AGENDA
SECTION 86 DEVELOPMENT ASSESSMENT
COMMITTEE MEETING

Wednesday, 21 September 2016
James Young Room, Llerderderg Library
Bacchus Marsh
4.00pm

MEMBERS

Cr. David Edwards (Chair)  
Councillor – East Moorabool Ward
Cr. Allan Comrie (Mayor)  
Councillor – East Moorabool Ward
Cr. Tonia Dudzik  
Councillor – East Moorabool Ward
Cr. Paul Tatchell  
Councillor – Central Moorabool Ward

OFFICERS

Mr. Satwinder Sandhu  
General Manager Growth & Development
Mr. Rob Fillisch  
Manager Statutory Planning and Community Safety
Ms. Sam Romaszko  
Manager Engineering Services
Mr. Thomas Tonkin  
Statutory Planning Officer
Miss Jacquie Elliott  
Minute taker

<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Responsibility</th>
<th>Page No.</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Welcome, Present and Apologies</td>
<td>Chair</td>
<td></td>
<td>Noting</td>
</tr>
<tr>
<td>2.</td>
<td>Meeting Minutes</td>
<td>Chair</td>
<td></td>
<td>Noting</td>
</tr>
<tr>
<td>2.1</td>
<td>Confirmation of previous minutes 10 August 2016</td>
<td>Chair</td>
<td></td>
<td>Resolution</td>
</tr>
<tr>
<td>3.</td>
<td>Conflict of Interest</td>
<td>Chair</td>
<td></td>
<td>Noting</td>
</tr>
<tr>
<td>4.</td>
<td>Growth &amp; Development Reports</td>
<td>S. Sandhu</td>
<td></td>
<td>Discussion</td>
</tr>
<tr>
<td>4.1</td>
<td>Planning Permit Application PA2016 122</td>
<td>Planning Officer</td>
<td>Page 3</td>
<td>Resolution</td>
</tr>
<tr>
<td>4.2</td>
<td>Planning Permit Application PA2016 104</td>
<td>Planning Officer</td>
<td>Page 16</td>
<td>Resolution</td>
</tr>
<tr>
<td>5.</td>
<td>Update on Trends, Issues and Other Matters</td>
<td>S. Sandhu</td>
<td></td>
<td>Discussion</td>
</tr>
<tr>
<td>6.</td>
<td>Update of VCAT Decisions</td>
<td>Chair</td>
<td></td>
<td>Resolution</td>
</tr>
<tr>
<td></td>
<td>Date of Next Meeting</td>
<td>Chair</td>
<td>Noting</td>
<td></td>
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<td>7.</td>
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</tr>
<tr>
<td>7.1</td>
<td>Wednesday, 12 October 2016</td>
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<tr>
<td></td>
<td>4.00pm - Council Chambers, 15 Stead Street, Ballan</td>
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</tr>
<tr>
<td>8.</td>
<td>Meeting Close</td>
<td>Chair</td>
<td>Noting</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Planning Permit Application PA2016 122; Development of a Shed with Zincalume Roof Ancillary to an Existing Dwelling at Lot 17 on PS 335983L, 116 Hastings Road, Greendale VIC 3341.

### Application Summary:

<table>
<thead>
<tr>
<th>Permit No:</th>
<th>PA2016 122</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgement Date:</td>
<td>20 May, 2016</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Tom Tonkin</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Lot 17 on PS 335983L, 116 Hastings Road, Greendale VIC 3341</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Development of a Shed with Zincalume Roof Ancillary to an Existing Dwelling.</td>
</tr>
<tr>
<td>Lot size:</td>
<td>2.16ha</td>
</tr>
</tbody>
</table>

### Why is a permit required?

- Clause 42.01 – Environmental Significance Overlay – Buildings and works
- Clause 43.02 – Design and Development Overlay – buildings and works
- Clause 44.06 – Bushfire Management Overlay – Buildings and works ancillary to a dwelling

### Restrictions registered on title

- Yes, in the form of two Section 173 agreements and a covenant. The Agreements mostly relate to development complying with bushfire construction standards and siting requirements, and the covenant relates to the dwelling. No aspect of the proposal would be in breach of these restrictions.

### Public Consultation:

- Was the application advertised? The application was advertised due to the proposal’s potential to cause material detriment.
- Number of notices to properties? Three (3)
- Notices on site? None
- Notice in Moorabool Newspaper? None
- Number of Objections? One (1)
- Consultation meeting? No, but the applicant and objector met informally and Council officers consulted both the objector and applicant to try and resolve the objection.
Policy Implications:

<table>
<thead>
<tr>
<th>Key Result Area</th>
<th>Enhanced Infrastructure and Natural Built Environment.</th>
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</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Effective and efficient land use planning and building controls.</td>
</tr>
<tr>
<td>Strategy</td>
<td>Implement high quality, responsive, and efficient processing systems for planning and building applications. Ensure that development is sustainable, resilient to change and respects the existing character.</td>
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In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

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

Manager – Robert Fillisch
In providing this advice to Council as the 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:

<table>
<thead>
<tr>
<th>Application referred?</th>
<th>The application was referred to Country Fire Authority and internally to Council’s Infrastructure unit. Standard permit conditions as per Council’s Memorandum of Understanding with water authorities, in this instance Western Water and Southern Rural Water, must be applied if the application is approved.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>None raised, subject to conditions being placed on a permit.</td>
</tr>
<tr>
<td>Preliminary Concerns?</td>
<td>None</td>
</tr>
<tr>
<td>Any discussions with applicant regarding concerns?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Any changes made to the application since being lodged?</td>
<td>Not formally. After advertising and receipt of the objection and the landowner’s discussion with the objector, an amended site plan was informally provided to Council and the objector attempting to address the objector’s concerns.</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>None</td>
</tr>
</tbody>
</table>
Previous applications for the site? | PA2001-175 for Development and Use of a Dam was approved by Council in 2002.
---|---
**General summary** | The application is for the development of a shed ancillary to an existing dwelling.
The shed would be 54sq m in size, with 3.0m high walls and a roof pitch of 4.24m. The shed would be clad with Colorbond walls and a zincalume roof and would not contain any wastewater facilities.
The shed would be set back 14.0m from the nearest property boundary.
The objection to the development relates to the proximity of the shed to the objector’s dwelling and subsequent loss of views, loss of property value, potential industrial use and impact on phone and television reception.
The proposal satisfies the relevant provisions of the Moorabool Planning Scheme and is a generally acceptable response to the amenity of the area.

**Summary Recommendation:**
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.

**Public Notice**
The application was advertised to some adjoining landowners by mail on 23 June 2016. One (1) objection was received.

**Summary of Objection**
The objection received is detailed below with officer’s accompanying comments:

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of views from the main living and entertainment areas of the house.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> - Loss of views is generally not considered to be a valid objection to a planning application.</td>
<td></td>
</tr>
</tbody>
</table>

| Interference with reception from Mount Blackwood television and mobile phone towers. | N/A |
| **Officer’s response** - The proposed shed would have a maximum height of 4.24m, be sited at least 14.0m from the common boundary and have a finished floor level lower than the objector’s dwelling given the slope of the land. Based on the design and siting of the proposed shed it is considered unlikely to affect reception. |

Impact on property values. | N/A |
**Officer’s response** -
Property values are impacted by a range of factors and thus not considered to be a valid objection to a planning application.

The application has been made in the name of a business and we are concerned about industrial use and associated noise.

**Officer’s response** -
The shed would be ancillary to an existing dwelling with a floor area of 54sq m. Use of the shed for most types of commerce or industry is prohibited, or otherwise would require separate planning approval. The use of the shed for any purpose ancillary to a dwelling would be generally considered reasonable, and any unreasonable amenity impacts such as noise dealt with under EPA controls or enforcement action by Council if appropriate.

**Proposal**

It is proposed to develop a shed ancillary to an existing dwelling, incorporating a zinclalume clad roof.

The shed would be 6.0m x 9.0m with an area of 54.0sq m, with a wall height of 3.0m and overall height to the roof pitch of 4.24m. The shed would have two (2) roller doors for vehicle access, a pedestrian door and a window, with Colorbond walls and a zinclalume roof. The shed would be sited towards the north end of the lot in a cleared area which has been previously filled and is generally flat.

The proposed plans are included at Attachment 1.

**Site Description**

The site is identified as Lot 17 on PS 335983L and known as 116 Hastings Road, Greendale. The site is roughly rectangular in shape with an area of 2.16ha, and falls generally from the southwest to the northeast. The site is on the southwest corner of Hastings and Lawsons Roads and contains a single storey brick dwelling, large outbuilding for vehicle and domestic storage and a dam clustered towards the centre of the site. The balance of the land is substantially covered with native trees. Vehicle access to the site is via a crossover off Lawsons Road abutting the northeast property boundary.

The site and most surrounding land is in the Rural Living Zone and comprises lots of a similar size to the subject site, mostly developed with single dwellings and ancillary outbuildings. Land to the southeast is in the Farming Zone and comprises mostly cleared land used for grazing, although heavily forested areas exist particularly near to the subject site.
Locality Map

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

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

The relevant clauses are:

- 11.05-2 – Melbourne’s hinterland areas
- 11.06 – Central Highlands regional growth
- 13.05 – Planning for bushfire
- 14.02 - Water
- 15.01-5 – Cultural identity and neighbourhood character
- 21.02-3 – Water and Catchment Management
- 21.03-4 – Landscape and Neighbourhood Character
- 22.02 – Special Water Supply Catchments

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

Zone

The subject site is in the Rural Living Zone, and the provisions of Clause 35.03 apply.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Under Clause 35.03-4 a permit is not required for an outbuilding less than 100sq m in floor area which is ancillary to a dwelling.

Overlays

The subject site is affected by the Environmental Significance Overlay, Schedule 1, Design and Development Overlay, Schedule 2 and the Bushfire Management Overlay.

Under the Environmental Significance Overlay a permit is required to construct buildings and works. There are no relevant exemptions under Schedule 1.

Under the Design and Development Overlay a permit is required to construct buildings and works. The proposal does not meet the relevant exemption under Schedule 2 for non-reflective materials therefore a permit is required.

Under the Bushfire Management Overlay, a permit is required for buildings and works ancillary to a dwelling. The proposal does not meet any applicable exemptions given the combined floor area of the existing and proposed outbuildings exceeds 150sq m.
Particular Provisions

Clause 52.47 Planning for Bushfire

Clause 52.47 includes objectives and measures to ensure development responds appropriately to bushfire hazard.

The proposal makes acceptable provision for creation of 10 metres defendable space around the proposed shed, to the satisfaction of the Country Fire Authority, subject to conditions.

Discussion

The proposed development of a shed ancillary to an existing dwelling is generally consistent with relevant State and local planning policy, the Rural Living Zone, relevant overlays and Particular and General Provisions of the Moorabool Planning Scheme.

The subject site is part of a rural residential subdivision typified by dwellings on similar sized lots in bush or semi-bush settings. Ancillary outbuildings of varying sizes are common, and in many ways the proposal reflects the surrounding pattern of development. Greendale is in a Special Water Supply Catchment and is unsewered, and accordingly most development requires planning approval under the Environmental Significance Overlay, as in this instance. The proposed shed would not contain any facilities generating wastewater and there would be no additional load placed on the existing septic system and no detriment to drinking water quality. The site is also in a bushfire prone area and accordingly most development requires planning approval under the Bushfire Management Overlay, as in this instance. The proposed shed would be sited to achieve at least 10 metres defendable space to satisfy the Country Fire Authority requirements. The site is affected by a Design and Development Overlay, and a permit is required to use zincalume cladding as is proposed for the roof of the building. The use of zincalume is not considered appropriate given the shed’s proximity to other dwellings, particularly to the south and it is recommended that a condition of any approval require the shed to be clad entirely with non-reflective materials.

The objection to the application raises concerns regarding residential amenity which are largely outside the scope of what the permit is for. The application is primarily being assessed to ensure no detriment to drinking water quality and to mitigate the bushfire hazard to an acceptable degree. Amenity can only be considered under the provisions of Clause 65 (Decision Guidelines) which states that “before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate...The effect on the amenity of the area.” Following receipt of the objection, the applicant and objector discussed the objection and the applicant amended the plans, to increase the boundary setback from 14.0m to 16.0m and reposition the shed 10.0m closer to an existing shed and further away from the objector’s dwelling. These changes are considered to reasonably limit any amenity impacts on the objector’s property. The effect on the amenity of the area is considered to be within acceptable limits. Given the abovementioned changes to the plans were informally presented to Council and the objector it is recommended that any condition of approval require amended plans to be formally submitted for endorsement. It is also noted that the proposal readily satisfies the relevant siting requirements under the Building Code with regard to mitigating any unreasonable amenity impacts on neighbours.

General Provisions

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

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

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country Fire Authority</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Southern Rural Water</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Western Water</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Consent subject to conditions</td>
</tr>
</tbody>
</table>

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this development does not implicate any risk or OH & S issues 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 submitter and the applicant were invited to attend this meeting and address Council if desired.

Options

There are no reasonable grounds on which to refuse the application.

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

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the Rural Living Zone, relevant Overlays, Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Caretaker Statement

The recommended decision is not a “Major Policy Decision”, as defined in Section 93A of the Local Government Act 1989.
Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2016 122; Development of a Shed Ancillary to an Existing Dwelling at Lot 17 on PS 335983L, 116 Hastings Road, Greendale VIC 3341 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   a. The proposed exterior wall and roof cladding with no use of reflective materials (zincalume).
   b. The shed’s setback from the common boundary with 108 Hastings Road increased from 14.0m to 16.0m.
   c. The shed sited 10.0m closer to the nearest existing outbuilding on the site.

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

Materials and Colour:

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

Infrastructure conditions:

3. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.

4. 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).

5. 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.

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

Western Water and Southern Rural Water conditions:

7. The permitted building must not be used for any habitable purpose and must not be used for any commercial or industrial purpose except in accordance with the provisions of the Moorabool Planning Scheme.
8. The existing or proposed effluent disposal areas (if applicable) must be kept free from stock, buildings, driveways and service trenching.

9. Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.

10. Sediment control measures outlined in the EPA’s publication No 275 Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.

Country Fire Authority conditions:

11. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Defendable Space Requirement:

12. Defendable space must be created for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser, where vegetation (and other flammable materials) during the declared fire danger period will be managed in accordance with the following:
   - Grass must be short cropped.
   - All leaves and vegetation debris must be removed at regular intervals.
   - Flammable objects must not be located close to the vulnerable parts of the building.
   - Shrubs must not be located under the canopy of trees.
   - Trees must not overhang or touch any elements of the building.
   - The canopy of trees must be separated by at least 2 metres.
   - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Expiry condition:

13. This permit will expire if one the following circumstances apply:
   
   a. The development is not started within two years of the date of this permit; or
   b. The development is not completed within four years of the date of this permit.

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

Report Authorisation:

Authorised by: Satwinder Sandhu
Name: General Manager Growth and Development
Date: 17 August 2016
Measurements are from the outside of side gills to the inside of component opening rim.

Measurements are from the outside of side gills to the inside of component opening rim.
Knee corinents are from the outside of side gus to the inside of component epuing etc.
Legend

- Downpipes

Down pipes to be installed in accordance to AS3500 and council requirements.

Connected to an existing functional storm water drainage system.

Name: Chris Browne
Site Address: 116 Hastings Rd, Greendale, VIC, 3341
Job Number: SGEE160039

Scale 1:2000
Concrete Slab Shed

Inset
### Application Summary:

<table>
<thead>
<tr>
<th>Permit No:</th>
<th>PA2016 104</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgement Date:</td>
<td>21 April, 2016</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Tom Tonkin</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Lot 1 on TP 169885W, 72 Shuter Avenue, Greendale VIC 3341</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Development of an Extension to an Existing Outbuilding (Shed) using Zincalume Wall Cladding and Vegetation Removal (8 Trees).</td>
</tr>
<tr>
<td>Lot size:</td>
<td>1.61ha</td>
</tr>
<tr>
<td>Why is a permit required?</td>
<td>Clause 35.03 – Rural Living Zone – Buildings and works</td>
</tr>
<tr>
<td></td>
<td>Clause 42.01 – Environmental Significance Overlay – Buildings and works</td>
</tr>
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<td></td>
<td>Clause 44.06 – Bushfire Management Overlay – Buildings and works ancillary to a dwelling</td>
</tr>
<tr>
<td></td>
<td>Clause 52.17 – Native Vegetation – vegetation removal</td>
</tr>
<tr>
<td>Restrictions registered on title</td>
<td>No</td>
</tr>
</tbody>
</table>

### Public Consultation:

<table>
<thead>
<tr>
<th>Was the application advertised?</th>
<th>The application was advertised due to the proposal’s potential to cause material detriment.</th>
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<tr>
<td>Number of notices to properties?</td>
<td>Two (2)</td>
</tr>
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<td>Notices on site?</td>
<td>None</td>
</tr>
<tr>
<td>Notice in Moorabool Newspaper?</td>
<td>None</td>
</tr>
<tr>
<td>Number of Objections?</td>
<td>One (1)</td>
</tr>
<tr>
<td>Consultation meeting?</td>
<td>No, however Council officers met with the objector to discuss the objections raised.</td>
</tr>
</tbody>
</table>
Policy Implications:

<table>
<thead>
<tr>
<th>Key Result Area</th>
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Author – Tom Tonkin
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<tr>
<td>Any issues raised in referral responses?</td>
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<tr>
<td>Preliminary Concerns?</td>
<td>None</td>
</tr>
<tr>
<td>Any discussions with applicant regarding concerns?</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Any changes made to the application since being lodged?</td>
<td>Yes. Before notice of the application was given the application was amended to include the removal of five (5) native trees and three (3) non-native trees.</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>None</td>
</tr>
<tr>
<td>Previous applications for the site?</td>
<td>None</td>
</tr>
</tbody>
</table>
The application is for retrospective approval of an extension to a shed ancillary to an existing dwelling, and vegetation removal. The development is 87sq m in size with a low pitched skillion roof. The shed would be clad with zincalume clad walls and a Colorbond roof and does not contain any wastewater facilities. The objection to the development relates primarily to the intended use of the shed, the reasonableness of the proposed vegetation removal, and earthworks which have occurred on site. The development and vegetation removal generally satisfies the relevant provisions of the Moorabool Planning Scheme.

**Summary Recommendation:**

It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the *Planning and Environment Act 1987*, subject to conditions detailed at the end of this report.

**Background**

The current application has arisen from a site inspection by Council officers in response to a complaint about earthworks and vegetation removal on the subject site. Officers deemed the extent of those earthworks and vegetation removal to be generally in accordance with the Moorabool Planning Scheme, however the shed construction was observed to require planning approval.

**Public Notice**

The application was advertised to two adjoining landowners by mail on 16 May 2016. One (1) objection was received.

**Summary of Objection**

The objection received is detailed below with officer’s accompanying comments:

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application does not mention existing earthworks extending 30m beyond the shed.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Officer’s response**

As previously explained, Council officers deemed the extent of earthworks and vegetation removal observed in October 2015 to be generally in accordance with the Moorabool Planning Scheme. The applicant has advised Council of activity on the site in the meantime, including cleaning up fallen tree branches, pine needles, digging a drainage channel along the driveway. None of these activities are deemed to require planning approval.

<table>
<thead>
<tr>
<th>The existing shed was clad and increased in size and then another new structure was added with windows.</th>
<th>N/A</th>
</tr>
</thead>
</table>
Proposal

Retrospective approval is sought for the development of an extension to an outbuilding ancillary to a dwelling, incorporating zincalume wall cladding.

The extension has dimensions of 14.5m x 6.0m (87sq m) with a low pitched skillion roof of 2.5m-3.0m height. The shed extension has zincalume clad side walls but is open at the southeast end. The roof is clad with Colorbond. The extension utilises a concrete slab previously constructed for a former shed since demolished, and would be used to store cars and an excavator.

It is also proposed to remove eight (8) trees - five (5) natives and three (3) exotics, from the north and east sides of the shed.

The proposed plans are included at Attachments 1 and 2.

Site Description

The site is identified as Lot 1 on TP 169885 and known as 72 Shuter Avenue, Greendale. The site is 1.619ha in size and roughly rectangular in shape. The site lies on the south side of the road and generally slopes downwards to the northwest (road) boundary. A tributary of Dale Creek runs through the front part of the site with two dams constructed towards the front boundary. An existing dwelling is sited towards the rear of the property, accessed via a driveway and crossover off Shuter Avenue.
The site and surrounding land is in the Rural Living Zone and undulating to hilly. Surrounding lots are of similar size to the subject site and mostly developed with single dwellings and ancillary outbuildings. Most properties including the subject site have scattered vegetation cover, usually a mix of native and exotic mature trees.

Locality Map

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

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

The relevant clauses are:

- 11.05-2 – Melbourne’s hinterland areas
- 11.06 – Central Highlands regional growth
- 13.05 – Planning for bushfire
- 14.02 - Water
- 15.01-5 – Cultural identity and neighbourhood character
- 21.02-3 – Water and Catchment Management
- 21.03-4 – Landscape and Neighbourhood Character
- 22.02 – Special Water Supply Catchments

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

Zone

The subject site is in the Rural Living Zone, and the provisions of Clause 35.03 apply.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Under Clause 35.03-4 a permit is required for buildings and works within 100m of a waterway.

Overlays

The subject site is affected by the Environmental Significance Overlay, Schedule 1, Design and Development Overlay, Schedule 2 and the Bushfire Management Overlay.

Under the Environmental Significance Overlay a permit is required to construct buildings and works. There are no relevant exemptions under Schedule 1.

Under the Design and Development Overlay a permit is required to construct buildings and works. The proposal does not meet the relevant exemption under Schedule 2 for non-reflective materials.

Under the Bushfire Management Overlay, a permit is required for buildings and works ancillary to a dwelling. The proposal does not meet any applicable exemptions given the combined floor area of the existing and proposed outbuildings exceeds 150sq m.
Particular Provisions

Clause 52.17 Native Vegetation

Under Clause 52.17 a permit is required to remove native vegetation. There are various exemptions however none are applicable in this instance.

Clause 52.47 Planning for Bushfire

Clause 52.47 includes objectives and measures to ensure development responds appropriately to bushfire hazard.

The proposal makes acceptable provision for creation of defendable space around the proposed shed, to the satisfaction of the Country Fire Authority, subject to conditions.

Discussion

The development of an extension to an existing outbuilding (shed) using zincalume wall cladding and vegetation removal (8 Trees) is generally consistent with relevant State and local planning policy, the Rural Living Zone, relevant overlays and Particular and General Provisions of the Moorabool Planning Scheme.

The subject site is part of a rural residential subdivision typified by dwellings on similar sized lots in semi-bush or semi-rural settings. Ancillary outbuildings of varying sizes are common, and in many ways the proposal reflects the surrounding pattern of development. Greendale is in a Special Water Supply Catchment and is unsewered, and accordingly most development requires planning approval under the Environmental Significance Overlay, as in this instance. The shed does not contain any facilities generating wastewater and there would be no additional load placed on the existing septic system and no detriment to drinking water quality. The site is also in a bushfire prone area and accordingly most development requires planning approval under the Bushfire Management Overlay, as in this instance. The shed is sited to achieve sufficient defendable space to satisfy the Country Fire Authority requirements. The site is affected by a Design and Development Overlay, and a permit is required to use zincalume cladding as is proposed for the roof of the building. The use of zincalume is considered acceptable in this instance given the orientation of the shed is to the road and not adjoining dwellings.

The objection to the application raises several concerns, mainly in relation to the intended use of the shed, the reasonableness of the proposed vegetation removal, and earthworks which have occurred on site.

As previously stated the use of the shed would be to store cars and an excavator, however the specific goods to be stored are largely irrelevant, provided the use complies with the Moorabool Planning Scheme. The shed is ancillary to a dwelling, and therefore it is reasonable to expect that the types and quantity of goods stored would be in accordance with the owner’s needs which may change over time. Permit conditions would regulate these matters to an acceptable degree.

The applicant has indicated a desire to remove trees within 10m of the shed. Considering the bushfire hazard this is considered to be a reasonable request. Whilst the trees have some amenity value this is not a specific consideration in assessing the suitability of their removal. Under Clause 52.17 the biodiversity value of vegetation is assessed. In this instance the proposed removal is assessed as ‘low risk’ in relation to loss of biodiversity, and permit conditions would require vegetation offsets.

General Provisions

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

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

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country Fire Authority</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Southern Rural Water</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Western Water</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Environmental Planning</td>
<td>Consent subject to conditions</td>
</tr>
</tbody>
</table>

Financial Implications

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

Risk and Occupational Health and Safety Issues

The recommendation of an approval of this development does not implicate any risk or OH & S issues 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 submitter and the applicant were invited to attend this meeting and address Council if desired.

Options

There are no reasonable grounds on which to refuse the application.

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

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the Rural Living Zone, relevant Overlays, Particular and General Provisions of the Moorabool Planning Scheme.

It is therefore recommended that the application be supported by Council.

Caretaker Statement

The recommended decision is not a “Major Policy Decision”, as defined in Section 93A of the Local Government Act 1989.
Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2016 104; Development of an Extension to an Existing Outbuilding (Shed) using Zincalume Wall Cladding and Vegetation Removal (8 Trees) at Lot 1 on TP 169885W, 72 Shuter Avenue, Greendale VIC 3341 subject to the following conditions:

Endorsed Plans:

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

Materials and Colour:

2. Except as shown on the endorsed plans, other external walls and roof areas of the approved building are to be clad with non-reflective materials (no zincalume) except with the written consent of the Responsible Authority.

Infrastructure conditions:

3. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.

4. 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).

5. 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.

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

Environmental Planning conditions:

7. Offset requirement:
   In order to offset the removal of 5 scatted trees approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with DELWP’s publication Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual.
8. General offset must:
   a) Contribute gain of 0.023 general biodiversity equivalent units.
   b) Be located within the Port Phillip and Westernport Catchment Management Authority (PPWCMA) boundary or Moorabool Shire Municipal District.
   c) Have a minimum strategic biodiversity score of at least 0.080.

9. Offset evidence:
   Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Permitted clearing of native vegetation — Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
   a) A credit register extract from the Native Vegetation Credit Register (for more information refer to DEPI’s publication 'Permitted clearing of native vegetation Meeting permit conditions – Third party offsets'); or
   b) A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP) and approved by the Responsible Authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, DELWP. An offset site condition statement, including photographs must be included in this notification.

Revegetation must done in accordance with the minimum planting standard specified in Appendix 2 of DEPI’s publication ‘Native vegetation gain scoring manual’ and revegetation sites must meet the following size requirements:
   I. At least 1 hectare in size;
   II. Have an average width of at least 20 metres; and
   III. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres2) by the perimeter (metres).

Southern Rural Water conditions:

10. The permitted outbuilding (shed) must not be used for any commercial, industrial, habitable purpose or have a facility that generates waste water and must always be used ancillary to the existing use of the land.

11. Existing effluent disposal areas must be kept free from stock, buildings, driveways and service trenching.

12. Stormwater must not be released directly into any waterway and must be directed away from any existing effluent fields.

13. Should major excavation works be required for the removal of vegetation, sediment control measures outlined in the EPA’s publication No 275 Sediment Pollution Control, shall be employed whilst carrying out works and maintained until the disturbed area has been revegetated.

Western Water conditions:

14. The outbuilding must not be used for the purpose of a dwelling or any other form of accommodation.

15. The outbuilding must not contain facilities that result in the discharge of wastewater.
16. The effluent disposal field must be protected by being isolated from any building, driveway or vehicles that could render it unavailable in the future.

17. All stormwater must be diverted away from the effluent disposal field.

18. Sediment Pollution Controls must be employed during construction and maintained until the disturbed area has been regenerated.

Country Fire Authority conditions:

19. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

20. The Bushfire Management Statement (Non Habitable Outbuilding Ancillary to a Dwelling Category B) provided with the application under the name of Jason Falkner of 72 Shutter Ave GREENDALE must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Expiry condition:

21. This permit will expire if one the following circumstances apply:

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

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

Report Authorisation:

Authorized by: [Signature]

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 18 August 2016
EASEMENT.

*DISTANCE FROM SHED TO EASEMENT IS 20M
*SKILLION SHED*
- Attached to existing shed
- Constructed using steel posts & treated pine
- 5 x windows
- 2 x doors
- 2 openings at each end of shed
- Cladded with colorbond steel & polycarbonate
- Galvanised guttering connected to water tanks.
SHED SIDE IV (HOUSE FACING SIDE) 72 SMUTER AVE, GREENDALE

* 3 x Aluminium Windows
  - 2 x 2800W x 2000H
  - 1 x 1600W x 2000H

* 1 x Timber Door
  - 2400H x 1000W

* Shed Dimensions
  - 1405W x 3000H
¡2 x TIMBER WINDOWS
- 1 x 2750W x 2150H
- 1 x 2750W x 1200H

¡1 x TIMBER SLIDING DOOR
- 3050W x 2150H