



# **AGENDA**

## **Development Assessment Committee Meeting Wednesday, 17 July 2024**

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

**Date: Wednesday, 17 July 2024**

**Time: 6.00pm**

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

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

**Order Of Business**

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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****5 MATTERS ARISING FROM PREVIOUS MINUTES**

Development Assessment Committee Minutes 19 June 2024.

**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 PA2024011 - USE AND DEVELOPMENT FOR FOUR WAREHOUSES AND A REDUCTION OF CAR PARKING (FOUR CAR SPACES) AT 15-17 OSBORNE STREET, MADDINGLEY

**Author:** Thomas Tonkin, Statutory Planner

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

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

#### APPLICATION SUMMARY

**Permit No:** PA2024011

**Lodgement Date:** 29 January 2024

**Planning Officer:** Tom Tonkin

**Address of the land:** 15-17 Osborne Street, Maddingley

**Proposal:** Use and Development for Four Warehouses and a Reduction of Car Parking (four car spaces)

**Lot size:** 1,958sqm

**Why is a permit required?** Clause 33.02 Industrial 2 Zone – Use and development for warehouses; Clause 52.06 Car Parking – Reduction of car parking

#### RECOMMENDATION

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue Planning Permit PA2024011 for the Use and Development for Four Warehouses and a Reduction of Car Parking (four car spaces) at Lots 19 and 20 on TP 009221 known as 15-17 Osborne Street, Maddingley, subject to the following conditions:

#### Endorsed Plans:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as Job No. 23559, Drawing No.'s TP04 rev. A and TP05 rev. B dated 4 May 2024 prepared by Draft Comps Services but modified to show:
  - a) A landscape plan in accordance with Condition 10.
  - b) Designated loading areas be shown on the site plan.

#### Use:

2. The use of the site must comply with the requirements of Clause 53.10 (Uses with Adverse Amenity Potential) of the Moorabool Planning Scheme or separate planning approval obtained.

**Operational:**

3. A minimum of 16 onsite car spaces must be provided in accordance with the endorsed plans and be available for car parking at all times to the satisfaction of the Responsible Authority.
4. The loading and unloading of goods and materials from vehicles must only be carried out on the land.
5. Provision must be made within each warehouse for the storage and collection of garbage and other solid waste. Skip bins must not be located external to the building.

**Amenity:**

6. 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.
7. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in the Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
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. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

**Landscape Plans:**

11. Before the use and development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
  - a) Details of surface finishes of the accessway.
  - b) A planting schedule which must incorporate a mix of trees, shrubs and ground covers and include botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All proposed trees must have a minimum planting height of 1.5m.
  - c) Landscaping and planting within all open areas of the site.
  - d) Details of raingardens or other environmentally sustainable works.
  - e) Species selection must include indigenous species and shall be to the satisfaction of the Responsible Authority.
12. Before the occupation of the development starts or by such later date as is approved by

the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

**Signage:**

14. Except where exempt under the Moorabool Planning Scheme, advertising signage must not be constructed or displayed without separate planning approval.

**Development Infrastructure:**

15. Prior to the occupation of the development, two new industrial vehicle crossings must be provided on Osborne Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings with any redundant crossings being removed and restored to the satisfaction of the Responsible Authority. The industrial vehicle crossings must be generally in accordance with Standard Drawing 250 of the Infrastructure Design Manual unless an alternative design is approved under the vehicle crossing permit.
16. Unless otherwise approved by the Responsible Authority there must be no buildings, trees, structures, or improvements located over any drainage pipes and easements on the property.
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:
18. 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.
19. 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.
20. 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.
21. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
22. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the Responsible Authority prior to the commencement of the works associated with the permit.
23. Prior to the use commencing, the car park areas must be constructed with an all-weather surface, line-marking and drainage to the satisfaction of the Responsible Authority, and shall incorporate the following:
24. Parking bays and aisle widths of the car park shall comply with Clause 52.06-9 of the Moorabool Planning Scheme. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.

25. The parking areas shall be provided with an all-weather surface and associated drainage.
26. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
27. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.
28. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council’s Infrastructure Services identifying any existing damage to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority. If photographic evidence cannot be provided, then the damage must be fully reinstated at no cost to and to the satisfaction of the Responsibility Authority.
29. 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).

**Permit Expiry:**

30. This permit will expire if:
    - a) the development and the use are not started within two years of the date of this permit; or
    - b) the development is not completed within four years of the date of this permit.
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<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Exempt from notice provisions.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of objections:	None.
Consultation meeting:	Not applicable.

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

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

#### **Priority 2.4: Grow local employment and business investment**

The proposal is not 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?	Yes, Council's Development Infrastructure.
Any issues raised in referral responses?	Yes. Proposed construction of a building over a Council drainage asset, requiring a re-design and creation of a drainage easement. Additionally, stormwater management and further traffic engineering information was requested.
Preliminary concerns?	Information regarding landscaping, building materials/external finishes, signage and floor area calculations.



Any discussions with applicant regarding concerns?	Yes.
Any changes made to the application since being lodged?	Yes, the application was amended in process on 8 May 2024 to remove signage from the proposal.
Brief history.	Not applicable.
Previous applications for the site?	None.
General summary.	It is proposed to develop the site for four warehouses and reduce the car parking requirement by four car spaces. The proposal satisfies all relevant planning provisions and is site responsive. The proposed reduction of car parking is acceptable considering the nature of the proposed use (warehouse) and on-street parking demand.  The proposal complies with the Industrial Zone provisions and is recommended for approval.
<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 Planning Permit PA2024011 for the Use and Development for Four Warehouses and a Reduction of Car Parking (four car spaces) at 15-17 Osborne Street, Maddingley, subject to the conditions contained within this report.	

## SITE DESCRIPTION

The subject site and surrounding area are in the Industrial 2 Zone and used for various purposes, mainly small-scale manufacturing, service industry and warehousing, although the site is one of several still developed for residential purposes. To the north and south are single dwellings with ancillary outbuildings. To the west, fronting Smith Street, are a self-storage facility and race car trailer manufacturer. To the east, across Osborne Street, is vacant land.

The subject site comprises two contiguous lots identified known as Lots 19 and 20 on TP 009221 being as 15-17 Osborne Street, Maddingley. The site is located on the west side of Osborne Street approximately 190m south of Griffith Street and 41m north of McPherson Street and developed with a single storey dwelling and ancillary outbuildings.

Vehicle access is via two single width crossovers. Vegetation comprises mostly scattered small trees and shrubs.



Figure 1: Aerial photograph

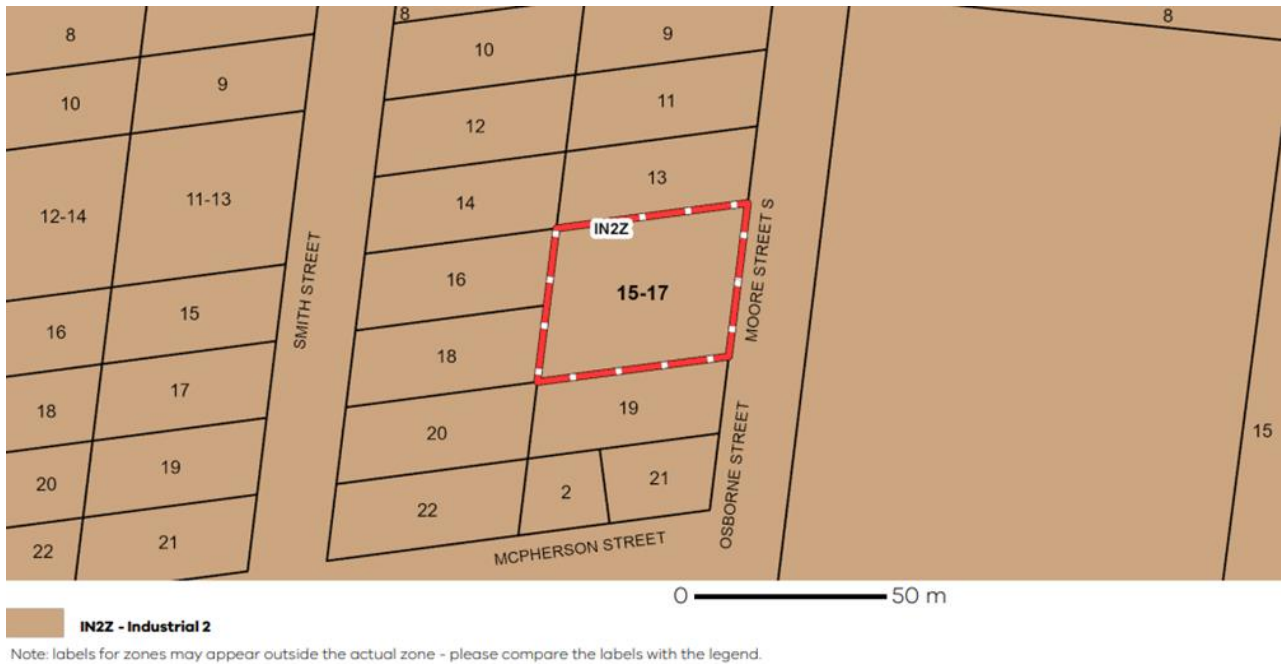


Figure 2: Zone Map

### PROPOSAL

It is proposed to use and develop the site for four warehouses and reduce the car parking requirement by four car spaces. The existing buildings would be demolished, and vegetation removed to facilitate the proposal.

The proposed development would comprise a single building divided into four warehouses with floor areas ranging from 222sqm to 253sqm. Each warehouse would include an internal loading

bay, ancillary office, bathroom, kitchenette, bicycle parking for four bicycles, waste storage and 4,500L water tank. The building would be constructed of concrete tilt up panels, with painted front façades and incorporating render cement sheet cladding and signage panels for future business identification signs. The building would have an overall height of 7.5m.

Vehicle access would be via two 6m wide crossovers, each providing access to eight car spaces for a total of 16 onsite car spaces located in the front setback of the proposed building, incorporating landscaped areas. Of the car spaces provided, two would provide for disabled access.



**Figure 3:** Proposed site and floor plan



**Figure 4:** Proposed front elevation

#### **BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

#### **PUBLIC NOTICE**

The application is exempt from notice under Clauses 33.02-4 and 52.06-4 of the Moorabool Planning Scheme.

## PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 02.03-1 – Settlement, including Bacchus Marsh
- Clause 02.03-5 – Built environment and heritage
- Clause 02.03-7 – Economic development, including Local employment
- Clause 11.01-1L-01 – Settlement in Moorabool
- Clause 11.01-1L-02 – Bacchus Marsh
- Clause 11.03-3S – Peri-urban areas
- Clause 13.07-1S – Land use compatibility
- Clause 15.01-1S – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-2L-02 – Industrial development
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1R – Diversified economy - Central Highlands
- Clause 17.02-1S – Business

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

## ZONE

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

Under Clause 33.02-1 a permit is required for the use for warehouses and under Clause 33.02-4 for building and works associated with the proposed land use.

## OVERLAYS

The subject site is not affected by any Overlays.

### Relevant Policies

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

### Council's Parking Provision and Management Policy (July 2023)

The site is located outside of the specific car parking precinct for the Bacchus Marsh Industrial Area.

## **Particular Provisions**

### Clause 52.06 Car Parking

Under Clause 52.06-5 each warehouse requires two car spaces plus 1.5 car spaces to each 100sqm of proposed net floor area. The proposed net floor areas of each warehouse equate to 20 car spaces. Sixteen car spaces are proposed, therefore a reduction of four car parking spaces is required.

### Clause 52.34 Bicycle Facilities

There is no specified requirement for the provision of bicycle facilities for a Warehouse, but the proposal includes bicycle facilities for each warehouse.

### Clause 53.10 Uses with Adverse Amenity Potential

Detailed information about the use of the proposed warehouse is not known at this stage with no listed end users.

### Clause 53.18 Stormwater Management in Urban Development

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

## **DISCUSSION**

The subject site is in an established industrial precinct in Maddingley with all utilities available and the proposed use for warehouses is generally consistent with the surrounding mix of industrial land uses.

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

The proposed development is generally consistent with Council's policy for industrial development at Clause 15.01-2L-02 of the Moorabool Planning Scheme. The building footprint would be 62.27% of total site area, marginally more than Council's policy guideline of 60%. External building materials and finishes would complement the area and be non-reflective. The varied front setback of 12.14m to 17.2m would accommodate car parking and easily satisfy the preferred minimum 7.5m setback requirement. Proposed landscaping would be integrated with the car parking areas to complement the streetscape and soften the site appearance and would contribute to 9% site coverage, slightly less than the preferred minimum 10% of total site coverage.

The design response is generally site responsive and would complement the surrounding industrial area, the proposed variations to the site coverage and landscaping policy guidelines are minor and will not result in a negative impact on this industrial area. It is recommended that a condition of approval require a landscape plan to be submitted for endorsement.

### Clause 33.02 Industrial 2 Zone

The proposal is generally consistent with the Industrial 2 Zone provisions.

The proposed building would be contemporary in appearance and would complement the surrounding area, providing facilities able to accommodate small to medium-scale warehouse uses. The proposal supports consolidated growth of the Shire's largest township and would contribute to local economic growth, in particular catering to the local demand for warehouse facilities.

Whilst the specific future warehouse uses are unknown at this stage, subject to conditions there would be no detrimental amenity impacts. The surrounding road network can readily accommodate traffic associated with the development. The proposed streetscape presentation would provide for landscaped areas in the front setback capable of being planted to complement

and soften the appearance of the built form. The proposed design and front façade of the building are well articulated and remain generally consistent with the scale of nearby industrial buildings. Detailed information on stormwater management was submitted by the applicant and would be managed by standard permit conditions.

#### Clause 52.06 Car Parking

Under the car parking provisions at Clause 52.06-5 of the Moorabool Planning Scheme, the proposal requires 20 car spaces to be provided. Sixteen car spaces are proposed and therefore a reduction of four car spaces is required, one for each warehouse building.

The proposed parking provision is deemed to be adequately responsive to the proposed use and the site features and context. A car parking assessment was submitted as part of the application, including an empirical study of car parking requirements for warehouses based on floor area. The empirical study shows that for warehouses of less than 500sqm in size, and noting the overall net floor area of 1,270.4sqm, the average car parking demand for the proposal would be, respectively, 12 car spaces. Consequently, the proposed provision of 16 car spaces would be sufficient to accommodate the expected car parking demand.

Furthermore, nearby on-street parking is currently in low demand and would include 11 on-street spaces along the frontage of the site and directly opposite when the development is completed with crossovers. The site is also proximate to residential areas providing some opportunity to utilise alternate modes of transport including walking and cycling. There is also a local bus route 350m away providing a connection to Bacchus Marsh Railway Station allowing for public transport linkage to the development.

Overall, there is sufficient evidence from the submitted traffic report to demonstrate that proposed on-site car parking spaces can be expected to cater to the anticipated demand, with on-street parking available if overflow parking is required. Council's Development Infrastructure reviewed the car parking demand assessment and agreed with its conclusions.

#### **GENERAL PROVISIONS**

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

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

#### **REFERRALS**

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

#### **FINANCIAL IMPLICATIONS**

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

#### **RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS STRATEGY**

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

**OPTIONS**

- Issue a Planning Permit in accordance with the conditions in the recommendation of this report; or
- issue a Planning Permit with amendments to the conditions contained in the recommendation of this report; or
- issue a Refusal to Grant a Permit on grounds. The Development Assessment Committee would need to consider what reasonable grounds there would be to refuse the application. This option may result in the applicant appealing the Committee's decision to VCAT.

**CONCLUSION**

The proposal is generally in accordance with the relevant planning policies, particularly the Planning Policy Framework, Industrial 2 Zone provisions and Particular Provisions for Car Parking at Clause 52.06. The proposed warehouses would contribute to the growth of the local economy and be located and designed to avoid any detrimental off-site impacts. The proposed car parking reduction of four car spaces is deemed to be acceptable based on the traffic report submitted. The layout of car parking and access would provide for safe and functional vehicle access and parking. It is recommended that the application be approved, subject to standard conditions.

**7.2 PA2023103 - DEVELOPMENT AND USE OF A CHILD CARE CENTRE AND DISPLAY OF SIGNAGE AT 26 STEIGLITZ STREET AND 24 WINDLE STREET, BALLAN**

**Author:** Fatima Goreishi, Statutory Planner

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

**Attachments:** 1. Floor and Elevaion Plans (under separate cover)

**APPLICATION SUMMARY**

**Permit No:** PA2023103

**Lodgement Date:** 20 July 2023

**Planning Officer:** Fatima Goreishi

**Address of the land:** 26 Steiglitz Street and 24 Windle Street, Ballan

**Proposal:** Development and Use of a Child Care Centre and Display of Signage

**Lot size:** 3,025sqm

**Why is a permit required?** Clause 32.08-1 - General Residential Zone Schedule 4 - Use of land for a Child Care Centre; Clause 32.08-10 - General Residential Zone - Buildings and Works Associated with a Section 2 Use; Clause 42.01-2 - Environmental Significance Overlay Schedule 1 - Buildings and Works

**RECOMMENDATION**

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant Planning Permit PA2023103 for the Development and Use of a Child Care Centre and Display of Signage at 26 Steiglitz Street and 24 Windle Street, Ballan subject to the following conditions:

**Endorsed 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 generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a) The landscape plan to be amended in accordance with Condition 18.
  - b) Showing the location of the proposed signage on the site plan.
  - c) Plan of Consolidation prepared by a licensed land surveyor showing all the land in one lot.
2. Before the development commences, the lots must be consolidated in accordance with the endorsed plans.
3. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.



**Advertising Sign:**

4. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.
5. The advertising signs must be not contain any moving parts or flashing lights.
6. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
7. The signs must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
8. Signage expires 15 years from the date of this permit.

**Operational:**

9. 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;
  - e) Any other way.
10. No sound or amplified equipment or loudspeakers shall be installed so as to be audible from outside the building.
11. Any security alarm or similar device installed must be of a silent type.
12. 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.
13. The use of the Child Care Centre must operate only between the hours of 6:30am to 6:30pm Monday to Friday except with the written consent of the Responsible Authority.
14. The acoustic fence detailed in the endorsed plans must be maintained to the satisfaction of the Responsible Authority at all times.
15. No more than 127 children may be on the premises at the facility at any time except with the written consent of the Responsible Authority.
16. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained, as appropriate, and screened from public view to the satisfaction of the Responsible Authority and in accordance with endorsed Waste Management Plan.
17. The loading and unloading of goods and materials from vehicles must only be carried out on the land.

**Landscape Plans:**

18. 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 be generally in accordance with the landscape concept plan dated (12 October 2023) prepared by (Outdoor Focus), except that the plan must show additional detailing as follows:

- a) The timber screening towards the north landscaping strip.
  - b) Show the bollard located on the disabled shared space.
  - c) Include two bollards towards the end of the loading bay.
  - d) Planting eight *Acer rubrum* 'October Glory' Street trees, four towards Windle Street and four towards Steiglitz Street or pay a street tree contribution fee to Responsible Authority.
  - e) Canopy trees showing a minimum 2m in height when planted. All species selected must be to the satisfaction of the Responsible Authority.
  - f) Replace *Corymbia* with Crepe Myrtle or similar to the satisfaction of the Responsible Authority.
  - g) Smaller ground cover grasses and sedges should have a minimum density of four plants per square metre.
  - h) Pram crossing and pedestrian crossing must be shown and connected to the concrete footpath on the landscape plan.
  - i) The acoustic fence must be shown on the landscape plan.
19. Prior to the use commencing or by such later date as 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.
20. 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.

#### Environmental Health:

21. The proposed food premises must be designed in accordance with the requirements of the FSANZ Food Standards Code and the *Food Act 1984*.
22. The relevant water authority must be contacted to determine if the premises requires a trade waste agreement (grease trap). If a grease trap is required, one must be installed outside the premises. A grease trap must not be located within the building or any food handling area.

#### Development Infrastructure:

23. Two new industrial vehicle crossings must be provided to the subject site to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing with any redundant crossings being removed and restored to the satisfaction of the Responsible Authority. The industrial vehicle cross over is to be generally in accordance with Standard Drawing 250 of the Infrastructure Design Manual unless an alternative approval has been approved through the vehicle cross over permit.
24. Unless otherwise approved by the Responsible Authority there must be no buildings, tree

- structures, or improvements located over any drainage pipes and easements on the property.
25. Full length of the footpath must be constructed along Windle Street to establish the connective links between the subject site and existing broader pedestrian path along Inglis Street. All works are to be completed to the satisfaction of the Responsible Authority prior to the use commencing.
  26. 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) The site 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; and
    - d) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
    - e) 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.
  27. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
    - a) The requirements for drainage of the whole site.
    - b) If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
    - c) If additional outfall drainage or upgrading of the existing drainage network is required.
  28. Stormwater drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the Responsible Authority prior to the commencement of the works associated with the permit.
  29. 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.
-

30. Prior to the use commencing, the car park areas must be constructed with an all weather surface, linemarking and drainage to the satisfaction of the Responsible Authority, and shall incorporate the following:
  - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
  - 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) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
31. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.
32. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council’s Infrastructure Services identifying any existing damage to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority. If photographic evidence cannot be provided, then the damage must be fully reinstated at no cost to and to the satisfaction of the Responsibility Authority.
33. 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).
34. Prior to the use commencing and after all engineering works have been completed in accordance with the approved plans and the following “as constructed” details must be submitted in the specified format and approved by the Responsible Authority:
  - a) Drainage construction details in “D-Spec” format.
  - b) Roadworks construction details in “R-Spec” format.
  - c) As built plans clearing detailing any changes from the as approved drawings.
35. All road, drainage and infrastructure works must be maintained in good condition and repair for a minimum of three months after completion of the works, to the satisfaction of the Responsible Authority.
36. Prior to the use commencing, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
37. Street trees must be maintained for a minimum period of 24 months including watering, mulching, weeding and formative pruning, to the satisfaction of the Responsible Authority. A security deposit equal to 150% of the cost of planting street trees and landscaping must be lodged with the Council prior to the use of the car park. The deposit will be returned after the final inspection of street trees, 24 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.

**Permit Expiry:**

**38. The permit will expire if:**

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

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes, two signs on site.
Notice in Moorabool Newspaper:	No.
Number of objections:	Three objections.
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 – Fatima Goreishi*

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

## **EXECUTIVE SUMMARY**

Application referred?	Yes, to Council's Development Infrastructure, Building Services, Public Health and Community Strengthening.
Any issues raised in referral responses?	Yes. Stormwater management strategy, traffic impact assessment, waste management plan and acoustic measures to mitigate any noise impacts on the residential area.
Preliminary concerns?	The applicant was required to provide details regarding display of signage, pedestrian access, and connectivity from the car park zone to the child care centre.  Concerns with the proposed landscape works and its

	integration with the car park area.
Any discussions with applicant regarding concerns?	Yes.
Any changes made to the application since being lodged?	The application has been amended in process to include display of business signage.
Brief history.	Not applicable.
Previous applications for the site?	None.
General summary.	<p>The application proposes use and development of a child care centre and display of business identification signage.</p> <p>Three objections were received based on the number of child care centres in the Ballan and increased traffic within the residential area.</p> <p>The application is consistent with the Moorabool Planning Scheme Provisions and provides all of the required car spaces on site. It is recommended for approval subject to conditions.</p>
<b>Summary of Officer's Recommendation</b>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, the Development Assessment Committee issue a Notice of Decision to Grant Planning Permit PA2023103 for the Development and Use of a Child Care Centre and Display of Signage at 26 Steiglitz Street and 24 Windle Street, Ballan subject to the conditions contained within this report.</p>	

## SITE DESCRIPTION

The site and surrounds are located within the General Residential Zone approximately 500m to the north from the subject property is the Werribee River. The nearest public transport services include the Ballan Railway Station and bus services facing Fiskin Street being located to the southwest 1km away.

The surrounding lots vary in size between 300 and 3,000sqm, and are predominantly developed for residential purposes with single storey detached dwellings.

A planning permit was issued for a child care centre at 80 Steiglitz Street, Ballan (1km) and a recently completed child care centre at 14 Stead Street, Ballan (700m) (see figure 3).

The subject site consists of two adjacent lots. Lot 2 on PS131772 being 26 Steiglitz Street and Lot 1 on TP320225 being 24 Windle Street, Ballan. The subject site is currently vacant land and is approximately 3,025sqm which forms a square shaped lot. The site is situated on a street corner, has a flat topography and contains no significant vegetation.



Figure 1: Aerial photograph of the site and surrounds

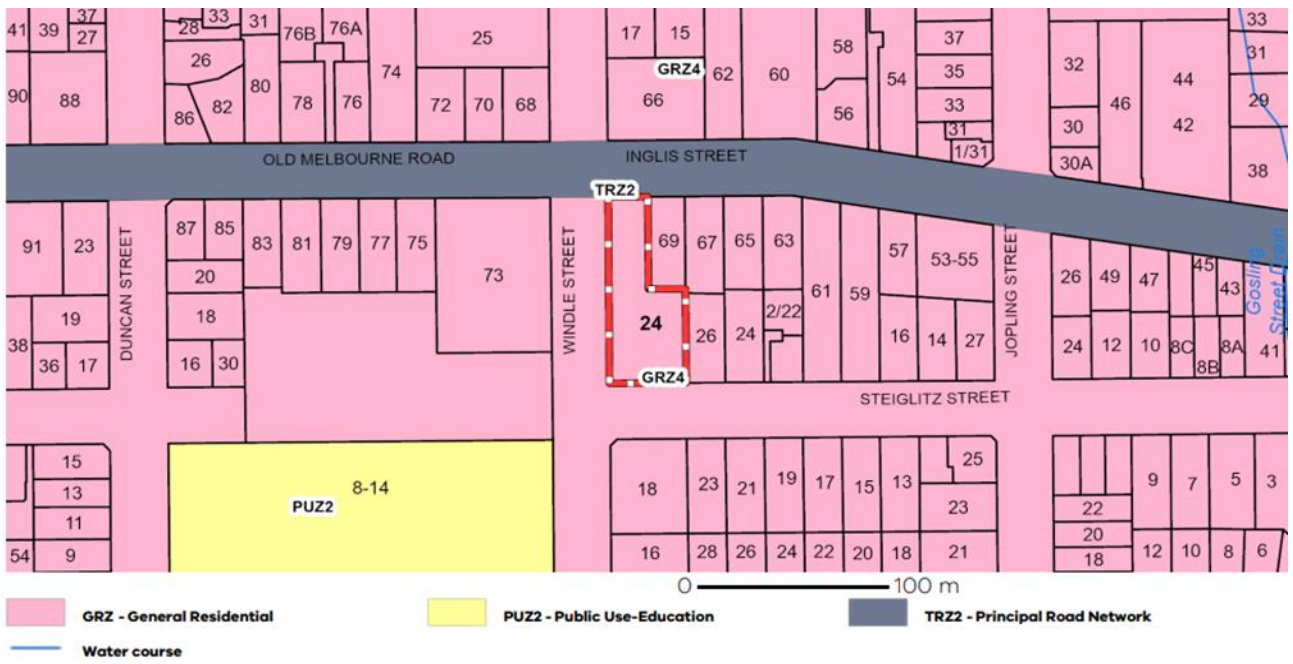
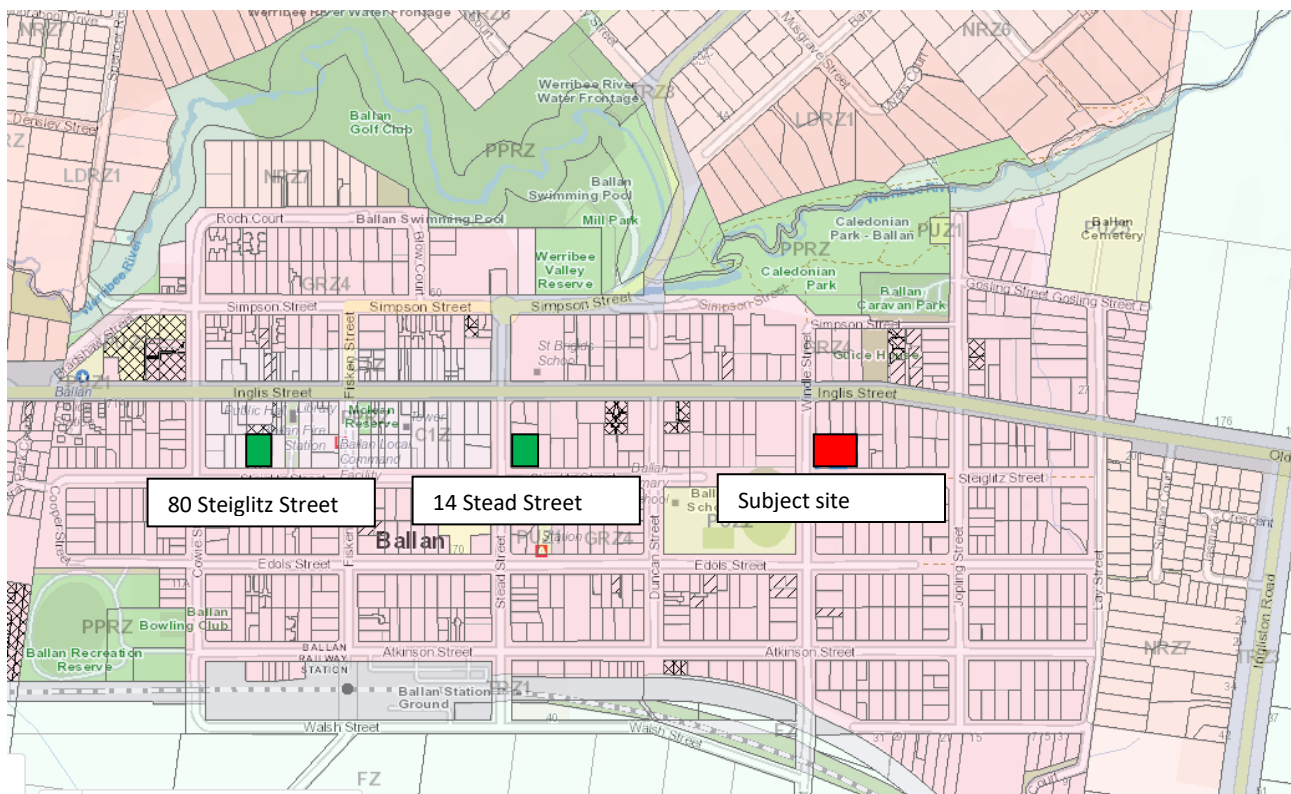


Figure 2: Zone Map





**Figure 3: Proximity to surrounding child care centres**

## PROPOSAL

The proposal is for the development and use of a child care centre and display of business identification signage. The proposed child care centre will allow for a maximum of 127 children in care at one time. The child care centre will be operating across standard opening hours from 6.30am to 6.30pm Monday to Friday. The number of staff members will be 20 employees, being 14 full time employees and six casual employees who will work across two shifts.

The internal layout of the child care centre building will comprise of six care rooms with each room facing the outdoor play area. Room 6 will include a sleep room (baby care room). Each of the six rooms will have access to a storeroom located between every two rooms that will include a sink, amenities, and a lock space for children to store their belongings.

The west side of the building being in a central location will have a reception/foyer room. To the north from the reception room will be a food preparation facility and to the south accessible bathrooms and laundry rooms. The east side of the building will have a play area occupying an area of 945sqm. A 2m in height acoustic fence surrounds the northern and eastern property boundaries.



Figure 4: Site Plan

**BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

**HISTORY**

Not applicable.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners with two signs placed on site fronting Steiglitz Street and Windle Street.

Three objections were received.

**SUMMARY OF OBJECTIONS**

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

Objection	Any Relevant Requirement
The number of child care centres in the area and having no demand for such developments as it will only increase competitiveness within the industry. Overdevelopment for child care centres within the Ballan district generally and near	Clause 32.08 – General Residential Zone Schedule 4

Steiglitz Street specifically that will result in financial burdens to other similar services in the area.	
<b>Officer's Response:</b> There is no limitation on the number of child care centres to be developed in one location. Competition with existing child care centres in Ballan is not a valid planning consideration.	
Traffic congestions and safety concerns. Entry and exit points to the subject site. Paths, pedestrian access and bike parking. Fencing and landscaping.	Clause 18.01-1S Land Use and Transport Integration  Clause 18.01-2S Transport System  Clause 18.01-3S Sustainable and Safe Transport
<p><b>Officer's Response:</b> The traffic impact assessment proposes two points to access the site through Windle Street and Steiglitz Street and is deemed suitable for a two-way movement which will aid in reducing heavy traffic on a court bowl (Steiglitz Street). Any additional traffic on Windle Street will be within the street's capacity.</p> <p>On site parking will occur on a small scale as the development includes the minimum number of car parking spaces required by Clause 52.06 of the Moorabool Planning Scheme.</p> <p>The applicant has amended the site plan referring to the footpath proposed along Windle Street that will connect to the footpath on Inglis Street and connecting the site to the broader footpath network.</p> <p>There is no bicycle parking requirement for the proposed development.</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 11.01-1S – Settlement
- Clause 11.01-1L-01 – Settlement in Moorabool
- Clause 11.01-1L-03 – Ballan
- Clause 11.02-1S – Supply of Urban Land
- Clause 11.03-2S – Growth Areas
- Clause 11.03-2L – Growth Areas
- Clause 13.07-1S – Land Use Compatibility
- 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 15.01-1L – Urban Design
- Clause 15.01-2S – Building Design

- Clause 15.01-2L-01 – Building Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.01-5L – Landscape and Neighbourhood Character
- Clause 17.01-1S – Diversified Economy
- Clause 18.02-1S – Walking
- Clause 19.03-3L-02 – Integrated Water Management

## **ZONE**

### General Residential Zone - Schedule 4

A planning permit is required for the use of a child care centre pursuant to Clause 32.08-1 as a Section 2 use. A planning permit is required for buildings and works associated with a Section 2 use pursuant to Clause 32.08-10.

## **OVERLAYS**

### Environmental Significance Overlay - Schedule 1

A planning permit is required for the building and works pursuant to Clause 42.01-2.

## **PARTICULAR PROVISIONS**

### Clause 52.05 – Signs

A planning permit is required for business identification signage pursuant to Clause 32.08-15 for Category 3 signage. Decision guidelines are listed under Clause 52.05-8.

### Clause 52.06 – Car Parking

In accordance with Clause 52.06, a child care centre will require 0.22 car spaces to each child. For 127 children the required car parking rate is 27.94 car spaces rounded down to 27 spaces. The proposal provides 27 car spaces including one accessible car space in compliance with Clause 52.06.

## **RELEVANT POLICIES**

### Ballan Strategic Direction

The role of this policy is guidance on how to provide for growth while maintaining and contributing towards a sense of place and the character and vitality of Ballan.

Ballan's vision will be implemented through a set of guiding principles to achieve those directions that will include:

- Community Facilities and Services

The diverse needs of existing and future residents of Ballan and the surrounding region will be met with a range of community health and education facilities and services which are accessible by all residents.

- Non Residential Uses and Local Employment

Creating employment opportunities that will meet the needs of current and future residents.

The proposed use and development is considered to comply with the Ballan Strategic Directions.

## **DISCUSSION**

### **Use**

The proposed child care centre is well located in relation to public transport, the Ballan Town Centre and an established residential area. Standard amenity conditions will apply to control noise emissions, waste management and traffic.

### **Building Form**

The proposed development will be single-storey and have architectural features such as face brick, Sycon Matric joint cladding, Sycon Axon vertical cladding and timber. The building is proposed with neutral tones and finishes to be consistent with the neighbourhood character and blend with its residential context. Aluminium windows and door frames will be installed, and the roof will be covered with Colourbond corrugated steel.

Overall, the built form size and scale is consistent with what is expected within a residential area.

### **Landscaping**

The landscape plan includes integrating a variety of plants, shrubs, and canopy trees along the south, west, and north boundaries of the property. As identified by Council's Landscape Team, this corner lot arrangement would benefit from the provision of street trees which can be addressed from through the submission of revised plans.

### **Traffic Impacts/Car Parking**

The applicant has provided a traffic engineering assessment prepared by TTM Consulting (Vic) Pty Ltd to evaluate the traffic and parking implications.

The development includes 27 on-site car parking spaces and two 5.5m two way vehicle crossings on Windle Street and Steiglitz Street. Access to the site has been provided via Steiglitz and Windle Street allowing for flow of traffic through the site.

The peak traffic times are associated with pick up and drop off and are between 7:30am to 8:30am and 4pm to 5pm weekdays. The traffic impact analysis submitted with the application identified the following vehicle movements during these times:

- 7:30am to 8:30am: 94 vehicle movements that will include (53 entries and 41 exits); and
- 4pm to 5pm: 86 vehicle movements which will include (44 entries and 42 exits).

The daily traffic generation calculated is 446 vehicle movements (223 entries and 223 exits), these traffic volumes are deemed suitable within the context of the existing local road network, with Windle Street designed to carry up to 3,000 vehicles per day, far exceeding the anticipated post-development volumes though the site is within a General Residential Zone.

Council's Development Infrastructure reviewed the submitted traffic report and consented to the application, subject to conditions.

The road network is considered appropriate to cater for the volumes proposed within this development, and the required number of parking spaces have been provided.

### **Business Identification Signage**

The applicant is proposing a pylon sign that will be 1m in width and 4.2m in length. The location of the sign has not been detailed on the site plan and will be required as part of the submission of revised plans. The sign provides a sufficient level of identification without dominating the streetscape and meets the decision guidelines of Clause 52.05.

### Acoustic Treatments

The proposed development will have an acoustic fence on the east and north sides which are adjacent to residential properties to mitigate noise emissions. The acoustic fence being 2m in height will assist in reducing off site impacts. There is a condition that this fence must be maintained to the satisfaction of the Responsible Authority.

### GENERAL PROVISIONS

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

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

### REFERRALS

Authority	Response
Council's Development Infrastructure	Consent with conditions.
Council's Building Services	No objection.
Council's Public Health	Consent with conditions.
Council's Community Strengthening	No objection.

### FINANCIAL IMPLICATIONS

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

### RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

### COMMUNICATIONS STRATEGY

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

### OPTIONS

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

### CONCLUSION

The proposal aligns with the Planning Policy Framework (PPF) and the Municipal Planning Strategy, which support the development of community services and facilities that cater to local resident needs. The layout and design of the building accords with the neighbourhood character of the area, using materials and colours that blend with the surrounding architecture while maintaining a functional and appealing appearance.

The traffic assessment demonstrates that the existing infrastructure can accommodate the additional traffic. The proposal also includes measures to ensure the development does not negatively impact the local community with provision of acoustic fencing.

The application is recommended for approval subject to conditions within this report.

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

**9 UPDATE ON VCAT DECISIONS**

**10 OTHER BUSINESS**

**11 DATE OF NEXT MEETING**

Wednesday 21 August 2024.

**12 MEETING CLOSE**