AGENDA
SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 10 February, 2016
Council Chambers, Ballan
15 Stead Street, Ballan
4.00pm

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

OFFICERS
Mr. Satwinder Sandhu General Manager Growth & Development
Mr. Rob Fillisch Acting Manager Statutory Planning
Mr. Mark Lovell Senior Statutory Planning Officer
Mr. Roger Cooper Statutory Planner
Ms. Victoria Mack Statutory Planner
Mr. Tom Tonkin Statutory Planner
Ms. Judy Lotz Minute Taker

<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Responsibility</th>
<th>Page No.</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Welcome, Present and Apologies</td>
<td>Chair</td>
<td></td>
<td>Noting</td>
</tr>
<tr>
<td>2.</td>
<td>Meeting Minutes</td>
<td>Chair</td>
<td></td>
<td>Noting</td>
</tr>
<tr>
<td>2.1</td>
<td>Confirmation of previous minutes (09 12 15)</td>
<td></td>
<td></td>
<td>Resolution</td>
</tr>
<tr>
<td>3.</td>
<td>Conflict of Interest</td>
<td>Chair</td>
<td></td>
<td>Noting</td>
</tr>
<tr>
<td>4.</td>
<td>Growth &amp; Development Reports</td>
<td>S. Sandhu</td>
<td></td>
<td>Discussion</td>
</tr>
<tr>
<td>4.1</td>
<td>Planning Permit Application PA2015 203; Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre, 52 Gisborne Road, Bacchus Marsh</td>
<td>R. Cooper</td>
<td>Page 3</td>
<td>Resolution</td>
</tr>
</tbody>
</table>
4.2 Planning Permit Application PA2015 205; Development of four (4) Dwellings and Removal of vegetation on Lot 1 on TP 231842W, 70 Atkinson Street, Ballan

R. Cooper Page 20 Resolution

4.3 Planning Permit Application PA2015 207; Application for the Development of three (3) dwellings on Lot 2 on PS728358V - 16 Moonglow Crescent, Maddingley

V. Mack Page 41 Resolution

4.4 Planning Permit Application PA 2015 216; Use and Development for Industry (Composting Facility) at Lot 32 on TP 387669, Glenmore Road, Mount Wallace

T. Tonkin Page 62 Resolution

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5. Update on Trends, Issues & Other Matters

S. Sandhu Discussion

6. Date of Next Meeting

Chair Noting

6.1 Wednesday 9 March, 2016

4.00pm

James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh

7. Meeting Close

Chair Noting
**Application Summary:**

<table>
<thead>
<tr>
<th>Permit No:</th>
<th>PA2015203</th>
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<tbody>
<tr>
<td>Lodgement Date:</td>
<td>7 September 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Roger Cooper</td>
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</tbody>
</table>
| Address of the land: | Lot 2 on PS 017027  
52 Gisborne Road, Bacchus Marsh. |
| Proposal:          | Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre |
| Lot size:          | 755m²      |
| Why is a permit required? | Clause 52.05-9 for a business identification sign.  
Clause 52.07 waiver of vehicle loading facilities  
Clause 52.29 alter access to a road in a road zone, category 1.  
Clause 52.34-2 waiver of bicycle facilities |

**Public Consultation:**

| Was the application advertised? | Yes |
| Notice on site: | Yes |
| Notice in Moorabool Newspaper: | No |
| Number of Objections: | Four (4) |
| Consultation meeting: | Held Tuesday 12 January, 2016 |

**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>
</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 – Roger Cooper
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</th>
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<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>None</td>
</tr>
<tr>
<td>Preliminary Concerns?</td>
<td>None</td>
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<tr>
<td>Any discussions with applicant regarding concerns</td>
<td>N/A</td>
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<tr>
<td>Any changes made to the application since being lodged?</td>
<td>Nil</td>
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<td>VCAT history?</td>
<td>Nil</td>
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<td>Previous applications for the site?</td>
<td>None</td>
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</table>

Summary Recommendation:

That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre at Lot 2 on PS 017027 known as 52 Gisborne Road, Bacchus Marsh.

Background

None.

Public Notice

The application was notified to adjoining and surrounding landowners.
Summary of Objections

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

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
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<tbody>
<tr>
<td>Traffic/car parking:</td>
<td>Clause 52.06 Car parking</td>
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<tr>
<td>- Added congestion on Gisborne Road and local streets</td>
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<td>- No space on Gisborne Road for turning lanes</td>
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<td>- Safety concerns for pedestrians and cyclists on Gisborne Road</td>
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<td>- Wider crossover reduces on street parking</td>
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<td>- Car parks on site are too narrow</td>
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<tr>
<td>- Setback of car park to Gisborne Road is non-compliant</td>
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<tr>
<td>- Business identification sign obscures driver views</td>
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**Officer’s response –**

Gisborne Road is a road zone category 1 with a constant flow of traffic and this location is also popular with pedestrians. The application was referred to VicRoads and Council’s Infrastructure Department for comment on traffic, vehicle movement and car parking, with no issues raised. Construction of the proposed car parking area is to the specifications and requirements of Clause 52.06. The proposed development does not require a permit for the use of the land for a medical centre and the associated traffic flows are expected to catered for my the current road network.

| Dwelling to be demolished has heritage significance                      | Nil                                               |

**Officer’s response –**

The dwelling was considered as part of the heritage study amendment C6, as it may have been a former CSR staff house. The 2013 panel report found ‘there is no evidence to suggest that 52 Gisborne Road is a CSR house’ therefore applying a heritage overlay was not considered necessary. There are no planning controls on the land for heritage protection.

| Commercial building in a residential area will have nuisance lighting   | Nil                                               |

**Officer’s response –**

A condition of any permit issued will be the building’s internal lighting be baffled and pointed away from adjoining properties.

| Open frontage/deep setback will attract trespassers through to adjoining properties | Nil                                               |

**Officer’s response –**

Secure side fencing and security lighting will be recommended as conditions on any permit issued.

| Commercial development in this residential part of Gisborne Road is not in keeping with the ‘country feel’ | Nil                                               |
Officer’s response –
The planning controls affecting this land do not apply to the use and are limited to minor works. Use of the land for a medical centre does not require a permit subject to conditions in the General Residential Zone. The building itself generally looks like a dwelling and the works associated with the use that may be unusual in a residential area are the front carpark and business sign, for which only the business sign needs a permit. Officers support the car park in the front of the site because it will encourage visitors to park off street and there are safety concerns for pedestrians where cars are passing an entry to the building.

Approval will change the character of the area and could lead to a proliferation of commercial developments in Gisborne Road.

Officer’s response –
The planning controls affecting this land do not apply to the proposed use and are limited to minor works, of which any effect on the neighbourhood can generally be mitigated by permit conditions. Commercial development in the residential zones is prohibited and use of the land for a medical centre without a permit can only occur subject to strict conditions e.g. limited floor space, access from a main road, on site car parking.

There will be more vehicle trips to the site (i.e. unscheduled visits, emergencies, deliveries, etc.) than shown in the application.

Officer’s response –
Officers discussed the requirement of a traffic report to be provided for referral authorities, however as there is no permit trigger for the use and all required car parking is to be provided on site, it was considered unnecessary. VicRoads has consented to the application only concerned the crossover is to be constructed to standard.

Proposal

- It proposed to construct a single storey medical centre (dental clinic) to be occupied by two practitioners.
- The medical centre/dental clinic will contain four consultation rooms (only two to be used concurrently), reception, waiting room, office, sterilisation room, X-ray room, staff room, store rooms, toilets.
- Hours of operation are 8:00am to 5:00pm Monday-Friday.
- The building will be setback 20.6 metres from the street frontage, setback 1.5 metres from the northern side boundary, setback 4.12 metres from the eastern rear side boundary and setback 1.57 metres from the southern side boundary.
- The building will have a height of 3 metres to the eaves.
- The building will be comprised of a mixture of external materials such as brick wall cladding, aluminium windows, featured matrix cladding, steel beams and concrete tile roof.
- Provision of 11 car spaces including one dedicated disabled persons space.
- There is one existing single crossover which will be replaced with one double concrete crossover 5.5 metres wide to the western property boundary providing access for two way vehicle traffic.
- There will be one business identification sign 1.2 metres wide by 2 metres high showing the business name and address that is not proposed to be illuminated.
- Indicative landscaping is predominately shrubs and groundcovers around the car parking area with provision for a few canopy trees.
Refer to attachment 1 for development plans.

**Site Description**

- The subject site contains an existing dwelling on the northern side and a garage on the southern side. The topography is relatively flat. The site has a frontage to Gisborne Road, which is a road zone category 1.
- The site is located within a General Residential Zone 1 under the Moorabool Planning Scheme.
- Surrounding development is predominantly dwellings, however 49 Gisborne Road (80 metres south-west) is operating as a medical centre; 83 Gisborne Road (300 metres north-west) has a permit for a dental clinic and 91 Gisborne Road (350 metres north-west) is currently operating as an alternative health centre.

**Locality Map**

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

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

The relevant clauses are:

- Clause 11.05-2 Melbourne’s hinterland areas.
- Clause 11.06-2 A diversified economy.
- Clause 13.04-1 Noise abatement.
- Clause 17.01-1 Business.
- Clause 18.02-5 Car Parking.
- Clause 21.04-3 Commerce.
- Clause 21.07 Bacchus Marsh.

Zone

The site is located in a General Residential Zone 1 (GRZ1) under the Moorabool Planning Scheme. The purpose of the GRZ1 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.

Pursuant to section 1, the use for a medical centre/dental clinic does not require a permit provided it complies with the following conditions:

- The gross floor area of all buildings must not exceed 250 square metres.
- Must not require a permit under clause 52.06-3 (Car parking).
- The site must adjoin, or have access to, a road in a Road Zone.

The land is also adjacent to a road in a Road Zone, Category 1.

Overlays

There are no overlays at present.

Particular Provisions

Clause 52.05 Advertising Signs

Signage controls in General Residential Zone are covered by Clause 52.05-9 which has the purpose:

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

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
  - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
  - The cumulative impact of signs on the character of an area or
  - The consistency with any identifiable outdoor advertising theme in the area.

- Impacts on views and vistas:
  - The potential to obscure or compromise important views from the public realm.
  - The potential to dominate the skyline.
  - The potential to impact on the quality of significant public views
  - The potential to impede views to existing signs.

- The relationship to the streetscape, setting or landscape:
  - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
  - The ability to screen unsightly built or other elements.
  - The ability to reduce the number of signs by rationalising or simplifying signs.
  - The ability to include landscaping to reduce the visual impact of parts of the sign structure.

- The relationship to the site and building:
  - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
  - The extent to which the sign displays innovation relative to the host site and host building.
  - The extent to which the sign requires the removal of vegetation or includes new landscaping.
  - The impact of structures associated with the sign:
  - The extent to which associated structures integrate with the sign. The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

- The impact of any illumination:
  - The impact of glare and illumination on the safety of pedestrians and vehicles.
  - The impact of illumination on the amenity of nearby residents and the amenity of the area.
  - The potential to control illumination temporally or in terms of intensity.

- The impact of any logo box associated with the sign:
  - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
  - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
  - The need for identification and the opportunities for adequate identification on the site or locality.
The impact on road safety. A sign is a safety hazard if the sign:

- Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway. Could mislead drivers or be mistaken as an instruction to drivers.

Clause 52.06 Car Parking

Under Clause 52.06-5 of the Moorabool Planning Scheme a medical centre requires 5 spaces to the first person providing health services plus 3 spaces to every other person providing health services.

The applicant has provided 11 car spaces which exceeds the minimum requirement of 8 car spaces under this Clause. The car space dimensions and minimum accessway widths are in accordance with Clause 52.06-8. No permit is required for car parking.

Clause 52.07 Loading and Unloading of Vehicles

The purpose of this provision is:

To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

A permit may be granted to reduce or waive these requirements if either:

- The land area is insufficient.
- Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

Clause 52.29 Land Adjacent to a Road Zone

The purpose of this provision is:

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

A permit is required to create or alter access to a road in a Road Zone, Category 1.
Clause 52.34 Bicycle Facilities

The purpose of this provision is:
- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Under Clause 52.34-3, a medical centre requires 1 to each 8 practitioners and 1 to each 4 patients which equates to a total bicycle requirement of 1 space.

Discussion

Strategic justification

The proposed works allow for the establishment of a medical centre in a well serviced residential area which is consistent with broad objectives of the State Planning Policy Framework and the Local Planning Policy Framework to promote business activity in residential areas where appropriate.

Use (no permit required)

The use meets the conditions imposed under section 1 for a medical centre in the General Residential Zone.

Built Form (no permit required)

The external design adopts a combination of post war and contemporary features such as pitched roofing, mixed external materials and finishes befitting an established residential area. These building features will generally blend the development in among surrounding residences.

Car parking (no permit required)

The proposal provides adequate on site car parking and subject to permit conditions can enhance safety and assist with smooth traffic flows.

Medical centres attract a constant but low volume stream of vehicular traffic and the proposed car parking area with its deep frontage, absence of fencing and double crossover limits the potential for conflict with pedestrians.

Access from Gisborne Road

The proposed alterations to access have received consent from the two referral authorities and subject to conditions can be constructed to maximise driver and pedestrian safety to/from the site.

Bicycle facilities

The proposed building and secure open space to the rear provides adequate space for parking of practitioner and patient bikes if required. The applicant does not intend to provide a bicycle facility in accordance with this Clause.
Loading bay

No loading bay has been provided and a permit is required to waive the facility. The proposed medical centre is only expected to generate low demand for loading and unloading of light vehicles and there is room on the site to park a light commercial vehicle.

Signage

There will be one business identification sign 1.2 metres wide by 2 metres high showing the business name and address that is not illuminated. The sign is not perceived to restrict driver views into/out of the site or impose unreasonable amenity impact on the surrounding residential area.

Landscaping (no permit required)

The proposal demonstrates that there is ample room on the site for attractive landscaping to accompany the development. Submission of an appropriate landscape plan is recommended as a condition of any permit issued.

General Provisions

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

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>
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<tbody>
<tr>
<td>VicRoads</td>
<td>No objection subject to one condition regarding construction of the access.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Approval subject to conditions</td>
</tr>
</tbody>
</table>

Financial Implications

There are no financial implications.

Risk and Occupational Health and Safety Issues

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

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, 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 of adversely affecting the amenity of nearby residential properties, access points affecting traffic flow, business identification signage in a residential area and not in keeping with the streetscape character.

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

Conclusion

The proposal for display of a business sign, alteration of access to a Road Zone Category 1 and a waiver of bicycle and loading facilities associated with a medical centre generally complies with Moorabool Planning Scheme. Permit conditions will be required to soften the proposal’s impact on local amenity and the development can be improved through the provision of amended plans.

Recommendation:

That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a Notice of Decision to grant a permit for PA2015 203; Display of Business Identification Signage, Alteration of Access to a Road Zone Category 1, and a Waiver of Bicycle and Loading Facilities associated with a Medical Centre, 52 Gisborne Road, Bacchus Marsh, subject to the following conditions:

Amended plans:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:

   a) Security lighting from the building towards Gisborne Road which is located designed and baffled so as to prevent any adverse effects on adjoining land.

   b) Secure fencing on the north and south of the building to deter anyone from entering the rear of the property other than through the front door. A side gate may be permitted but must be lockable from both sides to the satisfaction of the responsible authority.

   c) A mail box located in the landscaped area between the carpark and the footpath. The dimensions, placement and numbering of the mail box must comply with the Australia Post - General Post Guide 2004 (Point G4.3) as published on its web site to the satisfaction of the responsible authority.

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

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:

   a) Details of surface finishes of pathways and driveways;
   b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
   c) Landscaping and planting within all open areas of the site;
   d) A minimum of three canopy trees (minimum two metres tall when planted) between the building and the street frontage;

   All species selected must be to the satisfaction of the responsible authority.

Use:

3. Except with the further written consent of the responsible authority, not more than two (2) medical practitioners/dentists may operate from the premises at any one time.

4. Except with the further written consent of the responsible authority, the hours of operation of the use hereby permitted shall be limited to 8:00am to 5:00pm Monday to Friday.

Amenity:

5. The amenity of the area must not be detrimentally affected by the use or development, through the:

   a) Transport of materials, goods or commodities to or from the land;
   b) Appearance of any building, works or materials;
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   d) Presence of vermin; or
   e) Any other way.

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

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

8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

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

10. Waste materials must be securely stored inside the building.

11. All car parking spaces must be designed to allow vehicles to turn and drive forwards when existing the site.
12. All disused or redundant vehicle crossovers must be removed and the area reinstated to kerb, channel and nature strip to the satisfaction of the responsible authority.

Infrastructure:

13. A standard urban double vehicle crossing must be provided on Gisborne Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

14. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
   a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
   b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.

15. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.

16. 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).

   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.

17. 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.

18. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
   b) Designated loading areas shall be shown on layout plans.
   c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
   d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.

19. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.
Landscaping:

20. Before the use/occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

21. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Signage:

22. The location, design, content, colours and materials of the approved advertising sign must not be altered without the written consent of the Responsible Authority.

23. The advertising sign must be not contain any moving parts or flashing lights.

VicRoads:

24. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

Permit expiry:

25. 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

Authorised by:  
Name: Satwinder Sandhu  
Title: General Manager Growth and Development  
Date: Monday 25 January, 2016
1. WEST ELEVATION

2. SOUTH ELEVATION
### Application Summary:

<table>
<thead>
<tr>
<th>Permit No:</th>
<th>PA2015 205</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgement Date:</td>
<td>8 September, 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Roger Cooper</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Lot 1 on TP 231842W, 70 Atkinson Street, Ballan VIC 3342</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Development of four (4) dwellings and removal of vegetation</td>
</tr>
<tr>
<td>Lot size:</td>
<td>1,011 sqm</td>
</tr>
<tr>
<td>Why is a permit required</td>
<td>Clause 32.08-2 – General Residential Zone – to construct more than one dwelling on a lot. Clause 42.01-2 Environmental Significance Overlay – to remove vegetation.</td>
</tr>
<tr>
<td>Restrictions registered on title</td>
<td>Nil.</td>
</tr>
</tbody>
</table>

### Public Consultation:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</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>Number of notices to properties:</td>
<td>Ten (10)</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>Two (2)</td>
</tr>
<tr>
<td>Consultation meeting:</td>
<td>26 November, 2015 Attended by the applicant, the land owner and one objector</td>
</tr>
</tbody>
</table>

### Policy Implications:

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

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 – Roger Cooper

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

Executive Summary:

<table>
<thead>
<tr>
<th>Application referred?</th>
<th>The application was referred to Central Highlands Water, Melbourne Water, Southern Rural Water, Western Water and internally to Council’s Infrastructure Department.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>Central Highlands Water require a 3.0 metre easement (minimum width) over the Sewer main located on the Eastern Boundary. This affects the building line of proposed dwelling 4 (currently setback 1.44 metres), which will require an amended setback by a condition of any permit issued.</td>
</tr>
<tr>
<td>Preliminary Concerns?</td>
<td>The officer sought further information from the applicant to demonstrate how the proposed multi-unit development is in keeping with the existing neighbourhood character and/or contributes to a preferred neighbourhood character. Vehicle turning templates for four dwellings were also required to be shown on the design response, as the development must allow all vehicles to exit the site in a forward direction.</td>
</tr>
<tr>
<td>Any discussions with applicant regarding concerns</td>
<td>Further information in the form of an amended ResCode submission and development plans were requested via Section 54 of the Planning and Environment Act 1987.</td>
</tr>
<tr>
<td>Any changes made to the application since being lodged?</td>
<td>The amended plans/submission were included in public notice of the application.</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>None</td>
</tr>
<tr>
<td>Previous applications for the site?</td>
<td>Nil</td>
</tr>
</tbody>
</table>
General summary?

The proposal is for development of four (4) dwellings and removal of vegetation on a lot in a well serviced suburban area of Ballan.

The proposal results in an increase in housing choice, more diverse and affordable housing in an area of Ballan close to the train station and within walking distance of the town’s core commercial area.

Surrounding streets are generally characterised by detached single storey post war homes in rows, consistent front and side setbacks, mature vegetation above roof lines and one vehicular crossover. The proposed layout is for two post war imitation weatherboard dwellings to front Atkinson Street, screening another two at the rear with a shared vehicular crossover in the middle and room for canopy landscaping. The proposal generally maintains a front and one side setback consistent with the established neighbourhood character, however results in an increase in dwelling density in a preferred urban location.

Two objectors have raised concerns the proposed density and built form results in an overdevelopment/is not in keeping with the existing neighbourhood character, does not maintain setbacks consistent with the established neighbourhood, does not provide adequate car parking and has minimal opportunity for appropriate landscaping.

Officers believe while the proposal results in a more intense dwelling density on a lot of 1,100m², it is compliant with the objectives and standards (with minor modifications) of ResCode, therefore does not differ greatly from the existing neighbourhood character.

The application is worthy of support subject to applying the permit conditions recommended in this report.

Summary Recommendation:

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

Public Notice

The original application was advertised to adjoining and nearby landowners by mail on 29 September, 2015 and a sign placed on site from 13 to 27 October, 2015. Two (2) objections were received.
### Summary of Objections

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

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does not respect the established neighbourhood character (country town setting).</td>
<td>Purposes of Clause 32.08 General Residential Zone</td>
</tr>
<tr>
<td></td>
<td>Clause 55.02-1 Neighbourhood character</td>
</tr>
<tr>
<td><strong>Officer's response -</strong></td>
<td></td>
</tr>
<tr>
<td>A 2000 ResCode Advisory Committee Report defines neighbourhood character by built form in the context of its surroundings, vegetation and topographic characteristics, distinctive physical features. Consistent interpretation of neighbourhood character at VCAT is it is not related to dwelling density. The established neighbourhood character streetscapes of Ballan is rows of consistent front setbacks (6-10 metres on average), single or double fronted single storey/low rise built form, one wall on or within 1.5 metres of a side boundary, mature vegetation above roof lines and a singular vehicle crossovers. The proposed built form is two single fronted single storey dwellings, ResCode compliant 5 metre front setback, 1.35-1.44 metre side setbacks on both external boundaries, front and rear landscaping and a single shared vehicular crossover. These are generally consistent with the existing built form.</td>
<td></td>
</tr>
<tr>
<td>Does not meet the objectives of Clause 55.02-1 Neighbourhood Character.</td>
<td></td>
</tr>
<tr>
<td><strong>Officer's response -</strong></td>
<td></td>
</tr>
<tr>
<td>The objectives of Clause 55.02-1 Neighbourhood character are:</td>
<td></td>
</tr>
<tr>
<td>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</td>
<td></td>
</tr>
<tr>
<td>To ensure that development responds to the features of the site and the surrounding area.</td>
<td></td>
</tr>
<tr>
<td>While the proposal results in a higher dwelling density, it draws on a number of similarities with the surrounding built form including single fronted single storey façades, ResCode compliant front and side setbacks, appropriate landscaping and single shared vehicular crossover. Officers consider the design response to be generally in keeping with the existing neighbourhood character and responds to the features of the site/surrounds.</td>
<td></td>
</tr>
<tr>
<td>17m wide built form on north (rear) elevation is inappropriate.</td>
<td>Clause 55.02-1 Neighbourhood character</td>
</tr>
<tr>
<td></td>
<td>Clause 55.04-1 Side and rear setbacks objective</td>
</tr>
<tr>
<td><strong>Officer's response -</strong></td>
<td></td>
</tr>
<tr>
<td>This objection was raised at the consultation meeting in November and relates to the roof line of the semi-detached mirror image rear dwellings. The rear walls are setback by around 500mm for a verandah, however applicant has agreed to submit amended plans with a break in roofline/improved articulation of the north elevations.</td>
<td></td>
</tr>
<tr>
<td>1.5m side setbacks to east and west cannot have meaningful landscaping.</td>
<td>Clause 55.303-8 Landscaping objectives</td>
</tr>
</tbody>
</table>
**Officer’s response** -
The proposal has side setbacks of between 1.35-1.44 metres, which is not unusual for this suburban part of Ballan, however the intensity of the proposal dictates the side setbacks apply to both external boundaries. The setbacks make planting canopy trees along the side boundaries virtually impossible, however the development does leave space for new canopy trees in the private open spaces of each dwelling. This requirement can be made a condition of permit.

| Walls on boundaries are a foreign element in Ballan. | Clause 55.02-1 Neighbourhood character  
Clause 55.04-2 Walls on boundaries objective |

**Officer’s response** -
The proposal has garage walls on boundaries on both sides which is unusual for Ballan. This is due to the nature of the proposal with two units either side of a central driveway. The walls on boundaries meet the standard for what is acceptable and Officers requested the four garages be attached together internally to increase the area of north facing private open space for the front two dwellings.

| Dwellings encroach on adjoining private open space. | Clause 55.02-1 Neighbourhood character |

**Officer’s response** -
The increased dwelling density does result in secluded private open spaces (SPOS) of the proposed and up to six neighbouring dwellings being closer together. ResCode does not have objectives and standards to assess encroachment of SPOS, however this could be considered part of the neighbourhood character objective. Controlled Ballan urban area infill development is inevitable and increasing the stock of more diverse and affordable housing will result in some smaller more intimate and lower maintenance private gardens. This appeals to some residents who wish to downsize from a larger property.

| Substantial increase in density versus surrounding pattern of development. | Clause 55.02-1 Neighbourhood character |

**Officer’s response** -
Consistent interpretation of neighbourhood character at VCAT is it is not related to dwelling density. The proposal results in a threefold increase in dwelling density, however does provide more diverse and affordable infill housing in an urban area of Ballan with all services and public transport available.

| Only one car park per dwelling provided which will inadequately service parking needs, particularly where the ‘study’ is modified for use as a bedroom. | Clause 52.06 Car parking |

**Officer’s response** -
The car parking requirements for a two bedroom dwelling under the Moorabool Planning Scheme (Clause 52.06 Car parking) is one space; and each dwelling has been provided with a single car garage. The objection is that the ‘study’ in each dwelling only needs one wall added for it to be considered a bedroom and therefore the planning scheme triggers the need for a second car space for each dwelling. This objection was raised at the consultation meeting in November and it was agreed by all parties some modifications to the studies i.e. modifying another wall could overcome this perception. Appropriate modifications to the studies by condition of permit are recommended.

| Cars reversing from garages 3 & 4 will collide with the wall of bedroom one of these dwellings. | Clause 52.06 Car parking |
**Officer’s response**

The plans available for public notice show turning templates where cars reversing from garages 3 & 4 towards bedroom 1 of these dwellings are inside the bedrooms. This is a computer error as cars have room to reverse within the common property driveway drive back towards the garages then pull towards the central driveway and safely exit in a forward direction.

| Requirement | Clause 
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Car parking provision does not adequately cover the needs of residents in a car dependent community like Ballan. The streets should not have to absorb the extra cars and on street parking is too far from the rear two dwellings.</td>
<td>Clause 52.06 Car parking</td>
</tr>
</tbody>
</table>

**Officer’s response**

In accordance with Clause 52.06 Car parking of the Moorabool Planning Scheme, adequate car parking for the development is provided on site. Relocating the single crossover to the centre of the site does not alter the possibility for two cars to park in front of the site on Atkinson Street.

| Requirement | Clause 
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Secluded POS for dwelling’s 1 &amp; 2 does not comply with the objective for solar access.</td>
<td>Clause 55.05-5 Solar access to open space objective</td>
</tr>
</tbody>
</table>

**Officer’s response**

The standard at Clause 55.05-5 Solar access to open space objective requires at least a setback of 4.88 meters be provided for the private open spaces of dwelling’s 1 & 2. Relative to the size and scale of the proposal, the objective of Clause 55.05-5 is met.

| Requirement | Clause 
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of separation between habitable room windows abutting the access way.</td>
<td>Clause 55.03-10 Parking location objectives</td>
</tr>
</tbody>
</table>

**Officer’s response**

In accordance with the Scheme, shared access ways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where window sills are at least 1.4 metres above the access way. The development generally complies with the standard, as the habitable room windows of dwelling’s 1 & 2 are at least 1.4 metres above the access way. A condition of any permit issued is the bedroom 1 windows of dwelling’s 3 & 4 should also comply with this standard. Relative to the size and scale of the proposal, the objective of Clause 55.03-10 is met.

| Requirement | Nil 
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of study walls next to garage entries (dwelling’s 3 &amp; 4).</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Officer’s response**

In accordance with the changes to studies recommended above, the external walls of dwelling’s 3 & 4 for the studies adjoining the garage can be setback 500mm to articulate the development, improve natural light to a habitable room and reduce the study’s capacity to be used as a bedroom by a condition of any permit issued.

| Requirement | Nil 
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Porches abutting a common driveway.</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Officer’s response**

Relative to the size and scale of the proposal, this design outcome is not contrary to any objective of ResCode.

| Requirement | Clause 
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings are weatherboard not brick.</td>
<td>Clause 55.02-1 Neighbourhood character</td>
</tr>
</tbody>
</table>
Officer’s response -
Weatherboard clad dwellings are relatively common across the Ballan urban area and there is no requirement in the Moorabool Planning Scheme for the dwellings to be clad in brick.

Minimal landscaping and open spaces for landscaping provision. Clause 55.303-8 Landscaping objectives

Officer’s response -
A landscape plan with provision for new canopy trees is recommended as a condition of any permit issued.

Large area of hard surface driveway. Clause 55.02-1 Neighbourhood character
Clause 55.03-4 Permeability objectives

Officer’s response -
Relative to the size and scale of the proposal, an access way of this nature is required. The standard for permeable surfaces at Clause 55.03-4 is at least 20% and the proposed development has 35% permeable surfaces, therefore the objective is met.

Proposal

It is proposed to develop four (4) dwellings and remove vegetation at 70 Atkinson Street, Ballan.

Detached dwelling 1 would be constructed towards the south-west (front) corner of the lot with a 5 metre street setback and consist of two bedrooms, unenclosed study, open plan kitchen/meals area, separate laundry, bathroom, toilet, north facing verandah and detached single garage. The dwelling has an area of 56m2 of north facing secluded private open space with a minimum dimension of 4.88 metres. The minimum side setback is 1.35 metres and there is provision for landscaping in the front and rear setbacks.

Detached dwelling 2 is a mirror image of dwelling 1 would be constructed towards the south-east corner of the lot.

Semi detached dwelling 3 would be constructed towards the north-west (rear) corner of the lot and consist of two bedrooms, unenclosed study, spacious open plan kitchen/meals area, separate laundry, bathroom, toilet, north facing verandah and attached single garage. The dwelling has an area of 73m2 of north facing secluded private open space with a min. dimension of 5.49 metres. Minimum side setback is 1.35 metres and there is provision for landscaping in rear setback.

Semitdetached dwelling 4 is a mirror image of dwelling 3 dwelling towards the north-east corner of the lot with 75m2 of secluded private open space. Due to a sewerage easement requirement by Central Highlands Water, the proposed 1.44 metre east setback must be increased to at least 3 metres by condition of permit.

Shared access to the dwellings is provided by a single crossover towards the centre of the south boundary from Atkinson Street adjoining a 3 metre wide access way to the four garages at the rear of the site. The proposal has two adjoining garage walls on boundaries and two garage walls sharing an internal boundary, which all comply with ResCode requirements.

The maximum height of the proposed single storey dwellings to roof peak is 5.10 metres; site coverage is stated to be 49% and permeability is at 35%.
The dwellings would be of a modern post-war design, constructed of weatherboard cladding with a hipped Colorbond roof generally in keeping with some surrounding dwellings.

Major reticulated services are available to the site.

The vegetation proposed to be removed are four exotic trees/shrubs ranging in size but not considered significant to in the context of the site or surrounding area. Consent for their removal is required from the water authorities, in accordance with Clause 42.01-2 of the Environmental Significance Overlay.

The proposed development plans are included at Attachment 1.

Site Description

The land is known as Lot 1 on TP 231842W, on the northern side of Atkinson Street, Ballan. It is currently cleared including all vegetation and a detached dwelling previously on the land. Atkinson Street is a local road towards the bottom of the Ballan township traversing from almost the end of the urban area in the east to the west. The nearest intersection is Stead Street approximately 50 metres to the east. A single gravel crossover exists from Atkinson Street towards the south-west corner of the site.

Surrounding development is predominantly single detached dwellings with a small number of multi-unit developments. Land to the south of Atkinson Street is in the Public Use Zone including the Ballan Railway Station as part of the Ballarat to Melbourne railway line.

The site is rectangular in shape with the following dimensions:
- A south street frontage of 20.12 metres
- An east side boundary of 50.29 metres
- A north rear boundary of 20.12 metres
- A west side boundary of 50.29 metres
- Overall site area of 1,011m²

There are no easements registered on the title to the property.

The subject site is in the General Residential Zone with an Environmental Significance Overlay Schedule 1, however reticulated sewerage is available in the township.
The site is within walking distance of the commercial core of Ballan (500 metres), Ballan train station (50 metres), Ballan Primary School (500 metres); and 3.5km drive of the Western Freeway providing express access to Ballarat and Melbourne.

Locality Map

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

Planning Scheme Provisions

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

The relevant clauses are:

- 11 - Settlement
- 11.05-2 - Melbourne’s hinterland areas
- 11.06-1 - Planning for growth
- 15.01-5 - Cultural identity and neighbourhood character
- 16.01-1 - Integrated housing
- 16.01-2 - Location of residential development
- 16.01-4 - Housing diversity
- 16.01-5 - Housing affordability
- 21.03-2 - Urban Growth Management
- 21.03-3 - Residential Development
- 21.03-4 - Landscape and Neighbourhood Character
- 21.08 - Ballan

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

Zone
General Residential Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 apply.

The purpose of the zone is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies:

- To 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.

Pursuant to Clause 32.08-4 of the General Residential Zone of the Moorabool Planning Scheme, a permit is required to construct more than one dwelling on a lot.

The development must meet the requirements of Clause 55 Two or More Dwellings on a Lot and Residential Buildings.

Before deciding on an application to develop two or more dwellings on a lot, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- The objectives, standards and decision guidelines of Clause 55.

Overall, the proposed development is considered to be consistent with the purpose and decision guidelines of the GRZ1, as discussed below.

Overlays

The subject site is affected by the Environmental Significance Overlay – Schedule 1 (ESO1) at Clause 42.01 of the Moorabool Planning Scheme.

Pursuant to Clause 42.01-2, a permit is required to remove vegetation.

Relevant Policies

Council’s Urban Growth Policy, 2012 forecasts Ballan will become home to up to 4,500 residents by 2041 and promotes well designed and located infill development.

“As unconstrained land in Bacchus Marsh becomes scarce Ballan and Gordon have the potential to accommodate further growth, which could absorb some of the pressure from Bacchus Marsh, and address the imbalance in growth, which is occurring in the municipality.”

“The Ballan Structure Plan should plan for initial development pressure and have an indicative urban growth boundary to provide certainty to 2041.”
Council’s Ballan Structure Plan still in draft form nominates the subject site as being within the yellow ‘town centre infill’ area encouraging good urban design.

**Particular Provisions**

**Clause 52.06 Car Parking**

The proposal includes the required number of resident car spaces, being one space for each two (2) bedroom dwelling.

The minimum 3 metre width of the accessway meets the standard, as do the carport and garage dimensions under Clause 52.06-8 Design standards for car parking.

**Clause 55 Two or more dwellings on a lot and residential buildings**

Clause 55 provides objectives and standards for residential development of two or more dwellings on a lot. This clause requires the submission of detailed information. Residential development must meet all of the objectives and should meet all of the standards of this clause.

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

<table>
<thead>
<tr>
<th>Clause/ResCode</th>
<th>Title</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.02-1</td>
<td>Neighbourhood character objectives (side and rear setbacks)</td>
<td>The proposal has two side setbacks of under 1.5 metres with another two virtually against the common property accessway. The rear setbacks are also generally less than what are found in this part of Ballan, however they do comply with another part of ResCode at Clause 55.04-1. Given the other elements of neighbourhood character are generally compliant including architectural style, building height, room for canopy trees, single crossover, it is argued the objective is met. Some variation to neighbourhood character is expected from urban area development at higher densities.</td>
</tr>
<tr>
<td>55.03-10</td>
<td>Parking location objectives</td>
<td>The development generally complies with the standard with habitable room windows of dwelling’s 1 &amp; 2 at least 1.4 metres above the accessway. A condition of any permit issued is the bedroom 1 windows of dwelling’s 3 &amp; 4 should be at least 1.4 metres above the accessway to comply with this standard.</td>
</tr>
</tbody>
</table>

**Discussion**

Overall, the proposal is deemed to comply with State and local planning policy. The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Ballan as regionally significant in terms of its role as a key service centre and location for increased population growth, partly due to high volume passenger road and rail links between Ballarat and Melbourne. The proposal would facilitate consolidated growth within the existing township, take advantage of existing infrastructure and services and reduce pressure on outward growth. In the immediate area is dominated by single detached dwellings and the proposal would make a positive contribution by incremental change to housing choice and affordability.
Growth must be balanced with the need for new development to respond positively to neighbourhood character.

The established neighbourhood character streetscapes of Ballan are rows of consistent front setbacks (6-10 metres on average), single or double fronted single storey/low rise built form, one wall on or within 1.5 metres of a side boundary, mature vegetation above roof lines and a single vehicular crossover.

While the proposal results in a higher dwelling density, it draws on a number of similarities with the surrounding built form including single fronted single storey façades, ResCode compliant front and side setbacks, appropriate landscaping and single shared vehicular crossover. Officers consider the design response to be generally in keeping with the existing neighbourhood character and responding to the features of the site/surrounds. The proposal seeks a variation of side and rear setbacks to existing neighbourhood character. In the context of most other elements being compliant in this instance, the variation is considered appropriate.

Conditions of permit can deal with built form improvements such as better articulation of the north elevation roof/building line, modified studies and height of bedroom windows adjacent to an accessway.

**General Provisions**

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

**Referrals**

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and 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>No objection subject to eleven (11) conditions</td>
</tr>
<tr>
<td>Central Highlands Water</td>
<td>No objection subject to four (4) conditions</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>No objection subject to one (1) condition</td>
</tr>
<tr>
<td>Southern Rural Water</td>
<td>No objection subject to two (2) conditions</td>
</tr>
<tr>
<td>Western Water</td>
<td>No objection no conditions</td>
</tr>
</tbody>
</table>

**Financial Implications**

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

**Risk and Occupational Health and Safety Issues**

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

**Communications Strategy**

Notice was undertaken for the application in the form of 10 letters to nearby property owners and one sign on site for a min. 14 days, in accordance with s.52 of the Planning and Environment Act 1987. Further correspondence is required to all interested parties to the application as a result of a decision in this matter.
Options

An alternative recommendation would be to refuse the application on the grounds that the proposal is not appropriately responsive to the existing neighbourhood character.

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

Conclusion

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

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

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant a Planning Permit for the Development of four (4) Dwellings at 70 Atkinson Street Ballan, subject to the following conditions:

Endorsed Plans:

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

   a) The eastern building line of dwelling 4 to be setback by a minimum of 3.0 metres from the eastern boundary in accordance with Central Highlands Water’s requirements for a sewer easement.
   b) A break in the continuous roof and/or building line on the north elevation;
   c) Dwelling 1 & 2’s internal study wall removed or maximum length 1.0 metre;
   d) Dwelling 3 & 4’s study exterior wall facing the accessway and adjoining the front of the garage be setback 500mm and either the laundry made deeper or fixed shelving be notated at the back of the study;
   e) Sill level of south facing bedroom windows of dwelling’s 3 & 4 raised to at least 1.4 metres above the accessway;
   f) Landscape plan in accordance with Condition 2.

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

2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
a) Details of surface finishes of pathways and driveways;
b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
c) Landscaping and planting within all open areas of the site;
d) One canopy tree (minimum two metres tall when planted) in the following areas (min. four in total): front setback of dwelling's 1 & 2; and rear setback of dwelling's 3 & 4.

All species selected must be to the satisfaction of the responsible authority.

Amenity:

3. The amenity of the area must not be detrimentally affected by the construction of the development until a Certificate of Occupancy is issued, through the:

   a) Transport of materials, goods or commodities to or from the land;
   b) Appearance of any building, works or materials;
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   d) Presence of vermin;
   e) Any other way.

4. Any external lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

5. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise emanating from the site.

6. All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Landscape plans:

7. Before occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans required at Condition 2 of this permit must be carried out and completed to the satisfaction of the responsible authority.

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Infrastructure conditions:

9. A standard urban residential vehicle crossing must be provided on Atkinson Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

10. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 55.03-9 of the Planning Scheme.

11. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
a) The development as a whole must be self-draining.
b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
c) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.


13. The Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.

14. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.

15. 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.

16. 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).

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

18. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:

   a) Location of vehicle crossings;
   b) Details of the underground drainage;
   c) Location of drainage legal points of discharge;
   d) Standard details for vehicle crossing and legal point of discharge; and
   e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

   Melbourne Water:

19. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or waterways.

   Southern Rural Water:

20. The development must be connected to the town sewerage system approved drainage infrastructure.
21. Sediment control measures outlined in EPA's publication No 275, Sediment Pollution Control, shall be employed during construction works and maintained until the disturbed areas have been revegetated.

Central Highlands Water:

22. Reticulated sewerage facilities must be provided to each dwelling 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.

23. A reticulated water supply must be provided to each dwelling 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.

24. 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.

25. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Expiry condition:

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

   a) The development and the use 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.

Permit Notes:

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 262701.

Central Highlands Water require a 3.0 metre easement (minimum width) over the Sewer main located on the Eastern Boundary of the proposed dwelling number 4. Please contact Central Highlands Water Growth and Development Team for further information.

Report Authorisation

Authorised by: [signature]
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 29 January, 2016
**Application Summary:**

<table>
<thead>
<tr>
<th>Permit No:</th>
<th>PA20152 07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgement Date:</td>
<td>8 September 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Victoria Mack</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>16 Moonglow Crescent, Maddingley Lot 2 on PS728358V</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Development of three (3) dwellings</td>
</tr>
<tr>
<td>Lot size:</td>
<td>810sqm</td>
</tr>
<tr>
<td>Why is a permit required?</td>
<td>General Residential Zone – Schedule 1 - Construct two or more dwellings on a lot</td>
</tr>
</tbody>
</table>

**Public Consultation:**

<table>
<thead>
<tr>
<th>Was the application advertised?</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notices on site:</td>
<td>One (1) sign facing Moonglow Crescent.</td>
</tr>
<tr>
<td>Notice in Moorabool Newspaper:</td>
<td>No</td>
</tr>
<tr>
<td>Number of Objections:</td>
<td>Two (2)</td>
</tr>
<tr>
<td>Consultation meeting:</td>
<td>Yes</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 – Rob Fillisch*

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

*Author – Victoria Mack*

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

**Executive Summary:**

<table>
<thead>
<tr>
<th>Application Referred?</th>
<th>Yes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>No.</td>
</tr>
</tbody>
</table>
| Preliminary Concerns? | 1. Inclusion of this lot and the adjacent lot to the east in the Development Plan Overlay Schedule 3 - West Maddingley, as the land is privately owned and not part of the Stonehill or Essence Estates.  
| Any discussions with applicant regarding concerns | Yes, consultation with the applicant on ResCode issues. |
| Any changes made to the application since being lodged? | Yes, the plans have been modified to achieve the ResCode objectives and standards. |
| VCAT history? | None |
| Previous applications for the site? | PA2014224 – two lot subdivision; the subject land is Lot 2 of this subdivision. |

**General summary**

The application is for 3 dwellings on the lot. During the assessment process the plans were modified to better achieve ResCode objectives and standards which included reducing dwelling 1 and 2 from 3 bedrooms to 2 bedrooms each, which in turn provided improved living space, greater solar efficiency and reduced the car space requirement to one car space for dwellings 1 and 2.

The land is located in the south-east corner of the Development Plan Overlay Schedule 3 (DPO3) – West Maddingley and is also included in the West Maddingley Development Plan Part 1. However the land is in private ownership and is not part of the Stonehill or Essence Estates and is not a parcel listed in the Explanatory Report under planning scheme amendment C49 which created the DPO3, gazetted on 19 November 2009.

The purpose of the DPO3 at Clause 43.04 of the Moorabool Planning Scheme is to:

- Identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land; and
- Exempt an application from notice and review if it is generally in accordance with the development plan.
This created an issue with respect to advertising the application which under the provisions of Clause 43.04 Development Plan Overlay Schedule 3, an application is exempt from notice and review if it is generally in accordance with the development plan endorsed for West Maddingley.

It is considered that the application is generally in accordance with the approved West Maddingley Development Plan Part 1, specifically that the use of the land is for residential and related purposes, which includes applications for 'conventional and medium density residential'.

The application was advertised because it was initially assessed as not being part of the West Maddingley precinct, meaning not a part of the Stonehill or Essence Estates.

On balance it was considered that the application should be determined by Council, but that the objectors should be advised that they do not have review rights contained within Section 82(1) of the Planning and Environment Act 1987 in accordance with Clause 43.04-2 of the DPO3.

Summary Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Permit for the Development of three (3) dwellings at 16 Moonglow Crescent, Maddingley, otherwise known as Lot 2 on PS728358V subject to conditions.

Background

The subject allotment was created by the subdivision of land known as 60 Griffith Street and approved by permit No. 2014224 issued on 30 October 2014. Subdivision conditions required a standard urban residential vehicle crossing to be constructed to the new Lot 2 to be created on the west side of the land, but it was not specified as to whether the crossover was to be constructed to Griffith Street or Moonglow Crescent. The crossing was constructed to Moonglow Crescent.

A search of Council Records does not provide any guidance on why the parent title of the subject land (before the two lot subdivision) was included in the DPO3. The Planning Scheme Amendment C49 Explanatory Report does not list the parent title in the “land affected by the amendment”, but the land is included in all maps produced in relation to C49 which created the DPO3 and was gazetted on 19 November 2009.

The original application showed three dwellings with three bedrooms each with a number of ResCode standards not satisfactorily met. The applicant revised the layout plan by reducing the number of bedrooms in two dwellings to two each, reconfiguring the living spaces, enlarging windows to improve solar efficiency, and widening the crossovers to dwellings 1 and 2.

Public Notice

The application was advertised to adjoining and surrounding landowners with a sign being placed on the site for a period of 14 days.

Two objections were received.

In the later stages of the assessment, it was determined that due to the presence of DPO3, comments could be considered by adjoining and owners but not as a formal objection which have appeal rights.
Summary of Objections (Comments)

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

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal not in keeping with neighbourhood character which comprises single dwellings on a lot and is enforced by single dwelling covenants. Stonehill Estate single dwelling covenant and design guidelines should apply to this development as in DPO3. Access to the land is via Stonehill and Essence Estate streets and the dwellings would front an Estate street, so the application appears to be part of the Stonehill Estate.</td>
<td>ResCode</td>
</tr>
<tr>
<td><strong>Officer's response</strong> -</td>
<td></td>
</tr>
<tr>
<td>This property does not have a single dwelling covenant; and while the land is covered by the DPO3 is not a part of Stonehill or Essence Estates and as such the guidelines do not apply. Covenants are applied to land titles, usually at the point of sale, by developers, not by Council. The title shows access is possible from either Griffith Street or Moonglow crescent. Moonglow Crescent is a Council Road.</td>
<td></td>
</tr>
<tr>
<td>Parking location and lack of secure parking for some cars. Safety for children at end of ‘dead end street’</td>
<td>ResCode</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> -</td>
<td></td>
</tr>
<tr>
<td>Two dwellings have been reduced to two bedrooms where 1 car space only is required in accordance with ResCode Standard and these spaces are within the garages. The three bedroom dwelling would have one tandem car space which is uncovered. Children should not be on the road at any time. Moonglow Crescent is not a dead end street. The proposal represents an increase in car spaces required to four. A single three bedroom dwelling would have two car spaces, so the increased number of car spaces for this development is two.</td>
<td></td>
</tr>
<tr>
<td>Design detail – Single garages not visually compatible with the character of the area, where double garages are the norm. Identical facades are not permitted in the Stonehill Estate guidelines.</td>
<td>ResCode</td>
</tr>
<tr>
<td><strong>Officer's response</strong> -</td>
<td></td>
</tr>
<tr>
<td>Articulation between the dwelling frontage and garage frontage would create improved frontage to the street. The applicant has agreed to do this. The front setback could be reduced to 6.5m from 6.85m.</td>
<td></td>
</tr>
<tr>
<td>Amenity impacts of 3 dwellings will reduce quiet way of life; increase noise.</td>
<td></td>
</tr>
<tr>
<td><strong>Officer's response</strong> -</td>
<td></td>
</tr>
<tr>
<td>The residents of any dwelling in the immediate neighbourhood could impact on the amenity of the area.</td>
<td></td>
</tr>
</tbody>
</table>
Neighbouring property values would be affected.

**Officer's response**

VCAT has ruled in numerous cases that the impact of property values of a use or development are not a valid planning issue.

**Proposal**

It is proposed to construct three (3) single storey dwellings on the subject land, which has a total area of 810sqm. The dwellings would be constructed with face brick and with ColorBond® roofing. Dwelling 3 would have three bedrooms and dwellings 1 and 2 would have two bedrooms each. Two tandem car spaces would be provided for dwelling 3, with a one car space garage, and one car space for each of dwellings 1 and 2 also in a one car space garage.

The floor area of the dwellings would be as follows:
- Dwelling 1 (two bedrooms) - 133.43sqm
- Dwelling 2 (two bedrooms) - 135.34sqm
- Dwelling 3 (three bedrooms) - 140.55sqm.

The site plan, dwelling floor plans, dwelling elevations and landscape plan are included below:
**Site Description**

The vacant site is 810sqm, is rectangular in shape and is flat.

It has access from Moonglow Crescent to the west and also Griffith Street to the south.

The subject allotment was created by a two lot subdivision approved by planning permit 2014224 issued on 30 October 2014.

An aerial photo of the site is below:

![Aerial photo of the site](image)

The subject land is located in the south-east corner of the West Maddingley development plan precinct in the General Residential Zone.

To the south of the land is Griffith Street, with a wide road reserve, and on the south side of Griffith Street is land in the Industrial 2 Zone. To the east is the existing dwelling that was part of the two lot subdivision that was approved by Planning Permit PA2014224. This dwelling is also covered by the DPO3. To the north and west are single storey dwellings on single allotments which are part of the Stonehill Estate.

The site is approximately 1.7 kilometres from the Bacchus Marsh railway station and approximately 3 kilometres from the centre of the township of Bacchus Marsh.

The site would be approximately 880 metres east of future facilities to be constructed as part of the West Maddingley development precinct including a commercial centre and education and similar services.
Locality Map

The site below indicates the location of the subject site and the zoning applicable to the surrounding area with the DPO3 shown as attached:

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 – Settlement
- 11.05-2 – Melbourne’s hinterland areas
- 11.06-1 – Planning for growth
- 15.01-5 – Cultural identity and neighbourhood character
- 16.01-1 – Integrated housing
- 16.01-2 – Location of residential development
- 16.01-4 – Housing diversity
- 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

General Residential Zone – Schedule 1

The land is in the General Residential Zone – Schedule 1 (GRZ1) where in accordance with Clause 32.08-4 of the Moorabool Planning Scheme a permit is required for the construction and extension of two or more dwellings on a lot.

The proposal is generally consistent with the Purpose of the GRZ1 being:

- 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.

Overlay

Development Plan Overlay – Schedule 3

The land is within the Development Plan Overlay (DPO) and Schedule 3 relating to West Maddingley.

The purpose of the Development Plan Overlay is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- Exempt an application from notice and review if it is generally in accordance with a development plan.

Clause 43.04-1 of the DPO states that:

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

Be generally in accordance with the development plan.

- Include any conditions or requirements specified in a schedule to this overlay.

The West Maddingley Development Plan is attached to this report as an attachment.

Clause 43.04-2 of the DPO states that:

Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.
Relevant Policies

Council adopted the Urban Growth Policy Statement at the Ordinary Meeting of Council on 19 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 52.06-4 – relating to car parking provisions. The application accords with the car space requirements for dwellings, having two car spaces for the 3 bedroom dwelling and 1 car space for each of the two bedroom dwellings. Dwellings 1 and 2 also have additional off-street car spaces in front of each garage for visitors.

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

<table>
<thead>
<tr>
<th>Clause ResCode</th>
<th>Title</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard B10</td>
<td>Energy efficiency</td>
<td>The floor plan of dwelling 3 does not maximise solar efficiency from northerly sunlight to the living room but does achieve good access to the kitchen and good easterly (morning) sunlight. The layout is acceptable.</td>
</tr>
<tr>
<td>Standard B12</td>
<td>Safety</td>
<td>Sensor lighting is indicated in the documentation but not noted on the plans. Condition of permit.</td>
</tr>
<tr>
<td>Standard B31</td>
<td>Design detail</td>
<td>Improved articulation of the front façade would be achieved if the front setback of the dwellings was reduced to 6.5m with garages set back 6.85m.</td>
</tr>
<tr>
<td>Standard B34</td>
<td>Site services</td>
<td>No bin / recycling enclosures for dwelling 3. Condition of permit.</td>
</tr>
</tbody>
</table>

Discussion

The development has gained benefit of the Development Plan Overlay been applied to a site beyond the boundaries of the Stonehill and Essence Estates. The Development Plan Overlay allows for exemption from the notice provision and exemption of review rights. The development is also not encumbered by development guidelines or single dwelling covenants that have occurred to lots created within the Stonehill and Essence Estates.

The application is still required to be assessed against the standards of ResCode, Clause 55.
Neighbourhood Character

The subject site is located adjacent to a recently developed area of Bacchus Marsh being the Stonehill and Essence Estates to the west and north.

The underlying landscape character is generally flat to slightly undulating. Residential lot sizes in the area vary from approximately 450sqm to 800sqm. Existing dwellings in the Stonehill and Essence Estates are all relatively new and incorporate brick and render elements and have low pitched hipped roofs. Some dwellings have eaves, others do not. Dwellings are generally of a conventional appearance but differentiated by variations in façade articulation, including porch and verandah design, window forms, and roof design and materials.

The subject proposal is for three single storey dwellings to face Moonglow Crescent. The front setback would be landscaped. Two single width crossovers, one existing and one to be constructed, would provide vehicle access to the three dwellings.

The dwellings would be constructed of face brick, with front porches and three single garages facing the street. Roofs would be low pitched and clad with Colorbond corrugated steel. Dwelling three would be detached from dwellings 1 and 2. The overall form, scale and appearance of the dwellings would be generally consistent with the surrounding built form. Given the site context, it is considered that the proposal is an acceptable response to neighbourhood character.

Development Plan Overlay – Schedule 3 – West Maddingley

Is the proposal “generally in accordance with the endorsed West Maddingley Development Plan (part 1)?

The development plan shows land surrounding the subject site to be used generally for "conventional residential development (but not excluding applications for medium density residential)". It is noted that the subject site is not classified at all within the endorsed plan.

However, in considering the land adjacent to the subject site, both to the north and west, is within this category then it is considered that the subject application for medium density residential is generally in accordance with the Development Plan.

Plan changes:

The applicant has revised their plans to reduce number of bedrooms and improve the living areas to allow for adequate internal energy efficiency. The proposal is now suitable for approval subject to further revisions to improve building articulation facing the street by recessing the garages from the front building line to each dwelling, providing sensor lighting to allow for safe pedestrian access to the dwellings and showing the location of the garbage/recycling bin for Dwelling 3.

Overall, the proposal development complies with the State Planning Policy Framework, Local Planning Policy Framework and a majority of the standards of ResCode, Clause 55.

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>Infrastructure</td>
<td>Consent with conditions</td>
</tr>
</tbody>
</table>

Financial Implications

The recommendation of an approval of this development 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

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 development does not comply with the standards of ResCode, Clause 55.

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

Conclusion

It is considered that the application is generally consistent with relevant State and Local planning policy, the General Residential Zone, Development Plan Overlay, and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

With the Development Plan Overlay containing exemptions from review rights, the two objectors have has their issues evaluated as comments.

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

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Permit for the Development of three (3) dwellings at 16 Moonglow Crescent, Maddingley, otherwise known as Lot 2 on PS728358V subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
   a) The front setback of the dwellings moved forward to 6.5m with the garages setback from the dwelling frontage by 350mm.
   b) Show the location of Bin and recycling enclosures to dwelling 3.
   c) Show the location of sensor lighting at the front of the property.

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

2. 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.

Landscaping:

3. Before the development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Infrastructure conditions:

4. The proposed new vehicle crossing on Moonglow Crescent should be constructed to urban residential standard to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

5. The fire hydrant adjacent to the subject land must be relocated to the satisfaction of the responsible. The new location of the hydrant must not compromise the coverage requirements specified by the CFA for hydrants in residential zones. The proponent must obtain from Council and Western Water all necessary permits to undertake the relocation prior to the commencement of the works.

6. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
   a) The development as a whole must be self-draining.
   b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
c) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.

7. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.

8. Stormwater drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.

9. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.

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

11. 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).

12. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.

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

14. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:

a) Location of vehicle crossings
b) Details of the underground drainage
c) Location of drainage legal points of discharge
d) Standard details for vehicle crossing and legal point of discharge
e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Western Water conditions:

15. Payment of new customer contributions for each dwelling created by the development, such amount being determined by Western Water at the time of payment.

16. Each allotment is to be independently and directly connected to a sewer and water main of Western Water.

17. The operator under this permit shall be obliged to enter into an Agreement with Western Water, with the form of such Agreement being 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.
Expiry condition:

18. 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

Authorised by: [Signature]
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 29 January, 2016
Item 4.4 - Planning Permit Application PA2015 216; Use and Development for Industry (Composting Facility) at Lot 32 on TP 387669, Glenmore Road, Mount Wallace

<table>
<thead>
<tr>
<th>Application Summary:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit No:</td>
<td>PA2015-216</td>
</tr>
<tr>
<td>Lodgement Date:</td>
<td>15 September 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Tom Tonkin</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>Lot 32 on TP 387669, Glenmore Road, Mount Wallace VIC 3342</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Use and Development for Industry (Composting Facility)</td>
</tr>
<tr>
<td>Lot size:</td>
<td>31.84ha</td>
</tr>
<tr>
<td>Why is a permit required?</td>
<td>Clause 35.07 – Farming Zone – Use and develop land for industry</td>
</tr>
<tr>
<td></td>
<td>Clause 42.01 – Environmental Significance Overlay – Buildings and works</td>
</tr>
<tr>
<td></td>
<td>Clause 44.06 – Bushfire Management Overlay – Development associated with Industry</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Consultation:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the application advertised?</td>
<td>Yes</td>
</tr>
<tr>
<td>Notices on site:</td>
<td>None</td>
</tr>
<tr>
<td>Notice in Moorabool Newspaper:</td>
<td>No</td>
</tr>
<tr>
<td>Number of Objections:</td>
<td>Five (5)</td>
</tr>
<tr>
<td>Consultation meeting:</td>
<td>Yes, held 1 February 2016.</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>
**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 – Tom Tonkin*

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

**Executive Summary:**

<table>
<thead>
<tr>
<th>Application Referred?</th>
<th>The application was referred to external referral authorities and to internal Council departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any issues raised in referral responses?</td>
<td>Yes, the Country Fire Authority (CFA) and Department of Environment, Land, Water and Planning (DELWP) both requested further information from the applicant, which was provided.</td>
</tr>
<tr>
<td>Preliminary Concerns?</td>
<td>No concerns were raised with the applicant.</td>
</tr>
<tr>
<td>Any discussions with applicant regarding concerns?</td>
<td>After referral of the application, a meeting was held with several referral authority representatives to discuss the application and clarify the nature of the proposal.</td>
</tr>
<tr>
<td>Any changes made to the application since being lodged?</td>
<td>Minor plan changes to satisfy EPA requirements.</td>
</tr>
<tr>
<td>VCAT history?</td>
<td>None</td>
</tr>
<tr>
<td>Previous applications for the site?</td>
<td>None</td>
</tr>
<tr>
<td>General summary</td>
<td>The application is to use and develop the site for a composting facility treating bio waste and green waste. Waste would be processed generally in a 10-12 week cycle on site before being distributed for use elsewhere on the Yaloak Estate as part of the existing agricultural operation, and off-site for distribution to other consumers. The facility would be 2.5km from the nearest dwelling and the composting would include aerobic and other processes to reduce odour emissions. The application was referred to a range of external authorities who consented to the proposal, some conditionally, including the EPA from whom the proponent has since obtained a provisional works approval for the facility. Objections to the proposal include concerns about emissions from the facility, impacts on the natural environment and human health, traffic and inadequate information about the proposal.</td>
</tr>
</tbody>
</table>
Overall, the proposal is considered to be acceptable, meeting relevant planning policy and the requirements of relevant referral authorities. The site is considered suitable for the proposal with potential amenity impacts able to be appropriately managed to limit potential off-site impacts.

**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**

Before the application was lodged, various individuals and groups were consulted about the proposal.

The applicant advises that consultation was done with adjoining landowners, Glenmore CFA brigade and the Rowsley Landcare Group at the Mount Wallace Hall.

A Council officer accepted an invitation by the proponent to visit the site at Deer Park in 2015 where the proposed composting facility previously operated. The Council officer observed part of the industrial process and had no preliminary concerns about the operation in respect of the proposal to relocate the operation to Mount Wallace.

**Public Notice**

Notice of the application was given on 12 November, 2015 to adjoining and surrounding landowners of properties up to at least four (4) kilometres from the subject site. Five (5) objections were received from four (4) landowners.

**Summary of Objections**

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

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on property values</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Officer’s response</strong></td>
<td></td>
</tr>
<tr>
<td>There are a range of factors which affect property values and as such the potential devaluation of surrounding properties is not deemed to be a valid planning consideration.</td>
<td></td>
</tr>
<tr>
<td>Noise generated by the facility</td>
<td>13.04-1</td>
</tr>
<tr>
<td><strong>Officer’s response</strong></td>
<td></td>
</tr>
<tr>
<td>The nearest sensitive land use (existing dwelling) is 2.5km from the proposed facility and noise is not expected to be an issue. The facility would be required to comply with State regulations controlling noise from industry, to be reinforced by way of a condition on any planning permit.</td>
<td></td>
</tr>
<tr>
<td>Fire hazard given proximity to national park</td>
<td>13.05-1, 52.47-2</td>
</tr>
<tr>
<td><strong>Officer’s response</strong></td>
<td></td>
</tr>
<tr>
<td>The CFA, as a determining referral authority, has given conditional consent to the application now that the applicant has prepared a fire risk assessment of the proposal. DELWP, as owner of the Brisbane Ranges National Park, consent to the application.</td>
<td></td>
</tr>
</tbody>
</table>
Glenmore Road is unsuited to regular use by trucks and trailers  | N/A

**Officer's response** -
The applicant has indicated that access to and from the site is intended from Glenmore Road via Geelong-Ballan Road and the Western Freeway. It is recommended that a condition of approval restrict trucks and trailers associated with the facility from using that section of Glenmore Road east of the facility entrance.

How would fire generated by heat in the composting process and creation of deep seated fires from spontaneous ignition be suppressed?  | 13.05-1

**Officer's response** -
The compost piles are to be maintained at an optimum temperature of 55-65 degrees Celsius, with corrective action able to be taken as part of regular monitoring, as required by the EPA. Furthermore, the proposal includes works comprising an impervious 250m x 200m pad on which the facility would be located. It is noted that the applicant has submitted a fire risk assessment for endorsement by the CFA, and planning permit conditions would be imposed accordingly.

What is the complaints procedure for residents affected if the facility is approved?  | N/A

**Officer's response** -
The applicant must comply with planning permit conditions including that a works approval be obtained from the EPA, which itself will require compliance with various conditions to protect amenity. The proponent has advised that provisional approval has been granted by the EPA. Council would investigate any report of permit conditions being breached, the EPA investigate complaints, and the proponent has indicated they would implement a complaints procedure.

No information on use of compost on Yaloak Estate  | N/A

**Officer's response** -
10,000-15,000 cubic metres of compost would be used on Yaloak Estate, and prior to use would be fully pasteurised to eliminate pathogens and heavy metals to EPA requirements. The compost used on Yaloak Estate would be incorporated 0.25-0.3m below the soil surface for optimal results, preventing runoff.

How would vermin be controlled and how would vermin affect surrounding ecosystems?  | 12.01-1

**Officer's response** -
Bio solids and green waste would not be expected to attract vermin and no control measures are proposed. DELWP as the relevant referral authority raised no concerns and consent to the application.

There is no guarantee what materials may be accepted into the facility in future.  | N/A

**Officer's response** -
Any change to the facility would need to be approved by the EPA and potentially require a planning permit to be amended. The applicant has indicated that the size of the facility has been designed to accommodate a larger operation than is currently intended but expansion is not expected.

Were Victorian National Parks Association consulted? There is no information about impacts on the national park.  | N/A
**Officer’s response -**
The application was referred to DELWP as the owner of the Brisbane Ranges National Park, and consent provided. A Parks Victoria representative attended a consultation meeting attended by the permit applicant and proponent and had the opportunity to raise any issues. No information specific in relation to the national park was provided, and none requested by Council, Parks Victoria or DELWP.

<table>
<thead>
<tr>
<th>No study provided regarding presence of heavy metals in bio waste and the impacts on surrounding areas during dry windy weather.</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Officer’s response -**
Before bio waste is delivered to the facility it would be analysed by the relevant water authorities to determine concentrations of heavy metals and pathogens, and would not be accepted for delivery to the facility if it does not comply with the relevant chemical grading.

<table>
<thead>
<tr>
<th>No study provided regarding dispersal of airborne pathogens emanating from bio solids.</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Officer’s response -**
As per response above.

<table>
<thead>
<tr>
<th>Air pollution in windy conditions.</th>
<th>13.04-2</th>
</tr>
</thead>
</table>

**Officer’s response -**
As previously stated bio waste would be treated to limit the presence of pathogens and heavy metals before being delivered to the facility. Bio waste is moist and would not generate substantial dust. Water would be used from the leachate dam in the early stages of the composting process and fresh water in the latter stages to limit dust emissions.

<table>
<thead>
<tr>
<th>Capacity of the leachate dam to contain runoff.</th>
<th>14.02-1, 14.02-2</th>
</tr>
</thead>
</table>

**Officer’s response -**
The leachate dam would require a capacity of six (6) megalitres allowing for a 1 in 20 year rainfall event in accordance with EPA requirements, to ensure waterways are not affected. Leachate dam water would be used in the compost process which would further minimise the risk of overflow, and other measures put in place to ensure overflows do not occur. Furthermore, the compost area would be an impermeable hardstand compacted to protect the subsoil from water leaching.

<table>
<thead>
<tr>
<th>Odour associated with the facility.</th>
<th>13.04-2</th>
</tr>
</thead>
</table>

**Officer’s response -**
The proposed composting process would maintain aerobic activity within the compost piles, regulating temperature, moisture content and nutrient loads. A filtering system would be used to limit any odours emitted from the piles. Additionally, the facility would be located a minimum 2.7km from the nearest existing dwelling, exceeding the minimum 2.0km buffer distance recommended by the EPA.

<table>
<thead>
<tr>
<th>Emission of contaminated material during transportation of compost material.</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Officer’s response -**
Concerns about contaminated material are addressed above. In any case, trucks carrying materials to and from the site would have sealed loads.
Proposal

It is proposed to use and develop part of the Yaloak Estate agricultural property for an aerated composting facility. The Pinegro composting facility has until recently operated for more than 15 years in Deer Park, and seeks to relocate due to non-renewal of its lease on the previous site.

The facility would process up to 50,000 tonnes of green waste per annum and 20,000 tonnes of bio-solids per annum. The process is one where air is forced through the composting piles by blowers and pipes to ensure that no anaerobic processes occur, thereby avoiding creation of undesirable odours associated with anaerobic processing.

The green waste to be brought to the site would come from Melbourne and much of the finished product would be purchased by the Yaloak Estate for soil improvement on their property. Material would be transported via the Western Freeway to the Ballan-Daylesford Road interchange, thence south along the Geelong-Ballan Road, turning into Glenmore Road near Mt Wallace. Vehicles would then use gravelled roads within the Yaloak Estate to reach the site.

Waste from impurities in the organic matter brought onto the site would be transported for disposal, possibly at the Calleja landfill in Maddingley.

Heavy vehicle movements are estimated to be approximately four (4) return trips to the site per day. Six (6) to 10 staff would access the site in private vehicles.

Operating hours would be 6.30am to 6.30pm Monday to Friday and 7am to 1pm Saturday. No operations are anticipated on Sundays or public holidays.

The material would be brought on-site and placed onto the operational surface, which is a 250m x 200m compacted, all weather pad laid over a clay base in accordance with the requirements of the Environmental Protection Authority. That authority is required to issue a works approval for this operation, which has since occurred.

A leachate dam would be constructed to capture runoff from the site and to ensure that Spring Creek is not subject to any environmental impacts. The leachate from the dam would be reused to control the moisture content of the composting mounds and for dust suppression on the site.

The site would contain three (3) ‘Atco’ style huts for administration (two (2) joined together) and a workers’ staff room with ablution facilities. All wastewater from these buildings will be directed to a septic effluent waste disposal system.

The proposed leachate dam was originally intended to have a 3.442 mega litre capacity. In accordance with the EPA requirements of the works approval an amended plan was provided showing an increased dam capacity of 6.05ML.

Site Description

The subject site is identified as Lot 32 on TP 387669 and located on a government road off Glenmore Road in Mount Wallace.

The operational site lies above the escarpment at the head of the Spring Creek Valley, approximately 3.0km south-west of ‘The Bluff’ and 3.9km, by road, southeast of the Glenmore Road site entrance. It lies at an elevation of approximately 410 metres AHD and is set back some 400 metres from the escarpment dropping into Spring Creek to the south.
The site is relatively flat being on the plateau with no vegetation except grass at the operational site. At the break of slope to the south, the land becomes forested and is the northern extremity of the Brisbane Ranges National Park. The escarpment abutting Spring Creek has been fenced.

The site has previously been improved by the removal of many tonnes of bluestone rocks through deep ripping and these have been piled on the land. Access to the site along Glenmore Road via Cut Hill to the east is impractical for heavy vehicles and so all access and egress is proposed to be to the west, via Glenmore Road to Geelong-Ballan Road.

It is noted that the proposed facility would be located in the northwest corner of the subject site.

The site and surrounds has been farmed for generations, primarily for grazing. The nearest site of Aboriginal cultural heritage significance lies more than 50 metres to the north of the construction site. The operational site has been sited more than 200 metres from Spring Creek’s area of cultural heritage sensitivity. All road upgrades would be undertaken by placing construction material on top of the existing tracks/roads thereby not disturbing the ground. A comprehensive CHMP was undertaken for the Yaloak Wind Energy Facility proposed to be sited in this area and this proposal would use the same road network as for that proposal.

The nearest existing dwellings to the site are between 2.5-3.0km to the south and southwest. Ballan township is approximately 15.0km north of the site. To the immediate south is the Brisbane Ranges National Park.

**Aerial photograph of subject site:**
The map below indicates the location of the subject site and the zoning applicable to the surrounding area.

Planning Scheme Provisions

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

The relevant clauses are:

- 11.05-2 Melbourne's hinterland areas
- 11.05-3 Rural productivity
- 11.06 Central Highlands regional growth
- 13.04-2 Air quality
- 13.05-1 Bushfire planning strategies and principles
- 14.01-1 Protection of agricultural land
- 14.02-1 Catchment planning and management
- 14.02-2 Water quality
- 17.02-2 Design of industrial development
- 21.02-3 Water and catchment management
- 21.04-2 Agriculture
- 21.04-4 Industry
- 22.02 Special Water Supply Catchments

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

Farming Zone

The subject site is in the Farming Zone and the provisions of Clause 35.07 apply.

The purpose of the zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture. To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Under the table to Clause 35.07-1 ‘Industry’ is classified as a Section 2 for which a permit is required. Under Clause 35.07-4 a permit is required for buildings and works associated with a Section 2 use.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the following relevant decision guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
• **The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.**
• **Whether the use and development will require traffic management measures.**

Overall, the proposed use and development is considered to be consistent with the purpose and decision guidelines of the Farming Zone.

**Overlays**

The subject site is affected by the following overlays:

- Environmental Significance Overlay, Schedule 1 (ESO1)
- Bushfire Management Overlay (BMO)

**Environmental Significance Overlay, Schedule 1 (ESO1)**

Under Clause 42.01-2, a permit is required to construct buildings and works, and there are no applicable exemptions.

**Bushfire Management Overlay (BMO)**

Under Clause 44.06-1, a permit is required to construct buildings and works associated with Industry.

Overall, the proposal is considered to be consistent with the purpose and decision guidelines of these overlays.

**Relevant Policies**

There are no adopted Council policies or draft policies relevant to this application.

**Particular Provisions**

**Clause 52.06 Car Parking**

Before a new use commences the number of car parking spaces as specified in the table to Clause 52.06-5 must be provided on the land. The aforementioned table specifies 2.9 car spaces to each 100sq m of net floor area. 95.4sq m of net floor area is proposed and accordingly two (2) spaces are required. Eight (8) spaces are proposed with ample space for additional vehicles if required. The proposal satisfies the parking requirement.

**Clause 52.07 Loading and Unloading of Vehicles**

Buildings and works constructed for the manufacture and storage of materials must include space for loading and unloading of vehicles. The proposal complies with the specified area by providing for the loading and unloading of trucks on the operational pad within the reception area where tip trucks would unload green waste. Loading of trucks to take processed compost off-site would also occur on the operational pad in the area designated for that purpose.
Clause 52.10 Uses with Adverse Amenity Potential

The purpose of this clause is to define those types of industries which if not appropriately designed and located may cause offence or unacceptable risk to the surrounding area. Minimum threshold distances from residential zoned land, hospitals and education centres are defined or otherwise identified as variable depending on the processes to be used and materials processed or stored.

Composting and recycling organic materials is identified in this clause as having a variable threshold distance. In this instance the EPA works authority is the governing legislative enactment that determines such matters. A works approval was applied for from the EPA and a setback from neighbouring dwellings established as 2.0km. The works approval has since been issued by the EPA.

Clause 52.47 Planning for Bushfire

This clause provides the objectives and measures for the design of developments affected by the Bushfire Management Overlay.

The application satisfies the relevant requirements regarding siting and design, defendable space, water supply and access.

Discussion

Overall, the proposal is considered to be generally in accordance with relevant State and local planning policy, the Farming Zone, relevant Overlays, Particular Provisions and decision guidelines at Clause 65.

The proposed composting facility is defined as an industrial land use for which a permit is required in the Farming Zone. The subject site is a vacant lot in Mount Wallace surrounded by predominantly vacant grazing land, and to the south Brisbane Ranges National Park. The site is in a Special Water Supply Catchment and accordingly the application was referred to Southern Rural Water, who consent to the application subject to permit conditions.

The proposal generally satisfies relevant State and local planning policy. The proposed facility would be sited to minimise impacts on the surrounding environment and maintain the rural character of the area. Rural productivity would generally be enhanced by the proposal, given a substantial portion of the composted material is intended for use on the Yaloak Estate property itself, on which the site is located. The location of the proposed facility would allow much of the surrounding land to be maintained for grazing purposes and would ensure that fragmentation of agricultural land is largely avoided. The proposal is a generally suitable response to the site’s agricultural context. The facility would generate ongoing employment, contributing to the local economy.

The site borders the Brisbane Ranges National Park to the south, the park occupying an extensive swath of land extending generally to the south and east of the subject site. Spring Creek lies within the Park and runs close to the southern boundary of the subject site. The proposed facility would occupy the northwest corner of the subject site, as far as possible from the Park. The Victorian Department of Environment, Land, Water and Planning (DELWP) owns the Park and consents to the application.

The site is affected by a Bushfire Management Overlay. Accordingly documentation was provided in support of the proposal’s compliance with required objectives and standards, and the application was referred to the CFA for consent. At the CFA’s request the applicant provided a fire risk assessment which was assessed by the CFA with consent given, subject to conditions consistent with the fire risk assessment. It is noted that Council is in discussion with the CFA about the final drafting of the conditions for inclusion on the permit and expects these to be finalized by the time the report is determined.
Objections to the application have raised a range of concerns about the proposal and been responded to above. Overall it is considered that the proposal is acceptably designed to protect the natural environment and the amenity of the area. The facility would be located 2.5km from the nearest existing dwelling, which exceeds the minimum 2.0km buffer recommended by the EPA for such a facility. Additionally, the information provided by the applicant and proponent regarding the composting process, including before waste is brought to the site, demonstrate an acceptable standard of treatment to limit any off site impacts including emissions of odour, dust, runoff and noise. The application was referred to all relevant referral authorities who either consented or gave conditional consent to the proposal.

It is noted that the proposed facility requires separate approval from the EPA, and accordingly would be required to operate subject to conditions and be subject to monitoring to ensure standards are maintained.

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.52 or s.55 of the Planning and Environment Act 1987, and Council departments were provided with an opportunity to make comment on the application.

<table>
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<tr>
<th>Authority</th>
<th>Response</th>
</tr>
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<tbody>
<tr>
<td><strong>Section 52</strong></td>
<td></td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>Consent</td>
</tr>
<tr>
<td>VicRoads</td>
<td>Consent</td>
</tr>
<tr>
<td>DELWP</td>
<td>Consent</td>
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<td>DEDJTR</td>
<td>Consent</td>
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<tr>
<td><strong>Section 55</strong></td>
<td></td>
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<tr>
<td>Southern Rural Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>EPA</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>CFA</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Public Transport Victoria</td>
<td>Consent</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Consent with conditions</td>
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<tr>
<td>Environmental Health</td>
<td>Consent with conditions</td>
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Financial Implications

The recommendation of an 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 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 use and development would be unable to operate without unreasonable impacts on the amenity of the surrounding area.

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

Conclusion

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

All relevant referral authorities consent to the application, subject to conditions where applicable. The EPA have issued a provisional works approval for the proposal, which would require compliance with EPA conditions.

The subject site exceeds the EPA recommended minimum buffer distance from sensitive land uses and the proposed composting processes would adequately limit off-site impacts on the environment and general amenity. Furthermore, the proposal would generate local employment and contribute to the economic growth of the Shire over the longer term.

 Recommendation

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. 2015-216 for use and Development for Industry (Composting Facility) at Lot 32 on TP 387669 known as Glenmore Road, Mount Wallace, subject to the following conditions:

1. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority. All buildings shall be located clear of any easements or water and sewer mains/septic tank and effluent lines.

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

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

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

5. The facility is limited to handling a maximum of 50,000 tonnes of green waste and 20,000 tonnes of bio-solids per calendar year. The permit holder must on the request of the Responsible Authority provide written evidence of the total tonnage for the calendar year.
6. Trucks associated with the composting facility must not travel east of the entry/exit along Glenmore Road.

7. The facility shall operate only from 6.30am to 6.30pm Monday to Friday and 7am to 1pm Saturday, except with the written consent of the Responsible Authority.

8. Before the use commences, the proponent must provide to Council a copy of the complaints procedure to be implemented by the proponent, to the satisfaction of Council.

Environmental Health conditions:

9. An onsite waste water management system must be installed.

10. The land application area and all conditions must be in accordance with the Land Capability Assessment prepared by Bruce Hollioake and Partners, ref number 15318 dated 27th July 2015.

11. All setback distances must be adhered to, 60 metres from a dam and 100 metres from a potable water supply catchment.

Infrastructure conditions:

12. Prior to the use commencing, the intersection of the access road and Glenmore Road must be constructed in accordance with standard drawing SD265 of the Infrastructure Design Manual to the satisfaction of the Responsible Authority.

13. The proponent must at his own cost construct the access road from the intersection with Glenmore Rod to the entry point of the subject site to the following standard:

   a) A 7.0 metres wide carriageway of which the central 4.0 metres section shall have a pavement of approved granular material to a minimum compacted depth of 150 millimetres;
   b) Table drainage as required to minimum width 2.0 metres and depth 0.2 metres;
   c) The pavement shall be formed to facilitate water runoff to the table drains;
   d) Culverts of minimum 375 millimetre diameter installed as required to facilitate drainage;
   e) A turning area for service and emergency vehicles to be provided at the termination of the road works;
   f) Traffic signage as required;
   g) All works to be completed to the satisfaction of the Responsible Authority.

14. All road and drainage works must be maintained in good condition and repair for a minimum of 6 months after completion of the works, to the satisfaction of the Responsible Authority.

15. A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 6 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

16. The property access and the internal driveways must be constructed in accordance with the requirements specified in the CFA publication “Building in a Wildfire Management Overlay”.

17. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:

   a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
   b) Underground piped drainage for the whole development shall cater for 10% AEP storm.
c) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.

18. 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).

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. 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.

21. Prior to the use commencing, the car park area must be constructed with an all-weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:


   b) Designated loading areas shall be shown on layout plans.

   c) The parking areas shall be provided with an all-weather surface and associated drainage.

   d) Kerbing of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.

22. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

EPA condition:

23. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the A07 Composting prior to any works beginning.

Southern Rural Water conditions:

24. The use of water from either surface water, groundwater or from a catchment dam, soak or spring for industrial purposes (such as composting operations) must be licensed in accordance with Section 51 or 67 Water Act 1989.

25. Controls to ensure that there is no polluted seepage from the work site into the groundwater or surface water resource must be developed and implemented.

26. Cut off drains/mounds must be constructed around the work site perimeter in order to eliminate any catchment water entering the site.

27. Works must not impact on a waterway, groundwater, soak, spring or a dam whether onsite or located on adjoining property.
28. Sediment runoff from the site shall be retained on site during and after operations. Controls particularly on steep slopes are to be in accordance with the Environment Protection Authority (EPA recommendations detailed in the construction techniques for sediment pollution control No 275, May 1991. Sediment control structures must be installed prior to the commencement of operations and maintained post development.

Expiry condition:

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

   a) The development and the use are 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.

Permit Note:

A permit application to install an onsite wastewater management system must be submitted to Council’s Environmental Health department.

Report Authorisation

Authorised by: [Signature]
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 29 January, 2016