properties.

Financial Implications

Determining this application would not represent any financial implications to Council.

Risk & Occupational Health and Safety Issues

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

Conclusion

The proposed development offers energy-efficient, contemporary accommodation for small households with no significant impact on the adjoining properties, the streetscape or neighbourhood character. The proposal is consistent with State and Local Planning Policies, the objectives of the zone, and particular provisions in relation to medium density housing and car parking.

Resolution:

Crs. Sullivan/Comrie

That Council having considered all relevant matters as prescribed by s.60(1) of the P&EA, issue a Notice of Decision to Grant a Permit PA2013-056 for the Development of two (2) dwellings at 18 Anderson Street, Bacchus Marsh also known as Lot 59 PS 063762 subject to the following conditions:

- 1. Before the development starts, plans and other matters as listed below must be completed to the satisfaction of the responsible authority. The plans 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 plan must be drawn to scale with dimensions and three copies must be provided. The plan must generally be in accordance with the plans submitted but modified to show:***
 - a) A plan notation indicating the provision of a fixed trellis fence extension to a height of 2.1 metres along 6.0 m of the eastern boundary to restrict overlooking the deck area at the rear of existing dwelling on the adjoining property to the east.***

Such plans must be submitted with at least one plan in A3 format or electronically submitted to allow for reproduction in A3 format and must be to the satisfaction of the Responsible Authority and when approved, will be endorsed and form part of this permit.

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

3. ***Before the development commences, a landscape plan prepared by a suitably qualified and experienced person must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.***

The amended plan must show:

- (a) The areas set aside for landscaping;***
 - (b) A schedule of all proposed trees, shrubs and ground cover, which includes the location, number, height and spread at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;***
 - (c) At least one canopy tree that can grow to a minimum height of 6.0 m (no less than 1.5 m at time of planting) within the Anderson Street side setback area and the secluded private open space associated with Unit 1.***
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.***
 5. ***All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plant replaced to the satisfaction of the Responsible Authority.***
 6. ***A standard urban residential vehicle crossing must be provided to Unit 2 on Anderson Street 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; and***
 - d) 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. ***If required, the layout of the development must be modified based on the approved stormwater design.***
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 ensure that no tree or shrub is planted over existing or proposed drainage infrastructure and easements.***
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; and***
 - e) ***civil notes as required to ensure the proper construction of the works to the satisfaction of the Responsible Authority.***
16. ***This permit will expire if either 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.**

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday 7 August 2013



11.3 COMMUNITY SERVICES

11.3.1 Community Grants Program Review and Draft Policy

Introduction

File No.: 06/03/004
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to present the Council with the Draft Community Grants Policy and the outcomes of the Community Grants Program review.

In the 2013/2014 budget the Council allocated \$140,000 for the Community Grants program. The grants are made available to community groups and organisations to help support and enhance innovative community activities, projects and events. The program is delivered over two separate funding rounds offering \$70,000 in each, under three categories: Community Strengthening; Community Arts and Culture; and Community Events.

At the Ordinary Meeting of Council on the 19 May 2010, the Council adopted the Community Grants Guidelines. The Guidelines included the following:

The Council will review the performance of the Community Grant Program every 3 years to ensure that the Grant Program is both achieving its objectives and meeting community needs.

To ensure the program continually evolves to meet the changing needs of the communities of Moorabool, regular review of the community grants process is required.

The aims of the Community Grants Program Review were to:

- Update the guidelines to align it with the Council Plan objectives;
- Engage the community, including past applicants, in providing feedback to improve the program;
- Improve the accessibility and understanding of the grant program in the community;
- Review the objectives of the program to ensure the outcomes are meeting current community needs;
- Improve community group understanding of guidelines and application forms;
- Increase number and range of funded projects, including number of first time applicants; and
- Develop a Community Grants Policy.

The review of the Community Grants Program focussed on the following issues: objectives of the program; eligibility and clearer definitions; funding amounts and in kind contributions; and assessment criteria and process.

A draft Community Grants Policy has also been developed. The Draft Policy includes the following: background information about the grant program; objectives of the grant program; and principles of the program.

Proposal

The draft Community Grants Policy comprises a statement of the objectives of the Community Grants Program as well as the guiding principles for the implementation of the program.

The revised Community Grants Program Guidelines comprises information about how the program will be implemented in the community. The revised Community Grants Program Guidelines are contained in **Attachment 11.3.1(a)**. The guidelines have been revised based on community engagement outcomes and the recommendations from the review.

Guidelines:

Major changes to the Guidelines are:

- Applicants required to provide matching funding (\$1:\$1) for projects
- The amount of funding for Small Community Strengthening Projects reduced from \$1,500 to \$1,000.
- Community group members who have a conflict of interest for the project must declare this conflict when submitting the application
- A clearer definition of eligible community groups
- A clearer definition of %auspicing+ and the legal responsibilities of auspicing organisations
- A requirement for proof that the project has been endorsed by the committee/group
- The following groups or organisations are ineligible to apply:
 - Emergency Services i.e. CFA/SES
 - Primary and Secondary Schools
 - Churches
 - Political parties
- Clearer assessment criteria
- Each round applicant groups are given a score out of 100. It is proposed that if a group receives a score below 65 that the project be considered not to merit being funded. Groups that fall into this category will be supported to improve their application and submit it the next round of grants. If this results in surplus funds in a round, then these funds will be re-allocated to the next round of Community Grants.

It is proposed that in accordance with Moorabool Shire Council Policy Protocol, consideration of items which affect beyond the current year, the Community Grants Policy and Guidelines as contained in **Attachment 11.3.1(b)** lay on the table for further consideration at the next Ordinary Meeting of Council on the 4 September 2013.

It is also proposed that Council commence the Winter 2013 round of grants on the 9 September 2013 and close on the 4 October 2013, following Council adoption of the revised Community Grants Program Guidelines. The Guidelines specify that the Winter round of Grants will usually open on the 1 August and close on the 31 August, but due to the review process it will commence in September.

Community Development officers will present a report to the Council on the outcomes of each Community Grant round every six months following the completion of the projects from the previous round.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community Self Reliance
Strategy	Provide community development support and partnership projects.

The proposal Community Grants Program review is consistent with the 2013-2017 Council Plan.

Financial Implications

Council allocates the following funding for the grant programs: \$100,000 annually to the Community Grant Program; \$20,000 annually to Community Arts Grants; and \$20,000 annually to Community Events Grants.

The Community Grants Program requires resources primarily from the Community Development Unit. Communication Officer resources are required to implement enhanced promotional activities for the grant program.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Program review	Program review not implemented	Medium	Review program every three years

Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Grant recipients	Phone interview	Various	May 2013	10 interviews
Consult	Community members	Survey . Have your say Moorabool	Various	June 2013	48 visits to the site.
Collaborate	Internal Staff	Workshop	Bacchus Marsh	May 2013	9 staff attended

The revised Community Grants Guidelines and Community Grants Policy will be promoted to community groups following consideration by the Council.

The Communication plan will involve: advertisements in newspapers; letters to community groups advising of changes to program; website information; and promotion of the revised grant program by Officers.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Kate Diamond-Keith

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

Conclusion

Council's Community Grant Programs provide significant support to community groups in the Shire of Moorabool. Following an extensive review of the program, revised Community Grants Program Guidelines have been developed as well as a draft Community Grants Policy. The draft policy and the revised Guidelines will improve the capacity of the grant program to provide benefits to the community. Due to the requirement for Council Policies to lay on the table until the next Ordinary Meeting of Council, the Winter 2013 round of Community Grants will now commence on the 9 September and close on the 4 October 2013.

Consideration

The Council has adopted a policy protocol relating to the consideration of items which affect beyond the current year. This policy is detailed hereunder for the information of Council.

CONSIDERATION OF ITEMS WITH AFFECT BEYOND THE CURRENT YEAR

That in consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects, the Council shall observe the following process, to assist in full and detailed consideration of items of such magnitude as part of the Council's deliberations prior to decision:

1. *A report from Council Officers relating to the item shall be placed before the Council at an Ordinary or Special Meeting.*
2. *The Mayor as Chair, shall then entertain only the following matters in relation to the item;*
 - (i) *Questions from Councillors*
 - (ii) *Consideration by the Council of a motion requesting further information. Which if successful shall mean the process shall commence upon the receipt of such information.*
 - (iii) *A motion that the item Lay on the Table until the next ordinary meeting of the Council. No debate on such motion shall be allowed.*
3. *In the event that the motion as per clause 2 (iii) is successfully carried, the Chief Executive Officer shall ensure the report is listed upon the Council Agenda for the next ordinary meeting.*

Consideration of Deputations – Community Grants Program Review and Draft Policy

Mr. Michael Tudball addressed Council in relation to the Community Grants Program Review and Draft Policy.

Mr. Pat Griffin addressed Council in relation to the Community Grants Program Review and Draft Policy.

The business of the meeting then returned to the agenda.

Resolution:

Crs. Sullivan/Edwards

That Council:

- 1. In accordance with Moorabool Shire Council Policy Protocol, Consideration of items which Affect beyond the Current Year, the Community Grants Policy and Community Grants Program Guidelines now lay on the table for further consideration at the next Ordinary Meeting of Council on the 4 September 2013.**
- 2. Commence the Winter 2013 Community Grants Program round on the 9 September 2013.**

CARRIED.

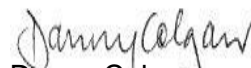
Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Services

Thursday 8 August, 2013

11.4 INFRASTRUCTURE SERVICES

No reports for this meeting.

11.5 CORPORATE SERVICES

11.5.1 Councillor Representation to the Grow West Implementation Committee

Introduction

File No.: 02/01/009
General Manager: Shane Marr

Background

Council, at its Special Statutory and Annual Appointments Meeting held in the first week of November each year, reviews and considers Councillor participation in activities that are common across the region to the extent that it is appropriate that regional organisations, groups and community committees are established to further the interest of member councils and to benefit and support community development within Moorabool Shire.

On Wednesday 7 November 2012, Council resolved to endorse, amongst others, Cr. David Edwards as a Councillor Representative to the Grow West Implementation Committee along with Council's Manager of Strategic and Sustainable Development.

Proposal

Cr. Edwards has been unable to attend Grow West Implementation Committee meetings on a regular basis as the meeting times clash with other commitments. Cr. Spain has expressed willingness to attend these meetings for the remainder period until the next Special Statutory and Annual Appointments Meeting due to be held in November 2013.

In order to ensure the Grow West Implementation Committee benefits from Councillor representation at each of its meetings, it is therefore appropriate that Cr. Spain now be appointed as Councillor Representative, to the Committee along with Council's Manager of Strategic and Sustainable Development.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and leadership of our community
Objective	Good governance through open and transparent processes and strong accountability to the community
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

There are no risks or occupational health and safety issues in relation to this report.

Communications and Consultation Strategy

The Grow West Implementation Committee will be notified via written correspondence from Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

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

General Manager – Shane Marr

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

Conclusion

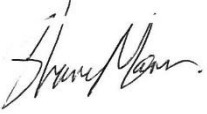
The Grow West Implementation Committee will benefit from Councillor representation at each of its meetings as schedule for the remaining period until the next Special Statutory and Annual Appointments Meeting due to be held in November 2013.

Resolution:**Crs. Sullivan/Edwards**

- 1. That Cr. John Spain be appointed as Council's representative on the Grow West Implementation Committee from 21 August 2013 to the Annual Statutory Meeting in November 2013;**
- 2. That the Grow West Implementation Committee be advised of the change in Councillor representation on the Committee from 21 August 2013.**

CARRIED.

Report Authorisation**Authorised by:**


Name: Shane Marr
Title: General Manager Corporate Services
Date: Tuesday 13 August 2013

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable .

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors . Wednesday 7 August 2013 . Camerons Road
- Assembly of Councillors . Wednesday 7 August 2013 . Community Grants Review
- Assembly of Councillors . Wednesday 7 August 2013 . 2012/13 C.I.P and Flood Program Overview.
- Assembly of Councillors . Wednesday 7 August 2013 . Confidential Item
- Assembly of Councillors . Wednesday 14 August 2013 . Rural Advisory Committee
- Assembly of Councillors . Wednesday 14 August 2013 . Centenary of ANZACS

Resolution:**Crs. Dudzik/Comrie**

That Council receives the record of Assemblies of Councillors as follows:

- ***Assembly of Councillors – Wednesday 7 August 2013 – Camerons Road***
- ***Assembly of Councillors – Wednesday 7 August 2013 – Community Grants Review***
- ***Assembly of Councillors – Wednesday 7 August 2013 – 2012/13 C.I.P and Flood Program Overview.***
- ***Assembly of Councillors – Wednesday 7 August 2013 – Confidential Item***
- ***Assembly of Councillors – Wednesday 14 August 2013 – Rural Advisory Committee***
- ***Assembly of Councillors – Wednesday 14 August 2013 – Centenary of ANZACS***

CARRIED.

12.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
Maddingley Park Committee of Management	28 May 2013	Community Members
Elaine Recreation Reserve Committee of Management	18 July 2013	Cr. Sullivan
Greendale Recreation Reserves Committee of Management	24 July 2013	Cr. Toohey

Resolution:

Crs. Sullivan/Tatchell

That Council receives the reports of the following Section 86 - Delegated Committees of Council:

- ***Maddingley Park Committee of Management meeting of Tuesday 28 May 2013.***
- ***Elaine Recreation Reserve Committee of Management meeting of Thursday 18 July 2013.***
- ***Greendale Recreation Reserves Committee of Management meeting of Wednesday 24 July 2013.***

CARRIED.

13. NOTICES OF MOTION

Nil.

14. URGENT BUSINESS**14.1 Bacchus Marsh Aquatic Centre****Resolution:****Crs. Spain/Comrie****That Council:**

- 1. Confirms the Bacchus Marsh Aquatic Centre project as the first priority social infrastructure project for Moorabool Shire.**
- 2. Welcomes the recent Federal Government announcement of \$7 million funding towards the project.**
- 3. Acknowledges the detailed project and costing information provided by the Bacchus Marsh Aquatic Centre Community Consortium in relation to the Aquatic Centre being constructed at Moss Vale in NSW and thanks the Consortium for this information.**
- 4. Acknowledges the strongly and consistently expressed community expectation that an indoor toddlers' pool be incorporated in the Aquatic Centre and confirms this, along with the Learn To Swim pool and Lap Pool as mandatory wet area inclusions in the design and initial construction stage.**
- 5. Notes the very large capital cost differences between the nearly completed Moss Vale project and the proposed Bacchus Marsh project and requests officers to complete, as soon as possible, a report to Council that analyses the points of difference in the two projects, reconciles the differences in construction and operating costs for both projects and informs future Council decisions on the ultimate scope, configuration and construction staging of the Bacchus Marsh Aquatic Centre.**
- 6. Confirms Council's close working relationship with the Community Consortium as a key positive factor in delivering a top class Aquatic Centre facility to the Moorabool Shire community.**

CARRIED.

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC**15.1 Confidential Report****15.2 Confidential Report****ADJOURNMENT OF MEETING 8.38PM**

Crs. Comrie/Tatchell

That the meeting now stand adjourned for a period of 9 minutes.

CARRIED.

RESUMPTION OF MEETING 8.47PM

Crs. Sullivan/Tatchell

That the meeting now be resumed.

CARRIED.

CLOSURE OF THE MEETING TO THE PUBLIC – 8.47PM

Resolution:

Crs. Sullivan/Tatchell

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;*
- (b) the personal hardship of any resident or ratepayer;*
- (c) industrial matters;*
- (d) contractual matters;*
- (e) proposed developments;*
- (f) legal advice;*
- (g) matters affecting the security of Council property;*
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;*
- (i) a resolution to close the meeting to members of the public*

CARRIED.

Item 15.1 and 15.2 are confidential items and therefore not included as part of these Minutes.

16. MEETING CLOSURE

The meeting closed at 8.54pm.

Confirmed.....Mayor.