



# **AGENDA**

## **Development Assessment Committee Meeting Wednesday, 21 February 2024**

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

**Date: Wednesday, 21 February 2024**

**Time: 6.00pm**

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

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

**Order Of Business**

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| <b>8</b>  | <b>Update on Trends, Issues and Other Matters .....</b>                                                                         | <b>25</b> |
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**1 OPENING****2 PRESENT AND APOLOGIES****3 RECORDING OF MEETING**

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

**4 CONFIRMATION OF MINUTES**

Development Assessment Committee Minutes 13 December 2024.

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

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

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

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

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

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

## 7 COMMUNITY PLANNING REPORTS

### 7.1 PA2022054-2 - PLANNING PERMIT AMENDMENT AT 7 CORBETTS ROAD, GORDON

**Author:** Thomas Tonkin, Statutory Planner

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

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

#### APPLICATION SUMMARY

**Permit No:** PA2022054-2

**Lodgement Date:** 17 July 2023

**Planning Officer:** Tom Tonkin

**Address of the land:** 7 Corbetts Road, Gordon

**Proposal:** Amendments to the permit preamble and endorsed plans to allow development of a carport and shed (converted shipping container) ancillary to an existing dwelling

**Lot size:** 1,266sqm

**Why is a permit required?** Clause 43.02 Design and Development Overlay, Schedule 5 – Buildings and works exceeding a total building area of 300sqm and located within 5m of the rear property boundary

#### RECOMMENDATION

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant an Amended Planning Permit PA2022054-2 to allow for the development of a shed and carport ancillary to an existing dwelling, at 7 Corbetts Road, Gordon subject to the following amendments:

1. Amend the permit preamble to read as follows:

Development of Outbuildings and Carport Ancillary to a Dwelling and Variation of Restrictive Covenant PS837916D.

2. Amend Condition 4 to read as follows:

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

3. New conditions under the subheading 'Barwon Water' as follows:

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

| <b>PUBLIC CONSULTATION</b>      |      |
|---------------------------------|------|
| Was the application advertised? | Yes. |
| Notices on site:                | Yes. |
| Notice in Moorabool Newspaper:  | No.  |
| Number of objections:           | One. |
| Consultation meeting:           | No.  |

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

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

#### **Priority 2.3: Enhance our natural environments**

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

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

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

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

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

*Executive Manager – Henry Bezuidenhout*

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

*Author – Tom Tonkin*

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

## **EXECUTIVE SUMMARY**

|                                                    |                                                                  |
|----------------------------------------------------|------------------------------------------------------------------|
| Application referred?                              | No.                                                              |
| Any issues raised in referral responses?           | No.                                                              |
| Preliminary concerns?                              | Additional details were requested to be shown on the plans.      |
| Any discussions with applicant regarding concerns? | Yes, the applicant advised of the changes required to the plans. |

|                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any changes made to the application since being lodged?                                                                                                                                                                                                                                                                                                                                             | Yes, the application was amended in process on 14 November 2023 to include the existing shipping container being used for personal storage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Brief history.                                                                                                                                                                                                                                                                                                                                                                                      | A rear ancillary shed to an existing dwelling has been constructed in accordance with a recently issued permit and endorsed plans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Previous applications for the site?                                                                                                                                                                                                                                                                                                                                                                 | PA2022054 was issued on 11 July 2022 for the Development of an Outbuilding Ancillary to a Dwelling and Variation of Restrictive Covenant PS837916D.<br>PA2022054-1 was issued on 7 November 2022 correcting Condition 2 regarding the variation of restriction wording to meet Land Registry requirements.<br>Variation of Covenant was registered on title on 20 December 2022.                                                                                                                                                                                                                                                                                                                         |
| General summary.                                                                                                                                                                                                                                                                                                                                                                                    | The applicant proposes to amend the permit preamble and endorsed plans to construct a carport and shed (converted shipping container) ancillary to an existing dwelling.<br>The application was advertised, and one objection was received, raising concerns including stormwater runoff, bushfire risk and plan inaccuracies. In response to the objection the proposed carport roof cladding was amended, details of site drainage were shown, and plan inaccuracies were addressed.<br>The proposal is generally consistent with the relevant provisions of the Moorabool Planning Scheme, and subject to additional permit conditions it is recommended that the amendment application be supported. |
| <b>Summary of Officer's Recommendation</b>                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , the Development Assessment Committee issue a Notice of Decision to Grant an Amended Planning Permit PA2022054-2 to allow for the development of a shed and carport ancillary to an existing dwelling, at 7 Corbetts Road, Gordon subject to the conditions contained within this report. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## SITE DESCRIPTION

The subject site and surrounding land is in the Neighbourhood Residential Zone, Schedule 1, and characterised by single dwelling development on lots of a similar or larger size to the subject site. Ancillary outbuildings are relatively common in the area, although generally not visually prominent in the landscape. It is in the Moorabool River (Sheoaks) Special Water Supply Catchment area which is managed by Barwon Water. The nearest waterway of this catchment is Paddock Creek located approximately 110m to the southwest.

The subject site, identified as Lot 1 on PS837916D and known as 7 Corbetts Road, Gordon, is an irregular shaped 1,266sqm lot located on the south side of Corbetts Road approximately 61m west of Cartons Road.

The site falls to the southeast and a 3m wide drainage easement is located parallel to the rear title boundary. The title includes a restrictive covenant specifying a building envelope setback 8m from south boundary, 5m from the east boundary, 2m from west boundary and 10m from the northern boundaries unless the building is in accordance with the endorsed plans attached to Planning Permit PA202054.

The site is developed with a single storey brick dwelling with a 271sqm floor area, 60sqm Colorbond shed, 9.4sqm home studio and a 14.4sqm permanent placed shipping container used for personal storage, the latter for which retrospective approval is sought as part of this current application.



**Figure 1:** Aerial photograph

[NEIGHBOURHOOD RESIDENTIAL ZONE \(NRZ\)](#)

[NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1 \(NRZ1\)](#)



**Figure 2: Zone Map**

## PROPOSAL

It is proposed to further amend planning permit PA2022054 as follows:

- Amend the endorsed plans to include a carport, attached to the east side of the existing dwelling. The carport would be a trapezoid shape with a variable width of up to 7.36m and length of 9m, with an overall floor area of 65sqm. The carport will have a pitched Colorbond roof with a 4.73m maximum height.
- Amend the endorsed plans to include a shed comprising a converted shipping container which already exists on the site. The container, with dimensions of 6m x 2.4m x 2.6m height would be located to the rear of the existing shed and used for personal storage purposes. The container is painted 'Woodland Grey' colour to match the existing shed.



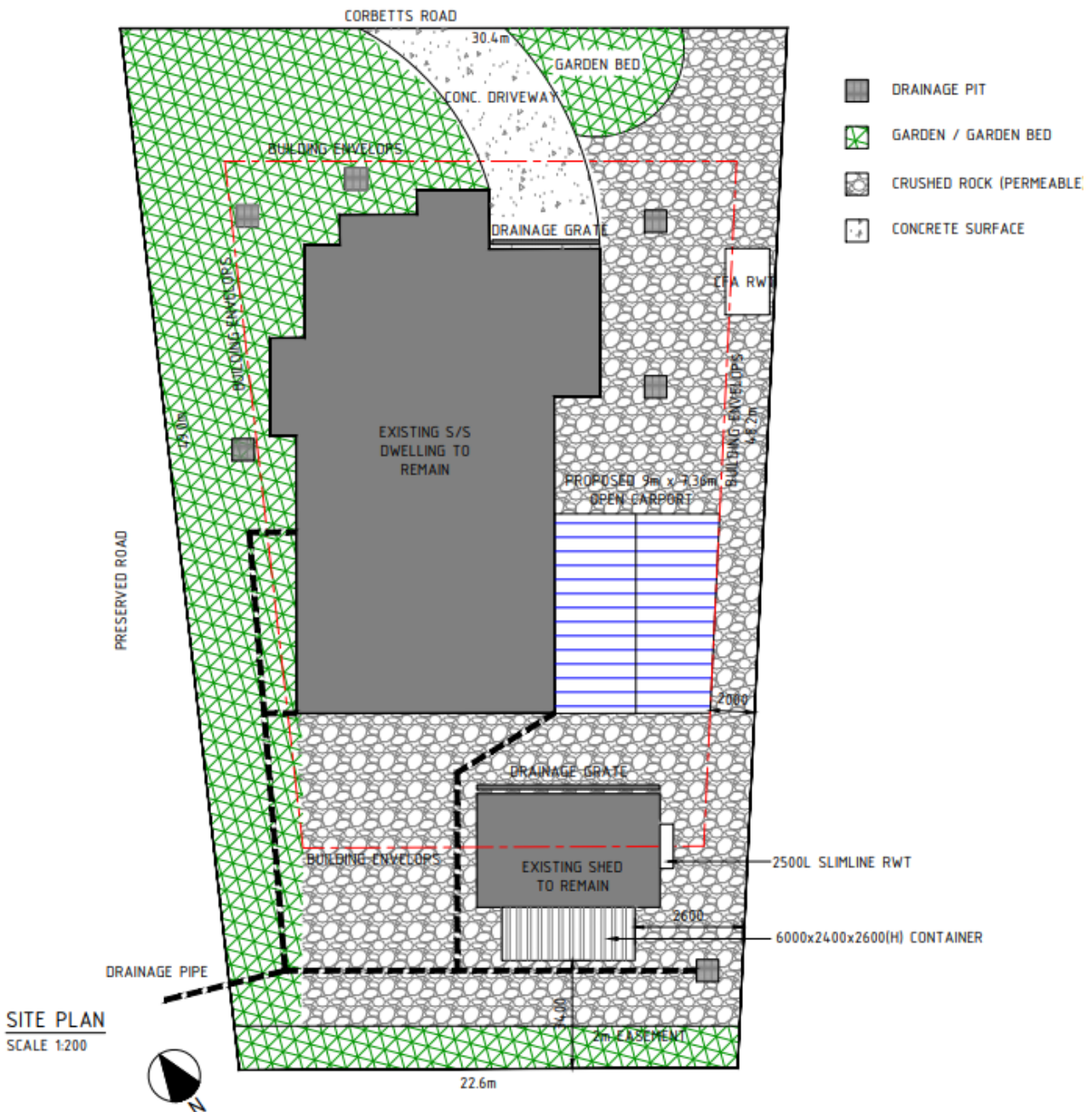


Figure 3: Proposed site plan.

**BACKGROUND TO CURRENT PROPOSAL**

A permanently placed shipping container used as storage is already on site without the required planning approval.

**HISTORY**

Council under delegation issued Planning Permit PA2022054 on 11 July 2022 for the Development of an Outbuilding Ancillary to an Existing Dwelling and Variation of Restrictive Covenant Council under delegation issued Planning Permit PA2022054. The outbuilding has been constructed in accordance with endorsed plans.

Council under delegation issued Planning Permit PA2022054-1 on 7 November 2022 correcting the wording of the variation of covenant in Condition 2.

**PUBLIC NOTICE**

Notice of the application was given to adjoining and nearby landowners and occupiers by mail and a sign erected on site. One objection was received.

The further amended application was given notice to adjoining and nearby landowners and occupiers by mail. An addendum to the original objection was received.

**SUMMARY OF OBJECTIONS**

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

| Objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Any Relevant Requirement    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| The proposed plans lack information relating to drainage and stormwater runoff which affects the property downslope. A complete set of current and proposed drainage computations is requested for the subject site and two other adjoining lots which drain into the downslope property.                                                                                                                                                                                                                                                                                                                                                                                                         | Schedule 5 to Clause 43.02. |
| <p><b>Officer's Response:</b></p> <p>Updated plans were submitted showing all surface treatments and the location of existing onsite drainage pipes, stormwater pits and rainwater tanks. Drainage overflows from the site discharge to the unmade Government Road reserve to the west of the site.</p> <p>Current Condition 6 on the planning permit would be retained on the amended permit. This condition includes that stormwater drainage from the proposed buildings and impervious surfaces be disposed of to Council's satisfaction and that a Stormwater Point of Discharge permit be obtained from Council's Assets prior to the commencement of works associated with the permit.</p> |                             |
| The percentage of proposed site coverage shown on the plans is incorrect.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Schedule 5 to Clause 43.02. |
| <p><b>Officer's Response:</b></p> <p>The calculation of site coverage includes buildings only and does not include impermeable surfaces such as driveways. The proposed site coverage would be 35.62%, is deemed acceptable in the township context and is less than the 40% permit requirement threshold under the Design and Development Overlay, Schedule 5.</p>                                                                                                                                                                                                                                                                                                                               |                             |
| The proposed carport's laserlite roof cladding is a combustible material and would not meet Bushfire Attack Level (BAL) requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A                         |
| <p><b>Officer's Response:</b></p> <p>Plans were amended to show Colorbond roof cladding for the proposed carport to address this objector concern.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |

|                                                                                                                                                                                                                                        |               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| A Bushfire Management Plan (BMP) has not been submitted.                                                                                                                                                                               | Clause 44.06. |
| <p><b>Officer's Response:</b></p> <p>The proposed works are each less than 100sqm are exempt from permit approval under the Bushfire Management Overlay. A BMP is not required as part of the amended planning permit application.</p> |               |

### PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 02.03-1 – Settlement
- Clause 02.03-2 – Environmental and landscape values
- Clause 02.03-3 – Environmental risks and amenity
- Clause 02.03-4 – Natural resource management
- Clause 02.03-5 – Built environment and heritage
- Clause 11.03-32 – Peri-urban areas
- Clause 14.02-1L – Declared special water supply catchments
- Clause 15.01-2L-01 – Building design
- Clause 15.01-5L – Landscape and neighbourhood character

### ZONE

#### Neighbourhood Residential Zone, Schedule 1 (NRZ1)

The proposed amendment does not require a permit under the zone.

### OVERLAYS

#### Environmental Significance Overlay, Schedule 1 (ES01)

The proposed amendment does not require a permit under this overlay for a development located more than 100m from a waterway.

#### Significant Landscape Overlay, Schedule 2 (SLO2)

The proposed amendment does not require a permit under this overlay.

#### Design and Development Overlay, Schedules 2 and 5 (DD02 and DD05)

The proposed amendment does not require a permit Schedule 2 under this overlay as the development will use non-reflective building materials.

The development comprised of a carport and shipping container requires a permit under Schedule 5 of Design and Development Overlay given total building floor space exceeds 300sqm and for a development located within 5m of the rear property boundary.

Decision guidelines are listed Part 6 of Schedule 5 under Clause 43.02.

### Bushfire Management Overlay

The proposed amendment does not require a permit under this overlay as the buildings are each less than 100sqm in area.

#### **Relevant Policies**

Not applicable.

#### **Particular Provisions**

There are no applicable Particular Provisions.

### **DISCUSSION**

The proposed amendment requires an assessment against the provisions of the Design and Development Schedule 5 (DDO5). Based on the applicable design objectives and decision guidelines in DDO5, the proposal is acceptable for the following reasons:

- The proposed carport would be set back more than 10m from the front wall of the host dwelling and would have no detrimental impact on the streetscape character.
- The proposed carport roof is low pitched and would complement that of the host dwelling. The carport roof meets the requirement for a 'varied and interesting roof form'.
- The proposed storage container would be located behind the existing shed, and its location, colour, form and size would mitigate against any detrimental visual impacts, including from the property to the rear.
- The total floor area of existing and proposed buildings would be approximately 451sqm, or 35.62% site coverage. The proposed carport would be constructed over an existing gravel driveway, retain existing landscaped areas and not result in any tree removal. The extent of built form is deemed acceptable, having regard for the siting of buildings relative to the streetscape and site boundaries.
- The proposed reduction of the rear boundary setback from 5m to 3.4m to accommodate the storage container is deemed acceptable. The setback would be reduced for a length of 6m and still allows for landscaping opportunities to be placed alongside the rear property boundary.

Overall, the proposed amendment to the planning permit is consistent with the relevant provisions of the Moorabool Planning Scheme, in particular the Design and Development Overlay, Schedule 5 (DDO5) and the decision guidelines at Clause 65.01. The proposed carport and storage container would be generally consistent with the surrounding neighbourhood character, and subject to conditions would not cause any detrimental amenity impacts.

### **GENERAL PROVISIONS**

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

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

**REFERRALS**

| Authority                            | Response                 |
|--------------------------------------|--------------------------|
| Barwon Water                         | Consent with conditions. |
| Council's Development Infrastructure | Consent with conditions. |

**FINANCIAL IMPLICATIONS**

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

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

- Issue a Notice of Decision to Grant an Amended Planning Permit PA2022054-2 in accordance with the conditions in the recommendation of this report; or
- issue a Refusal to Grant an Amended Planning Permit PA2022054-2 on specific grounds. The Development Assessment Committee must consider what reasonable grounds exist to refuse the application under the Moorabool Planning Scheme. This option may result in the applicant appealing the Committee's decision at VCAT.

**CONCLUSION**

The proposed amendment to PA2022054 to include additional outbuildings ancillary to an existing dwelling is deemed to be acceptable having regard for the relevant provisions of the Moorabool Planning Scheme and the amenity of the surrounding neighbourhood. The proposal is generally consistent with the surrounding residential development and will be appropriately sited on the land. It is recommended that the proposed amendments be approved with additional permit conditions and altered permit preamble.

**7.2 PA2023065 - USE OF THE LAND AS A PLACE OF ASSEMBLY (LIBRARY) AND REDUCTION IN CAR PARKING AT 127 INGLIS STREET, BALLAN**

**Author:** Mark Lovell, Coordinator Statutory Planning  
**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Development

**Attachments:** Nil

**APPLICATION SUMMARY**

**Permit No:** PA2023065  
**Lodgement Date:** 10 May 2023  
**Planning Officer:** Mark Lovell  
**Address of the land:** Lot 1 on Title Plan 568753Q  
127 Inglis Street, Ballan  
**Proposal:** Use of the Land as a Place of Assembly (Library) and Reduction in Car Parking  
**Lot size:** 1,014 sqm  
**Why is a permit required?** Clause 34.01-1 – Use of land as a Place of Assembly (Library); Clause 52.06-3 – Reduction in the Car Parking Requirement

**RECOMMENDATION**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant a Planning Permit PA2023063 for the Use of the Land as a Place of Assembly (Library) and Reduction in Car Parking at 127 Inglis Street, Ballan with the following conditions:

**Endorsed Plans:**

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Use:**

2. Unless with the written consent of the Responsible Authority, no more than 200 people may occupy the building at any one time.
3. Unless with the written consent of the Responsible Authority, the use may operate only between the hours of:
  - a) Monday to Sunday 8.30am to 9pm.

**Amenity:**

4. 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, wastewater, waste products, grit or oil;
- d) presence of vermin; or
- e) any other way.

5. No sound or amplified equipment or loudspeakers shall be installed so as to be audible from outside the building.
6. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
7. At all times during the operation of the use, there must be present on the premises a person who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.

**Permit Expiry:**

8. This permit will expire if the use is not started within two years of the date of this permit.
-

| <b>PUBLIC CONSULTATION</b>      |      |
|---------------------------------|------|
| Was the application advertised? | Yes. |
| Notices on site:                | Yes. |
| Notice in Moorabool Newspaper:  | No.  |
| Number of objections:           | One. |
| Consultation meeting:           | No.  |

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

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

**Priority 1.5: Provide access to services to improve community connection in the Shire**

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

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

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

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

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

*Executive Manager – Henry Bezuidenhout*

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

*Author – Mark Lovell*

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

## **EXECUTIVE SUMMARY**

|                                          |                                                                                                                                        |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Application referred?                    | Yes, Department of Transport and Planning, Council's Development Infrastructure, Urban Design and Landscaping, and Strategic Planning. |
| Any issues raised in referral responses? | Yes, Development Infrastructure identified inaccuracies in the Traffic Report and required an updated report.                          |
| Preliminary concerns?                    | Yes, the submitted plans and reports were inconsistent and included works beyond the title boundary.                                   |



|                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any discussions with applicant regarding concerns?                                                                                                                                                                                                                                                                                                                                   | The applicant was advised of the preliminary concerns.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Any changes made to the application since being lodged?                                                                                                                                                                                                                                                                                                                              | Updated plans, updated planning report and updated traffic report were submitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Brief history.                                                                                                                                                                                                                                                                                                                                                                       | The existing building previously operated as a bank and the property was acquired by Moorabool Shire Council on 19 November 2021 for purposes of constructing a library and community facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Previous applications for the site?                                                                                                                                                                                                                                                                                                                                                  | Nil.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| General summary.                                                                                                                                                                                                                                                                                                                                                                     | The application proposes to use the land for the purposes of a municipal library available to the public and not provide car parking within the title boundary. The building works are exempt from planning approval. The use is appropriately sited within a core commercial precinct to adequately service the Ballan community. The car parking reduction is considered acceptable given the limited land area and access to nearby car parking areas and on street spaces. The application was advertised, and one objection was received regarding the car parking reduction. The objector requested that the applicant properly resource alternative off street parking in Ballan. The proposed use should be supported subject to standard amenity conditions. |
| <b>Summary of Officer's Recommendation</b>                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , Development Assessment Committee Issue a Notice of Decision to Grant Planning Permit PA2023065 for the Use of the Land as a Place of Assembly (Library) and Reduction in Car Parking at 127 Inglis Street, Ballan subject to the conditions contained within this report. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## SITE DESCRIPTION

The subject site is located in the central commercial precinct of Ballan and the surrounding area contains residential precincts that form the Ballan Township.

The adjacent and nearby properties are located on small sized lots, many with narrow street frontages containing predominantly single storey retail premises. To the east is a post office located within a historic building and to the south east is a municipal car park owned by Moorabool Shire Council with access via Steiglitz Street. There have been recent beautification works to the road reserve providing extended footpath areas, street furniture and seating and on street parking bays.

The subject land is located on the southern side of Inglis Street and is 20.14m in width, 50.20m in length for a land area of 1,014sqm. There is a drainage and sewer easement running parallel with the western property boundary. The site contains a former bank building, single storey in height. The existing building is comprised of brick walls, flat metal roofing and reflects simple modernist architectural detailing. The frontage contains a pedestrian ramp and side metal railing to allow

access for wheelchairs. The eastern side of the site has a single car width crossover providing access to an unconstructed driveway and informal car spaces available for staff.



Figure 1: Aerial Photograph



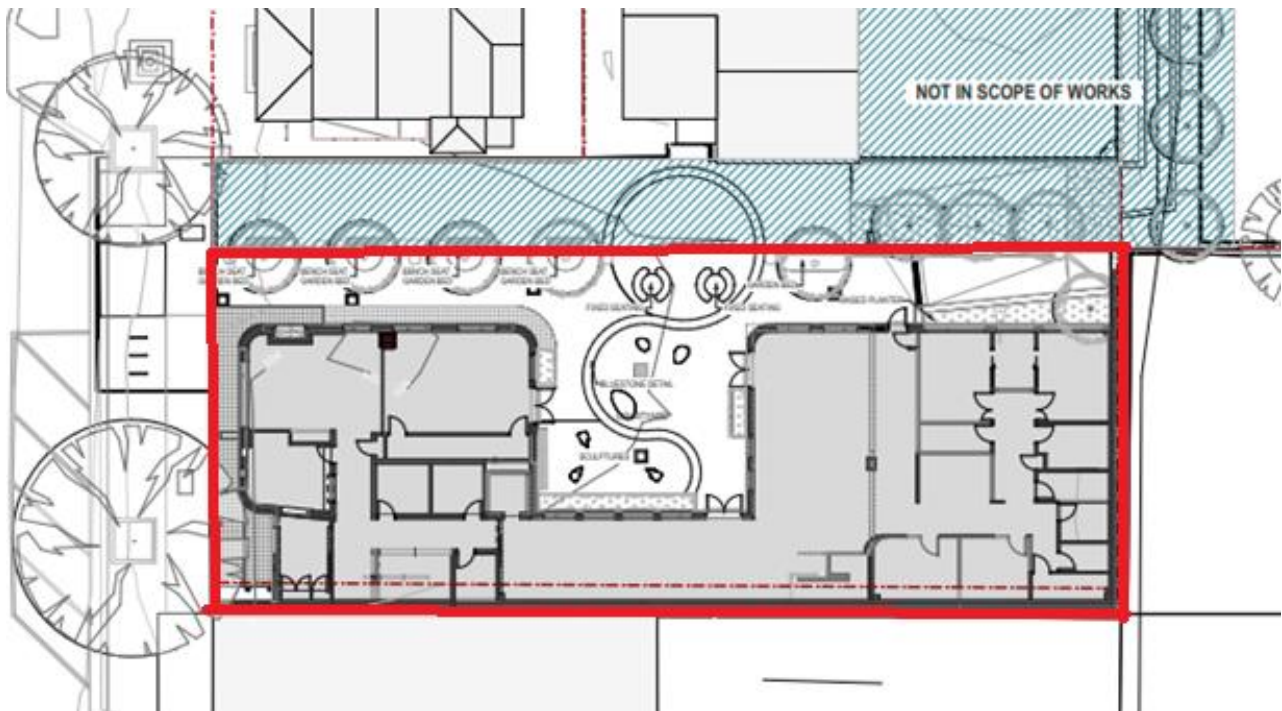
Figure 2: Zone Map

**PROPOSAL**

It is proposed to use the land for the purposes of a place of assembly (library).

The new library building will be over two floor levels comprising of book collection and seating areas, dedicated children's library, meeting rooms, Maternal Child Health rooms, laptop and computer areas, public amenities, staff areas and a courtyard.

There will be no parking spaces provided on site. Offsite parking is being relied on for this application as detailed in the Traffic Report.



**Figure 3:** Site Plan





**Figure 4:** Photo Representation of the building from Inglis Street

**BACKGROUND TO CURRENT PROPOSAL**

Moorabool Shire Council purchased the property in 2021 with the intent to construct a library and community facility. The building works are exempt from planning approval and currently going through a building tender process.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners and by place a large notice on site.

One objection was received.

**SUMMARY OF OBJECTIONS**

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

| Objection                                                                                                                                                                                                                  | Any Relevant Requirement |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| A Model Applicant should assess entire needs of a project (building and parking) in advance of selecting a suitable site.                                                                                                  | Traffic Report           |
| <p><b>Officer’s Response:</b></p> <p>Traffic and car parking reports can only be undertaken after a design is finalised and this information determines the maximum patron capacity and required number of car spaces.</p> |                          |

|                                                                                                                                                                                                                                                                                                                                                   |                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <p>Council should not simply grant itself exemption from parking, abdicate its civic responsibility, and leave it at that.</p> <p>A Model Applicant should seek and properly resource the provision of alternative off-street parking in Ballan’s commercial area</p>                                                                             | <p>Clause 52.06-5 Number of car parking spaces required under table 1</p> |
| <p><b>Officer’s Response:</b></p> <p>The proposed reduction is based on a Traffic Report and surveys, which demonstrated that the car parking requirement is considered appropriate given the available land area and its location in a commercial precinct with convenient access to nearby on site public car spaces and off street spaces.</p> |                                                                           |

### PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 02.03-1 – Settlement Ballan
- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement – Central Highlands
- Clause 11.01-1L – Settlement in Moorabool
- Clause 11.03-1S – Activity Centres
- Clause 11.03-1L – Activity Centres Ballan
- Clause 14.02-1S – Catchment Planning and Management
- Clause 14.02-1L – Declared Special Water Supply Catchments
- Clause 14.02-2S – Water Quality
- Clause 15.01-1S – Urban Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 17.02-1S – Business

### ZONE

#### Commercial 1 Zone

Clause 73.03 has the land use term library has no definition instead it is nested in a Place of Assembly. A Place of Assembly is defined as land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings. A Place of Assembly is a Section 2, permit required land use pursuant to Clause 34.01-1. Decision guidelines are listed under Clause 34.01-8.

The site is also adjacent to a Transport Road Zone Category 2 (TRZ2). There is no new or modified access proposed to the road zone and no permit is required for use pursuant to Clause 52.29.

## **OVERLAYS**

### Environmental Significance Overlay Schedule 1

There is no permit trigger under this clause with the building works to be connected to the reticulated sewerage and stormwater systems and there are no earthworks greater than 1m in depth.

### **Particular Provisions**

#### Clause 52.06 Car Parking

Clause 52.06-3 state a permit is required to reduce (including reduce to zero) the number of car parking spaces in Clause 52.06-5. A Place of Assembly requires 0.3 car spaces to each patron. The maximum capacity of the building is 200 patrons therefore a maximum of 60 car spaces is required. The decision guidelines are listed under Clause 52.06-7.

No car parking is provided within the title boundary.

#### Clause 52.31 – Local Government Projects

The purpose of this particular provision is to facilitate the development of land by or on behalf of municipal councils. The project value of the Place of Assembly (Library) is less than \$10 million and therefore complies exemption for planning approval for the building and works at 127 Inglis Street, Ballan owned by Moorabool Shire Council. This particular provision does not exempt use of the land.

### **Relevant Policies**

#### Ballan Strategic Directions 2018

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

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

#### Moorabool Parking Provision and Management Policy 2023

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

## **DISCUSSION**

### Ballan Strategic Directions

The library is located within the town centre, near established residential areas and within the catchment of proposed growth areas. The Ballan Strategic Directions identifies nine future growth precincts. Once developed these precincts will increase the population to approximately 12,000

(currently approximately 3,000). A library is required to support the population growth and will also provide a service to outlying communities.

### Use of the Land

A library comprising of meeting spaces and including Maternal Child rooms located within an established commercial area complements existing retail premises and provides a community facility that is readily accessible. The building will provide a focal point for the local community and will assist economic growth in Ballan by providing a well laid out library that meets current community demands and expectations.

Any place of assembly can generate off site impacts and this proposed library will have a maximum operational capacity of 200 patrons. The use can be managed appropriately with standard amenity conditions covering light spill, noise emissions including preventing the operation of loudspeakers beyond the boundaries of the site, and ensuring goods or equipment are not left outside of internal storage areas. Subject to conditions, the use will not affect amenity of the Ballan commercial precinct.

### Car Parking

The subject site is a small parcel of commercial land at 1,014sqm in area. The property width of 20m does not allow for the provisions of underground or above roof parking areas given the building and courtyard extend to all four property boundaries. A Traffic Report submitted by the Traffix Group reviewed the site and determined a typical patronage number of 41 based on the both the layout and how each room will function rather than looking at maximum building capacity of 200 patrons. The parking surveys assessed the availability of on street parking bays in Inglis Street and proximity to the municipal car park in Steiglitz Street. The parking surveys demonstrated that a typical demand of 23 car spaces can be absorbed by the surrounding existing car spaces in the area.

The building works will result in the provision of the minimum number of bicycle spaces in accordance with Clause 52.34 including three bicycle spaces in Inglis Street which facilitates nearby residents to use this alternative form of transport.

The site is also conveniently located to public transport with the Ballan Railway Station located 350m to the south. In this instance, a library and community facility that can be accessed by a wide range of patrons in the area with access to on street parking bays and nearby municipal car park provides sufficient justification to reduce the standard car parking requirement to zero.

## **GENERAL PROVISIONS**

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

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

## **REFERRALS**

| <b>Authority</b>                       | <b>Response</b>                           |
|----------------------------------------|-------------------------------------------|
| Department of Transport and Planning   | Consent, no conditions                    |
| Council's Development Infrastructure   | Consent. Car Parking reduction supported. |
| Council's Urban Design and Landscaping | Consent, no conditions.                   |
| Council's Strategic Planning           | Advice provided.                          |

**FINANCIAL IMPLICATIONS**

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

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

Council could consider the following options:

- Issue a Notice of Decision to Grant a Planning Permit in accordance with the recommendations of this report; or
- issue a Refusal to Grant a Permit. The Development Assessment Committee would need to consider what reasonable grounds there would be to refuse the application under the Moorabool Planning Scheme.

**CONCLUSION**

The proposed building and works are exempt from planning approval. The proposed use the land for a place assembly (library) is considered to comply with the policy objectives of the Moorabool Planning Scheme and allows the establishment of a contemporary community facility in a central location of the Ballan commercial area. The reduction of the car parking requirement is considered acceptable given the availability of car spaces on street, proximity to a municipal car park with unrestricted times and good access to public transport while the subject land is too small to provide any safe or convenient car spaces.

The proposed use of the land should be approved subject to amenity conditions that will protect surrounding businesses from any adverse impacts.



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

**9 UPDATE ON VCAT DECISIONS**

**10 OTHER BUSINESS**

**11 DATE OF NEXT MEETING**

Wednesday 20 March 2024.

**12 MEETING CLOSE**