



# **AGENDA**

## **Development Assessment Committee Meeting Wednesday, 15 November 2023**

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

**Date: Wednesday, 15 November 2023**

**Time: 6.00pm**

**Location: Council Chamber, 15 Stead Street, Ballan & Online**

**Henry Bezuidenhout  
Executive Manager Community Planning & Development**

**Order Of Business**

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**1 OPENING****2 PRESENT AND APOLOGIES****3 RECORDING OF MEETING**

In accordance with Moorabool Shire Council's Governance Rules, the meeting will be livestreamed.

**4 CONFIRMATION OF MINUTES**

Development Assessment Committee Minutes 18 October 2023.

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

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a Councillor, any other meeting conducted under the auspices of the Council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a Council decision, for example, issuing a planning permit.

## 7 COMMUNITY PLANNING REPORTS

### 7.1 PA2023096 - BUILDINGS AND WORKS ASSOCIATED WITH AN EXISTING OFFICE, WAIVER OF ONE CAR PARKING SPACE, BUSINESS IDENTIFICATION SIGNAGE AND REMOVAL OF VEGETATION AT 4/132 INGLIS STREET, BALLAN

**Author:** Fatima Goreishi, Statutory Planner

**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Development

**Attachments:** Nil

#### APPLICATION SUMMARY

**Permit No:** PA2023096

**Lodgement Date:** 7 July 2023

**Planning Officer:** Fatima Goreishi

**Address of the land:** 4/132 Inglis Street, Ballan

**Proposal:** Buildings and Works associated with an Existing Office, Waiver of One Car Parking Space, Business Identification Signage and Removal of Vegetation

**Lot size:** 181sqm

**Why is a permit required?** Clause 34.01-4 Buildings and works; Clause 42.01-2 Construction and Carrying out works and Removal of Vegetation; Clause 52.05-11 Display of Business Identification Signage; Clause 52.06-3 Waiver of one car space

#### RECOMMENDATION

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to Grant a Planning Permit PA2023096 for Buildings and Works associated with an Existing Office, Waiver of One Car Parking Space, Business Identification Signage and Removal of Vegetation at 4/132 Inglis Street Ballan, subject to the following recommendations:

#### Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a) Removal of the Above Awning sign, known as Sign 1 on the Plans prepared by Sunset Signs.
  - b) Removal of Security Film Sign or replacement with a similar colour as the front wall of the building known as Sign 4a on the Plans prepared by Sunset Signs.

**Advertising Sign:**

2. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.
3. The advertising signs must not contain any moving parts or flashing lights.
4. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
5. The signs must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
6. Signage expires 15 years from the date of this Permit.

**Development Infrastructure:**

7. Unless otherwise approved by the Responsible Authority there must be no buildings, tree structures, or improvements located over any drainage pipes and easements on the property.
8. The stormwater drainage from the proposed buildings and impervious surfaces must be disposed of to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the Council's Asset Management prior to the commencement of the works associated with the permit.
9. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
10. The building shall be provided with disabled access in accordance with the provisions of the AS1428 – Design for Access and Mobility.
11. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council's Infrastructure Services identifying any existing damage to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority. If photographic evidence cannot be provided, then the damage must be full reinstated at no cost to and to the satisfaction of the Responsible Authority.

**Permit Expiry:**

12. The permit will expire if:
    - a) The development is not started 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.
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<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes, two signs on site.
Notice in Moorabool Newspaper:	Not required.
Number of objections:	One.
Consultation meeting:	No.

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 2: Liveable and thriving environments**

**Priority 2.4: Grow local employment and business investment**

The proposal is consistent with the Council Plan 2021 – 2025.

## **VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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

## **OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Fatima Goreishi*

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

## **EXECUTIVE SUMMARY**

Application referred?	Yes, Council's Development Infrastructure.
Any issues raised in referral responses?	No.
Preliminary concerns?	No.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	Yes.
Brief history.	Not applicable.

Previous applications for the site?	PAP00/107 approved an eight-lot subdivision and Development and Use of Four Residential Units and Four Mixed Use Units.
General summary.	The application is for buildings and works to an existing office, waiver of one parking space requirement, business identification signage and removal of vegetation. The application was referred to Development Infrastructure which provided consent subject to conditions. The reduction of one car space in the activity centre of Ballan can be supported given the availability of existing parking within proximity of the subject site. The application is recommended for approval.
<b>Summary of Officer's Recommendation</b>	
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , the Development Assessment Committee issue a Notice of Decision to Grant Planning Permit PA2023096 for Buildings and Works Associated with an Existing Office, Waiver of One Car Parking Space, Business Identification Signage and Removal of Vegetation at 4/132 Inglis Street, Ballan subject to the conditions contained within this report.	

## SITE DESCRIPTION

The property is situated in the core of Ballan surrounded by activity centres and mixed-use developments in the Commercial Zone. Some of the sites facing Inglis and Fiskin Street are affected by the Heritage Overlay, and some have been included in the C85 Amendment identified as potential heritage places.

The Lots further north of Simpson Street are within the Neighbourhood Residential Zone and are larger in size and present as more elongated. These properties are bound by the Mill Park Reserve that is bordered by the Werribee River. The Ballan Railway Station is located to the south of Atkinson Street across from the Ballan Recreation Reserve.

The subject site is situated on the corner of Inglis Street and Fiskin Street occupying an area of 181sqm with a frontage of 9.3m. The land is relatively flat in nature mostly covered by the existing building on site with scattered vegetation located to the rear of the site. The site has one access point provided via Inglis Street to the south of the property. The site is currently used as a real estate agency office.



Figure 1: Aerial photograph of the subject site

COMMERCIAL 1 ZONE (C1Z)

SCHEDULE TO THE COMMERCIAL 1 ZONE (C1Z)



Figure 2: Zone Map

**PROPOSAL**

The proposal is for buildings and works associated with an existing office for a community bank. The development proposed is an extension to be constructed towards the rear of the property and the extension will be 9.3m in width and 3.5m in length. The development will provide additional floor area and office space in addition to relocating and extending the kitchen room, bathroom and alterations to the internal layout of the building. The proposal also seeks the removal of two hazel trees located between the existing office and the two garage spaces to the rear of the



property. The application proposes a reduction in one car parking space generated by the 33sqm extension in floor area.

Part of the proposed works will be the replacement of the manual entrance door to the office with an automatic door where access will still be from Inglis Street to customers and staff members. An Automatic Teller Machine (ATM) will be installed towards the right side from the entrance facing Inglis Street that will be 900mm long and 520mm wide. The existing window on the south elevation side will be replaced and the small windows to the right side to the front of the building will be taken out and replaced by wall filling.

The west side elevation will include replacing the existing windows and increasing the number of windows from three to four for security and energy efficiency purposes while adding solar panels to the east side of the building.

The external walls will be of red brick to be consistent with the façade of the existing building. The proposed materials for roof cladding will be corrugated iron.

The building currently has several fascia and above awning signs located to the southern and western sides. The applicant is proposing to replace the existing signs with updated business identification signage that is relevant to the proposed community bank. An additional under awning sign lightbox is proposed to be put up on site. The total signs proposed for the development are four above awning sign, two fascia signs and one under awning sign.

The application included a report section for stormwater management on site to be similar to the existing arrangement where there is a grated pit located within the existing driveway all stormwater runoff is directed through the existing pit through downpipes.

Waste collection is similar to the current procedure and will be in accordance with the preparation of waste collection associated with the existing bank on 135 Inglis Street. The estimated waste produced by the additional development has been calculated through the Sustainability Victoria's Development Waste and Recycling Generation Rates Calculator.



**Figure 3:** Photo Representation of the Proposed Façade with the ATM

**BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

**HISTORY**

PA/PO107 approved for an eight-lot subdivision and for the Use and Development of Four Lots for Residential Units and Four Lots for Mixed Use Units.

**PUBLIC NOTICE**

The application was notified to the adjoining and surrounding landowners and occupiers.

One objection has been received.

**SUMMARY OF OBJECTIONS**

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

Objection	Any Relevant Requirement
<p>The objection is to the waiving of car parking requirements. I also believe that the correct parking requirement is ‘Office other than listed on this table.</p> <p>The requirement is for 3.5 vehicles per 100sqm of building.</p>	<p>Clause 52.06-5 Number of car parking spaces required under table 1.</p>

Approx 166 m <sup>2</sup> x 3.5= 5.8 vehicle spaces.	
<b>Officer's Response:</b>	
The proposal requires a waiver of one space based on the additional floor area of 33sqm. The reduction of one car space is appropriate having regard to the Decision Guidelines of Clause 52.06.	

## PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11 – Settlement
- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement – Central Highlands
- Clause 11.01-1L-01 – Settlement in Moorabool
- Clause 11.03-1S – Activity Centres
- Clause 14.02-1S – Catchment Planning and Management
- Clause 14.02-1L – Declared Special Water Supply Catchments
- Clause 14.02-2S – Water Quality
- Clause 15.01-1S – Urban Design
- Clause 15.01-2S – Building Design
- Clause 15.01-2L – 01 – Building Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 15.01-5S – Neighbourhood Character
- Clause 17.02-1S – Business

The proposal is compliant with the relevant sections of the PPF and MSS.

## ZONE

### Commercial 1 Zone

The site is located within the Commercial 1 Zone. A planning permit is required pursuant to Clause 34.01-4 for buildings and works.

## OVERLAYS

### Environmental Significance Overlay Schedule 1

The site is affected by the Environmental Significance Overlay Schedule 1. A planning permit is required pursuant to Clause 42.01-2 of the Overlay for buildings and works and the removal of vegetation.

**Relevant Policies****Ballan Strategic Directions 2018**

Ballan Strategic Directions is a document for the township that articulates a series of objectives, strategies and actions, as Ballan's population grows so does the demand for local services to be provided. This strategy does support the retaining and enhancing of such opportunities for such developments.

Ballan will continue to have a centralised commercial/retail Precinct and it is important that this approach is retained to ensure the long-term viability of the town centre core including creating and enhancing the town centre as the 'heart' to the town. Non-Residential uses and local employment ensure the town centre core remains attractive, convenient, and economically viable.

**Moorabool Parking Provision and Management Policy 2023**

This policy provides guidance on how reductions of parking related to commercial uses should be considered by Council. Reductions to on-site parking provision will be considered on sites within Ballan Town Centre (commercial zoned area) only if it can be demonstrated to the Council's satisfaction that additional parking is not necessary. Developments which contribute towards improved levels of amenity and accessibility within the public realm may be considered to have reduced their statutory parking requirements, with the amount of the reduction to be assessed on a case-by-case basis.

**Particular Provisions****Clause 52.06 Car Parking Provision**

This clause applies to the proposal provided there is an increase in the floor area of an existing use.

**Clause 52.05 Signs**

A permit is required for additional business identification signage in accordance with Clause 52.05-11 of the Moorabool Planning Scheme.

**DISCUSSION****Buildings and Works:**

The proposal for buildings and works comprises of an extension to an existing office. The buildings and works will take place towards the rear of the property where the extension will be built up to the property's rear boundary. The extension will cover an area of 32.5sqm having a width of 9.3m and 3.5m length with a maximum height of 3m. The reason for the proposal is to provide more office use space and expand the reception area for customers with the expansion of the toilet facility and food preparation facility in the internal layout.

Part of the proposed works will be the replacement of the manual entrance door to the office by an automatic door, therefore access will still be from Inglis Street to customers. An ATM will be installed to the east side of the building facing Inglis Street that will be 900mm long and 520mm wide.

The proposed external design, window layouts and building form is consistent with a Commercial 1 Zone and will create visually attractive presentation to the main road.

Vegetation Removal:

The proposed involves the removal two small trees identified as hazel trees to the rear of the property. The tree removal will not negative impact upon the surrounding water catchment in accordance with the objectives of the Environmental Significance Overlay Schedule 1.

Car Parking:

Pursuant to Clause 52.06-1 of the Moorabool Planning Scheme, Table 1 of this clause sets out the car parking requirement that applies to the use of an office. The planning scheme has a rate of 3.5 car space requirement to each 100sqm of leasable floor area. Based on the relevant car parking rate, the increase in floor area of 32.5sqm will require one car space to be provided. The application requests to reduce the parking requirement based on available on-street parking on Inglis and Fiske Street. The reduction of one space in the core activity centre should be seriously entertained as most customers will be visiting multiple businesses, within walkable distance to residential areas and with access to many on-street parking spaces. If one park were able to be constructed on the constrained site, it is likely to have minimal utility for customers. The Parking Provision and Management Policy allows Council to provide reductions if it they are satisfied that additional provision is not necessary. Based on the availability of on-street parking spaces and the nature of the extension, it is considered that the reduction of one car parking space can be supported.

Signage:

The application requests to have new business identification signage to replace the existing signages and an additional double sided under awning lightbox sign. The total area of all signage proposed is estimated to be 14sqm requiring a planning permit pursuant to Clause 52.05-11 for display of signage. Most of the signage proposed complements the business activity as a bank and does not dominate the host building in accordance with the Decision Guidelines under Clause 52.05. Standard signage condition will protect the amenity of surrounding businesses.

The above awning sign (identified on the plans as Sign 1) can be removed as there is sufficient business identification signage to be added to the building canopy. The security film sign (identified on the plans as sign 4a) surrounds the ATM machine and has bright colours tones called 'Bendigo Plum' and 'Bendigo Coral'. This bright security film sign is unnecessary as the ATM will include these colours on the machine facing components. The security film can be removed or replaced with a similar colour to the building façade which is a charcoal colour tone. These minor signage changes can be addressed through the submission of revised plans.

The subject site is not included in the proposed C85 Heritage Amendment and the proposed signage is being updated in colour and style. It is not considered to impact the style and character or heritage elements of the surrounding area.

**GENERAL PROVISIONS**

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

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

**REFERRALS**

Authority	Response
Council's Development Infrastructure	Consent with Conditions.

**FINANCIAL IMPLICATIONS**

The recommendation of approval of this application has no financial implications to Council.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

Council could consider the following options:

- Issue a Notice of Decision to Grant a Planning Permit in accordance with the recommendations of this report; or
- issue a Refusal to Grant an Amended Permit. The Development Assessment Committee would need to consider what reasonable grounds there would be to refuse the application under the Moorabool Planning Scheme. This option may result in the applicant appealing the Committee's decision at VCAT.

**CONCLUSION**

The proposal meets the requirements of the Moorabool Planning Scheme Provisions and the objectives within the Ballan Strategic Directions in providing community services within the commercial precinct. Construction works will be carried out towards the rear of the site having the building design consistent with the existing building on site and appropriately responding to the design identity of Precinct B included in the Ballan Strategic Directions Strategy.

The display of business identification signage is corresponding with the visual appearance of the area and will not cause visual clutter on the building itself or the surrounding area subject to the removal of the above awning sign and removal or replacement of the security film sign. The proposed car parking waiver is regarded to be acceptable with sufficient onsite parking provided on Inglis and Fiskin Street. The buildings and works proposed are minor in nature and will support business activity in Ballan. It is recommended that the application be approved subject to conditions.

**8 UPDATE ON TRENDS, ISSUES AND OTHER MATTERS**

**9 UPDATE ON VCAT DECISIONS**

**10 OTHER BUSINESS**

**11 DATE OF NEXT MEETING**

Wednesday 13 December 2023.

**12 MEETING CLOSE**