



# **AGENDA**

## **Development Assessment Committee Meeting Wednesday, 19 April 2023**

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

**Date: Wednesday, 19 April 2023**

**Time: 6.00pm**

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

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

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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 Wednesday 15 March 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 PA2022119 - USE AND DEVELOPMENT OF A FUNCTION CENTRE, WORKS TO AN EXISTING HOTEL AND VARIATION TO THE LIQUOR LICENCE (PLOUGH HOTEL) AT 17 MAIN STREET, MYRNIONG

**Author:** Jyoti Makan, Senior Statutory Planner

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

**Attachments:** Nil

#### APPLICATION SUMMARY

**Permit No:** PA2022119

**Lodgement Date:** 8 July 2022 – amended 4 November 2022

**Planning Officer:** Jyoti Makan

**Address of the land:** 17 Main Street, Myrniong

**Proposal:** Use and Development of a Function Centre, Works to an Existing Hotel and Variation to the Liquor Licence

**Lot size:** 3.1448.5sqm

**Why is a permit required?** Township Zone for Use and Buildings and Works for a Function Centre; Heritage Overlay – Buildings and Works; Clause 52.27 – Liquor Licence

#### RECOMMENDATION

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant Planning Permit PA2022119 for the Use and Development of a Function Centre, Works to an Existing Hotel and Variation to the Liquor Licence at 17 Main Street, Myrniong subject to the following conditions:

#### Endorsed Plans:

1. Before the use and 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) Any walls and openings within 3m of a boundary (fire source feature will require protection in accordance with Section C of the National Construction Code.
  - (b) The rear stable ramp in accordance with AS1428.1.
  - (c) Clearly define the areas used for the function centre.
  - (d) A geotechnical investigation and report of the carparking area to provide the following:

- i. details of the construction; and
    - ii. provide recommendations to validate that the car parking area is suitable and satisfactory for the parking of vehicles.
  - (e) Evidence to demonstrate that the acoustic panels are constructed as recommended in the Acoustic Advice reported by DBL Engineering dated 7 March 2023 to achieve acoustic performance at 125 – 250Hz. This must be shown on the construction plans with relevant annotations.
  - (f) Structural details of all acoustic measures that will be undertaken and to be certified by an acoustic engineer.
2. All works as recommended within the geotechnical report must be completed prior to the use commencing.
  3. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

**Acoustic Measures:**

4. Prior to the commencement of the use, a monitoring and evaluation plan demonstrating the noise testing times during all events (day, evening and night periods). This plan must be approved to the satisfaction of the Responsible Authority.
5. After commencement of the use (a minimum of two events), a noise testing report must be submitted to the Responsible Authority for approval.
6. As a result of noise testing undertaken under Condition 5, if Db levels have been surpassed, a remediation plan must be submitted and approved by the Responsible Authority.
7. The owner is responsible for all remediation works, including costs and construction works, as recommended by any approved remediation plan.

**Landscape Plans:**

8. Prior to the commencement of any use and development works, a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
  - (a) A survey of all existing and proposed vegetation with their Tree Protection Zones (TPZ's), and natural features.
  - (b) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant and based on species selection recommended by Council. All designs must be in accordance with Moorabool's Landscape Design Manual.
  - (c) A schedule of timing for planting, watering and maintenance.
  - (d) Details of the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. The adoption of porous/permeable paving, rain gardens and other water sensitive urban design features is encouraged.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be

replaced.

10. At all times during the development of the land, the trees identified for retention and TPZs on the endorsed plans of this permit must be protected by the use of temporary fencing that extends out to the drip line of the trees. The fences will serve to increase contractor awareness, whilst maintaining the safety and integrity of the existing vegetation and preventing the parking of vehicles or stockpiling of soil or materials under the canopy of the trees.
11. Before the use and occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

**Operational:**

12. Prior to the use commencing, the applicant must apply to the Victorian Civil and Administrative Tribunal to cancel the following permits:
  - (a) PA2018169 – Use, Buildings and Works associated with an Existing Function Centre (Marquee, Cool room and Refurbishment of Stables) with reflective cladding and request to waiver car parking.
13. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) presence of vermin; and
  - (e) any other way.
14. The use hereby permitted may only operate between the hours of 11am to 11.30pm Monday to Sunday.
15. Unless with the prior written consent from the Responsible Authority, no more than 300 patrons are permitted on the property at any one time.
16. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
17. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 to the satisfaction of the Responsible Authority.
18. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

**Native Vegetation:**

19. Unless exempt under Clause 52.17 or any other relevant provision of the Moorabool Planning Scheme, native vegetation must not be removed, destroyed or lopped without further planning approval.

**Materials and Colour:**

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

**Buildings and Works:**

21. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.

**Development Infrastructure:**

22. 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 wastewater disposal areas.
23. 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).
24. 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.
25. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset 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.
26. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Management Plan must show:
  - (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
  - (b) Dust control.
  - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
  - (d) Where access to the site for construction vehicle traffic will occur.
  - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
  - (f) The location of any temporary buildings or yards. Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.
27. A Traffic Management Plan prepared by a suitably qualified and experienced person must be provided and include but not limited to:
  - (a) Proposed routes to and from the subject site.
  - (b) Expected vehicle movements to and from the site.

- (c) Site access arrangements for vehicles.
  - (d) Measures proposed to mitigate traffic impacts resulting from any event.
  - (e) Road signage including location type and size.
  - (f) The car parking of all vehicles must be confined to boundary within the designated parking areas on the endorsed plan.
  - (g) Parking attendants must be present at all times to ensure free flowing traffic movements within the site and that all access/egress at the site is in a forward movement.
  - (h) Onsite parking must be constructed and managed to the satisfaction of the Responsible Authority.
  - (i) Event site plan.
  - (j) Safety Policy and site safety rules.
  - (k) Hazard identification and risk management and controls.
  - (l) Incident Management.
  - (m) Security and Crowd Control.
  - (n) Emergency Management and First Aid.
  - (o) Public Health.
  - (p) Environmental Management.
28. Prior to the commencement of the use and development of the Function Centre, a car park plan in accordance with the approved Traffic Management Plan and Geotechnical Assessment must be submitted and approved by the Responsible Authority.
29. All works as approved within the car park plan must be completed prior to the use and development of the Function Centre.

**Permit Expiry:**

30. This permit will expire if:

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

**Permit Notes:**

A building permit is required and a full assessment by the Relevant Building Surveyor be undertaken prior to building work commencing.

Noise and time restrictions be in accordance with all EPA requirements and Regulations.

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<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	None.
Number of objections:	One.
Consultation meeting:	The submission content was discussed with the applicant. The objector discussed the proposal with officers regarding the acoustic revisions of the proposal.

### **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 1.3: Facilitate opportunities for the community to gather and celebrate**

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 – Jyoti Makan*

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

### **EXECUTIVE SUMMARY**

Application referred?	Yes.
Any issues raised in referral responses?	Heritage approvals, noise mitigation measures, stormwater management and car parking.
Preliminary concerns?	Previous permits and technical definitions to allow the proposed use and development, siting and design of the building, existing use rights, street trees, and car parking.

Any discussions with applicant regarding concerns?	Several meetings and discussions took place with the applicant. A formal request for information was also made.
Any changes made to the application since being lodged?	The application proposal changed to include the use and development and not just for the development of the function centre. It also included the works in the heritage overlay.
Brief history.	The site contains an established hotel building within the main street of Myrning.
Previous applications for the site?	Several planning permits to allow building and works to an existing hotel.
General summary.	<p>A proposal is made to replace the existing temporary marquee with a permanent structure to be used as a function centre. The proposal includes alterations that were made over the years to the heritage building. A variation to the red line area is also requested to increase the area that liquor can be consumed in the site including the chapel area and the outdoor decking area. The hours of operation and patron numbers remain unchanged. One objection was received due to a proposed acoustic wall not been undertaken with the current temporary marquee area. An acoustic report was submitted, and further information was required to ensure that the building is constructed to ensure that off-site noise impacts are to an acceptable level.</p> <p>A recommendation is made to approve the proposal subject to standard amenity conditions.</p>
<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 PA2022119 for the Use and Development of a Function Centre, Works to an Existing Hotel and Variation to the Liquor Licence at 17 Main Street, Myrning subject to conditions.	

## SITE DESCRIPTION

The site is triangular in shape and approximately 3,165sqm accessed from Main Street in Myrning and is identified on title as Lot 1 on Plan of Subdivision PS324527B. The site is known as The Plough Hotel.

Several existing buildings are evident on the site, including a heritage building. The site is accessed from Main Street.

The topography of the land is mainly gentle with a slight fall from Blow Street towards the Main Street. An informal car park is existing along the unmade Blow Street.



**Figure 1:** Aerial image of the site

### **PROPOSAL**

The proposal related to the removal of the permitted temporary marquee to be replaced by a commercial function space and will be used in conjunction with an existing food and drink premise (Hotel).

The proposed floor area of the function space is 146.7sqm and will be accessed with the existing hotel entrance at the north-eastern corner. The existing Colorbond fence will be removed to create additional landscaping across the northern side of the new structure to visually soften the street presentation of the building. The height of the function centre is 5.1m at the highest point.

An additional rendered masonry extension to the rear of the structure is proposed providing additional toilet, kitchen and bar facilities.

All materials are proposed to be non-reflective. The number of patrons remains unchanged and is currently stands at 300 patrons. However, the proposed red line area to allow consumption of alcohol is increasing to include the chapel and decking area.

Alterations are proposed to the shed located at the southwestern corner. The shed is within the Heritage Overlay and the re-cladding of the shed. The shed alterations are to replace the existing zincalume sheet cladding with masonry/Hebel and render with a colour of Woodland Grey and are proposed for fire safety reasons and will meet the objectives of the Design and Development Overlay – Schedule 2.

No alterations to the site access are proposed.

The proposed works to the heritage overlay is:

- Fencing.
- Clear glass outdoor dining style balustrade to front veranda and concrete form work to front the building.
- Loss of the timber and roughcast porch.
- Loss of original doors and new wrought iron screens on front doors.
- Speakers attached to the eaves on the east side.
- Construction works in rear garden areas including retaining walls and outbuildings.

The images below represent the difference between the original and the existing building.



**Image 1:** Original building



**Image 2:** Existing building

## **BACKGROUND TO CURRENT PROPOSAL**

The application was made to replace the temporary marquee area and increase the red line liquor licensing area all under one planning approval. This was explained to applicant based on the history of the site and the definition of the proposed land uses.

## **HISTORY**

The site was used as a licensed premises since 1861. Several permits are relevant to the site. The operation of the bistro is operating since 2010. One of the permits relate to the construction of a marquee subject to conditions in permit PA2018169. The conditions on this permit were not all met and led to enforcement procedures. Council requested that the marquee and all associated

infrastructure associated with the use be decommissioned. Upon requests for several events on the land, the landowners made the decision to replace the marquee with a permanent structure.

A range of works within the heritage overlay were undertaken without appropriate planning or building approval. To include all works and use on the site, the proposal includes the works to the heritage building.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners. Letters were sent to neighbouring properties and a sign was placed on site. One objection was received.

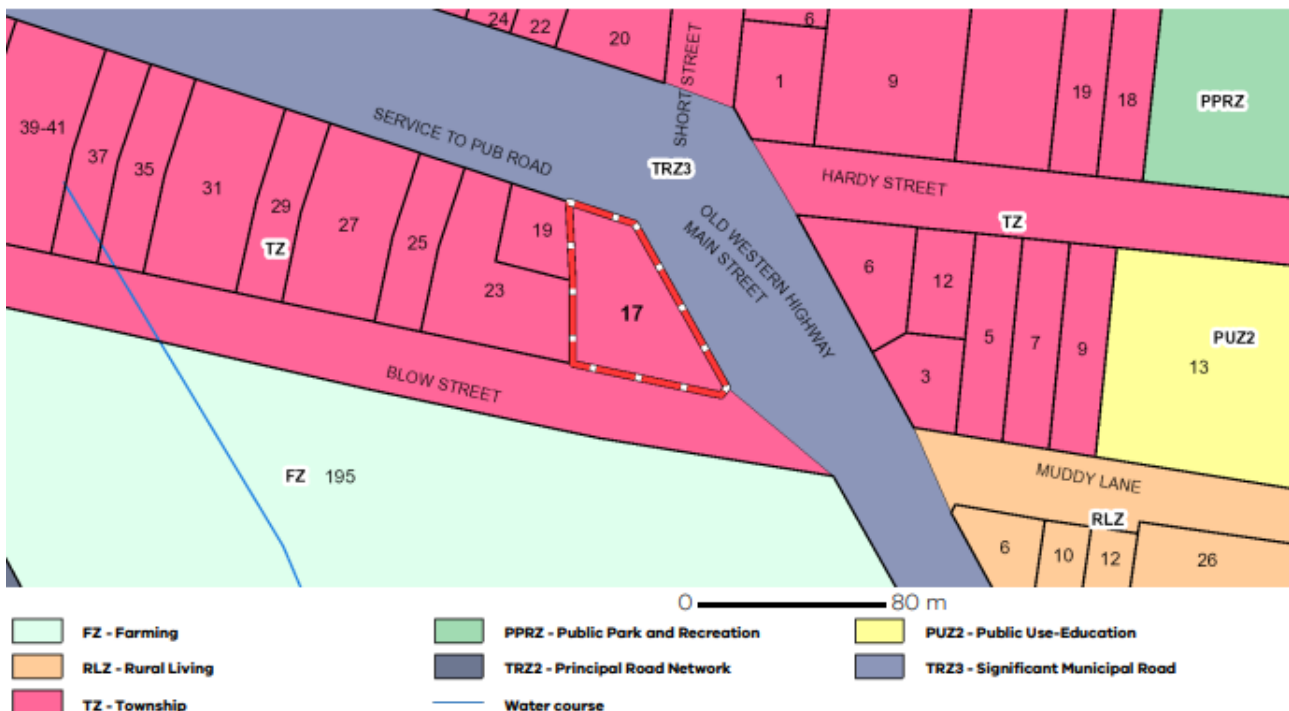
**SUMMARY OF OBJECTIONS**

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

Objection	Any Relevant Requirement
Noise – the music venue is opened until 11pm every night. Many complaints were submitted about the noise. The previous plans had an acoustic wall and the revised plans do not have an acoustic wall.	Clause 13.05 – Noise
<b>Officer’s Response:</b>	
According to the recommendations contained in the acoustic report, the acoustic wall is no longer needed as the structure proposed is not a marquee and is now permanent. Further information was required of the applicant to revise the acoustic report to clearly demonstrate minimal risks to environmental health and amenity.	

**LOCALITY MAP**

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



**Figure 2:** Locality and zoning map



## 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 13.05 – Noise
- Clause 13.07 – Amenity, Human Health and Safety
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development
- Clause 11.03 – Planning for Places
- Clause 11.01-1L-04 – Small towns and settlements

## ZONE

The site is in the Township Zone and requires a permit to use the land as a Function Centre (Place of Assembly) and for the associated development of the buildings.

It is noted that the bistro and “hotel” are existing use rights. A hotel is defined in the planning scheme as land used to sell liquor for consumption on and off the premises. It may include accommodation, foods for consumption on the premises, entertainment, dancing, amusement machines and gambling.

A function centre is defined as land used by arrangement to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing. A “function centre” is nestled as a “Place of Assembly” in the planning scheme.

A “Hotel” is nestled as “Retail premises” and this has been historically evident on the site.

## OVERLAYS

### Heritage overlay (HO185) (Clause 43.01)

This overlay refers to the Plough Inn Hotel where paint and solar energy controls apply. This overlay serves to ensure that development does not adversely affect the significance of heritage places.

### Design and Development Overlay – Schedule 2 (Clause 43.02)

Refers to visual amenity and building design. Non-reflective materials are proposed therefore no permit is required under this overlay.

## Particular Provisions

### Clause 52.06 – Car Parking

The proposal does not increase patron numbers or building footprint, therefore no changes to the car parking rate.

Considering that the previous permit for the function centre is recommended to be cancelled to allow for the recommendations contained in this report to take precedence, the construction of the car park was re-evaluated and led to the requirement for a geotechnical assessment of the unconstructed area. A car park layout plan is also proposed and must be endorsed by Council upon the satisfaction of the Responsible Authority.

Clause 52.17 – Liquor Licence (variation of the red line area)

A planning permit is required to vary the licensed red line area.

**DISCUSSION**

The proposal includes a fixed structure for a function centre (place of assembly), works in the Heritage Overlay, and variation to the liquor licence area associated with the existing hotel use rights. Evidently, the land has been used as a bistro and hotel for many years.

The proposed function centre building is sited in the same place the marquee was proposed. No acoustic wall is proposed in this application that was part of the temporary marquee approval due to the permanent structure being constructed which lessens the noise impacts by containing solid walls. An acoustic report was required to show how the development will minimise noise impacts to an acceptable level.

The proposed fencing and landscaping does not negatively impact the streetscape therefore meeting the objectives of the zone.

The works associated with the heritage building were required due to the condition of the building and the need to retrofit aspects of the building to allow for the existing operations to occur. There were no objections from Council's Heritage Adviser based on a heritage assessment.

The liquor licence area is increased to use most of the site including the stables and outdoor decking areas.

The new recommended conditions will enforce the whole for the site and the previous permit for the temporary marquee is no longer required considering that the application is now made for a permanent structure.

The patron numbers and hours of operation remain unchanged, however conditions are recommended regarding noise, car parking, amenity and ensuring the development minimises off site impacts.

All services are currently already in place with some changes made towards stormwater management. The application was accompanied by an acoustic report, liquor licence and stormwater management plan to support the proposal.

The proposed use and development is considered to support a local tourism and commercial activity within a small town. The proposed use and development should be supported.

## 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
Department of Transport and Planning	No objection.
Council's Heritage Advisor	Application should include all retrospective works to the heritage building.
Council's Building Services	Comments relating to building permit requirements, walls and openings 3m of the rear boundary, rear stable alterations ramp requirements.
Development Infrastructure Services	Consent with conditions.
Community Health and Safety/Environmental Health	No objection.

## 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 if required.

## OPTIONS

- issue a Notice of Decision to Grant a Planning Permit in accordance with the recommendation of this report; or
- issue a Notice of Decision to Grant a Planning Permit with amendments to recommendation of this report; or
- issue a refusal to Grant a Planning Permit. The Committee would need to consider what reasonable grounds there would be to refuse the application. This option may result in the applicant appealing the decision to VCAT.



**CONCLUSION**

The proposal is to use and develop the land as a function centre and its associated works in the Heritage Overlay. The siting of the buildings, patron numbers, and hours of operation remain unchanged. The requirements for acoustic measures will minimise the risks of off-site noise to neighbouring properties. The proposal is also considered to hold long term tourism and economic growth potential for the area. The proposal is recommended for approval subject to conditions contained in the report.

**7.2 PA2022042 - DEVELOPMENT OF THREE DWELLINGS AT 25 ROSEHILL DRIVE, BACCHUS MARSH**

**Author:** Victoria Mack, Statutory Planner

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

**Attachments:** 1. Development plans (under separate cover)

**APPLICATION SUMMARY**

**Permit No:** PA2022042

**Lodgement Date:** 16 March 2022

**Planning Officer:** Victoria Mack

**Address of the land:** 25 Rosehill Drive, Bacchus Marsh, Lots 1 & 2 on PS 617204U

**Proposal:** Development of Three Dwellings

**Lot size:** 900sqm

**Why is a permit required?** Clause 32.08-6 Construction of two or more dwellings on a lot.

**RECOMMENDATION**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant Planning Permit PA2022042 for the Development of Three Dwellings at 25 Rosehill Drive, Bacchus March, otherwise known as Lots 1 and 2 on PS 617204U, subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans (Issue 12 dated 22 July 2022 drawn by Kenji Terashima) drawn by but modified to show:
  - (a) Increase first floor setbacks to be greater than 8m from the north western site boundary for all dwellings to enable a setback of no less than 9m from existing habitable windows on an adjacent property.
  - (b) After incorporating Condition 1(a) into the design, increase solar access to habitable rooms on the first floor by increasing the size of the windows.
  - (c) Increase the ground floor setbacks to be no less than 4m from the north western boundary to provide for improved secluded private open space.
  - (d) Annotate dwelling numbers on all elevation plans.
  - (e) Convert the double garage to Dwelling 1 to a single garage while retaining the tandem car space to reduce the prominence of the garage in compliance with ResCode standard B1.
  - (f) Decrease the front setback of Dwelling 1 to 5m from Rosehill Drive to allow for the

garage to be setback at least 970mm from the front building line.

- (g) Provide windows along the garage wall of Dwelling 1 facing Epsom Close, to better adapt to the existing neighbourhood character.
  - (h) Fencing to Dwelling 1 must be semi-transparent fencing and no higher than 1m for at least 50% of the south eastern boundary (Epsom Close side boundary).
  - (i) Show the location of any external plant and equipment including any roof top services.
  - (j) Landscaping plan in accordance with Condition 3.
2. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

**Landscaping:**

3. Before commencement of the development, a landscape plan must be prepared by an experienced landscape architect, landscape designer or suitably qualified person, in accordance with the endorsed plans. The landscape plan must be drawn to scale, indicating all relevant concept layouts and sections/elevations, including but not limited to the following:
- (a) At least two canopy trees within the front setbacks of all dwellings with a minimum height of 1.5m at the time of planting.
  - (b) One Canopy tree with a minimum height of 1.5m at the time of planting within the secluded private open space of each dwelling.
  - (c) A detailed plant schedule including all proposed tree, shrub, groundcover and climbing plant species, botanical names, common names, pot sizes, sizes at maturity, plant densities and quantities of each plant with reference to the relevant Australian Standards and NATSPECS.
  - (d) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.

When approved, the plan will be endorsed and will then form part of the permit.

4. Landscaping within the development must be provided in accordance with an approved landscape plan and Moorabool's Landscape Design Manual, to the satisfaction of the Responsible Authority.
5. Prior to building occupancy, all landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.

**Development Infrastructure:**

6. All proposed vehicle crossings must be constructed to urban residential standard the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
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 dwellings must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
6. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
  7. 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.
  8. 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.
  9. 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.
  10. 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).
  11. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services identifying any existing change to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
  12. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the Responsible Authority for approval, detailing but not limited to the following:
    - (a) Location of vehicle crossings.
    - (b) Details of the underground drainage.
    - (c) Location of drainage legal points of discharge.
    - (d) Standard details for vehicle crossing and legal point of discharge.
    - (e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the Responsible Authority.

**Powercor:**

13. The applicant shall negotiate for an electricity supply to the development in accordance with the Distributor’s requirements and standards.

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

14. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).  
Note: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

**Permit Expiry:**

15. The permit will expire if:

- (a) the development and use are 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.

**Permit notes:**

The applicant must either vary or remove easements in accordance with the *Subdivision Act 1988* before commencement of the development.

**Powercor**

It is recommended that applications for electricity supply be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:  
<https://customer.portal.powercor.com.au/mysupply/CIWQuickCalculator>.

Queries about this application may be directed to the Customer Requests Team on 1800 771 434 or [crr@powercor.com.au](mailto:crr@powercor.com.au).

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<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Two notices, one facing Rosehill Drive and another facing Epsom Close.
Notice in Moorabool Newspaper:	Not required.
Number of objections:	Three objections.
Consultation meeting:	Not held. Revised plans can address some of the objector's concerns.

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire**

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

## **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 – Victoria Mack*

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

## **EXECUTIVE SUMMARY**

Application referred?	The application was referred to Powercor and Council's Development Infrastructure.
Any issues raised in referral responses?	Development Infrastructure requested further information on stormwater management and drainage.
Preliminary concerns?	The slope of the site; how the application responded to Clause 55; and complying with the preferred neighbourhood character of the area.

Any discussions with applicant regarding concerns?	Extensive discussions were held with the applicant and the drafts person in relation to the provision of additional reports and amended plans to meet the requirements.
Any changes made to the application since being lodged?	Additional reports were provided, however no significant changes were made to the plans.
Brief history.	Vacant land.
Previous applications for the site?	<ul style="list-style-type: none"> <li>• PA2004279 - Construction of Three Dwellings on One Lot issued on 8 April 2005 by Council.</li> <li>• PA2008025 - Three Lot Subdivision more information not provided and subsequently lapsed.</li> <li>• PA2009007 - Two Lot Subdivision issued on 8 November 2010 under delegation.</li> <li>• PA2016089 - Two Lot Subdivision issued on 12 August 2016 under delegation.</li> <li>• PA2021116 - Development of Three Dwellings, more information not provided and subsequently lapsed.</li> </ul>
General summary.	<p>The proposal includes three dwellings over two separate titles. The application was advertised and referred to relevant internal and external authorities.</p> <p>Concerns were related to stormwater management, dwelling layout in relation to slope and neighbourhood character objectives.</p> <p>Objections were received mainly regarding an overdevelopment of the site and neighbourhood character.</p> <p>Minor changes were made to respond to the concerns. However, not all design concerns were addressed. Rather than outright refusal there is still scope to make more substantial changes without reducing the number of dwellings or bedroom numbers. Conditions can be imposed towards ensuring a positive design outcome with significantly improved layout and better integration with the existing streetscape. An assessment was conducted against the Moorabool Planning Scheme and subject to the submission of revised plans, the proposal is recommended for approval.</p>

**Summary of Officer’s Recommendation**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant Planning Permit PA2022042 for the Development of Three Dwellings at 25 Rosehill Drive, Bacchus March, otherwise known as Lots 1 and 2 on PS 617204U, subject to conditions contained in this report.

**SITE DESCRIPTION**

The site is located on the southwest corner of the intersection of Epsom Close with Rosehill Drive. The site consists of two lots with a combined area of 900sqm and slopes down from north to south with a fall of approximately 6.5m. There is no remnant vegetation on the site.

A 15m wide electricity and drainage easement which crosses the site from northeast to southwest. This easement is redundant, and dwellings are constructed over the easement to the west and east of the site.

A second easement (E1) for drainage and sewerage is located in the southwest corner of the site and does not affect the proposed development outcome.

The surrounding subdivision is approximately 15 years old. The site is comprised of vacant land.



**Figure 1:** Aerial image of the site and surrounds.



**PROPOSAL**

The proposal is for three double storey dwellings on a 900sqm lot.

The lots sizes would be:

- Dwelling 1 being 389sqm
- Dwelling 2 being 253.80sqm
- Dwelling 3 being 256.30sqm

The garden area calculations provided show that the site can achieve 48% garden area.

The ground floor area of each dwelling would be:

- Dwelling 1 being 118sqm
- Dwelling 2 being 105sqm
- Dwelling 3 being 102sqm

Each dwelling contains three bedrooms. Single garages are proposed for Dwellings 2 and 3, with Dwelling 1 having a double garage which will be accessed from Rosehill Drive. Dwellings 2 and 3 will be accessed from Epsom Close.

The dwellings are setback a minimum of 5.5m from the northern Rosehill Drive frontage, 6.7m from eastern Epsom Close frontage, 1.81m from the southern side boundary and 3m from the western side boundary.

All dwellings would have brick cladding on the ground floor and weatherboard cladding on the upper floor with Colorbond steel roofing.

The dwellings are located on sloping land and the proposal involves a site cut necessitating the need for retaining walls.

A concept landscape plan was provided with the application.

There is an adjacent dwelling on the immediate western property setback 1.47m from the common boundary with the subject land. The surrounding area is mostly comprised of single dwellings on single lots.

**BACKGROUND**

The site has a history of numerous permit applications which are detailed below:

- PA2004279 - Construction of Three Dwellings on One Lot issued on 8 April 2005 by Council.
- PA2008025 - Three Lot Subdivision more information not provided and subsequently lapsed.
- PA2009007 - Two Lot Subdivision issued on 8 November 2010 under delegation.
- PA2016089 - Two Lot Subdivision issued on 12 August 2016 under delegation.
- PA2021116 - Development of Three Dwellings, more information not provided and subsequently lapsed

The proposal was amended in process to partly address the ResCode standards and provide additional reports covering storm water management plan and drainage. No significant design changes were made to the dwellings or setbacks.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners. Three objections were received.

**SUMMARY OF OBJECTIONS**

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

<b>Objection</b>	<b>Any Relevant Requirement</b>
Amenity impacts Traffic hazards caused by exiting Epsom Close – driver view restrictions onto Rosehill Drive Car parking along Epsom Street will cause traffic issues	ResCode - Clause 55
<b>Officer's Response:</b> The application was referred to Council's Development Infrastructure who raised no concerns about potential traffic impacts caused by the development.	
Over development	ResCode – Clause 55 Neighbourhood character objectives precinct 25
<b>Officer's Response:</b> Multi-unit developments are to be expected in a natural growth area, with key considerations being the design and built form to allow development of an appropriate scale and a design response that is sympathetic to the existing character of the precinct. Subject to proposed changes, this development is considered to achieve this outcome  The development generally has a high level of compliance with ResCode standards and subject to revised plans, can provide large secluded private open space areas characteristic to the surrounding area.	
Incorrect labelling of study in Dwelling 2	No requirement
<b>Officer's Response:</b> The incorrect naming of the study has been noted and there is no impact on the onsite car parking provision.	
Incorrect information represented in the stormwater report, all lots should be covered in the report.	Clause 19.03 – Development Infrastructure Clause 53.18 – Stormwater Management in Urban Development
<b>Officer's Response:</b> An updated Stormwater Management Plan prepared by Regional Project Consulting Pty Ltd dated 8 June 2022 has addressed stormwater management which has been accepted by Council's Development Infrastructure.	

## LOCALITY MAP

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



**Figure 2:** Zone map of site and surrounds.

## PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 02.03-1 – Settlement - Bacchus Marsh
- Clause 02.03-5 – Built environment and heritage.
- Clause 02.03-6 – Housing
- Clause 15 – Built environment and heritage
- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Urban design – Bacchus Marsh
- Clause 15.01-2L-01 – Building design
- Clause 15.01-5S – Neighbourhood character
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 16.01-1S – Housing supply
- Clause 16.01-1L – Housing supply in Moorabool
- Clause 16.01-2S – Housing affordability

The proposal complies with the relevant sections of the PPF, with the exception of the following clauses which can be addressed through the submission of revised plans:

PPF/VPP	Title	Response
Clause 15.01-1S	Urban design Objective	The number of windows for natural light are limited. The design of Dwelling 1 at the corner of the street requires alterations to allow for surveillance and visual interest. Fencing requirements at the corner and design can be addressed with permit conditions. All setbacks of first and ground floor are recommended with changes to allow for improved solar access.
Clause 15.01-2L-01 -	<p>Building design Objective</p> <p>Avoiding constructing on slopes greater than 20%.</p> <p>Avoid protruding above ridgelines, hill tops and tree canopies.</p> <p>Avoid construction on steep slopes.</p> <p>Minimise soil disturbance and levels of excavation and fill.</p>	Development Infrastructure has advised that the slope is manageable, and the proposal involves a site cut of less than 20%.
Clause 15.01-5S	Neighbourhood character	<p>Subject to revised plans with changes to setback and reducing the prominence of garages can allow the development to integrate with the existing neighbourhood character.</p> <p>The site cut reduces the visual bulk impacts of the double storey dwellings.</p>
Clause 15.01-5L	<p>Landscape and neighbourhood character objective</p> <p>Ensure that housing design allows space for tree plantings and enhances the existing landscape as a priority on both public and private land.</p>	Landscape requirements can be addressed with permit conditions.

**ZONE**General Residential Zone, Schedule 2

In accordance with Clause 32.08-6 a permit is required to construct two or more dwellings on a lot.

The purpose of the General Residential Zone is, in part, to encourage development that respects the neighbourhood character of the area and a diversity of housing types and housing growth particularly in locations offering good access to services and transport

It is considered the proposal does provide housing choice and diversity. The site has access to a public bus service located approximately 460m from the site in Bacchus Marsh Road. The service connects to the Bacchus Marsh township and railway station.

**OVERLAYS**

No overlays apply to the site.

**RELEVANT POLICIES**Neighbourhood Character Precinct 25.

Precinct 25 includes a preferred character of natural growth where incremental change would happen over a period of time. Whilst multi-unit developments could be accepted in a natural growth area, the design and built form should be of modest scale and sympathetic to the existing character of the precinct. Maintaining the streetscape pattern and encouraging tree planting is fundamental to be maintained.

The development inclusive of the proposed changes is sympathetic to the existing and preferred neighbourhood character by providing three freestanding dwellings with open spaces of appropriate scale and dimension.

**PARTICULAR PROVISIONS**Clause 52.06 – Car Parking

The purpose of this particular provision is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Two car parking spaces are required for every three or more-bedroom dwelling.

There is no reduction to the standard car parking requirement. The car parking spaces comply with design standard 1.

Clause 55 of the Moorabool Planning Scheme – ResCode

The proposal complies with ResCode (Clause 55), except for the following:

Clause ResCode	Title	Response
B1 Neighbourhood character objectives	<p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• Any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• The neighbourhood and site description.</li> <li>• The design response.</li> </ul>	<p>The design, built form, height and density of the development can adapt to the preferred neighbourhood character of this precinct.</p> <p>Inclusive of the proposed changes, the layout will achieve larger secluded private open space areas and a more sympathetic built form.</p>
B10 Energy Efficiency	<p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>Buildings should be oriented to make appropriate use of solar energy.</p>	<p>Inclusive of the proposed changes, window areas will be increased in size to provide for improved internal amenity.</p>
B19 Daylight to Existing Windows	<p>To allow adequate daylight into existing habitable room windows.</p>	<p>Inclusive of the proposed changes, an increased setback will protect daylight to existing windows on the neighbouring property.</p>
B22 Overlooking	<p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Inclusive of the proposed changes, increased first floor setbacks of habitable room windows will protect the neighbouring property from overlooking.</p>

## DISCUSSION

The site is located within an established residential area where there is strategic support for well-designed infill development. There are only a few remaining vacant lots which provides an opportunity for medium density housing.

The site has access to a range of public services and is in close proximity to the Bacchus Marsh township and can utilise existing infrastructure within the street.

The proposal covers two vacant residential lots and the combined land area at 900sqm allows for three residential dwellings with large secluded private open space areas.

The preferred neighbourhood character in Precinct 25 is part states:

*'Multi-dwelling developments should minimise the need for additional crossovers to the street, be located on lots within the precinct that are within a walkable distance of some services and facilities and have minimal impact on the streetscape rhythm and pattern. Therefore, some lots within the precinct may not be suitable for further intensification'.*

The proposal avoids increasing all three crossovers to one street. Dwelling 1 is accessed from Rosehill Drive and Dwellings 2 and 3 are accessed from Epsom Close. This allows for clear dwelling entry area and surveillance without compromising the visual interest towards the streetscape.

One of the initial concerns was solar access. The internal layout was altered to ensure that living areas and secluded private open spaces face a northerly direction to allow the best possible solar access achieving energy efficiency.

The proposal provides adequate front and rear setbacks to allow for canopy tree planting opportunities and further landscaping to reduce the urban heat effect.

Conditions are proposed to allow for solar access to habitable rooms and at the same time minimising overlooking towards neighbouring properties. It is recommended that the first floor of the dwellings be setback at least 8m from the western site boundary, so that the bedrooms could be constructed with larger windows to increase internal amenity and quality living in the dwellings. The increase in the first floor setback from the side boundary will reduce overlooking concerns to the adjacent western property.

It is also recommended that the garage interface of Dwelling 1 towards the corner of Epsom Close and Rosehill Drive be treated with alterations to setbacks, materials, windows and fencing.

Although the slope of the site was an initial concern, this can be addressed using site cutting and retaining walls which lowers the height of the dwellings compared to the natural ground level.

The siting of the dwellings and visual bulk concern can be addressed through revised plans.

The proposal is recommended for approval as it adds housing diversity to the neighbourhood and increases house typology and affordability.

## 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
Powercor Australia	Consent with conditions.
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 if required.

## OPTIONS

That the Development Assessment Committee could consider the following options:

- issue a Notice of Decision to Grant a Planning Permit with conditions in line with the recommendation in this report.
- issue a Refusal to Grant a Planning Permit. The Committee would need consider how the development of the land in the General Residential Zone does not comply with the provisions of the Moorabool Planning Scheme.

## CONCLUSION

The proposal generally meets the minimum objectives and standards contained in ResCode at Clause 55 of the Moorabool Planning Scheme.

The dwelling footprint achieves an acceptable garden area for the site. It is considered that the proposed three double storey dwellings in this location of an established residential precinct is an acceptable design response.

Proposed changes to setbacks, solar access and internal amenity allows for a well designed medium density development and therefore it is recommended for approval.



**7.3 PA2022207 - USE AND DEVELOPMENT FOR A STORE (SELF-STORAGE FACILITY), DISPLAY OF FLOODLIT SIGNAGE AND A REDUCTION OF CAR PARKING AT 47 GRIFFITH STREET, MADDINGLEY**

**Author:** Thomas Tonkin, Statutory Planner

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

**Attachments:** 1. Proposed plans (under separate cover)

**APPLICATION SUMMARY**

**Permit No:** PA2022207

**Lodgement Date:** 19 October 2022, with an Amendment in Process lodged 28 February 2023

**Planning Officer:** Tom Tonkin

**Address of the land:** 47 Griffith Street, Maddingley

**Proposal:** Use and development for a Store (Self-Storage Facility), display of floodlit signage and a reduction of car parking

**Lot size:** 826sqm

**Why is a permit required?** Clause 33.02 Industrial 2 Zone – Use and development for a Store; Clause 52.05 Signs – Display of floodlit signage; Clause 52.06 Car Parking – Reduction of car parking

**RECOMMENDATION**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue Planning Permit PA202207 for the Use and Development of a Store (Self-Storage Facility), Display of Floodlit Signage and a Reduction of Car Parking at Lot 55 on PS 009222 known as 47 Griffith Street, Maddingley, subject to the following conditions:

**Endorsed Plans:**

1. Before the use and 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 identified as TP-002, TP-003 and TP-004, Rev. B dated 6 December 2022 and prepared by C T Drafting P/L but modified to show:
  - (a) A landscape plan in accordance with Condition 11.
  - (b) Include a notation that all building colours will have a muted tone and be non-reflective.
  - (c) A notation that the development on the adjoining lot showing existing containers are not part of this approval.
2. The use and development as shown on the endorsed plans must not be altered without

the written consent of the Responsible Authority. All buildings and works must be constructed or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

**Operational:**

3. The loading and unloading of goods and materials from vehicles must only be carried out on the land.
4. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.

**Amenity:**

5. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) presence of vermin; or
  - (e) any other way.
6. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in the Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
7. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
8. Any security alarm or similar device installed must be of a silent type.
9. Goods, equipment or machinery must not be stored or left exposed in a position that can be readily seen from the street.

**Materials:**

10. All external walls and roof areas of the proposed buildings must be non-reflective and muted in colour to generally blend with surrounding development to the satisfaction of the Responsible Authority.

**Landscape Plans:**

11. Before the use and 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 must show:
  - (a) Details of surface finishes of the accessway.
  - (b) A planting schedule which must incorporate a mix of trees, shrubs and ground covers and include botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - (c) landscaping and planting within all open areas of the site.
  - (d) No trees or shrubs planted over existing or proposed drainage infrastructure or

**easements.**

Species selection must include indigenous species and shall be to the satisfaction of the Responsible Authority.

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

**Signs:**

14. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
15. Sign illumination must be suitably baffled and located to avoid light spill beyond the approved signs.
16. The location, size and lighting of the approved signs must not be altered without the prior written consent of the Responsible Authority.
17. Except where exempt under the Moorabool Planning Scheme, no signage other than shown on the plans endorsed under this planning permit shall be constructed or displayed without separate planning approval.
18. Signage expires 15 years from the date of this permit.

**Development Infrastructure:**

19. Prior to the commencement of the use, two new standard Industrial vehicle crossings must be constructed to the satisfaction to the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings. Existing redundant crossings must be removed and reinstated to the satisfaction of the Responsible Authority.
20. 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.
21. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
  - (a) The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
  - (b) The 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 use of an approved retardation treatment located and constructed to Council's satisfaction.
  - (c) If required, modifications must be made to the layout of the development based on the approved stormwater design.
  - (d) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.

22. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
23. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the Responsible Authority prior to the commencement of the works associated with the permit.
24. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council’s Development 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 fully reinstated at no cost to and to the satisfaction of the Responsibility Authority.
25. 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).
26. Prior to the use commencing, the accessway must be constructed with an all-weather surface and drainage to the satisfaction of the Responsible Authority.

**Permit Expiry:**

27. This permit will expire if:
  - (a) the development and the use are 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.

**Permit Note:** It is strongly recommended that the permit holder consult with a registered Building Surveyor to advise on any requirements under the Building Act, Building Regulations and any other subordinate legislation.

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<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	No.
Notices on site:	None.
Notice in Moorabool Newspaper:	None.
Number of objections:	None.
Consultation meeting:	Not applicable.

## **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 not 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 – Tom Tonkin*

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

## **EXECUTIVE SUMMARY**

Application referred?	Yes, to Council's Development Infrastructure.
Any issues raised in referral responses?	A Stormwater Management Strategy and car parking demand assessment were requested.
Preliminary concerns?	Concerns were raised regarding insufficient space for landscaping. Additionally, information was requested regarding lighting of the site and signage.
Any discussions with applicant regarding concerns?	The applicant was advised in writing of the preliminary concerns.
Any changes made to the application since being lodged?	The application was amended on 28 February 2023 to include proposed floodlit signage.

Brief history.	Not applicable.
Previous applications for the site?	None.
General summary.	It is proposed to develop the site for a self-storage facility comprising 29 storage units and waive the car parking requirement. Overall, the proposal is generally in accordance with all relevant planning policies. Subject to conditions, the proposed use and development is appropriate for the site and the reduction of car parking would be acceptable considering the nature of the proposed use combined with the proposed design and layout of the development and access arrangements. There will be intermittent use of units and limited demand for onsite parking by visitors.
<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 Planning Permit PA2022207 for the Use and Development of a Store (Self-Storage Facility), Display of Floodlit Signage and a Reduction of Car Parking at Lot 55 on PS 009222 known as 47 Griffith Street, Maddingley, subject to the conditions contained within this report.	

## SITE DESCRIPTION

The subject site, identified as Lot 55 on PS009222 and known as 47 Griffith Street is a rectangular shaped 826sqm lot located on the southwest corner of Griffith and Hillside Streets, Maddingley. The site is currently vacant, noting the recent demolition of a dwelling, with no significant vegetation and falls generally from west to east by up to 1m. Existing vehicle access is via a concrete crossover to Griffith Street and a gravel crossover to Hillside Street. A 0.91m wide drainage easement is located parallel to the rear title boundary.

The subject site and surrounding land south of Griffith Street is in the Industrial 2 Zone and typified by a mix of mostly small-scale manufacturing and service industries and warehouses. There is an existing self-storage facility to the immediate west of the site. To the north, across Griffith Street, is land in the General Residential Zone mainly developed with dwellings. Griffith Street is in a Transport Zone 3 with a road reserve approximately 60m wide including service lanes on both sides of the central carriageway.



**Figure 1:** Aerial image of the site.

## PROPOSAL

It is proposed to use and develop the site for a self-storage facility, display floodlit business identification signage and waive the standard car parking requirement.

The proposed storage units would comprise 29 converted shipping containers massed on both sides of a central vehicle accessway. The containers would be 6.1m long x 2.44m wide x 2.59m high and blue in colour. Vehicles would enter the site from Griffith Street and circulate through the site to exit via Hillside Street. No formal car parking would be provided within the site, however the accessway would be designed to facilitate informal car parking for up to four vehicles with sufficient room for other vehicles to pass. The existing crossover on Griffith Street would be removed and a new crossover repositioned further to the west.

Landscaping would be provided in the front setback, east side setback to Hillside Street and part of the rear setback. Proposed 2.4m high metal picket fencing would be erected on both street frontages, incorporating automated sliding security gates at the site entry and exit. Access to the facility would be provided 24 hours a day, seven days a week and the facility would be unstaffed. The site would be lit in non-daylight hours by four floodlights mounted on stands affixed to the shipping containers.

Business identification signage would comprise two 3.9sqm signs, both floodlit, one facing each street frontage.



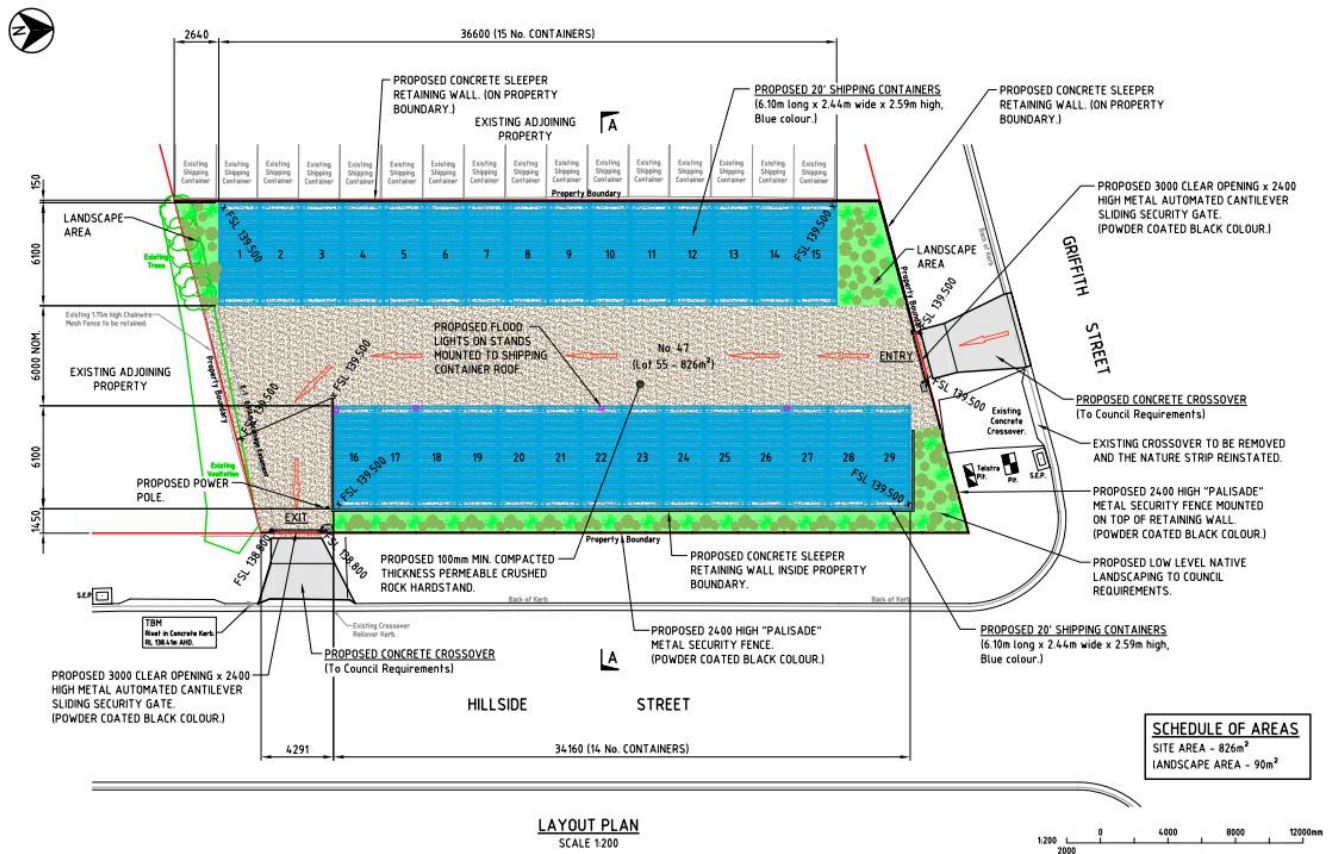


Figure 2: Proposed opening site plan.

**BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

**HISTORY**

Not applicable.

**PUBLIC NOTICE**

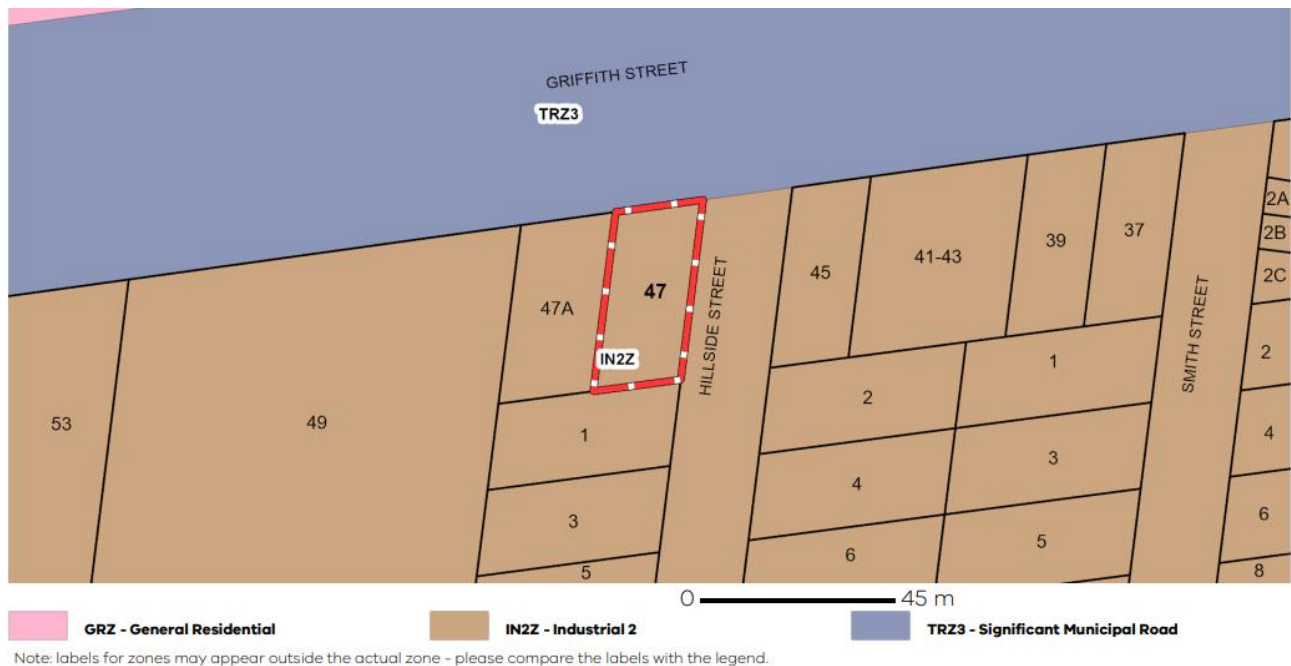
Pursuant to S.52(4) of the Planning and Environment Act (1987) the application for use and development is exempt from notice under Clauses 33.02-2, 33.02-4 and 52.06-4 of the Moorabool Planning Scheme.

Considering the location and extent of floodlit signage, nature of surrounding land uses and separation from residential zoned land, it was deemed that no notice of the signage component of the application was required.



## LOCALITY MAP

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



**Figure 3:** Zone map.

## PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 02.03-1 – Settlement, including Bacchus Marsh
- Clause 02.03-5 – Built environment and heritage
- Clause 02.03-7 – Economic development, including Local employment
- Clause 11.01-1L-01 – Settlement in Moorabool
- Clause 11.01-1L-02 – Bacchus Marsh
- Clause 11.03-3S – Peri-urban areas
- Clause 13.07-1S – Land use compatibility
- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-2L-02 – Industrial development
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1R – Diversified economy – Central Highlands

- Clause 17.02-1S – Business

Subject to conditions the proposal complies with the relevant sections of the Municipal Planning Strategy and PPF.

## **ZONE**

The subject site is in the Industrial 2 Zone (IN2Z).

The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities.
- To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.
- To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.

Under Clause 33.02-1 a permit is required to use land for a warehouse, noting that under Clause 73.03 of the Moorabool Planning Scheme a store is defined as a type of warehouse.

Under Clause 33.02-4 a permit is required for building and works. Decision guidelines are also listed under Clause 33.02-4.

## **OVERLAYS**

The subject site is not affected by any overlays.

### **Relevant Policies**

The Moorabool Industrial Areas Strategy, 2015 is a reference document in the Moorabool Planning Scheme. The strategy's key recommendations are not directly relevant to the current proposal, and the proposal would not prejudice the implementation of any of the recommendations.

### **Particular Provisions**

#### Clause 52.05 Signs

Under Clause 52.05-12 a floodlit sign is a Section 2 sign which requires a permit. Under Clause 73.02a floodlit sign is defined as a sign illuminated by external lighting provided for that purpose. It is noted that up to 8sqm of business identification signage can be displayed without a permit. A total of 7.8sqm of signage is proposed, therefore only the illumination component of the signage is considered in this application.

#### Clause 52.06 Car Parking

Under Clause 52.06-5 the Store car parking requirement is 10% of the site area space. The area to be provided for car parking includes an accessway that directly abuts any car parking spaces. No designated car parking spaces are proposed and therefore a car parking reduction is required.

The proposed crossover and accessway dimensions meet the design standards of Clause 52.06-9.

#### Clause 52.34 Bicycle Facilities

There is no specified requirement for the provision of bicycle facilities for a Store.

### Clause 53.10 Uses with Adverse Amenity Potential

The proposed storage use is not identified as having adverse amenity potential.

### Clause 53.18 Stormwater Management in Urban Development

Subject to conditions the proposal meets the provisions of this clause.

## **DISCUSSION**

Overall, the proposal is generally in accordance with the applicable provisions of the Moorabool Planning Scheme and is consistent with the purpose of the Industrial 2 Zone.

The subject site is in an established industrial precinct in Maddingley with all utilities available and the proposed use for a self-storage facility is generally consistent with the surrounding mix of uses. The proposed building would be acceptable and generally in keeping with the surrounding area. The proposal provides for personal storage needs within the wider Bacchus Marsh urban area in a suitably accessible location. The access arrangement with two crossovers allows for convenient movement through the site and ease to load and unload vehicles.

### Clause 15.01-2L-02 Industrial development

The proposed development is generally consistent with Council's policy for industrial development at Clause 15.01-2L-02 of the Moorabool Planning Scheme. The proposed building footprint would be 52% of the total site area and permeability 10.89%, comprising the proposed landscaped areas. The proposed front setbacks provide acceptable space for landscaping including small canopy tree plantings which assist in softening the development when viewed from the public realm.

The design response is acceptable, noting that the low-rise scale of the development and spacious character of the Griffith Street road reserve would limit the visual prominence of the development. The proposed buildings would be blue in colour; however the exact shade of blue is not specified. It is therefore recommended that conditions on the permit reinforce this muted colour tone be used to ensure acceptable streetscape response. Proposed landscaped areas in front setback areas in consistent with this policy objective. It is recommended that a condition of approval require a formal landscape plan be submitted for endorsement.

### Clause 33.02 Industrial 2 Zone

The proposal is generally consistent with the Industrial 2 Zone provisions. Subject to conditions, the proposed self-storage facility would have no detrimental amenity impacts. The surrounding road network can readily accommodate traffic associated with the development. The proposed streetscape presentation would provide for landscaped areas in the front setback capable of being planted to complement and soften the appearance of the storage facility in this industrial streetscape. Whilst the proposed conversion of shipping containers for storage limits the scope for architectural interest, the 2.59m height and relatively small scale of the development would limit its visual prominence to an acceptable extent, generally consistent with the scale of adjoining and nearby development. Detailed stormwater treatment would be managed by way of permit conditions.

### Clause 52.05 Signs

Under Clause 52.05-12 of the Moorabool Planning Scheme, the floodlit component of the proposed signage requires a permit.

The proposed flood lighting of signage is appropriate for the following reasons:

- The extent of proposed signage – two 3.9sqm signs, one per street frontage – would not result in large areas of illumination.
- The site is separated from the primary Griffith Street carriageway by a service lane which experiences generally low traffic and pedestrian numbers at night. The impact of glare or illumination from the proposed signage would not affect road safety.
- The nearest sensitive uses, across Griffith Street to the north, are a minimum 60m from the nearest proposed sign and the proposed floodlighting would not cause any detrimental amenity impacts to these properties.

#### Clause 52.06 Car Parking

Under the car parking provisions at Clause 52.06-5 of the Moorabool Planning Scheme, the proposal requires 10% of the site area to be set aside for car parking, which can include immediately adjacent vehicle accessways. No designated car parking spaces are proposed and therefore a reduction of car parking is required.

Ten per cent of the site is equal to 82sqm in area which, accounting for the requirements of Clause 52.06-9 for access and parking would equate to two on site car parking spaces. The applicant submitted a car parking demand assessment which nominally allows for four car spaces on site which would exceed the car parking requirement. However, given the nature of the proposed use it is deemed inappropriate to provide designated car parking spaces which could unreasonably limit access to some storage units depending on the car parking demand at any given time. Whilst it is expected that customers would rarely visit the site, it is nevertheless considered more appropriate to provide for informal, unmarked car parking. This would provide for customers to conveniently park as close to their storage unit. Given the low speed traffic environment and likely small number of customers at any given time, an informal car parking arrangement would not be expected to pose any safety or access concerns.

Furthermore, a recommended condition of approval would require all loading and unloading to occur onsite and thus it is not expected that the proposal would generate any demand for on-street car parking spaces.

Council's Development Infrastructure has reviewed the car parking demand assessment, agreeing with its conclusions and accepts that no line marking of car spaces is appropriate in this instance. Therefore, the proposed use for storage units has sufficient justification for the proposed car parking reduction in accordance with the decision guidelines of Clause 52.06.

#### **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**

<b>Authority</b>	<b>Response</b>
Council's Development Infrastructure	Consent with conditions.

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council in approving the application.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

The recommendation to approve this application does not have any risk or OH&S implications for Council.

**COMMUNICATIONS STRATEGY**

Pursuant to s52(4) of the *Planning and Environment Act 1987* the application is exempt from notice under Clauses 33.02-2, 33.02-4 and 52.06-4 of the Moorabool Planning Scheme. The applicant was invited to attend this meeting and address Council if required.

**OPTIONS**

- Issue a Planning Permit in accordance with the conditions in the recommendation of this report; or
- issue a Planning Permit with amendments to the conditions contained in the recommendation of this report; or
- Issue a Refusal to Grant a Permit on grounds. 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 to VCAT.

**CONCLUSION**

Subject to conditions, the proposal is generally in accordance with the relevant planning policies, particularly the Industrial 2 Zone provisions and Clauses 15.01-2L-02, 52.05 and 52.06 of the Moorabool Planning Scheme. The proposed self-storage facility would be located and designed to avoid any detrimental amenity or traffic impacts. The proposed car parking reduction is deemed to be acceptable taking account of the proposed layout and design for access and informal car parking. The proposed floodlit signage is acceptable and would not have any detrimental amenity impacts beyond the property's boundaries. It is recommended that the application be approved, subject to conditions.

**7.4 PA2022090 - USE AND DEVELOPMENT FOR A MEDICAL CENTRE (DENTAL CLINIC) DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE INCLUDING FLOODLIT AND INTERNALLY ILLUMINATED SIGNAGE AND ALTERATION OF ACCESS TO A ROAD IN A TRANSPORT ZONE 2 AT 52-54 GISBORNE ROAD, BACCHUS MARSH**

**Author:** Thomas Tonkin, Statutory Planner

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

**Attachments:** 1. Proposed plans (under separate cover)

**APPLICATION SUMMARY**

**Permit No:** PA2022090

**Lodgement Date:** 31 May 2022

**Planning Officer:** Tom Tonkin

**Address of the land:** 52-54 Gisborne Road, Bacchus Marsh

**Proposal:** Use and Development for a Medical Centre (Dental Clinic), Display of Business Identification Signage including Floodlit & Internally Illuminated Signage and Alteration of Access to a Road in a Transport Zone 2

**Lot size:** 1718sqm (combined lots)

**Why is a permit required?** Clause 32.08 General Residential Zone – Use and development for a medical centre (dental clinic); Clause 52.05 Signs – Display of signage; Clause 52.29 Land Adjacent to the Principal Road Network – Alteration of access to a road in a Transport Zone 2

**RECOMMENDATION**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant Planning Permit PA2022090 for the Use and Development for a Medical Centre (Dental Clinic), Display of Business Identification Signage including Floodlit and Internally Illuminated Signage and Alteration of Access to a Road in a Transport Zone 2 at Lots 1 and 2 on PS 017027 known as 52-54 Gisborne Road, Bacchus Marsh, 3340, subject to the following conditions:

**Endorsed Plans:**

1. Before the use and 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 identified as Ref. No. 21006, Drawing No.'s TP03 rev. A, TP04, TP05 Rev. and TP06 Rev. A dated 24 August 2022 and prepared by Total Building Developments and Design, and Proposed Landscape Plan drawing no. 199/22 dated 21 July 2022 prepared by Olivera Garden Designs, but modified to show:
  - (a) Deletion of the sign located adjacent to the south crossover notated as 'existing sign to remain'.

- (b) Plan annotated that no signage is permitted along or attached to the front fence including temporary signage or banner signage.
  - (c) The requirements of Condition 15 notated on the plans.
  - (d) The site plan annotated with details to achieve compliance with condition Department of Transport and Planning Condition 31.
  - (e) Proposed east-facing windows screened to a minimum height of 1.7m above the finished floor level. The method of screening must be clearly notated on the plans.
  - (f) The colours, materials and finishes of the proposed signs notated on the plans.
  - (g) The landscape plan amended to show the pedestrian site triangles clearly notated as applicable to both crossovers. Additionally, the triangles must be notated on the site plan and the notation must be consistent with the applicable requirements under Clause 52.06-9 Design Standard 1 of the Moorabool Planning Scheme.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
3. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

**Operational:**

- 4. No more than seven health practitioners may see patients on the premises at any given time.
- 5. Except with the written consent of the Responsible Authority, the medical centre must only operate between 8AM and 6PM, Monday to Friday, and 8AM-1PM Saturday.
- 6. The loading and unloading of goods and materials must only be carried out on the land.
- 7. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained, as appropriate, and screened from public view to the satisfaction of the Responsible Authority.

**Amenity:**

- 8. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) presence of vermin; and
  - (e) any other way.
- 9. Any security alarm or similar device installed must be of a silent type.
- 10. Any external lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

**Signs:**

11. The location, design, content, colours and materials of all signs must not be altered without the written consent of the Responsible Authority.
12. The signs must be not contain any moving parts or flashing lights.
13. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
14. Except where shown on the plans endorsed under this permit, the signs must not be illuminated by external or internal light.
15. Sign illumination must only occur during the approved hours of operation.
16. Except where no permit is required under the Moorabool Planning Scheme, no signage other than shown on the plans endorsed under this permit shall be erected or displayed.
17. Signage expires 15 years from the date of this permit.

**Landscaping:**

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

**Development Infrastructure:**

20. Prior to the use commencing, the existing north vehicle crossing must be extended to meet the applicable Infrastructure Design Manual standards to the satisfaction of the Responsible Authority.
21. 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 1% 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) The development must be provided with a stormwater legal point of discharge at the low point of the property, to the satisfaction of the Responsible Authority.
22. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
23. 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.
24. 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.
25. 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.

26. 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)
27. Prior to the commencement of the development, notification including photographic evidence must be sent to Council’s Asset Services 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.
28. 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.
29. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the Responsible Authority, and shall incorporate the following:
  - (a) Parking bays and aisle widths of the car park shall comply with Clause 52.06-9 Design Standard 2 in the Moorabool Planning Scheme. Disabled Parking bays shall comply with Australian Standard AS2890.6-2009 (disabled).
  - (b) Designated loading areas shall be shown on layout plans.
  - (c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
  - (d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
  - (e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
  - (f) All car parking spaces must be available at all times vehicle parking and used for no other purpose.

Department of Transport and Planning:

30. Prior to the commencement of use of the development the existing crossover at the northern boundary of proposed Lot 1 must be upgraded to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
31. Access to the development shall be designed so all vehicles ingress the property from the northern access point and egress the property from the southern access point with appropriate ‘entry/exit only’ and ‘no entry’ signs installed and directional arrow line

**markings painted on the driveway area accordingly.**

- 32. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.**

**Permit Expiry:**

- 33. This permit will expire if:**

- (a) the development and use are 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.**
-

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes, two notices.
Notice in Moorabool Newspaper:	No.
Number of objections:	Three.
Consultation meeting:	No, but the planner discussed the application with one objector to clarify the grounds of their objection. Some concerns relating to excessive signage can be enforced by permit conditions.

### **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 not 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 – Tom Tonkin*

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

### **EXECUTIVE SUMMARY**

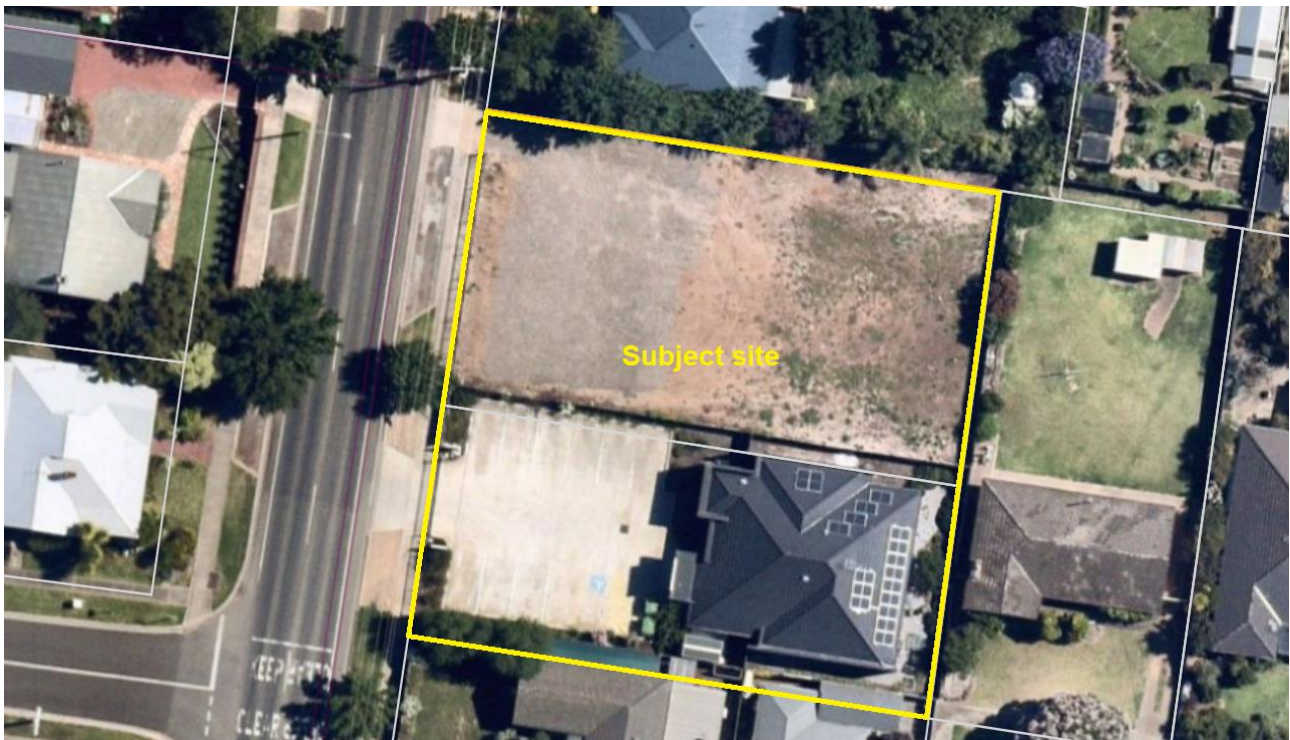
Application referred?	Yes, to Council's Development Infrastructure and Strategic Planning, and to the Department of Transport and Planning.
Any issues raised in referral responses?	Request for a stormwater management strategy and information on waste collection.

Preliminary concerns?	Potential overlooking of the property to the east. Additionally, further information was requested regarding existing and proposed signage, landscaping, overshadowing, car space dimensions and vehicle manoeuvrability.
Any discussions with applicant regarding concerns?	Applicant was advised in writing of the preliminary concerns.
Any changes made to the application since being lodged?	The application was amended in process on 22 October 2022 to include display of signage.
Brief history.	The subject lot is vacant land adjacent to the existing operating dental clinic.
Previous applications for the site?	PA2015203 for Display of business identification signage, alteration of access to a Road Zone Category 1 and waiver of bicycle and loading facilities associated with a medical centre was issued by Council on 15 March 2016.
General summary.	<p>It is proposed to expand the operation of an existing dental clinic, display associated signage and alter vehicle access to Gisborne Road. The proposed expansion in floor area requires an assessment of the use of the land for a medical centre. The number of practitioners would increase from two to seven. All required car parking would be provided on site.</p> <p>The application was advertised with three objections received raising concerns regarding traffic and pedestrian safety, car parking provision, the amenity impacts of signage and disruption during construction.</p> <p>Overall, the proposal is generally in accordance with all relevant planning policies. Subject to conditions, the proposed use and development is site responsive and would provide for the appropriate expansion of dental care services without adversely affecting the amenity of the surrounding residential character or amenity.</p>
<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 PA2022090 for the Use and Development for a Medical Centre (Dental Clinic), Display of Business Identification Signage including Floodlit and Internally Illuminated Signage and Alteration of Access to a Road in a Transport Zone 2 at Lots 1 and 2 on PS 017027 known as 52-54 Gisborne Road, Bacchus Marsh, subject to the conditions contained within this report.	

## SITE DESCRIPTION

The subject site, identified as Lots 1 and 2 on PS 017027 and known as 52-54 Gisborne Road, Bacchus Marsh, is located on the east side of Gisborne Road between Dickson and Dugdale Streets. The southern part of the site comprising Lot 2, known as 52 Gisborne Road, is currently developed with a single storey dental clinic, with 11 car parking spaces provided in the front setback accessed via a double width crossover to Gisborne Road. The balance of the land being Lot 1, known as 54 Gisborne Road is currently vacant and undeveloped apart from a front fence and single width crossover located parallel to the northern title boundary. This portion of the land is currently used for informal car parking associated with the existing dental clinic.

The subject site and surrounding land is in the General Residential Zone and developed for residential purposes mostly comprising single dwellings. Gisborne Road is in a Transport Zone 2.



**Figure 1:** Aerial image of the site

## PROPOSAL

It is proposed to expand the existing dental clinic, display business identification signage including floodlit and internally illuminated signage and alter access to Gisborne Road.

The existing building would be extended to the north boundary of 52 Gisborne Road and onto 54 Gisborne Road. The proposed extension would comprise multiple rooms including seven surgery rooms and four consultation rooms and facilitate an increase in the number of health practitioners from two to seven. The extension would be behind the front wall of the host building and would have varied roof form, comprising a low-pitched hipped roof and additional pitched section incorporating a feature aspect to the front façade. Proposed wall cladding would be predominantly brick but also incorporate timber and lightweight cement clad sections of the front façade.

The clinic would operate between the hours of 8AM-6PM, Monday to Friday and 8AM-1PM on Saturday. Waste disposal would be via Council's collection service except for the collection of medical waste which would occur monthly or on an as needs basis.

The existing car park would be redesigned and expanded within the property frontage to comprise 24 car spaces. The existing car park access would be maintained whilst the existing crossover to no 54 would be replaced by a new widened crossover in the same location.

The application also seeks approval for business identification signage, including retrospective approval for some existing signs, as follows:

- One 1.57sqm existing internally illuminated sign, affixed to the existing building, comprising the business name and logo.
- One double sided 2.16sqm floodlit sign, currently located adjacent to and south of the existing crossover. This sign is proposed to be relocated to adjacent to and south of the proposed altered crossover. This sign comprises the business name and logo, phone number and the word 'parking' with directional arrows.
- One 6.26sqm sign, affixed to the front façade of the proposed extension, comprising the business name.
- One 2.56sqm sign, affixed to the front façade of the proposed extension, comprising the business logo.
- One double sided 2.4sqm floodlit sign, currently located adjacent to and north of the existing crossover. The sign comprises the business name, logo and phone number.

An existing business identification sign affixed to the front fence of no. 52 does not have a permit and retrospective approval has not been sought. This signage would need to be removed.

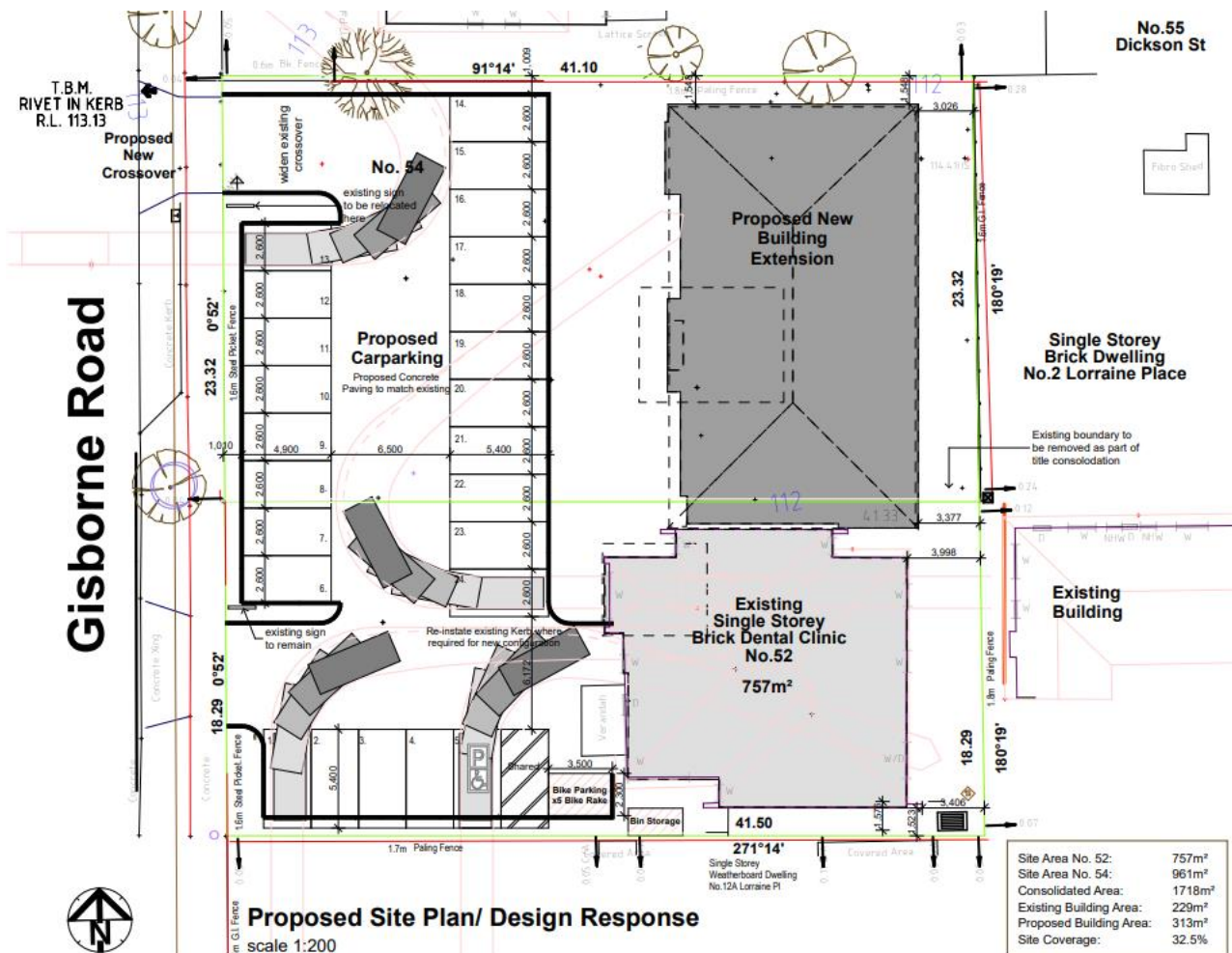


Figure 2: Proposed site plan

**BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

**HISTORY**

PA2015203 for Display of business identification signage, alteration of access to a Road Zone Category 1 and waiver of bicycle and loading facilities associated with a medical centre at 52 Gisborne Road, Bacchus Marsh was issued by Council on 15 March 2016. Endorsed plans were issued on 8 July 2016.

The signage currently erected on site, including floodlit and internally illuminated signs, is inconsistent with the signage approved under this planning permit and this applicant is seeking retrospective approval as part of this current application.

**PUBLIC NOTICE**

Notice of the application was given to adjoining and surrounding landowners and occupiers by mail and signs erected on site. Three objections were received.

**SUMMARY OF OBJECTIONS**

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

Objection	Any Relevant Requirement
<p>The expanded clinic, including vehicles using the additional vehicle access at the northern end of the site, would negatively impact on the safe use residents' crossovers of properties located opposite or diagonally opposite. Furthermore, visibility of traffic is already impacted by cars parked on-street and with a larger clinic this will result in more cars parked on-street.</p>	<p>Clauses 52.06, 52.29 and 65.01.</p>
<p><b>Officer's Response:</b></p> <p>The application was referred to the Department of Transport and Planning as the relevant main roads authority. They consented to the proposal subject to conditions, including that all vehicles enter the property via the northern crossover and exit via the southern crossover.</p> <p>The proposed onsite car parking provision of 24 car spaces exceeds the statutory requirement for 23 spaces. On street car parking in the vicinity of the subject site is currently not subject to any time restrictions.</p>	

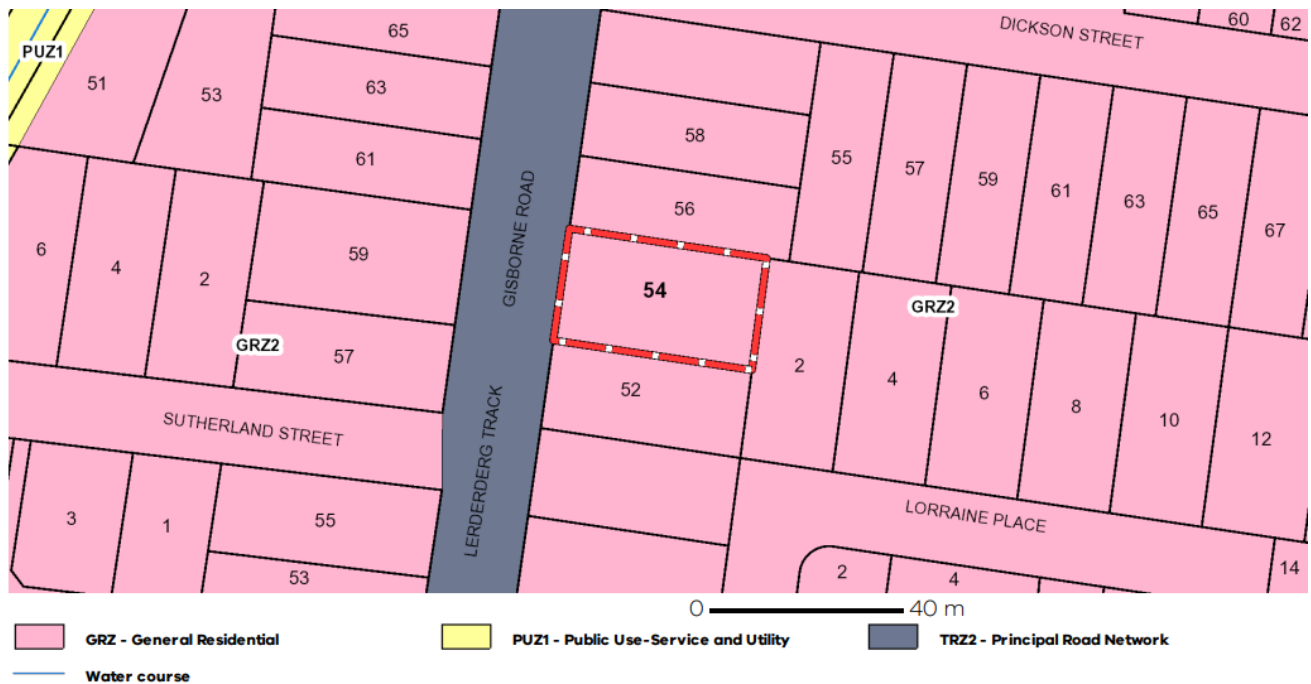
<p>Objections to 24/7 floodlit and internally illuminated signage due to the impact on bedrooms in dwellings located opposite. The size of the proposed signage is too large.</p>	<p>Clauses 52.05 and 65.01.</p>
<p><b>Officer's Response:</b></p> <p>It is deemed that signage illuminated outside of business hours presents an unacceptable amenity impact to nearby residents. No change is proposed to the current operating hours of 8AM – 6PM, Monday to Friday and 8AM – 1PM on Saturday. It is not considered that sign illumination during opening hours would cause unreasonable detriment to residents, and it is recommended that a condition of approval require that any sign illumination occur only during operating hours. This can be addressed by a permit condition.</p>	
<p>The current signage on the fence is an eyesore.</p>	<p>Clauses 52.05 &amp; 65.01.</p>
<p><b>Officer's Response:</b></p> <p>The current signage on the fence is displayed without a permit and the applicant has not sought retrospective approval from Council. Plans will need to be annotated stating signage is not permitted in this location in any form.</p>	
<p>Where will construction and trades vehicles park during the construction phase. On-street parking should be reserved for residential permitholders only.</p>	<p>Not applicable.</p>
<p><b>Officer's Response:</b></p> <p>Management of parking during the construction phase would be dealt with as part of the building permit process. Existing on street car parking in the vicinity of the site is not subject to any restrictions and therefore no parking permit system is in place.</p>	



<p>The proposed vehicle crossover alteration would reduce the distance between vehicles and pedestrians using the adjoining bus stop. It is already dangerous for pedestrians crossing Gisborne Road due to traffic volume and the increase in vehicles turning into the subject site would increase the risk to pedestrians.</p>	<p>Clauses 52.06, 52.29 and 65.01.</p>
<p><b>Officer’s Response:</b></p> <p>The proposed crossover would be partly aligned with an existing crossover but widened to extend southwards, away from the bus stop. The proposal would maintain a separation of at least 6m between the bus stop and the closest edge of the crossover. The application was referred to Department of Transport and Planning who consented to the proposal, subject to conditions. These conditions include that the new crossover be for access only, not egress to reduce potential traffic conflict of using one crossover only. Whilst the proposed expansion of the existing clinic would increase the number of vehicles turning into the site near the bus stop it is not considered that this poses an unacceptable safety risk to pedestrians. There is no existing defined pedestrian crossing point on Gisborne Road in the vicinity of the proposed crossover.</p>	

**LOCALITY MAP**

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



**Figure 3: Zone map**

## PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 02.03-1 – Settlement, including Bacchus Marsh
- Clause 02.03-5 – Built environment and heritage
- Clause 02.03-7 – Economic development, including Local employment
- Clause 11.01-1L-01 – Settlement in Moorabool
- Clause 11.01-1L-02 – Bacchus Marsh
- Clause 11.03-3S – Peri-urban areas
- Clause 13.07-1S – Land use compatibility
- Clause 13.07-1L – Land use compatibility in Moorabool
- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1R – Diversified economy – Central Highlands

Subject to conditions the proposal complies with the relevant sections of the Municipal planning strategy and PPF.

## ZONE

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

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

Under Clause 32.08-2 a medical centre is a Section 1 use which does not require a permit, but must meet the following conditions:

- The gross floor area of all buildings must not exceed 250sqm.
- Must not require a permit under Clause 52.06-3.
- The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

The proposed development does not meet the maximum gross floor area requirement, therefore under Clause 32.08-2 the proposal is a Section 2 use which requires a permit. It is noted that the existing premises meets all three conditions set out above and thus the use of those premises is

'as of right'. However, under Clause 32.08-9 a permit is required for buildings and works associated with a Section 2 use.

## **OVERLAYS**

The subject site is not affected by any overlays.

### **Relevant Policies**

There are no Council policies relevant to this application.

### **Particular Provisions**

#### Clause 52.05 Signs

Under Clause 52.05-13, business identification, floodlit and internally illuminated signs are Section 2 signs which require a permit. Further to the requirements of the Department of Transport and Planning, directional signage does not require a permit.

#### Clause 52.06 Car Parking

Under Clause 52.06-5 the medical centre car parking requirement is five car spaces to the first person providing health services plus three car spaces to every other person providing health services. Seven dental practitioners would operate from the premises; therefore 23 car spaces would be required. Twenty four car spaces would be provided on site, exceeding the minimum requirement.

The proposed car space, crossover and accessway dimensions meet the design standards of Clause 52.06-9.

#### Clause 52.34 Bicycle Facilities

Bicycle parking provision for a medical centre is one employee bicycle space to each eight practitioners and one visitor bicycle space to each four practitioners. Five bicycle parking spaces are provided, accessible to visitors and employees, which exceeds the bicycle parking requirement.

#### Clause 53.18 Stormwater Management in Urban Development

Subject to conditions the proposal meets the provisions of this clause.

#### Clause 52.29 Land Adjacent to the Principal Road Network

Under Clause 52.29-2 a permit is required to alter access to a road in a Transport Zone 2. The application was referred to Department of Transport and Planning who consented to the proposal, subject to conditions.

## **DISCUSSION**

The subject site is developed with an existing dental clinic which is proposed to be expanded onto the adjacent vacant lot.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate provision of health services in support of a growing population in a generally accessible location.

The building additions should respect the neighbourhood character and amenity of the surrounding area. The form and setback of the additions blends with the existing building and make effective use of the adjacent vacant land.

The car parking is increased and the looped driveway with a requirement for a one way internal driveway will reduce traffic conflicts.

Overall, the proposal is generally in accordance with the applicable provisions of the Moorabool Planning Scheme, subject to the recommended conditions.

The following Moorabool Planning Scheme provisions are particularly relevant to this application:

Clause 13.07-1L Land use compatibility in Moorabool

The following strategies apply to non-residential uses in residential zones:

- Provide for non-residential uses, including convenience shops and medical centres, in locations that are compatible with the scale and character of the area.
- Encourage non-residential uses to be located on lots fronting roads in a Transport Zone.

The proposed use and development is generally consistent with these strategies. The proposed building would be single storey, incorporating materials, colours and finishes generally consistent with the surrounding development. Subject to conditions, the proposed signage would be in scale with the host development and sensitive to the surrounding residential character. The subject site is located on Gisborne Road which is in a Transport Zone 2.

Clause 32.08 General Residential Zone

The subject site and surrounding land is in the General Residential Zone, Schedule 2 (GRZ2), with surrounding development comprising mostly single dwellings. The purpose of the zone includes the following:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposal would expand the operations of the existing dental clinic on currently vacant land. The expanded scale and intensity of the use would be supported by additional car parking slightly exceeding the statutory parking requirement, limiting the potential for overflow car parking to an acceptable extent. Subject to conditions, the nature of the proposal would not be detrimental to the existing residential amenity.

The proposed development would be of a contemporary appearance, with the building massed towards the rear boundary, providing for car parking and landscaping in the front setback. The siting and design of the building would have no detrimental amenity impacts on surrounding residential properties. The scale of the extended building would not overlook or substantially overshadow adjoining properties. The building setbacks and façade detail and articulation are suitably responsive to the neighbourhood character of the area. The proposed landscape plan would incorporate a range of vegetation including ground covers, grasses, shrubs and canopy trees of varying sizes which would enhance the appearance of the development and complement the surrounding neighbourhood character.

Subject to conditions, the effects of traffic generated by the proposal would be managed by way of the car park design, specifically access to and egress from the car park to support the safe and efficient operation of Gisborne Road, and the associated amenity of the area. Any additional traffic generated by the proposal would be readily absorbed by the surrounding road network.

### Clause 52.05 Signs

Subject to conditions, the proposed signs are acceptable. The signs proposed to be affixed to the building and located adjacent to the north crossover are complementary to the scale and form of the building, articulate the façade and are unified in terms of content, design and colours. The signs would not obscure views or vistas and considering their setback from the street would not be visually dominant. The signs would not be a road safety hazard.

The existing sign above the front entry projects above the roof, but not above the roof pitch. Considering the sign dimensions of 0.75m height x 2.1m length and the scale of the building and roof form, this sign is not unreasonably prominent.

The internal illumination and floodlit signage during night hours is deemed to create a prominent appearance in the streetscape and is not necessary given there are no evening services. A recommended condition to only allow for illumination only during opening hours is considered appropriate to mitigate against any unreasonable amenity impacts.

The existing double sided 2.4sqm floodlit sign, currently located adjacent to and north of the existing crossover, is not considered appropriate given it obscures drivers' views of pedestrians using the adjoining Gisborne Road public footpath when drivers exit the property. The sign is located at the exit and thus is not required to direct drivers to enter (or exit). Other signage on the site is sufficient for northbound drivers to identify the site and turn into the site using the crossover at the north end of the site which is also signposted. It is noted that the proposed sign at the north crossover would not be a safety hazard given it would not obscure the view of either drivers or pedestrians when vehicles enter the site.

For the reasons outlined above, it is recommended that a condition on the permit require the existing (not previously approved) sign near the site exit be deleted from the plans. This can be enforced by permit conditions.

### Clause 52.06 Car Parking

As set out above, the proposal requires provision of 23 on-site car parking spaces. Twenty four car spaces are proposed, exceeding the minimum requirement. The proposed car parking space and accessway dimensions are in accordance with the relevant design standards at Clause 52.06-9. Subject to permit conditions, vehicles would be required to circulate through the site one way only, for the safety and convenience of all users.

### Clause 52.29 Land Adjacent to the Principal Road Network

The relevant purpose of this Clause is to ensure appropriate access to the Principal Road Network with Gisborne Road being within a Transport Zone 2. A permit is required to create or alter access to a road in a Transport Zone 2. The application was referred to Department of Transport and Planning who consented to the proposal, subject to conditions.

## **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**

<b>Authority</b>	<b>Response</b>
Department of Transport and Planning	Consent with conditions.
Council's Development Infrastructure Strategic Planning	Consent with conditions.  No comment.

**FINANCIAL IMPLICATIONS**

The recommendation to approve this application has no financial implications for Council.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

The recommendation to approve this application does not have any risk or OH&S implications for Council.

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

- Issue a Notice of Decision to Grant a Permit in accordance with the conditions in the recommendation of this report; or
- issue a Notice of Decision to Grant a Permit with varied conditions to those included in the recommendation of this report; or
- issue a Refusal to Grant a Permit. The Development Assessment Committee would need to consider what grounds exist to refuse the application based on the controls of the Moorabool Planning Scheme. This option may result in the applicant appealing Council's decision to VCAT.

**CONCLUSION**

Overall, the proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme. The proposed use and development for an expanded medical centre would provide for the improved medical services in a readily accessible location in Bacchus Marsh. Potential offsite amenity impacts would be managed by way of permit conditions to protect the residential amenity of the area. Subject to conditions, the proposal is recommended for approval.

**7.5 PA2022230 - 20 DWELLINGS AND A REDUCTION IN CAR PARKING AT 24 GRIFFITH STREET, MADDINGLEY**

**Author:** Jyoti Makan, Senior Statutory Planner

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

**Attachments:** 1. Plans (under separate cover)

**APPLICATION SUMMARY**

**Permit No:** PA2022230

**Lodgement Date:** 4 November 2022

**Planning Officer:** Jyoti Makan

**Address of the land:** 24 Griffith Street, Maddingley (Lot 2 on Plan of Subdivision PS905620Y)

**Proposal:** 20 Dwellings and reduction in car parking

**Lot size:** 3865sqm

**Why is a permit required?** Clause 32.08-6 – Construction of more than two dwellings in the General Residential Zone; Clause 52.06 – Car Parking Reduction

**RECOMMENDATION**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, advise VCAT it does not support Planning Permit Application PA2022230 for 20 Dwellings and a Reduction in Car Parking at 24 Griffith Street, Maddingley, based on the following grounds:

1. The proposal is inconsistent with the objectives and decision guidelines of the General Residential Zone 3 of the Moorabool Planning Scheme.
2. The proposal is inconsistent with the planning policy framework of the Moorabool Planning Scheme, particularly energy efficiency, urban design, building design, landscape, and neighbourhood character.
3. The proposal creates visual bulk impacts on the surrounding properties and adversely affects the existing low rise streetscape appearance of the area.
4. The proposing does not provide for adequate and efficient on-site car parking.
5. The proposal would provide poor levels of internal amenity for future residents.
6. The development increases the number of crossovers to each street frontage incompatible to the existing neighbourhood character.

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	Eight objections received.
Consultation meeting:	No consultation with objectors undertaken.

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire**

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 – Jyoti Makan*

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

## **EXECUTIVE SUMMARY**

Application referred?	Yes, Department of Families, Fairness and Housing (DFFH), Environmental Protection Authority, Council's Development Infrastructure, Community Planning, Strategic Planning and Environment, Emergency and Waste Management.
Any issues raised in referral responses?	Car Parking.



Preliminary concerns?	Overdevelopment, lack of respect for existing neighbourhood character, visual bulk, lack of landscaping opportunities, lack of housing diversity, inadequate on site car parking.
Any discussions with applicant regarding concerns?	Yes, consultation occurred with the applicant.
Any changes made to the application since being lodged?	No changes were made to the plans.
Brief history.	The site is vacant land with the southern lot having an approved Child Care Centre under construction. On 27 March 2023, the applicant lodged an appeal with VCAT for a failure to determine the application within the prescribed time. The appeal is set for 14-15 August 2023, with a compulsory conference on 5 June 2023. The applicant for review has indicated they intend to substitute plans.
Previous applications for the site?	PA2021262 - Two lot subdivision – approved. PA2021166 - Use and development of a Child Care Centre – approved on Lot 1 on Plan of Subdivision PS905620Y.
General summary.	A proposal was made for 20 dwellings at 24 Griffith Street, Maddingley. The application was assessed against the planning scheme and local policies. Council officers had several concerns relating to overdevelopment, lack of respect for existing surrounding setbacks and neighbourhood character, visual bulk, restricted opportunity for canopy tree planting, lack of diversity and inadequate on site car parking. The application was advertised, and eight objections were received. It recommended that the application not be supported and VCAT be advised of Council's position.
<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 advise VCAT it does not support Planning Permit Application PA2022230 for 20 Dwellings and a Reduction in Car Parking at 24 Griffith Street, Maddingley, subject to the grounds contained in the recommendations of this report.	

**SITE DESCRIPTION**

The site is located at 24 Griffith Street in Maddingley and is 3,865sqm in area. The lot is bounded by the corner of Griffith and Inglis Streets and was formerly known as Land in Plan of Consolidation 174055D. No restrictive covenants, easements or agreements are evident on the current title. No cultural heritage sensitivities apply to the land.

The site has a number of existing residential interfaces to the north, south and west. On the opposite eastern side of Griffith Street, there are a number of warehouses and light industrial buildings located within an industrial zone. The site is in close proximity to shops in Grant Street and the Bacchus Marsh Railway Station and community facilities.

Griffith Street is an arterial road which provides access to the site via a service lane.

**PROPOSAL**

It is proposed to develop 20 double storey dwellings consisting of three and four bedrooms being:

- Fifteen dwellings being three bedroom; and
- Five dwellings being four bedroom.

Each dwelling consists of a floor area of about 130sqm to 150sqm.

Some dwellings will have double garages and some with single garage and tandem car parking in the front.

Materials and finishes include render, vertical and horizontal cladding, with pitched Colorbond hip roof profiles with eaves. Each wall height is around 2.59m.

Fencing is proposed at a height of 1.8m using treated pine capped timber palings. Fencing is proposed for part of the Griffith Street frontage to allow for secluded private open space to selected dwellings.

Additional crossovers are proposed to both Inglis and Griffith Streets to access all dwellings.

Due to the 4m fall from the west to the east, earthworks are required to facilitate future building pads. Retaining walls are proposed throughout the development.

**BACKGROUND TO CURRENT PROPOSAL/HISTORY**

The land was approved for a subdivision into two lots under Planning Permit PA2021262. The titles were released on 4 January 2023.

A child care centre was approved on Lot 1 of the Plan of Subdivision.

Lot 2 is 3,865sqm and the proposal for 20 three and four bedroom dwellings is located on Lot 2 of the Plan of Subdivision.

On 27 March 2023, the applicant appealed to VCAT on Council's failure to determine within the prescribed time.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners. Two signs were placed on each road frontage. Eight objections were received.

**SUMMARY OF OBJECTIONS**

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

<b>Objection</b>	<b>Any Relevant Requirement</b>
Traffic – will not be compatible with the aged care, schools and colleges nearby.	Clause 11.2 and 11.03 (Managing Growth)
<b>Officer's Response:</b> The proposal will result in increased traffic movements in an area within close proximity to land uses generating higher levels of traffic such as schools and child care, which is discussed in further detail in the Discussion section of the report.	
<b>Objection</b>	<b>Any Relevant Requirement</b>
Infrastructure not capable – more services are required to support new developments, lack of improved roads, no footpaths	Clause 11.2 and 11.03 (Managing Growth) and Clause 19 (Infrastructure)
<b>Officer's Response:</b> The Proposed development will increase pressure on existing infrastructure.	
<b>Objection</b>	<b>Any Relevant Requirement</b>
Amenity concerns	Clause 13.05 (Noise), 13.06 (Air quality) and 13.07(Amenity, Human Health and Safety), Clauses 15 and 16 (Built Environment and Housing)
<b>Officer's Response:</b> The proposed development will increase amenity impacts to surrounding properties.	
<b>Objection</b>	<b>Any Relevant Requirement</b>
Privacy and overshadowing.	Clause 55 – ResCode (Overshadowing and Overlooking Provisions)
<b>Officer's Response:</b> The proposed development complies with the overshadowing and privacy related standards in Clause 55 of the Moorabool Planning Scheme, however, it will result in poor internal amenity.	
<b>Objection</b>	<b>Any Relevant Requirement</b>
Access for vehicles internally, not enough space for two vehicles in the internal accessway.	Clause 15.01 (Built Environment)
<b>Officer's Response:</b> The accessway width allows vehicles to exit in a forward direction, however as a single width driveway will create internal traffic and pedestrian conflicts.	
<b>Objection</b>	<b>Any Relevant Requirement</b>
Neighbourhood character	Clause 32.08 – General Residential Zone 3 and Clause 55 (ResCode Standard B1)
<b>Officer's Response:</b> The form, bulk and scale of the development does not respond to the existing and preferred neighbourhood character.	

## LOCALITY MAP

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



**Figure 1** – Aerial image of the site

## 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 11.01-1L-02 – Bacchus Marsh
- Clause 11.02-1S – Supply of Urban Land
- Clause 11.03-2S – Growth Areas
- Clause 13.05 – Noise
- Clause 13.06 – Air Quality
- Clause 13.07 – Amenity, Human Health and Safety (Land Use Compatibility)
- Clause 15.01 – Built Environment
- Clause 16.01 – Housing Residential Development

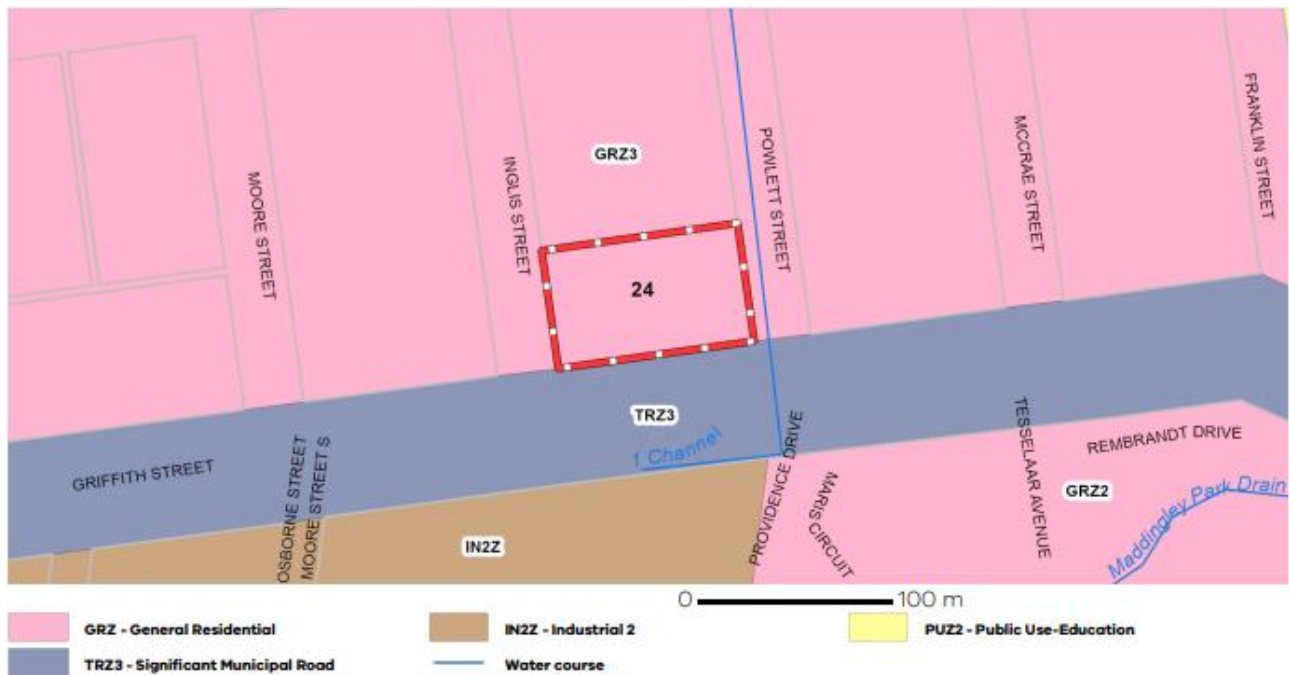
The proposal does not comply with the relevant section of the PPF clauses outlined in the table below:

PPF	Title	Response
Clause 11.02 and 11.03	Managing Growth and Planning for Places	Several dwellings in the immediate area are already at three and four bedrooms, there is a lack of options for single/lone person accommodation.  Landscaping areas are minimal, therefore reducing the urban cooling effect on the land. Small open spaces do not allow for sustainable tree planting which is the main decision guideline of the General Residential Zone 3.
Clause 15 and 16	Built Environment and Housing	The proposal is not energy efficient and should be able to adapt to net zero greenhouse gas emissions and promote resilience in hazard occurrences. Given the orientation of the dwellings, they will receive limited solar access.
Clause 16.01-2S	Housing Affordability	There is a lack of dwelling types to promote housing affordability with reliance on three and four bedroom dwellings.
Clause 15.01-2L-01	Building Design	One of the strategies is to avoid buildings that are visually prominent in bulk, scale and size. Dwellings entries should be street facing and maximised to facilitate safety and access.
Clause 15.01-5S	Neighbourhood Character	One of strategies is to ensure that developments should respond to its context and reinforces a sense of place. The proposed dwelling layout and massing is in complete contrast with the existing or preferred neighbourhood character. The design response fails to integrate with existing and preferred neighbourhood character.

## ZONE

The zoning of the land is General Residential Zone – Schedule 3 (Increased Housing Growth). The proposal increases the number of dwellings in the area.

The decision guidelines of the General Residential Zone 3 are to ensure that adequately sized open space and setbacks are provided for the retention and growth of existing and new canopy trees. This is assessed further below together with the General Residential Zone decision guidelines.



**Figure 2: Zone Map**

The proposal is assessed against the zoning objectives as follows:

Objective	Assessment
To encourage new development, including innovative and unique development that enhances and responds positively to the existing neighbourhood character.	The design does not prove to enhance the character of the area. Innovation to allow for more open space, communal open space, creating spaces for interaction, co-living arrangements and catering for diverse demographics is not evident. All dwellings proposed are double storey with no bedrooms on the ground floor. Each dwelling has three or four bedrooms and two garages typical towards family groups or larger household sizes.
To encourage sufficient front setbacks to allow for enhancement of the front garden character including increasing canopy tree plantings.	Although Griffith Street is a service road, the front garden for many of the proposed dwellings is minimal. Canopy tree planting opportunities are not apparent. Dwellings 7 and 20 are fenced along the secluded private open spaces facing Griffith Street.
To encourage new development to have minimal or low scale front fencing.	Fencing along Griffith Street will be 1.8m high. The elevation plans do not show the height after the retaining walls are placed on the site. Due to the proposed retaining walls, it is likely that the fencing would be higher than 1.8m in some locations.

To ensure new garages and carports do not dominate dwellings or streetscapes.	The transition from the existing character to the proposed is limited, several garages are proposed fronting the streetscape. More specifically, about 9m in width of garages facing the street for every two dwellings. This is a significant increase when compared to the existing character. Although growth is expected, it should not compromise the landscape characteristics of the site. Most existing garages in the surrounding street are well setback from the dwelling entry.
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## OVERLAYS

No overlays cover the site.

## Relevant Policies

### Housing Bacchus Marsh to 2041

Housing Bacchus Marsh was developed to deal with the historical affordability levels and dominance of separate dwellings may be challenged into the future to changing household structures and underlying land and construction values. This facilitated for the new residential zones and neighbourhood character preferences. This strategy examines the housing situation in detail and assesses important issues such as supply and demand, housing mix, lot sizes, affordability, and special housing needs. Housing diversity was a high priority due to the significant rate of growth and increase in smaller one and two person households (lone person and couples without dependents) projected, there is likely to be some impact on lot sizes and lot mix.

### Urban Design Guidelines

As a response to projected growth and development, urban design guidelines were drafted and prepared by Mesh Consultants and Moorabool Shire Council. The aim of these guidelines was prepared after understanding the issues of Moorabool where new developments were not in harmony with the site and its context, minimal landscaping and street tree plantings, poor built form, and lack of articulation. The proposed 20 dwellings are not in harmony with the site and its context, provides limited landscaping opportunities, lacks building articulation due to the attached building form and lack of first floor setbacks. The proposal lacks energy efficiency outcomes on a large lot area.

## Particular Provisions

### Clause 52.06 – Car Parking:

The proposal includes 15 three bedroom and five four bedroom dwellings.

Each dwelling requires two car parking spaces. The three bedroom dwellings contain a single garage with one under covered tandem space in front of the garage.

For every five dwellings one visitor car parking bay is required, therefore a total four visitor space are required for this development. The proposal seeks a waiver of four visitor car parking spaces, however there is no justification to waive car parking due to the overdevelopment of the site and will place a burden on the on street car parking in the area.

Clause 55: More than two dwellings on a lot – Residential Development.

The purpose of this clause is:

- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

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

Clause ResCode	Title	Response
Clause 55.02-1	Neighbourhood Character	Garages and car spaces are dominant over the design and within the frontages of properties rather than landscaping and dwelling front entry. Due to narrow setbacks throughout the development, landscaping opportunities are compromised, and crossovers are increased. The emerging growth must evolve innovatively with respect to the existing neighbourhood character.
Clause 55.02-2	Residential Policy	Does not meet the intentions of the Housing Strategy to provide innovative, unique design, increase landscaped areas and housing diversity to cater for diverse population groups.
Clause 55.02-3	Dwelling Diversity	The proposed development offers a typical housing type of three and four bedroom dwellings. The development does not offer one and two bedrooms dwellings. Housing diversity is absent in the development and cannot be considered as diverse in comparison with surrounding properties because a development as such will serve a precedent for all surrounding larger lots to propose similar developments.



Clause 55.02-5 and Clause 55.03-8	Integration with the Street and Landscaping	<p>Insufficient spaces for sustainable landscaping.</p> <p>No respect for existing neighbourhood landscaping character. Crossovers proposed to Dwellings 3 and 4 require the removal of a street tree. A landscape plan was submitted and is but does not show any replacement trees.</p> <p>Three additional crossovers are proposed along Inglis Street. The existing surrounding landscaped street tree reserves are around 12m – 29m long between crossovers but the proposal offers smaller spaces for tree planting and has smaller setbacks when compared to existing neighbourhood character. It is considered that to show respect to the existing neighbourhood character whilst supporting growth, the scheduled 5m setback identified in the General Residential Zone 3 could have been applied to both street frontages to aim for spacious frontages and improvement towards landscaping.</p>
Clause 55.03-1	Street Setback (B6)	<p>Griffith Street forms the main front setback. The schedule to the zone requires a 5m setback however the setback of Dwelling 6 to the Griffith Street frontage is 4m therefore varying the front setback. The dwelling at the corner of Griffith Street and Inglis Street is set 4m from Griffith Street (front setback) and 5m (side setback) from Inglis Street. The abutting property facing Inglis Street is 11.5m.</p> <p>Whilst the General Residential Zone 3 seeks to increase housing growth by providing a 5m setback, the character of the area and recently approved child care abutting the subject site holds a 10.8m front setback.</p>
Clause 55.03-9	Access	<p>Access for emergency vehicles is insufficient lack of on-site manoeuvring for internal dwellings especially Dwellings 8 – 19. Approximately 9m radius for turning space is required for a medium rigid vehicle.</p>
Clause 55.03-10	Parking Location	<p>Indicative car parking spaces are annotated along the street frontages to identify potential for visitors to parking off site, however considering that the site is vacant, the design should be able to accommodate innovative design and provide all the minimum required visitor car parks. Therefore, the proposal does not comply with Standards B15.</p>
Clause 55.03-5	Energy Efficiency	<p>All dwellings are orientated east and west, all buildings are double storey, some living face north but all shadowed. There was no attempt to maximise energy efficiency.</p>

Clause 55.05-1	Accessibility	None of the dwellings are designed with bedrooms on the ground floor to cater to people with limited mobility.
Clause 55.05-2	Dwelling Entry	Dwellings 1 to 7 and Dwelling 20 provides a good sense of personal address and provides a transitional space around the entry. Dwellings 8 to 19 are facing internal communal driveways.
Clause 55.06-1	Design Detail	<p>Garages dominate the streetscape. The Inglis Street character is open and spacious with garages well setback from the dwellings entrances.</p> <p>Setbacks of facades are not respectful of the existing character. All internal private open spaces are not facing north for solar energy efficiency.</p> <p>This proposed development displays excessive visual bulk and a lack of building articulation.</p> <p>All surrounding setbacks of buildings including the multi-unit developments along Inglis Street, are all single storey with spacious front setbacks.</p>
Clause 55.06-2	Front Fences	Retaining walls are proposed at the corner of Griffith and Inglis Street add to bulk impacts. Fencing is proposed at the entry to create privacy for Dwellings 7 and 20 private open spaces.
Clause 55.06-3	Common Property	Mailboxes are proposed along the splay of the middle access way. All common areas of the development are not earmarked and should have been delineated from the tandem car parking spaces and responsibilities for landscaping.

## DISCUSSION

The site is located within an established residential area where there is strategic support for well-designed infill development. There are very few large vacant lots available for medium density housing.

The site has convenient access to Bacchus Marsh Railway station, public bus services and Grant Street shops.

The multi-unit developments that were approved in the surrounding area are all single storey with spacious setbacks without dominating garages and car spaces to the site.

Some improvements that could have been made to the proposed design are:

- Reduction of dwellings or size of the building footprints
- Increased setbacks
- Decreased number of crossovers
- Improved vehicular and pedestrian access
- Dwelling orientation to increase energy efficiency
- Mixture of dwelling types

- Increased open space.
- Inclusion of communal interaction space
- Improvements to street interfaces
- Reduce visually dominant fencing.

The applicant is not willing to consider an alternative design response.

#### Neighbourhood Character

As discussed under the Zone section of this report, any growth area should include medium density housing by encouraging better design outcomes that will easily transition from the existing neighbourhood character to the preferred. The proposed design does not show respect to the characteristics of the area, especially those along Inglis Street.

#### Amenity & Waste Management

Further amenity impacts for internal and external residents will occur at waste collections periods. Dwellings, 8 to 18 will need to wheel their bins for several metres until they reach a bin stand area on Griffith Street. All bins are proposed to be located along the Griffith Street Service Road.

#### Traffic and Car Parking

From a traffic and car parking perspective, a waiver of four visitor car parking spaces will place a burden on the on street car parking which should be available for all community use and not only for the visitors of the site.

The land is vacant and the design should have included all parking in an efficient and innovative way without placing burden on the local community.

The site as stated above, is accessed from a service lane off Griffith Street which is a one-way slip lane, both a child care centre accommodating 100 children and 14 of the 20 proposed dwellings (potentially 28 cars) will need access off this slip lane, if this development were to be approved. This poses logical traffic congestion concerns during peak times.

Although it provides swept paths, it is unlikely that emergency vehicles or standard vehicles can access and reverse from garages especially towards Dwellings 13 and 14. Several porches and front landscaping of Dwellings 7 to 19 will be impacted by vehicles reversing from the car parking spaces.

Bin locations proposed will further impact the availability of on street car parking along the corner of Inglis and Griffith Streets, more especially when considering the recently approved child care centre next door which is considered to be a community-based land use.

The accessway is 3m and inadequate to cater for vehicles moving in and out of the site. Cars would need to stop and move to allow another vehicle to ingress and egress the site (for those using the internal accessway).

Noise is likely to occur to and from the future child care with congestion of vehicles at peak times.

Additional crossovers are proposed creating breaks in the streetscape eliminating landscaping opportunities and increasing points of vehicle access and hard surface treatments along the street

### Solar Access/Energy Efficiency

Overall, the design does not show any sustainability or energy efficiency elements. The green spaces are minimal therefore overheating the environment and setting a precedent for poor future housing design outcomes in the surrounding growth areas. Integrated water management such as the use of rain gardens, water tanks, raingarden tree pits and the likes would have improved the permeability aspect over the site. The energy efficiency of the buildings was not provided therefore does not comply with the planning policy provisions, matters relating to double glazing windows, insulation, sustainable or recycled material use, orientation of buildings, and decreased building footprints are not shown in the design.

All internal habitable spaces will likely be shadowed and colder during winter months because all the buildings and rooms are orientated in an east-west facing direction and shadowed by buildings of the same height, no diversity in height is proposed to alleviate this shadowing burden into the design.

### Social Planning

The design for increased housing does not include communal interaction space. Wayfinding is limited for any person needing to access a dwelling such as for emergency vehicles and for integrating social interactions. None of the dwellings prove to accommodate people who are not able bodied or impaired. The housing provided in this area should be catering for all groups of people and not only for one type of target market.

### Streetscape

The development does not propose any contributions towards streetscaping such as street trees and footpaths to allow for walkability and access and increased greenery. Little evidence proves sustainable and beneficial residential growth and is therefore recommended for refusal.

### Summary

Any housing growth must enforce sustainability, energy efficiency, housing affordability, choice and access, respect neighbourhood character and supply ample spaces for permeability and landscaping.

Overall, the proposal is not generally in accordance with the applicable provisions of the Moorabool Planning Scheme and is not consistent with the purpose of the General Residential Zone 3 and Housing Bacchus Marsh to 2041 Strategy.

## **GENERAL PROVISIONS**

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

The decision guidelines were assessed and the impact of the development on the infrastructure and neighbourhood character does not prove a net community benefit and sustainable development outcome. Amenity is considered for residents internal to the proposed buildings and those surrounding it, and amenity will be deteriorated with an immediate rise in vehicular congestion, lack of energy efficiency, visual bulk, dominating garages and car parking spaces along front setbacks.

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

**REFERRALS**

<b>Authority</b>	<b>Response</b>
Department of Families, Fairness and Housing	Consent with conditions.
Environmental Protection Authority (EPA)	Regard was given to the site's proximity to the Industrial Zone 2 and approved Child Care Centre. The Environmental Audit Statement states that the site is suitable for child care and residential use.
Council's Development Infrastructure	Insufficient information provided in relation to a reduction in car parking and its impact on the abutting streets.
Council's Waste Management, Environment and Emergency	Insufficient information provided in relation to encouraging replanting or retention of vegetation, avoiding impact on Council's Assets and waste management/storage/collection on site.
Council's Community Development	Advice provided on accessibility, wayfinding and overdevelopment.
Council's Strategic Planning	Advice provided on car parking and neighbourhood character.

**FINANCIAL IMPLICATIONS**

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

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

Council could consider the following options:

- notify VCAT of the Development Assessment Committee's recommendation as written; or
- should the Committee decide to support a Planning Permit PA2022230 and advise VCAT of its decision, the Committee would need to consider what reasonable grounds there are for approval of the application under the Moorabool Planning Scheme.

**CONCLUSION**

The site is located in the General Residential Zone 3 established for increased growth without compromising on generous landscaping opportunities including canopy tree planting. Moorabool Shire Council incorporated objectives and strategies into the planning scheme, to ensure that future growth and housing supply meets the needs of the growing community. It also seeks to ensure that future housing design is innovative, energy efficient and respectful to the surrounding area.

The proposal provides poor internal amenity and little evidence of energy efficiency rates. It provides limited opportunities for canopy tree planting and fails to respect the existing neighbourhood character with regard to the proposed setbacks and lack of building articulation.

The proposal does not provide sufficient car parking with the wavering of all four visitor parking spaces. It is considered that a vacant site could be designed towards meeting the objectives and strategies of the planning scheme to provide sustainable outcomes towards a net community benefit. This proposal does not show this level of innovation and does not cater for all social groups requiring accessible housing or for single persons. The proposal is inconsistent with the objectives of the Housing Bacchus Marsh to 2041 Strategy, zone provisions and the objectives of ResCode and is therefore recommended for refusal subject to the grounds contained within this report and VCAT notified of the Committee's decision.

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

**9 UPDATE ON VCAT DECISIONS**

**10 OTHER BUSINESS**

**11 DATE OF NEXT MEETING**

Wednesday 17 May 2023.

**12 MEETING CLOSE**