MINUTES
SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 13 July, 2016
James Young Room, Lerderderg Library,
215 Main Street, Bacchus Marsh
4.00pm

MEETING OPENING

Councillor David Edwards as the Chair welcomed all and opened the meeting at 4.05pm.

ATTENDANCE

Cr. David Edwards (Chair) Councillor – East Moorabool Ward
Cr. Allan Comrie (Mayor) Councillor – East Moorabool Ward
Cr. Paul Tatchell Councillor – Central Moorabool Ward
Cr. Tonia Dudzik Councillor – East Moorabool Ward
Mr. Satwinder Sandhu General Manager Growth & Development
Mr. Robert Fillsich Acting Manager Statutory Planning
Ms. Sam Romaszko Manager Engineering Services
Mr. Mark Lovell Senior Statutory Planner
Mr. Tom Tonkin Statutory Planning Officer
Ms. Judy Lotz Minute Taker

CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Dudzik
Seconded: Cr. Comrie

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 08 June, 2016 be confirmed as a true and correct record.

CARRIED.

CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.
### Item 4.1 Planning Permit Application PA2015 132

**PA2015 132 – 16 Myrtle Grove Road, Ballan; 18 Lot Staged Subdivision and Vegetation Removal**

<table>
<thead>
<tr>
<th>Application Summary:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Permit No:</td>
<td>PA2015 132</td>
</tr>
<tr>
<td>Lodgement Date:</td>
<td>19 June, 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Tom Tonkin</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Lot 2 on PS 712721S, 16 Myrtle Grove Road, Ballan 3342</td>
</tr>
<tr>
<td>Proposal:</td>
<td>18 Lot Staged Subdivision and Vegetation Removal</td>
</tr>
<tr>
<td>Lot size:</td>
<td>1.854ha</td>
</tr>
</tbody>
</table>

| Why is a permit required | Clause 32.08-2 – General Residential Zone – subdivision  
Clause 42.01-2 – Environmental Significance Overlay – subdivision and vegetation removal  
Clause 52.17 – Native Vegetation – native vegetation removal  
Clause 52.29 – Land Adjacent to a Road Zone, Category 1 - subdivision |

<table>
<thead>
<tr>
<th>Public Consultation:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the application advertised?</td>
<td>The application was advertised due to the proposal’s potential to cause material detriment.</td>
</tr>
<tr>
<td>Notices on site:</td>
<td>One (1)</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. Informal consultation was done.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy Implications:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Result Area</td>
<td>Enhanced Natural and Built Environment.</td>
</tr>
<tr>
<td>Objective</td>
<td>Effective and efficient land use planning and building control.</td>
</tr>
</tbody>
</table>
| Strategy             | Implement high quality, responsive, and efficient processing systems for planning and building applications  
Ensure that development is sustainable, resilient to change and respects the existing character. |
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>Referred to external authorities and within Council.</th>
</tr>
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<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>Council’s Infrastructure unit requested a storm water management strategy be prepared for the site, which was prepared and deemed to be acceptable. No other issues were 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>No</td>
</tr>
<tr>
<td>Any changes made to the application since being lodged?</td>
<td>The proposal now includes the removal of native vegetation required to facilitate the proposed development.</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>None</td>
</tr>
<tr>
<td>Previous applications for the site?</td>
<td>PA2012256 – Two lot subdivision approved 14 December 2012. PA2015097 – Removal of non-native vegetation (18 trees) approved 5 August 2015.</td>
</tr>
<tr>
<td>General summary</td>
<td>The application is for an 18 lot staged subdivision of the site, and removal of an established native tree. The staging would comprise two stages, and lot sizes would range from 500sq m to 2609sq m. All lots would front a proposed cul de sac accessed from Myrtle Grove Road with frontage widths of generally 19-20m. A 5.0m wide pedestrian way would connect to the adjoining land to the east. Objections to the proposal relate mainly to infrastructure provision. It is noted that the proposal is inconsistent with the Ballan Structure Plan because lot sizes of less than 1500sq m are proposed to be created. The proposal meets the relevant objectives of State and local planning policy and all ResCode requirements, subject to conditions.</td>
</tr>
</tbody>
</table>
Overall, the proposal is a reasonable design response, contributes to housing choice and is acceptable with regard to the amenity of the area.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.

Background

The applicant sought Council’s preliminary advice on a proposed plan of subdivision, which included a court bowl at the western end of the proposed road, extending into the Ballan-Blackwood Road road reserve, and pedestrian access to the property to the east for which there is a current multi-lot subdivision application currently being considered. Council officers provided the following feedback to the applicant:

- The court bowl must be redesigned.
- The pedestrian access to the adjoining land to the east needed more consideration.
- A storm water management plan showing how overland flow can reach the floodway to the east must be provided.

It is noted that PA2015097 approved the removal of numerous non-native trees which would assist the development of the proposed subdivision.

Public Notice

Notice of the application was given to adjoining and nearby landowners by mail on 3 December 2015 and a sign erected on site facing Myrtle Grove Road from 7-23 December 2015. One (1) objection was received.

Summary of Objections

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

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>This application would not be acceptable in Melton or Melbourne so why would it be suitable for Ballan?</td>
<td>Clause 56</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> - Each application is assessed based on the relevant planning scheme provisions and on its own merits. The site is zoned for residential development and the proposal generally accords with the relevant planning scheme provisions.</td>
<td></td>
</tr>
<tr>
<td>There is insufficient infrastructure to service the subdivision.</td>
<td>Clauses 56.07 &amp; 56.09</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> - The site has access to all reticulated services which all future lots must be connected to, as stipulated by recommended permit conditions.</td>
<td></td>
</tr>
<tr>
<td>By staging the subdivision the developer will avoid infrastructure provision.</td>
<td>NA</td>
</tr>
</tbody>
</table>
**Proposal**

It is proposed to develop the site for a staged 18 lot subdivision and to remove native vegetation. The subdivision would include a 16.0m wide no through road accessed from Myrtle Grove Road. Lot 3 would comprise an existing dwelling on a lot of 2609sq m. The remaining lots would comprise vacant land and vary in size from 500sq m to 1275sq m. The mean lot size would be 830.61sq m with lots typically a uniform rectangular shape. Lot frontage widths would typically be 19-20m. A 5.0m wide path between Lots 15 and 16 would connect the proposed road to the adjoining lot to
the east at 18 Myrtle Grove Road, for which a multi-lot subdivision application is being considered by Council.

The subdivision would be developed in two (2) stages: Stage 1 would comprise Lots 1-3 and 15-18, and Stage 2 the remaining lots 4-14.

One (1) native tree on the site would need to be removed to facilitate the development.

The proposed plan of subdivision is provided in Attachment 1.

Site Description

The site is identified as Lot 2 on PS 712721S and known as 16 Myrtle Grove Road, Ballan. The site is on the north side of Myrtle Grove Road and adjoins Ballan-Blackwood Road to the west and the Western Freeway to the north. The site is 1.854ha in size and roughly rectangular in shape, and created as part of a two lot subdivision approved by PA2012256 which effectively excised Lot 1 from the balance of the land. The site contains a single storey brick dwelling and ancillary outbuildings located towards the west title boundary and accessed via a driveway and single crossover from Myrtle Grove Road. Approximately 0.6ha of the northern part of the site comprises an olive grove. Other than planted vegetation the site is cleared of native vegetation except for one (1) native remnant tree located towards the centre of the site.

The site falls gently from the southwest to the northeast.

The site and surrounding land south of the Western Freeway is in the General Residential Zone, and comprises mostly residential lots developed with single dwellings. Land south of Myrtle Grove Road forms part of the established Ballan township with a consistent pattern of subdivision with only occasional examples of further subdivision. Lot sizes in this area are typically 2000sq m-4000sq m. Further subdivision of mostly vacant land between Myrtle Grove Road and the Western Freeway has occurred over the past 10 years with approval of lot sizes varying from 320sq m to 5000sq m.

The site is approximately 1.3km north of the Ballan central activities area. All reticulated services are available to the site.
Planning Scheme Provisions

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

The relevant clauses are:

- 11.05-1 Melbourne’s hinterland areas
- 11.06 Central Highlands regional growth
- 12.01 Biodiversity
- 14.02 Water
- 15.01-3 Neighbourhood and subdivision design
- 15.01-5 Cultural identity and neighbourhood character
- 16.01-1 Integrated housing
- 16.01-2 Location of residential development
- 21.02-3 Water and Catchment Management
- 21.02-4 Biodiversity
- 21.03-2 Urban Growth Management
- 21.03-3 Residential Development
- 21.03-4 Landscape and Neighbourhood Character
- 21.08 Ballan
- 22.02 Special Water Supply Catchments.

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

The subject site is in the General Residential Zone, Schedule 1.

The purpose of the Zone is:

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

Under Clause 32.08-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.

The proposed subdivision is generally consistent with the General Residential Zone.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 due to the site being in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required to subdivide land and to remove vegetation. Reticulated sewer is available, and subject to conditions the proposal would meet the requirements of this overlay.

Relevant Policies

Council adopted the Ballan Structure Plan on 17 December 2015 and authorised Council officers to prepare a planning scheme amendment to implement the Plan. This includes rezoning of the subject site and nearby land to the Neighbourhood Residential Zone and requiring minimum 1500sq m lot sizes. In its current form, the proposal does not accord with the Structure Plan.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01 the proponent must pay a contribution to Council for public open space, being a percentage of the site value. It is recommended that a condition on the permit require payment of a 5% contribution.

Clause 52.17 Native Vegetation

Under Clause 52.17 a permit is required to remove native vegetation. One (1) native tree would be removed and accordingly an offset must be provided in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines. Subject to conditions the proposal meets the requirements of this clause.
Clause 52.29 Land Adjacent to a Road Zone, Category 1

Under Clause 52.29 a permit is required to subdivide land adjacent to the Western Freeway which is a Road Zone, Category 1. No access between the subject site and the Freeway is proposed. Subject to conditions required by VicRoads the proposal meets the requirements of this Clause.

Clause 56 Residential Subdivision

The proposal complies with the relevant ResCode (Clause 56) provisions.

Discussion

Overall, the proposal is considered to be generally consistent with relevant State and local planning policy, the General Residential Zone, Environmental Significance Overlay, relevant Particular Provisions and the decision guidelines at Clause 65 of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as regionally significant in terms of its role as a local and sub-regional service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings on varying lot sizes the proposed lots and configuration are generally consistent with recent subdivisions nearby. Older subdivisions in the area generally have substantially larger lot sizes. Growth must be balanced with the need for new development to contribute to a sense of place and cultural identity.

The subject site and surrounding land on the south side of the Western Freeway is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings on lots generally ranging in size from 500sq m to 4000sq m and larger.

The purpose of the GRZ includes the following:

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

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

Ballan is within a Special Water Supply Catchment, and under the Environmental Significance Overlay a permit is required to subdivide land. Reticulated sewer is available and a condition of any approval would require all lots to be connected to sewer. The application was referred to the relevant water authorities who consent to the proposal, and it is considered that subject to conditions the proposal does not present an unreasonable threat to drinking water quality.

Subject to conditions, the proposal complies with the relevant requirements of Clause 56 for residential subdivision. All relevant referral authorities consent subject to conditions.
In December 2015 Council adopted the Ballan Structure Plan, to help guide the future growth and development of Ballan. Changes to the Moorabool Planning Scheme are required to implement the Ballan Structure Plan, and Council has sought authorization from the Minister for Planning to prepare a planning scheme amendment. This amendment includes the proposed rezoning of the subject site to the Neighbourhood Residential Zone and a requirement for minimum 1500sq m lot sizes where subdivision is proposed. The current proposal does not support Council’s preferred outcome for future development of the site, with lot sizes as small as 500sq m proposed. However, the Moorabool Planning Scheme does not currently impose a minimum lot size for land in Ballan, thus the application can be considered by Council. Furthermore, the proposed planning scheme amendment to implement the Ballan Structure Plan has not yet been exhibited, after which Council would consider any submissions and decide on progressing the amendment to an independent planning panel and ultimately whether to adopt the amendment.

The character of the area is typified by single dwelling development on relatively large lots which contribute to a spacious, country town character. This is enhanced by minimum 20m wide road reserves and wide verges. Land between Myrtle Grove Road and the Western Freeway, including the subject site, is currently a mix of undeveloped paddocks and residential subdivisions created over the past 15 years. These more recent subdivisions, in particular further to the east of the subject site which is currently only partially developed, have introduced a higher density of development and a wider range of lot sizes to this part of Ballan, creating a more suburban character compared to the opposite side of Myrtle Grove Road. The current proposal responds to this trend for smaller lot sizes and would appear to increase housing affordability and choice in the area.

One large native tree would require removal to facilitate the proposed layout, and accordingly an offset would be required as a condition of approval.

In its current form, the proposed staged subdivision satisfies the current relevant provisions of the Moorabool Planning Scheme.

General Provisions

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

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

Referrals

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

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Southern Rural Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Central Highlands Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Powercor</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Downer</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>VicRoads</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>GasNet</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Environmental Planning</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>GIS Officer</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td></td>
<td>For information only</td>
</tr>
</tbody>
</table>
Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application on the grounds that the proposed subdivision does not respond appropriately to the neighbourhood character of the area, including the removal of established native vegetation.

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

Conclusion

Overall, the proposal represents the orderly development of urban land for housing. The site is in the General Residential Zone at the periphery of Ballan township. All reticulated services are available to the site and proximate to local services and facilities in Ballan.

The lot design yields 18 lots at a higher density than that of surrounding development to the south and west but generally consistent with more recent development further to the east. The lot dimensions would allow acceptable space for future development and the provision of reasonable amenity for future residents. The design integrates acceptably with the existing and proposed street network, with all except one lot having a street frontage width of at least 15m.

Resolution:

Moved: Cr. Comrie
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant a Permit for PA2015-132 for an 18 Lot Staged Subdivision and Vegetation Removal at Lot 2 on PS 712721S, 16 Myrtle Grove Road Ballan, subject to the following conditions:

Endorsed Plans:

1. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.
Telecommunications:

2. The owner of the land must enter into agreements with:
   a) A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
   b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

3. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
   a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
   b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Subdivision:

4. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.

Environmental Planning

5. Offset requirement
   In order to offset the removal of one (1) scattered tree (Manna Gum, Eucalyptus viminalis) 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'.

6. General offset
   The offset must:
   a) Contribute gain of 0.003 general biodiversity equivalent units.
   b) Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Moorabool Shire Municipal District.
   c) Have a minimum strategic biodiversity score of at least 0.202.

7. 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 DELWP’s publication '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 DELWP’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 ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

8. Revegetation must done in accordance with the minimum planting standard specified in Appendix 2 of DELWP’s publication 'Native vegetation gain scoring manual' and revegetation sites must meet the following size requirements:
   a) At least 1 hectare in size
   b) Have an average width of at least 20 metres
   c) Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres$^2$) by the perimeter (metres).

Infrastructure

9. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:
   a) Encompass the entire area of the development.
   b) Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.
   c) Provide for outfall drainage from the site connecting to an approved discharge point.
   d) Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development. It is noted that a similar stormwater management strategy has been requested by Melbourne Water.

10. The subdivision must be provided with a drainage system to a design approved by the Responsible Authority and must ensure that:
   a) The subdivision as a whole must be self-draining.
   b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
   c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
   d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
   e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
   f) The drainage system must be designed to include provision to intercept litter.
   g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
h) The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

11. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
   a) The requirements for drainage of the whole site.
   b) If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
   c) If additional outfall drainage or upgrading of the existing drainage network is required.

12. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

13. Design computations for all road pavement construction, based on a geotechnical investigation of the site and Myrtle Grove Road, must be prepared and submitted to the Responsible Authority for approval.

14. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.

15. Myrtle Grove Road, between the Eastern boundary of the subject land and the Eastern road reserve boundary of the Ballan-Greendale Road, must be upgraded incorporating a minimum 5.40 metre wide road pavement, addition of approved road pavement material to improve the structural capacity of the road pavement to cater for the increased traffic generated by the development, sealing of the road pavement to a minimum 5.10 metre sealed width, minimum 1 metre wide shoulders, verge and table drain on the South side, concrete kerb and channel on the North side, residential type concrete driveway crossings to all lots within the development, stormwater drainage, reinstatement and provision of culverts to existing driveways, and a minimum 1.50 metre wide concrete footpath, to the satisfaction of the responsible authority.

16. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, a reinforced concrete footpath must be constructed from Myrtle Grove Road to the end of the internal road with connection to the internal footpath, to the satisfaction of the responsible authority.

17. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, a reinforced concrete footpath must be constructed from Myrtle Grove Road along Blackwood Street to the existing shared path near O’Cock Street, to the satisfaction of the responsible authority.

18. The intersection of Myrtle Grove Road and the Ballan-Greendale Road must be upgraded incorporating the addition of approved road pavement material to improve the structural capacity of the road pavement to cater for the increased traffic generated by the development, minimum 8 metre radius to the north and south sides of the road pavement, minimum 1.0 metre wide full depth pavement shoulders; table drains and culverts as necessary to provide satisfactory drainage, to the satisfaction of the responsible authority.
19. 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.

20. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.

21. 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).

22. Traffic management treatments must be provided in the form of a threshold treatment to the entrance of the internal road from Myrtle Grove Road, and linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.

23. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.

24. Street names and street signs must be provided to the satisfaction of the responsible authority.

25. The location and alignment of all proposed underground services in road reserves must be submitted to the responsible authority for approval.

26. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.

27. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree tie, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.

28. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

29. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.

30. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.

31. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
32. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

33. The developer must pay:
   a) 0.75% of the total estimated cost of works for the checking of engineering plans associated with the development.
   b) 2.50% of the total estimated cost of works for the supervision of works associated with the development.

34. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
   a) Drainage construction details in “D-Spec” format.
   b) Roadworks construction details in “R-Spec” format.

35. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.

36. A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

37. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Central Highlands Water conditions:

38. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

39. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

40. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

41. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

42. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
Melbourne Water conditions:

43. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

44. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

45. Prior to the issue of a Statement of Compliance for the subdivision, a detailed Drainage and Stormwater Management Strategy must be submitted to Melbourne Water for our records. The strategy must calculate flow levels, and flood levels for the 100-year ARI flood event and demonstrates how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.

46. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

47. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.

48. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

49. Unless otherwise agreed in writing by the relevant drainage authority, the subdivision must retard stormwater back to pre-development levels before entering the downstream drainage system and/or retard stormwater back to the sufficient capacity of the downstream drainage system, whichever is appropriate.

50. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Western Water conditions:

51. Sediment Pollution Controls must be employed during construction and maintained until all disturbed areas have been regenerated.

52. Each lot and the existing dwelling must be provided with a connection to a reticulated sewerage system in accordance with the requirements of Central Highlands Water.

53. The developer must ensure that the site be developed and managed to minimize the risks of stormwater pollution through the contamination of run-off by chemicals, sediments or gross pollutants in accordance with currently accepted best practice.
Southern Rural Water conditions:

54. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.

55. Each allotment must be connected to reticulated sewerage system and stormwater infrastructure.

56. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authority’s requirements and relevant legislation at the time.

Downer conditions:

57. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

VicRoads condition:

58. Traffic noise from Western Freeway must be mitigated by developer in accordance with VicRoads’ Traffic Noise Reduction Policy and to the satisfaction of VicRoads.

Powercor conditions:

59. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

60. The applicant shall:
   a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
   b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
   c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
   d) Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.
   e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
   f) Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
   g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show
on the plan an easement(s) in favour of "Powercor Australia Ltd" for “Powerline Purposes” pursuant to Section 88 of the Electricity Industry Act 2000.

h) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.

i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

j) Obtain Powercor Australia Ltd’s approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

k) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Expiry condition:

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

   a) The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit;
   b) Each subsequent stage is not certified within two years of the date of certification of the previous stage.

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

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification of each stage.

Permit Note:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 215224.

Report Authorisation:

Satwinder Sandhu
General Manager Growth and Development
Friday 17 June, 2016
Item 4.2 Planning Permit Application PA2015 200

Planning Permit Application PA2015 200 – Hots Lane, Darley; 19 Lot Staged at Land in Plan of Consolidation PC 105328

<table>
<thead>
<tr>
<th>Application Summary:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit No:</td>
<td>PA2015 200</td>
</tr>
<tr>
<td>Lodgement Date:</td>
<td>31 August, 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Tom Tonkin</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Land in Plan of Consolidation PC 105328, Holts Lane, Darley 3340</td>
</tr>
<tr>
<td>Proposal:</td>
<td>19 Lot Staged Subdivision</td>
</tr>
<tr>
<td>Lot size:</td>
<td>2.5ha</td>
</tr>
<tr>
<td>Why is a permit required</td>
<td>Clause 32.08-2 – General Residential Zone – subdivision</td>
</tr>
<tr>
<td></td>
<td>Clause 52.29 – Land Adjacent to a Road Zone, Category 1 - subdivision</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Consultation:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the application advertised?</td>
<td>The application was advertised due to the proposal’s potential to cause material detriment.</td>
</tr>
<tr>
<td>Notices on site:</td>
<td>Two (2)</td>
</tr>
<tr>
<td>Notice in Moorabool Newspaper:</td>
<td>None</td>
</tr>
<tr>
<td>Number of Objections:</td>
<td>Five (5)</td>
</tr>
<tr>
<td>Consultation meeting:</td>
<td>Yes, held 22 March 2016. There were no subsequent changes made to the application.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy Implications:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Result Area</td>
<td>Enhanced Natural and Built Environment.</td>
</tr>
<tr>
<td>Objective</td>
<td>Effective and efficient land use planning and building control.</td>
</tr>
<tr>
<td>Strategy</td>
<td>Implement high quality, responsive, and efficient processing systems for planning and building applications</td>
</tr>
<tr>
<td></td>
<td>Ensure that development is sustainable, resilient to change and respects the existing character.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>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</td>
</tr>
</tbody>
</table>
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>Referred to external authorities and within Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>Council's Infrastructure unit and Melbourne Water requested storm water management and drainage strategies be prepared for the site. Additionally, Infrastructure requested a traffic impact assessment be prepared. All reports were subsequently submitted and deemed to be acceptable by the relevant authorities. No other issues were 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>No</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>None</td>
</tr>
<tr>
<td>Previous applications for the site?</td>
<td>094/97 – 16 Lot Subdivision approved 2 April 1998. This permit was not acted upon and has lapsed and expired. 095/97 – Removal of Covenant contained in the Instrument of transfer no. G500445, Certificate of Title Vol No. 9183, Folio 091. PA2005112 – Two Lot Subdivision, approved 26 September 2005. This permit was not acted upon and has lapsed and expired.</td>
</tr>
<tr>
<td>General summary</td>
<td>The application is for a 19 lot staged subdivision of the site. The staging would comprise two stages, and lot sizes would range from 995sq m to 3318sq m. All lots would front Holts Lane with frontage widths ranging from 19m to 40m. A 6.0m wide reserve would be provided for drainage purposes. An acoustic fence would be provided at the rear of each lot to limit traffic noise from the adjoining Western Freeway, and a dwelling exclusion zone applied to the rear portion of each lot to limit development other than outbuildings in this area.</td>
</tr>
</tbody>
</table>
Objections to the proposal relate to traffic volume and road safety concerns, loss of vegetation, neighbourhood character, Aboriginal cultural heritage, and noise reverberation off the acoustic wall.

The proposal meets the relevant objectives of State and local planning policy and all ResCode requirements, subject to conditions.

Overall, the proposal is an acceptable design response to housing policy objectives and the amenity and character of the area.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.

Public Notice

Notice of the application was given to adjoining and nearby landowners by mail on 1 October 2015 and two (2) signs erected on the site facing Holts Lane from 1-19 November 2015. Five (5) objections were received.

Summary of Objections

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

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic calming measures are needed at the intersection of Holts Lane and Beresford Crescent.</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> - Consideration of traffic calming measures are a separate matter from making a decision on this planning application. The developer would not be required to implement traffic calming measures, rather Council may consider the suitability of such measures as a separate process.</td>
<td>NA</td>
</tr>
<tr>
<td>Pedestrians walk on the Holts Lane carriageway due to the lack of footpaths, creating a traffic hazard which will increase with the development of the subject site.</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> - It is recommended that a permit condition require provision of a pedestrian footpath on Holts Lane in front of and for the full length of the subject site. Provision of pedestrian infrastructure elsewhere on Holts Lane is a separate matter from making a decision on this planning application.</td>
<td>NA</td>
</tr>
<tr>
<td>The proposed acoustic wall should be extended behind existing properties between the subject site and Gisborne Road or sound will reflect off the wall and increase traffic noise to those properties.</td>
<td>NA</td>
</tr>
<tr>
<td>Officer’s response -</td>
<td>No evidence was provided in support of the above claim. In any case, other than development proposals such as that being considered by this application, VicRoads is responsible for providing noise attenuation measures for properties abutting the Western Freeway.</td>
</tr>
<tr>
<td>The view of dwellings and an acoustic wall instead of existing trees would be unpleasant.</td>
<td>NA</td>
</tr>
<tr>
<td>Officer’s response -</td>
<td>The subject site is zoned for residential purposes and it is reasonable to expect that it would be developed for housing. A condition of approval would require street trees to be planted in front of the subject site which would mitigate the loss of vegetation to some extent.</td>
</tr>
<tr>
<td>Has a study been done of the impact of development and tree removal on the Lerderderg River’s environmental values?</td>
<td>NA</td>
</tr>
<tr>
<td>Officer’s response -</td>
<td>The applicant submitted a Flood Investigation and Development Plan at the request of Council’s Infrastructure unit and Melbourne Water which includes consideration of drainage and storm water runoff from the site. Both authorities consent to the proposal, subject to conditions. No further study was provided, and given the site’s distance from the river and the applicable planning controls such a study is not considered relevant.</td>
</tr>
<tr>
<td>Increased noise.</td>
<td>NA</td>
</tr>
<tr>
<td>Officer’s response -</td>
<td>The site is zoned for residential purposes. Construction noise during the development of the land or associated with future residents would generally not be considered unreasonable. Issues regarding future unreasonable noise may be dealt with by the State Environment Protection Authority.</td>
</tr>
<tr>
<td>Increased traffic in Holts Lane.</td>
<td>NA</td>
</tr>
<tr>
<td>Officer’s response -</td>
<td>The Traffic Impact Assessment submitted by the applicant indicates that Holts Lane and the surrounding street network would be capable of absorbing the increased traffic generated by future development of the site. The increase in traffic in Holts Lane would not be considered unreasonable.</td>
</tr>
<tr>
<td>Increased traffic at the congested intersection of Holts Lane and Gisborne Road.</td>
<td>NA</td>
</tr>
<tr>
<td>Officer’s response -</td>
<td>The Traffic Impact Assessment submitted by the applicant indicates that the intersection of Holts Lane and Gisborne Road would be capable of absorbing the increased traffic generated by future development of the site. The increase in traffic would not be considered unreasonable.</td>
</tr>
<tr>
<td>Lot sizes are not in keeping with existing developed land in this section of Holts Lane.</td>
<td>Clause 56.04</td>
</tr>
</tbody>
</table>
**Officer’s response**
Holts Lane east of Gisborne Road includes a range of lot sizes, zoned for both residential and farming purposes but mainly developed primarily with dwellings. The subject site is in the General Residential Zone (GRZ) and the proposed lot sizes are generally consistent with adjoining and nearby lots in the GRZ.

| The intersection of Holts Lane and Beresford Crescent will be made more dangerous by the increased traffic. | NA |

**Officer’s response**
Consideration of traffic safety at this intersection is a separate matter from making a decision on this planning application. The developer would not be required to implement traffic calming measures, rather Council may consider the suitability of such measures as a separate process. The application was referred to Council’s Infrastructure unit who consent to the proposed subdivision, subject to conditions.

| Previous developments have been disputed due to the number of lots proposed. | NA |

**Officer’s response**
Each planning permit application is considered on its merits. Consideration of a previous planning permit for a 16 lot subdivision of the site in 1998 is irrelevant to deciding the current application.

| Holts Lane is not wide enough to accommodate traffic in both directions. | Clause 56.06-8 |

**Officer’s response**
The Holts Lane carriageway is approximately 7.0m wide in front of the subject site and 12.0m wide west of Beresford Crescent. The width in front of the site exceeds the minimum requirement of 5.5m width to accommodate 1000-2000 vehicle movements per day. The application was referred to Council’s Infrastructure unit who did not object to the proposal, subject to conditions including provision of kerb and channel at the front of the site to match the existing pavement width.

| Lot frontage widths are too narrow and will detrimentally affect neighbourhood character. | Clause 56.03-4 |

**Officer’s response**
Proposed lot widths are generally 19-20m, with some wider lot widths proposed. Lot frontage widths on the south side of Holts Lane between the subject site and Gisborne Road vary from 18m-37m. Residential lot frontage widths on Holts Lane opposite the site vary from 21.5m-71m. Evidently there is not a consistent pattern of lot frontage widths. Whilst most of the proposed lot frontages are narrower than many nearby lots it is not considered that the proposed widths would be detrimental to neighbourhood character, which is discussed in more detail below.

| Minimum 6-7m front setbacks for future dwellings should be imposed to reflect the neighbourhood character. | NA |

**Officer’s response**
Future development for a single dwelling on each lot, apart from Lots 1 and 19, would require a minimum 4.0m front setback to comply with State standard building requirements. Lots 1 and 19 would require greater minimum setbacks given their abuttal to existing lots already developed with dwellings. It is not considered that the character of the area would be detrimentally affected by 4.0m setbacks to the extent that greater setbacks for any of the lots is required.
Tree removal.

**Officer’s response -**
Non-native vegetation can be removed from the subject site without a planning permit. Native vegetation which has been planted for amenity purposes is exempt from needing a planning permit for removal. A condition of approval would require street trees to be planted in front of the subject site. Additionally, the proposed lot sizes allow acceptable space for the planting of canopy trees.

Designated dwelling positions impact the density and do not reflect the existing streetscape.

**Officer’s response -**
Aside from the dwelling exclusion zone at the rear of each proposed lot there are no designated dwelling positions or building envelopes shown on the plans. The proposed lot sizes to not necessitate a requirement for building envelopes.

Stage 1 has been designed to avoid the need for consideration of possible Aboriginal cultural heritage.

**Officer’s response -**
The proposed subdivision accords with the requirements of the Aboriginal Heritage Regulations 2007 in relation to satisfying the exemption from investigation of Aboriginal cultural heritage. In any case, by law works must stop if historical artefacts are found during development of the site.

**Proposal**

It is proposed to develop the site for a staged 19 lot subdivision. The subdivision would be developed in two (2) stages. Stage 1 would comprise a two (2) lot subdivision comprising Lots A and B. Stage 2 would subdivide Lot A into 18 lots. Lot B would comprise the 19th lot. Lot sizes would range from 995sq m to 3318sq m, with a mean lot size of 1301.94sq m. All lots would front Holts Lane and be generally rectangular in shape, with rear boundaries aligned with the Western Freeway road reserve. A 6.0m wide drainage reserve would be provided between Lots 6 and 7, for an area of 352sq m. Frontage widths to Holts Lane would be generally 19-20m, with Lots 1 and 19 having widths of 27.96m and 40m respectively. Each lot would be provided with a single width vehicle crossover to Holts Lane. An acoustic fence would be constructed along the Western Freeway boundary of the site to limit vehicle noise. Furthermore, a dwelling exclusion zone is proposed for the rear section of each lot to limit the development of habitable buildings near the Western Freeway interface. Existing native and non-native planted vegetation was proposed to be destroyed, and is noted to have since been removed from the site.

The proposed plan of subdivision is shown in Attachment 1.

**Site Description**

The site is identified as Land in Plan of Consolidation PC 105328 and known as Holts Lane, Darley. The site is on the south side of Holts Lane and the north side of the Western Freeway, approximately 250m east of Gisborne Road and 180m west of the Lerderderg River. The site is 2.5ha in size and roughly rectangular in shape. The site is currently vacant, having been recently cleared of planted vegetation and structures associated with its former use as a seedling farm. The site is predominantly flat for most of its area, apart from a 6.0m fall from west to east at the western end of the site.
The site and most surrounding land north of the Western Freeway is in the General Residential Zone. Land comprises residential lots developed with single dwellings mostly dating from the 1970s onwards with occasional examples of further subdivision and infill development. Lot sizes range from 540sq m to 3800sq m. Other land to the north and northeast, across Holts Lane, and to the south, across the Western Freeway, is in the Farming Zone. Across Holts Lane is a plant nursery, and single dwellings mostly fronting Holts Lane. Across the Western Freeway are a mix of paddocks used for grazing horses, and a small orchard.

The site is located within the wider Bacchus Marsh urban area with access to a range of services and facilities. All reticulated services are available to the site and access to the Western Freeway is available via the Gisborne Road interchange.

Locality Map

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

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

The relevant clauses are:

- 11.05-1 Melbourne’s hinterland areas
- 11.06 Central Highlands regional growth
- 15.01-3 Neighbourhood and subdivision design
- 15.01-5 Cultural identity and neighbourhood character
- 16.01-1 Integrated housing
- 16.01-2 Location of residential development
- 21.03-2 Urban Growth Management
- 21.03-3 Residential Development
- 21.03-4 Landscape and Neighbourhood Character
- 21.07 Bacchus Marsh.

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

Zone

The subject site is in the General Residential Zone, Schedule 1.

The purpose of the Zone is:

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

Under Clause 32.08-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.

The proposed subdivision is generally consistent with the General Residential Zone.

Overlays

The site is not affected by any overlays.

Relevant Policies

Council adopted the Urban Growth Policy Statement at the OMC of the 19th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.
The policy states that:

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

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

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01 the proponent must pay a contribution to Council for public open space, being a percentage of the site value. It is recommended that a condition on the permit require payment of a 5% contribution.

Clause 52.17 Native Vegetation

Until recently there was a mix of native and exotic vegetation planted on the site. Under Clause 52.17 a permit is required to remove native vegetation, however there is an exemption for planted native vegetation.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

Under Clause 52.29 a permit is required to subdivide land adjacent to the Western Freeway which is a Road Zone, Category 1. No access between the subject site and the Freeway is proposed. Subject to conditions required by VicRoads the proposal meets the requirements of this Clause.

Clause 56 Residential Subdivision

The proposal complies with the relevant ResCode (Clause 56) provisions.

Discussion

Overall, the proposal is considered to be generally consistent with relevant State and local planning policy, the General Residential Zone provisions, relevant Particular Provisions and the decision guidelines at Clause 65 of the Moorabool Planning Scheme.

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Bacchus Marsh as regionally significant in terms of its role as a key service centre and location for increased population growth. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In an area dominated by single detached dwellings on varying lot sizes the proposed lots and configuration generally fit with the surrounding neighbourhood. Growth must be balanced with the need for new development to contribute to a sense of place and cultural identity.
The subject site and most surrounding land on the north side of the Western Freeway is in the General Residential Zone, Schedule 1 (GRZ1). Surrounding land is mostly developed with single dwellings on lots generally ranging in size from 660sq m to 2500sq m and larger. The purpose of the GRZ includes the following:

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

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

The key aspects of the proposal for discussion are considered to be:

- The subdivision design response to neighbourhood character.
- Traffic impacts associated with future development of the subdivision.

**Neighbourhood Character**

The subject site is in an established area of Darley characterised by single dwelling development mostly dating from the late 1970s to the mid 1990’s with occasional examples of older and newer dwellings. Most residential zoned land bound by Gisborne Road to the west, Grey Street to the north and Holts Lane to the south, which includes the subject site, was subdivided for housing in the mid 1970’s, and in the early 1990’s. A range of lot sizes and configurations were created, with the earlier subdivision creating Beresford Crescent generally yielding smaller lot sizes than the more recent subdivisions in Vance Close. These subdivisions also created lots on the north side of Holts Lane, opposite the subject site. Lot shapes vary, including rectangular, battle axes, trapezoid and pentagonal, reflecting to some extent the incremental development of the land, topography, and street design which includes cul de sacs and curved streets, with Holts Lane and Grey Street forming the linear north and south boundaries. Land to the east of these subdivisions, bound by the Lerderderg River further to the east, is in the Farming Zone and comprises a small number of substantially larger lots occupied by single dwellings. Land between Holts Lane and the Western Freeway, which includes the subject site, incorporates residential lots of a range of sizes, with subdivisions having occurred presumably since the Western Freeway was constructed in the early 1970’s through until recent subdivision near the eastern end of the street.

The neighbourhood character of this section of Holts Lane east of Gisborne Road has a less urban character than many parts of Darley, for several reasons. Some of the residential lot sizes are unusually large. The Holts Lane road reserve is wider than most other streets. Travelling eastwards along Holts Lane views of the distant ridgelines to the east of the township are quite prominent. East of Beresford Crescent there is more substantial tree cover on private land on the north and, until recently, the south side of the street which is substantially occupied by the subject site. There is no kerb and channel or footpath on the south side of this section of the street for much of its length, and a substantial grassy verge, post and rail fencing and views of farmland beyond the Freeway. Residential properties in this part of the street have frontages ranging from 5.0m to 72.0m and typically generous dwelling front setbacks and well landscaped front gardens. Further to the east is a seedling farm on the north side of the street and dwellings on either side of the road on lots no smaller than 1400sq m. There is substantial tree cover on several properties near the eastern end of the street.
The subject site is currently undeveloped and has a 400m frontage to Holts Lane and, particularly before the recent vegetation removal, makes a significant contribution to the semi-rural character of the street. However, the site, like most land in Holts Lane, is zoned for residential purposes and it is reasonable to expect that it would be developed for such purposes. Indeed, at 2.5ha in size, the site is one of relatively few large residential zoned parcels in Darley or Bacchus Marsh not yet developed for housing. Any proposed subdivision must respond to the site features and to the broader strategic planning context. The site is not affected by any planning overlays and the restrictive covenant registered on title would not substantially limit the development of the site. The site is relatively flat and its shape and dimensions benefit a lot design which addresses the Holts Lane frontage. Proposed lot sizes generally range from 1000sq m to 1200sq m with the largest lot being 3318sq m. Most lots would have 19-20m wide frontages. Considering the varied existing lot sizes, shapes and frontage widths in the immediate neighbourhood, the proposed lot design is considered acceptable.

Traffic

A Traffic Impact Assessment (TIA) prepared by Cardno was submitted by the applicant at Council’s request, having regard for the impact of increased traffic that future development of the subject site would have. Of particular interest is the impact on the intersection of Holts Lane and Gisborne Road, and the capacity of Holts Lane and the surrounding street network to absorb the anticipated traffic increase.

Traffic experts consider that in an area such as Darley a household would generate traffic at a rate of up to 10 vehicle movements per day, i.e. 10 per lot. Therefore it is expected that the proposal would add 190 vehicle movements per day to the intersection of Gisborne Road and Holts Lane. Furthermore, typical traffic movements during peak hours show that the majority of vehicle movements would involve leaving in the morning and returning in the evening.

Based on this, it is expected that the proposal would generate up to 19 traffic movements in any peak hour, equating to less than one every three minutes on average, with one every six minutes turning left from Holts Lane into Gisborne Road during the AM peak. The additional traffic generated by a 19 lot subdivision would contribute to less than 1% of total traffic at the existing intersection, which is within the level of daily fluctuations in traffic. The impact of additional traffic associated with the proposal is likely to be indiscernible from normal daily traffic. Fixing the traffic problems currently experienced at the intersection involves improving the wider road network in and around Bacchus Marsh, including the construction of the Halletts Way extension currently underway.

General Provisions

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

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

Referrals

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

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Water</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>Consent subject to conditions</td>
</tr>
</tbody>
</table>
Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

An alternative recommendation would be to refuse the application on the grounds that the proposed subdivision does not respond appropriately to the neighbourhood character or integrate appropriately with surrounding development.

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

Conclusion

Overall, the proposal represents the orderly development of urban land for housing. The site is in an established urban area with access to all necessary infrastructure and located proximate to a range of community services, facilities and transport. Bacchus Marsh is a regional growth centre and accordingly housing growth is encouraged.

The lot design is considered generally site responsive, yielding a density of 1:1319sq m which is consistent with surrounding residential development and responds to the character of the area. The lot dimensions would allow acceptable space for future development and the provision of acceptable amenity for future residents. The design integrates well with the existing street network, with each lot fronting Holts Lane with provision of a vehicle crossover to each site. The existing road network has been demonstrated as capable of absorbing the increased traffic associated with future development and the provision of a sound barrier at the rear of the site would adequately mitigate noise emissions from the Western Freeway.
Resolution:

Moved: Cr. Dudzik
Seconded: Cr. Comrie

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for PA2015-200 for a 19 Lot Staged Subdivision at Land in Plan of Consolidation PC 105328, Holts Lane Darley, subject to the following conditions:

Endorsed Plans

1. The formal plan of subdivision lodged for certification must be substantially the same as the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

Telecommunications:

2. The owner of the land must enter into agreements with:
   a) A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
   b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

3. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
   a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
   b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Subdivision:

4. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
Infrastructure:

5. The Stormwater System for the development must be based on the “Holts Lane Flood Investigation and Stormwater Management Development Plan”, dated March 2016 prepared by Afflux Consulting for Millar and Merrigan, to the satisfaction of the responsibility authority.

6. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
   a) The subdivision as a whole must be self-draining.
   b) All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
   c) All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
   d) Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
   e) Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
   f) The drainage system must be designed to include provision to intercept litter.
   g) All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
   h) The drainage design must take into account any applicable drainage or flood management strategy.
   i) If required, the layout of the subdivision must be modified based on the approved stormwater design.

7. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
   a) The requirements for drainage of the whole site.
   b) If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
   c) If additional outfall drainage or upgrading of the existing drainage network is required.

8. Holts Lane must be constructed to the satisfaction of the responsible authority with:
   a) Kerb and channel and pavement widening as required along the frontage of the site to match with the existing pavement width, and kerb and channel on the court end of Holts Lane.
   b) 1.5 metre footpath along the frontage of the site
   c) Storm water drainage
   d) Nature strip and landscaping
   e) Public lighting.

9. Prior to the issue of a statement of compliance, 50 % contribution of a reinforced concrete footpath to be constructed along the South side of Holts Lane from the western boundary of the subject land to the existing footpath in Gisborne Road, at a cost agreed between the developer and Council.
10. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.

11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

12. An Environmental Management Plan for the construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.

13. 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).

14. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.

15. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.

16. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.

17. Street trees must be provided at approved locations of the subdivision at a rate of one tree per lot frontage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.

18. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

19. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.

20. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.

21. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
22. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

23. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
   a) 0.75% of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
   b) 2.50% of the total estimated cost of works for the supervision of works associated with that stage of the development.

24. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
   a) Drainage construction details in “D-Spec” format.
   b) Roadworks construction details in “R-Spec” format.

25. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.

26. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

27. 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.

Melbourne Water Conditions

28. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

29. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

30. Prior to Certification of any stage of this plan of subdivision, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy for approval, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.

The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.

32. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.

33. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

34. Unless otherwise agreed in writing, the Plan of Subdivision must include a restriction on title or other agreed method identifying a buildings and works exclusion zone for the purpose of flood storage and protection, and areas filled above the 1 in 100 year flood level associated with Melbourne Water’s drainage system. The buildings and works exclusion zone must indicate that earthworks and development is not to occur within this area of the plan of subdivision, without the further review and written consent of Melbourne Water for the purpose of flood protection and floodplain storage. The restriction must be to the satisfaction of Melbourne Water and the Responsible Authority.

35. Unless otherwise agreed in writing by the relevant drainage authority, the subdivision must retard stormwater back to pre-development levels before entering the downstream drainage system and/or retard stormwater back to the sufficient capacity of the downstream drainage system, whichever is appropriate.

36. All local drainage must be to Council’s satisfaction.

37. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water overland flow path.

38. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water’s requirements.

39. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth x Velocity product does not exceed 0.35 m²/s.

40. The drainage swale, which is intended to convey the 1% ARI flow path from a Melbourne Water’s managed drainage system, must be designed and constructed in accordance with Melbourne Water’s Land Development Manual.

41. Engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and the 1 in 100 year flood level for the overland flow paths.

Western Water Conditions:

42. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
43. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

44. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

45. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.

46. Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.

47. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

48. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

VicRoads Conditions:

49. Access arrangements for the proposed subdivision must be via Holts Lane and no access is permitted from Western Freeway.

50. Traffic noise from Western Freeway must be mitigated by developer in accordance with VicRoads Traffic Noise Reduction Policy.

Downer Conditions:

51. The gas main is protected under Section 12 of the Subdivision Act and AusNet Services require unrestricted access to its gas infrastructure for planned maintenance and emergency works. A 3m wide Reserve is proposed to be created between lots 1 and 2, along the path of the gas easement, to fulfil this requirement.

52. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor Conditions:

53. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

54. The applicant shall:
   a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the
applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.

b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

d) Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.

e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

f) Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of “Powercor Australia Ltd” for “Powerline Purposes” pursuant to Section 88 of the Electricity Industry Act 2000.

h) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.

i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

j) Obtain Powercor Australia Ltd’s approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

k) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Expiry Condition:

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

a) The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit;

b) Each subsequent stage is not certified within two years of the date of certification of the previous stage.

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

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification of each stage.

Permit Note:

Melbourne Water

If further information is required in relation to Melbourne Water’s permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water’s reference 262204.
Western Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as future stages of the development will be connected to Western Water’s water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

Report Authorisation:

Satwinder Sandhu
General Manager Growth and Development
Friday 17 June, 2016
PA2016 025 – 197 Main Street, Bacchus Marsh; Development of a store to rear of an existing building

### Application Summary:

<table>
<thead>
<tr>
<th>Permit No:</th>
<th>PA2016 025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgement Date:</td>
<td>8 February, 2016.</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Mark Lovell.</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Land in Plan of Consolidation 372102D 197 Main Street Bacchus Marsh.</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Development of a store to the rear of an existing building.</td>
</tr>
<tr>
<td>Lot size:</td>
<td>1.148 hectares</td>
</tr>
<tr>
<td>Why is a permit required:</td>
<td>Clause 34.01-4 Building and Works</td>
</tr>
<tr>
<td></td>
<td>Clause 43.01-1 Building and Works</td>
</tr>
</tbody>
</table>

### Public Consultation:

<table>
<thead>
<tr>
<th>Was the application advertised?</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notices on site:</td>
<td>No.</td>
</tr>
<tr>
<td>Notice in Moorabool Newspaper:</td>
<td>No.</td>
</tr>
<tr>
<td>Number of Objections:</td>
<td>No objections</td>
</tr>
<tr>
<td>Consultation meeting:</td>
<td>None held.</td>
</tr>
</tbody>
</table>

### Policy Implications:

<table>
<thead>
<tr>
<th>Key Result Area</th>
<th>Enhanced Natural and Built Environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Effective and efficient land use planning and building control.</td>
</tr>
<tr>
<td>Strategy</td>
<td>Implement high quality, responsive, and efficient processing systems for planning and building applications</td>
</tr>
<tr>
<td></td>
<td>Ensure that development is sustainable, resilient to change and respects the existing character.</td>
</tr>
</tbody>
</table>

### Victorian Charter of Human Rights and Responsibilities Act 2006

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

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

Manager – Robert Fillisch

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

Author – Mark Lovell

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>Yes, referred to Council’s Infrastructure department who had no objection subject to four conditions. The application was also referred to Heritage Victoria who had no objection.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>No.</td>
</tr>
<tr>
<td>Preliminary Concerns?</td>
<td>No.</td>
</tr>
<tr>
<td>Any discussions with applicant regarding concerns</td>
<td>No concerns or planning issues</td>
</tr>
<tr>
<td>Any changes made to the application since being lodged?</td>
<td>No.</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>No.</td>
</tr>
<tr>
<td>Previous applications for the site?</td>
<td>PA2003-223 was issued on 10 October, 2003 authorising the development of Three (3) transportable Buildings for Use as Offices, a Telescopic Pole and a Reduction in the Number of Car Parks Required from Five (5) down to Four (4) (a reduction of 1 park required as allowed pursuant to Clause 52.06-1 of the MPS). PA2010115 was withdrawn for an application to Use and Development of a Place of Assembly (Community Learning Centre) and Waiver of Car Parking</td>
</tr>
<tr>
<td>General summary</td>
<td>The store is modest in scale located to the rear of an existing building with limited visibility from the street frontage. The site is in the ownership of Moorabool Shire Council.</td>
</tr>
</tbody>
</table>

Summary Recommendation:

That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a permit for development of a store at the rear of an existing building on Land of Consolidation 372102D, known as 197 Main Street

Background

The subject site is comprised in part, of an existing building utilised by the Returned Services League (RSL). The building is subject to a Heritage Overlay, HO112. A caveat on title prevents removal of the building without the permission of the RSL.

The land is owned by Moorabool Shire Council.
Public Notice

The application was exempt from the notice provisions under Clause 34.01-7 (Commercial 1 Zone) of the Moorabool Planning Scheme.

Consideration was given to notification under Clause 43.01 Heritage Overlay. As there is no change to the existing building on the land and the store is located to the rear of the lot adjacent to a car park, it was considered there is no material detriment to any adjoining owners or occupiers.

Proposal

It is proposed to construct a detached building for storage. The building will be 4.0 metres in width and 8.0 metres in length for total floor are of 32m². The building is setback from the southern side of the existing RSL building. Floor to ceiling height of 2.5 metres with an overall height of 2.77 metres.

There will be double pedestrian door accessed from the eastern side and two small highlight windows located to the northern side.

The building is comprised of Bondor walls and roofing which is a Colorbond steel material with a high performing core made from expanded polystyrene. The colour scheme will be a cream tone.

Site Description

The subject site is located on the southern side of Main Street, the eastern side of Lord Street and the northern side of Simpson Street. This irregular shaped lot has a maximum width of 135.72 metres and a maximum length of 125.60 metres for a lot area of 1.148 hectares.

The site is comprised of series of buildings consisting of the RSL Building, meeting rooms, and a municipal library. There is a large rear car park that can be assessed from Main Street and Lord Street.

According to the Heritage Citation Report, the RSL building was constructed in 1921 to commemorate those who volunteered for active service in the Great War and a room addition was opened 16 March, 1941 for the purpose of recreational facilities for soldiers on leave from the Darley Camp.

The works area behind the building is a hard stand area and it will result in the loss of one or two on site car parking spaces.

The surrounding area to the west and east is comprised of retail shops that are located within a Commercial 1 Zone. To the south-east are residential properties located within the General Residential Zone Schedule 2.
Locality Map

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

Figure 1: Locality Map

Figure 2: Zone Map
Elevation Plan

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
- 15.01-2 Urban design principles
- 15.01-3 Heritage Conservation
- 15.01-5 Cultural identity and neighbourhood character
- 17.01-1 Business
- 21.03-2 Urban Growth Management
- 21.03-4 Landscape and neighbourhood character
- 21.04-3 Commerce
- 21.06-1 Heritage
- 21.07-1 Bacchus Marsh

Zone

The land is within the Commercial 1 Zone (C1Z).

The purpose of the Commercial 1 Zone is:

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

Overlays

The subject building and some surrounding are located within a Heritage Overlay H0112.

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance. To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Particular Provisions

Clause 52.06 Car Parking

The use of the existing building of the place of assembly is unchanged. Under Clause 52.06-5, the number of car spaces is based on 0.3 spaces per patron. As the new building is detached and does not result in an increase in patron numbers, there is no requirement for any reduction to the standard car parking rate.

Discussion

Built form in the heritage context.

The building is located to the rear of an existing building and does not extend beyond the existing eastern and western setbacks of the main RSL Building. This ensures the proposed building will be difficult to view from the Main Street frontage and therefore has a limited impact upon the existing streetscape character.

The proposed building is modest in scale occupying an area of 32m². The simple cuboid form with flat roof pitch and low overall height will allow the building to complement and not overpower or distract from the heritage character of the existing RSL Building. The proposed store does not affect the significance of the heritage place.

General Provisions

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

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

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.
<table>
<thead>
<tr>
<th>Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td>Consent subject to conditions</td>
</tr>
<tr>
<td>Heritage Victoria</td>
<td>No comment as the site is not on the Victorian Heritage Register</td>
</tr>
</tbody>
</table>

**Financial Implications**

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

**Risk and Occupational Health and Safety Issues**

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

**Communications Strategy**

The application was not advertised given the minor works proposed in respect to the heritage overlay and the notice exemptions under Clause 34.01-7. The applicant was invited to attend this meeting and invited to address Council if desired.

**Options**

An alternative recommendation would be to refuse the application on the grounds that the proposed building design does not satisfy the requirements of Clause 34.01 and building will adversely affect the significance of the heritage place.

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

**Conclusion**

Overall, the proposal is considered to comply with the broad objectives of the State and Local Planning Policy Framework, the Commercial 1 Zone provisions, and the Heritage Overlay provisions.

The proposed store building is small in scale and well sited behind the rear of an existing building.

The development would be an acceptable design response to the commercial and heritage character of the existing area.

**Resolution:**

Moved: Cr. Comrie  
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues Planning Permit for 2016-025 for the development of a store at the rear of an existing building on the Land in Plan of Consolidation 372102D, 197 Main Street Bacchus Marsh, 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.

Amenity:

2. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

3. Any security alarm or similar device installed must be of a silent type.

4. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 ‘Control of Noise from Commerce, Industry and Trade.’

Infrastructure

5. 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.

6. 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).

7. 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.

8. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the responsible authority.

Permit Expiry:

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

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

Report Authorisation:

Satwinder Sandhu
General Manager Growth and Development
Friday 17 June, 2016