



# **MINUTES**

## **Development Assessment Committee Meeting**

**Wednesday, 21 August 2024**

**Date: Wednesday, 21 August 2024**

**Time: 6pm**

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

**Order Of Business**

<b>1</b>	<b>Opening .....</b>	<b>3</b>
<b>2</b>	<b>Present and Apologies .....</b>	<b>3</b>
<b>3</b>	<b>Recording of Meeting .....</b>	<b>3</b>
<b>4</b>	<b>Confirmation of Minutes .....</b>	<b>3</b>
<b>5</b>	<b>Matters Arising from Previous Minutes.....</b>	<b>3</b>
<b>6</b>	<b>Disclosure of Conflicts of Interests .....</b>	<b>4</b>
<b>7</b>	<b>Community Planning Reports .....</b>	<b>5</b>
7.1	PA2023171 - Development of an Office Building and a Reduction of Car Parking (Five Car Spaces) at 114 Inglis Street, Ballan.....	5
7.2	PA2024073 Development of a farm shed ancillary to an existing dwelling at 49 Calway Lane South, Gordon .....	17
7.3	PA2024008 - Development of Three Dwellings at 2 Leila Court, Bacchus Marsh .....	25
7.4	PA2024036 Demolition of a Building (Signal Box) at Bacchus Marsh Railway Station, Station Street, Maddingley .....	35
7.5	PA2023162 - Development of a Dwelling at 6 Ellerslie Court, Bacchus Marsh .....	45
<b>8</b>	<b>Update on Trends, Issues and Other Matters .....</b>	<b>58</b>
<b>9</b>	<b>Update on VCAT Decisions.....</b>	<b>58</b>
<b>10</b>	<b>Other Business .....</b>	<b>58</b>
<b>11</b>	<b>Date of Next Meeting .....</b>	<b>58</b>
<b>12</b>	<b>Meeting Close .....</b>	<b>58</b>

**1 OPENING**

The Mayor opened the meeting at 6pm.

**2 PRESENT AND APOLOGIES**

Cr Ally Munari, Mayor	Woodlands Ward
Cr Rod Ward	East Moorabool Ward
Cr Moira Berry	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr Paul Tatchell	Central Moorabool Ward
Cr David Edwards	East Moorabool Ward
Cr Tom Sullivan	West Moorabool Ward

**IN ATTENDANCE:**

Mr Derek Madden	Chief Executive Officer
Mr Henry Bezuidenhout	Executive Manager Community Planning & Development
Ms Celeste Gregory Governance	Executive Manager Democratic Support & Corporate
Mark Lovell	Coordinator Statutory Planning

**APOLOGIES:**

Nil.

**3 RECORDING OF MEETING**

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

**4 CONFIRMATION OF MINUTES****COMMITTEE RESOLUTION**

Moved: Cr Rod Ward  
Seconded: Cr David Edwards

That the minutes of the Development Assessment Committee Meeting held on Wednesday 17 July 2024 be confirmed.

**CARRIED**

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**5 MATTERS ARISING FROM PREVIOUS MINUTES**

Nil.

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**6 DISCLOSURE OF CONFLICTS OF INTERESTS**

Cr Munari declared a Conflict of Interest in relation to Item 7.2 - PA2024073 Development of a Farm Shed Ancillary to an Existing Dwelling at 49 Calway Lane South, Gordon.

**PRESENTATIONS/DEPUTATIONS**

<b>Item</b>	<b>Report</b>	<b>Speaker/s</b>	<b>Position</b>	<b>Attendance</b>
7.1	P2023171 – Development of an Office Building and a Reduction of Car Parking (Five Car Spaces) at 114 Inglis Street, Ballan	James Robson OTL Consulting Group P/L	Town Planner acting for the Applicant	In Person
7.4	PA2024036 – Demolition of a Building (Signal Box) at Bacchus Marsh Station, Station Street, Maddingley	Jai Nunn V/Line – Director of Infrastructure	Applicant	Written Submission
7.4	PA2024036 – Demolition of a Building (Signal Box) at Bacchus Marsh Station, Station Street, Maddingley	Bob Reid	Objector	In Person
7.4	PA2024036 – Demolition of a Building (Signal Box) at Bacchus Marsh Station, Station Street, Maddingley	Tim Hogan	Objector	In Person

## 7 COMMUNITY PLANNING REPORTS

James Robson addressed the Committee as a representative of the applicant to Item 7.1.

### 7.1 PA2023171 - DEVELOPMENT OF AN OFFICE BUILDING AND A REDUCTION OF CAR PARKING (FIVE CAR SPACES) AT 114 INGLIS STREET, BALLAN

**Author:** Thomas Tonkin, Senior Statutory Planner  
**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Development  
**Attachments:** 1. Proposed plans (under separate cover)

#### APPLICATION SUMMARY

**Permit No:** PA2023171  
**Lodgement Date:** 24 November 2023  
**Planning Officer:** Tom Tonkin  
**Address of the land:** 114 Inglis Street, Ballan  
**Proposal:** Development of an office building and a reduction of car parking (five car spaces)  
**Lot size:** 187.2sqm  
**Why is a permit required?** Clause 34.01 - Commercial 1 Zone - Buildings and works; Clause 42.01 - Environmental Significance Overlay - Buildings and works; Clause 52.06 - Car Parking - Reduction of car parking

#### MOTION

#### COMMITTEE RESOLUTION

Moved: Cr Paul Tatchell  
Seconded: Cr Rod Ward

**That the Development Assessment Committee having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue Planning Permit PA2023171 for the Development of an Office Building and a Reduction of Car Parking (Five Car Spaces) at Lot 1 on TP 122082C known as 114 Inglis Street, Ballan, subject to the following conditions:**

#### Endorsed Plans:

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

**Building and Works:**

2. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
3. Mechanical noise emanating from the premises must comply with the State Environment Protection Policy N-1 'Control of Noise from Commerce, Industry and Trade.'
4. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Provision must be made for the storage and collection of garbage and other solid waste to the satisfaction of the Responsible Authority.

**Development Infrastructure:**

6. 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.
7. Prior to the development commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
  - a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
  - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
  - c) Underground piped drainage for the whole development shall cater for 10% AEP storm.
  - d) 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.
8. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
9. 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.
10. An Environmental/Construction Management Plan for the construction works must be submitted to and approved by the Responsible Authority prior to the commencement of construction. All works must be performed in accordance with the approved Environmental/Construction Management Plan.
11. The Environmental/Construction Management Plan shall include (but not be limited to the following items):
  - a) Details of site security.
  - b) Off street parking for employees and site access for construction vehicles and

equipment.

- c) Public safety in the event that the construction site is adjacent to public active areas;
  - d) Provisions for loading and unloading.
  - e) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.
  - f) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids.
  - g) Details of any air and dust management.
  - h) Details of noise and vibration controls.
  - i) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP).
  - j) Proposed start and completion time of construction activities including the delivery of material to site.
12. 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.
13. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).

**Greater Western Water and Southern Rural Water:**

14. The development must be connected to a reticulated sewerage system to the satisfaction of the Responsible Authority.
15. Polluted or sediment laden runoff must not be discharged beyond the boundaries of the land or into any watercourse or stormwater drain to the satisfaction of the Responsible Authority.
16. Stormwater must be treated and disposed of to the satisfaction of the Responsible Authority.
17. 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.

**Permit Expiry:**

18. This permit will expire if:
- a) the development is not started within two years of the date of this permit; or
  - b) the development is not completed within four years of the date of this permit.

**LOST**

**MOTION****COMMITTEE RESOLUTION**

Moved: Cr David Edwards

Seconded: Cr Tom Sullivan

**That the Development Assessment Committee defer Item 7.1 PA PA2023171 for the Development of an Office Building and a Reduction of Car Parking (Five Car Spaces) at Lot 1 on TP 122082C known as 114 Inglis Street, Ballan to a future Development Assessment Committee to give consideration as to what a reasonable fee would be in this situation.**

**CARRIED**

<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.

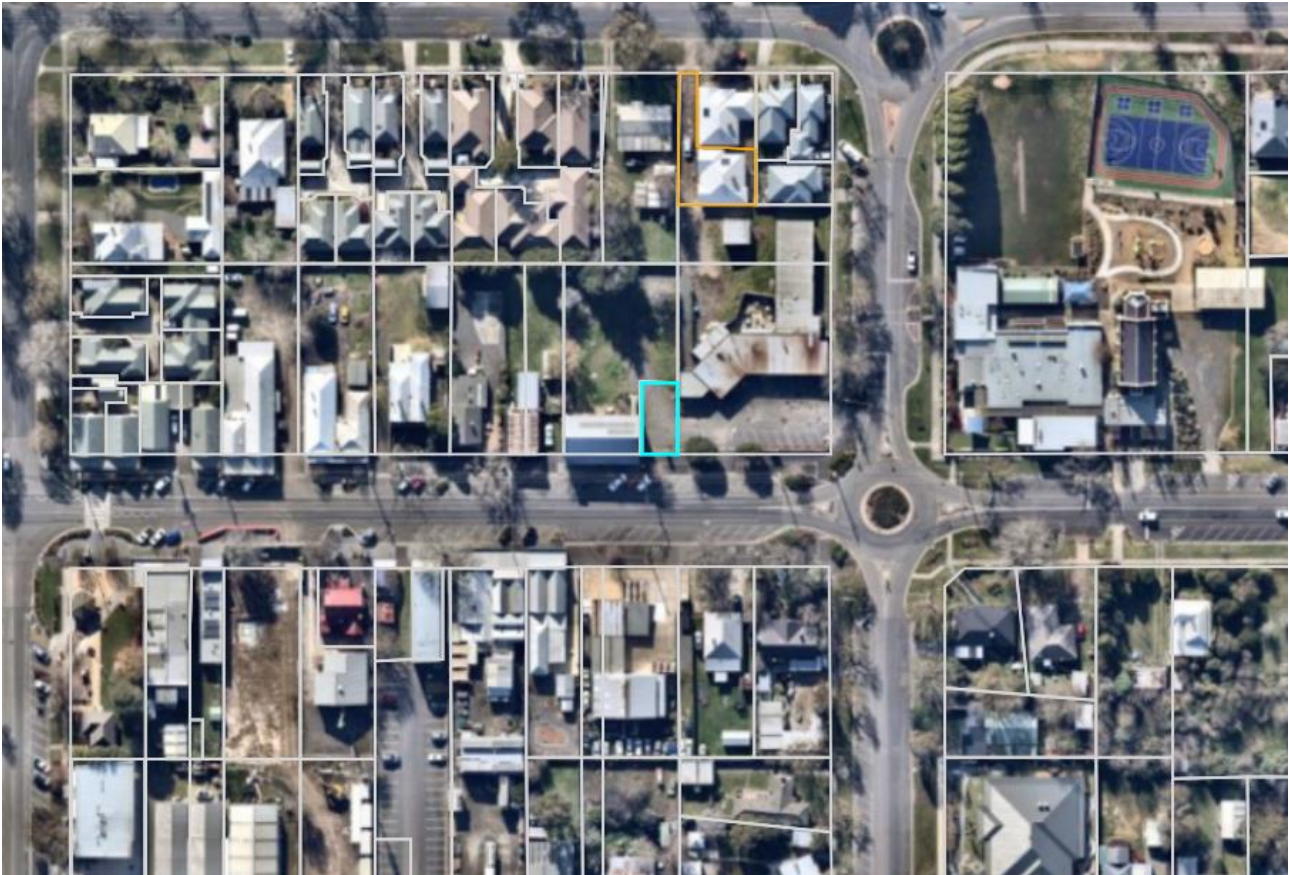
#### **EXECUTIVE SUMMARY**

Application referred?	Yes, to Council's Development Infrastructure and Strategic Planning.
Any issues raised in referral responses?	Yes. Development Infrastructure requested more details regarding the car parking waiver. Strategic Planning requested a response to the guidelines in Part 4 of Council's adopted Parking Provision and Management Policy.
Preliminary concerns?	The proposed use with a large reduction in the standard car parking rate and the external building design.
Any discussions with applicant regarding concerns?	Yes.
Any changes made to the application since being lodged?	Yes, the application was amended in process on 4 July 2024 to reduce the size of the proposed building from double storey to single storey and concomitantly the reduction in the car parking waived from 11 car spaces to five car spaces.
Brief history.	Not applicable.
Previous applications for the site?	None.
General summary.	It is proposed to develop the site with a single storey building for use as an office and waive five car spaces. The proposed building is an acceptable urban design response, and the proposed car parking waiver is justified with cash in lieu contribution and with there being sufficient on-street parking availability to meet the expected demand generated.  Subject to conditions, it is recommended the 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 Planning Permit PA2023171 for the Development of an Office Building and a Reduction of Car Parking (five car spaces) at 114 Inglis Street, Ballan, subject to the conditions contained within this report.	

**SITE DESCRIPTION**

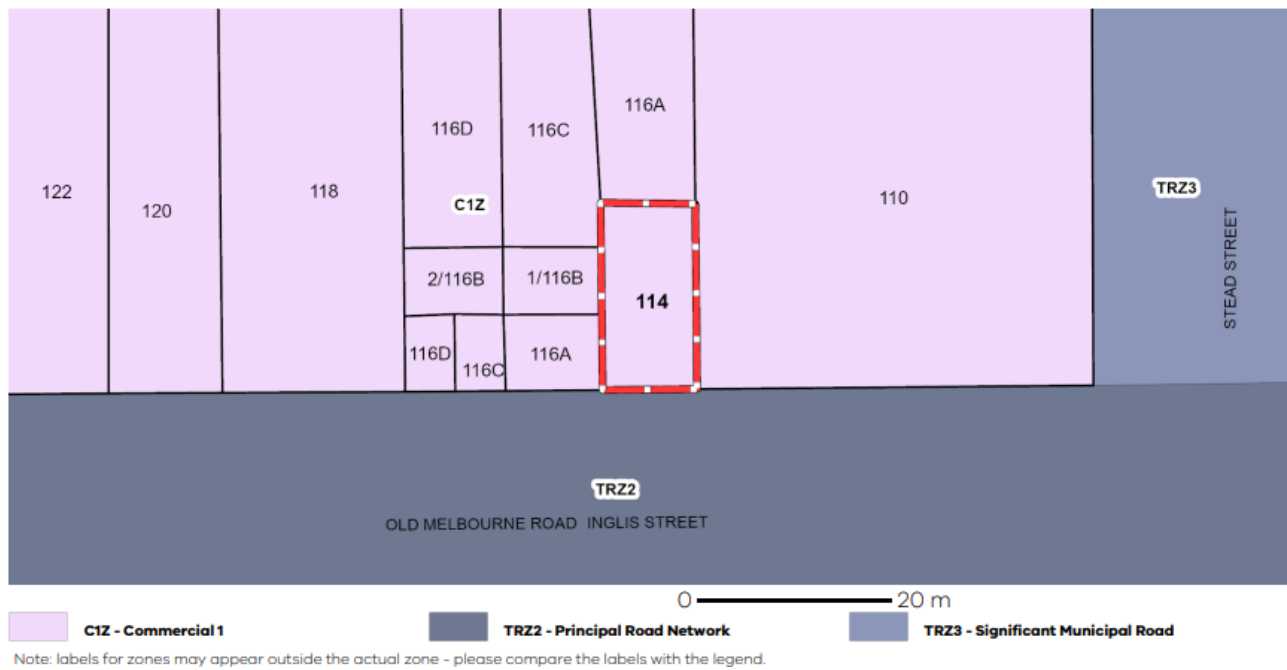
The site and surrounding land are in the Commercial 1 Zone and developed for a mix of mainly commercial uses. To the east is a hotel, to the west are shops and offices, to the north is vacant land used informally for car parking and to the south, across Inglis Street, is a motor mechanic.

The subject site, identified as Lot 1 on TP 122082C and known as 114 Inglis Street, Ballan, is a vacant rectangular shaped lot with a 9.75m width, 19.2m length and overall area of 187.2sqm. The site is located on the north side of Inglis Street, approximately 41m west of Stead Street, and has a slight fall from south to north.



**Figure 1:** Aerial photograph

COMMERCIAL 1 ZONE (C1Z)  
SCHEDULE TO THE COMMERCIAL 1 ZONE (C1Z)

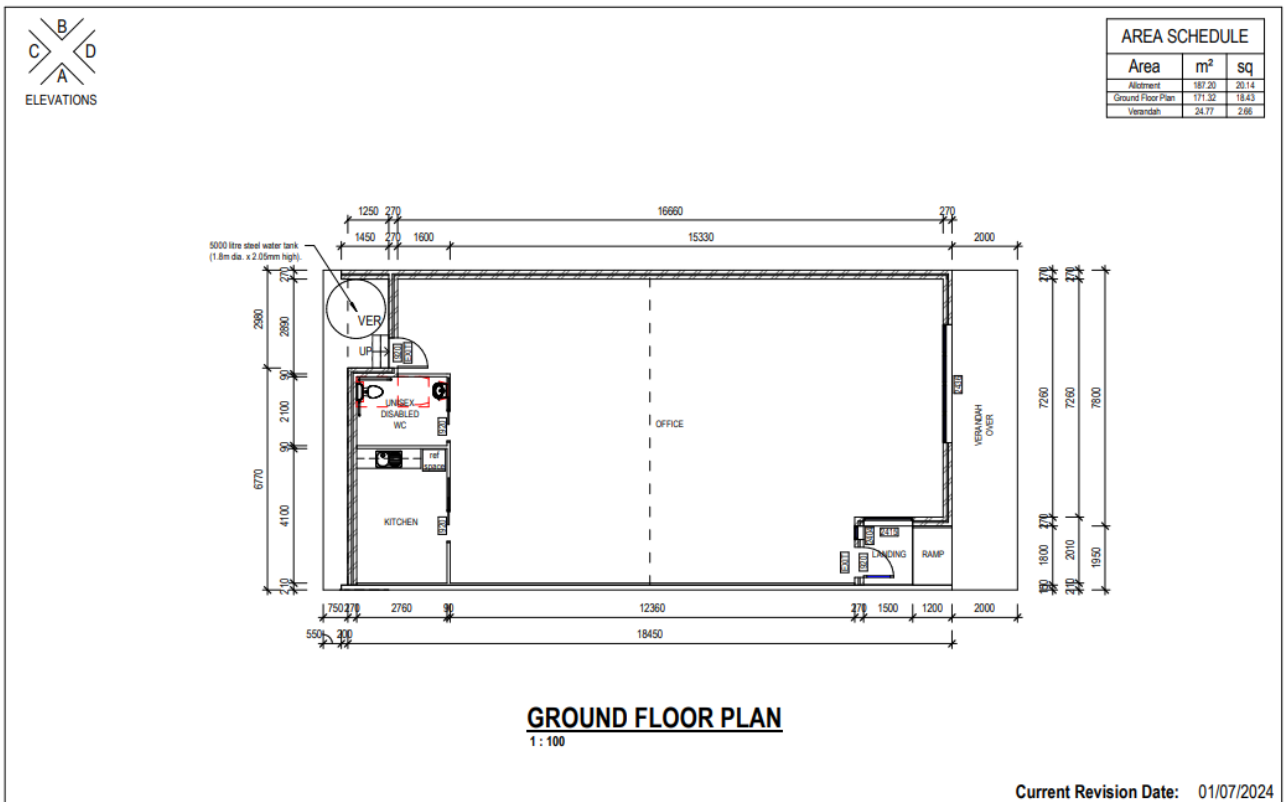


**Figure 2: Zone map**

**PROPOSAL**

It is proposed to develop the site with a single storey brick building for use as an office, and to reduce the statutory requirement for five car parking spaces.

The proposed building would be 171.32sqm in size and comprise an open plan office space with ancillary kitchen and toilet facilities. Front and rear pedestrian access would be provided and a verandah 2m wide x 9.75m in length would project above the public footpath on Inglis Street. The building would be constructed of concrete tilt-up panels and brickwork. Future business identification signage would be incorporated in the front façade and verandah design. The hipped roof would be Colorbond. The end user of the office is not known at this stage.



**Figure 3:** Proposed floor plan



**Figure :** Streetscape view with the subject building to the right and 116 Inglis Street to left

### **BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

### **HISTORY**

Not applicable.

### **PUBLIC NOTICE**

The application is exempt from notice under Clauses 34.01-7 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 - Ballan
- Clause 02.03-4 – Natural resource management - Declared Special Water Supply Catchments
- Clause 02.03-5 – Built environment and heritage
- Clause 02.03-7 – Economic development
- Clause 11.03-1S – Activity centres
- Clause 11.03-1L – Activity centres
- Clause 11.03-3S – Peri-urban areas

- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Urban design
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1R – Diversified economy - Central Highlands

## **ZONE**

The subject site is in the Commercial 1 Zone.

An office is a Section 1 use in the table of uses in Clause 34.01-1 and does not require a permit.

Under Clause 34.01-4 a permit is required to construct buildings and works.

## **OVERLAYS**

The subject site is affected by Environmental Significance Overlay, Schedule 1.

Under Clause 42.01 a permit is required for buildings and works.

## **Relevant Policies**

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

## **Particular Provisions**

### Clause 52.06 Car Parking

Under Clause 52.06-5 five car parking spaces are required for the proposed use for an office, based on the requirement for 3.5 spaces per 100sqm of net floor space.

No onsite car parking spaces are proposed, therefore a waiver of five car parking spaces would be required.

### Clause 52.34 Bicycle Facilities

Pursuant to Clause 52.34-5 bicycle facilities are not required given the proposed floor space is less than 1000sqm.

### Clause 53.18 Stormwater Management in Urban Development

Subject to conditions, the proposal would meet the requirements of this clause.

## **DISCUSSION**

### Buildings and works

The proposed development is generally in accordance with the relevant provisions of the Moorabool Planning Scheme. The proposed building would be single storey and have a form and scale generally consistent with adjoining and surrounding commercial development. The façade articulation including window fenestration would create an active frontage and be responsive to the streetscape. The provision of an awning above the front façade would provide for weather protection for pedestrians and be generally consistent with other developments in Inglis Street.

The subject site is connected to sewer and stormwater would discharge to the approved drainage system. As a result, there would be no detriment to potable water supply consistent with the objectives of the Environmental Significance Overlay Schedule 1.

Car parking waiver

Under the car parking provisions at Clause 52.06-5 of the Moorabool Planning Scheme, the proposal requires five car spaces to be provided. No car spaces are proposed and therefore a full waiver of five car spaces is requested.

Subject to conditions, the proposed parking waiver is deemed to be adequately responsive to the proposed use and the site features and context. The site is constrained by its features including very small lot size and cannot reasonably accommodate any car parking. Any on-site car parking provision would result in the loss of on-street parking adjacent to the street frontage and disruption to pedestrian safety and amenity. Any removal of on street parking bays that can be utilised by shoppers or visitors is inappropriate in the commercial centre of Ballan.

A car parking assessment was submitted with the application, including a car parking survey undertaken within 250m of the subject site on a weekday between 8am-6pm with recordings made at hourly intervals. One hundred and thirty-nine public car spaces are available within a 250m walking catchment of the site, 49 of which are unrestricted. It is noted that 41 of the 139 car spaces are subject to 'no stopping' restrictions between 8am-9.30am and 2.30pm-4pm on school days, and a further 49 car spaces are sign posted as one hour parking from 9am-5pm. The survey identified that the peak demand was for 51 car parking spaces at 11am and 12noon. The survey indicates that sufficient car parking exists for future customers and staff, noting that the latter would be expected to rely on unrestricted parking spaces in Stead Street which are currently underutilised.

The site is in the township centre proximate to numerous other services and facilities within convenient walking distance, which increases the likelihood of multi-purpose trips to the site. Public transport options are available with nearby Ballan Train Station servicing the Melbourne to Ballarat line.

A condition of approval would require the applicant to pay to Council \$10,000 for each of the five car spaces waived, to fund the provision of future public car parking in the Shire. The applicant has been advised of the car parking contribution and justification. A similar requirement has been applied to commercial car parking reductions Inglis Street Ballan and in the Bacchus Marsh Activity Centre.

**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>
Greater Western Water	Consent with conditions.
Southern Rural Water	Consent with conditions.
Council's Development Infrastructure	Consent with conditions.
Council's Strategic Planning	Letter of advice.

**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**

No notice was undertaken for the application under the *Planning and Environment Act 1987*. 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**

Overall, the proposal is deemed to be generally consistent with the relevant provisions of the Moorabool Planning Scheme including the provisions of the Commercial 1 Zone. The proposed building would be site responsive and provide additional office floor space in the Ballan town centre. The proposed car parking waiver is justified based a comprehensive review of the car parking assessment and in consideration of a cash in lieu contribution paid to Council for future car parking improvements. It is recommended that the application be approved, subject to conditions.



**COMMITTEE RESOLUTION**

Moved: Cr David Edwards

Seconded: Cr Rod Ward

That Cr Berry take the Chair for Item 7.2 PA2024073 Development of a Farm Shed Ancillary to an Existing Dwelling at 49 Calway South, Gordon.

**CARRIED**

At 6.20pm, Cr Ally Munari vacated the Chair and left the meeting.

**7.2 PA2024073 DEVELOPMENT OF A FARM SHED ANCILLARY TO AN EXISTING DWELLING AT 49 CALWAY LANE SOUTH, GORDON**

**Author:** Thomas Tonkin, Senior Statutory Planner

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

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

**APPLICATION SUMMARY**

**Permit No:** PA2024073

**Lodgement Date:** 27 May 2024

**Planning Officer:** Thomas Tonkin

**Address of the land:** 49 Calway Lane South, Gordon

**Proposal:** Development of a Farm Shed Ancillary to a Dwelling

**Lot size:** 46.09ha

**Why is a permit required?** Clause 42.01 Environmental Significance Overlay – Buildings and works

**COMMITTEE RESOLUTION**

Moved: Cr Tonia Dudzik

Seconded: Cr Rod Ward

That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue Planning Permit PA2024073 for the Development of a Farm Shed Ancillary to an Existing Dwelling at Lot 2 on PS 845376P known as 49 Calway Lane South, Gordon, subject to the following conditions:

**Endorsed Plans:**

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

**Materials and Colour:**

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

**Development Infrastructure:**

3. 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.
4. The stormwater drainage from the site must be retained within the boundaries of the property to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any wastewater disposal areas.
5. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council's Asset Management 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
6. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

**Barwon Water:**

7. The permitted building must not be used for any habitable purpose and must not be used for any commercial or industrial purpose, except in accordance with the provisions of the Moorabool Planning Scheme.
8. The existing or proposed effluent disposal areas (if applicable) must be kept free from stock, buildings, driveways and service trenching.
9. Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.
10. Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.
11. The use, storage and disposal of fuel and chemicals must be managed in accordance with EPA's publication 1698 Liquid storage and handling guidelines. Chemicals and fuels used on site must be registered by the Australian Pesticides and Veterinary Medicines Authority and must be stored in their own, labelled containers above flood levels to avoid water contamination in flood or overland flow events.
12. Appropriate farm waste management must be carried out, as outlined in EPA's publication IWRG641.1 Industrial Waste Resource Guideline.

**Permit Expiry:**

13. This permit will expire if:
  - a) the development is not started within two years of the date of this permit; or

- b) the development is not completed within four years of the date of this permit.

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	No.
Notices on site:	None.
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 2.3: 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 – Thomas Tonkin*

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

### **EXECUTIVE SUMMARY**

Application referred?	Yes, to Barwon Water.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	Not applicable.

Any changes made to the application since being lodged?	No.
Brief history.	Refer to 'History' below.
Previous applications for the site?	None.
General summary.	<p>It is proposed to develop a 64sqm steel clad farm shed ancillary to an existing dwelling. No notice of the application was given due to the minor nature of the proposal in the rural context. The relevant water catchment consented to the application subject to conditions.</p> <p>The proposed development satisfies all relevant planning provisions and is appropriate. It is recommended a planning permit be issued.</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 Planning Permit PA2024073 for the Development of a Farm Shed Ancillary to a Dwelling at 49 Calway Lane South, Gordon, subject to the conditions contained within this report.</p>	

## SITE DESCRIPTION

The surrounding land to the east, south and north is in the Farming Zone and characterised by mostly cleared grazing land sparsely developed with dwellings. To the east of the site are three landholdings, the smaller two of which are developed with single dwellings. To the south is another vacant landholding of 71.71ha. To the north, across Moorabool West Road, is a landholding of 47.14ha developed with a dwelling. To the northwest, on the corner of Moorabool West Road and Calway Lane South is a 2.43ha lot developed with a dwelling.

Land to the west is in the Rural Living Zone, and immediately opposite the subject site is heavily forested, although further to the west are more substantially cleared areas. Directly opposite the site on Calway Lane South are two lots, one of which is developed with a dwelling.

The subject site is identified as Lot 2 on PS 845376P and known as 49 Calway Lane South, Gordon. The site is an irregularly shaped 46.09ha lot with frontages to Calway Lane South and Moorabool West Road. The site is burdened by a 10m wide powerline easement. The site is developed with a dwelling located towards the southeast corner of the site and a shed located more centrally to the site. Access to both buildings is via an accessway to Calway Lane South. The site has gently undulating topography and falls generally to the south, east and southeast by up to 30m.



Figure 1: Aerial photograph

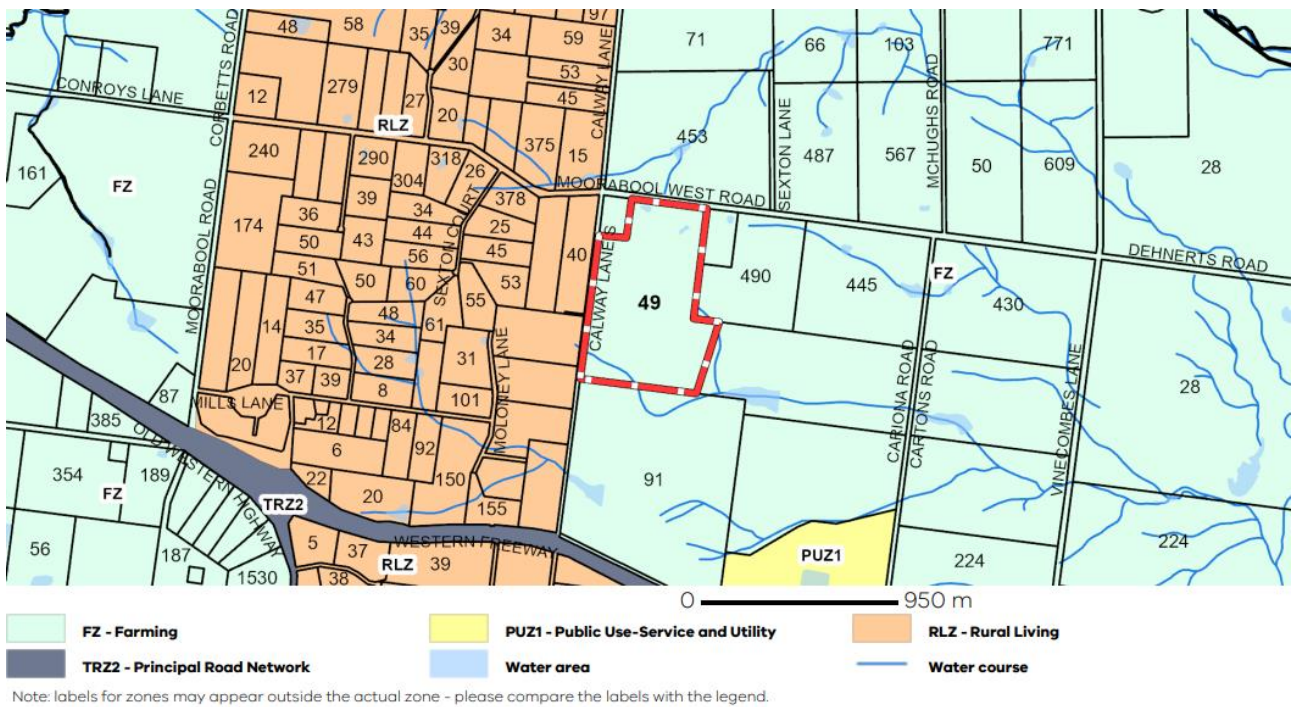
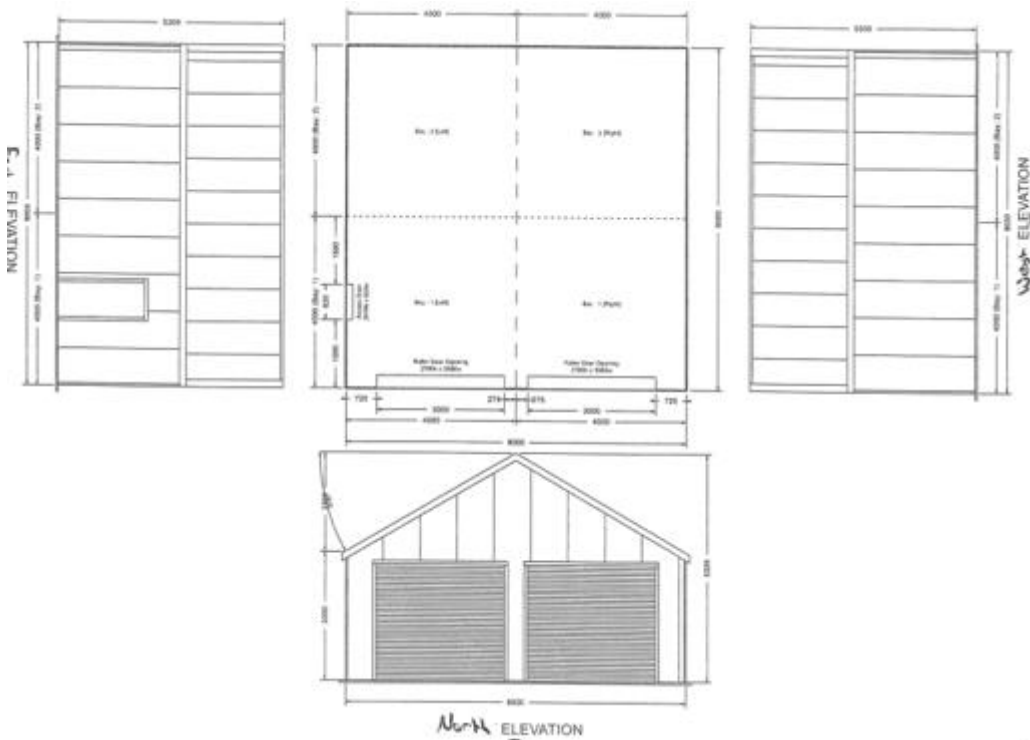


Figure 2: Zone map

**PROPOSAL**

It is proposed to develop a farm shed ancillary to the existing dwelling. The shed would be positioned south of the dwelling and utilise the existing site access. The shed would be 8m x 8m (64sqm), with a hipped gable roof form. The shed would have a 3m side wall height and 5.3m height to the pitch and be steel clad in ‘Monolith’ colour. Two roller doors on the north elevation

would provide for vehicle access with a pedestrian door located on the east elevation. No earthworks are proposed.



**Figure 3:** Floor and Elevation Plans

## HISTORY

The subject site was created on 22 March 2023 by a two lot subdivision approved by Council under Planning Permit PA2020283. The dwelling was constructed in 2023.

## PUBLIC NOTICE

No notice of the application was given to adjoining or surrounding landowners or occupiers as it was deemed that the proposed development would not cause detriment to any person. The proposed building would be set back a minimum 128.8m from the nearest title boundary to the south and approximately 580m from the nearest dwelling in separate ownership. The building is relatively modest in size and bulk given the rural context and would not be readily visible from surrounding properties. No vegetation would be required to facilitate the development. The application was referred to Barwon Water as the relevant water board for the Special Water Supply Catchment, with conditional consent provided.

## 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
- Clause 02.03-2 – Environmental and landscape values
- Clause 02.03-4 – Natural resource management, including Declared Special Water Supply Catchments

- Clause 02.03-5 – Built environment and heritage
- Clause 11.03-3S – Peri-urban areas
- Clause 14.02-1S – Catchment planning and management
- Clause 14.02-1L – Declared special water supply catchments
- Clause 14.02-2S – Water quality
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 15.01-6S – Design for rural areas

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 Farming Zone.

Under Clause 35.07 a permit is not required for the development of an outbuilding less than 250sqm ancillary to a dwelling.

The siting of the proposed building meets all minimum setbacks under the schedule to the Farming Zone including waterways, roads and dwellings in separate ownership and therefore does not require a permit.

### **OVERLAYS**

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

#### Environmental Significance Overlay, Schedule 1

Under Clause 42.01 a permit is required to construct buildings and works. There are no relevant exemptions under Schedule 1.

#### Design and Development Overlay, Schedule 2

Under Clause 43.02-2 a permit is required to construct buildings and works. Under Schedule 2 there is an exemption where non-reflective cladding is proposed and therefore a permit is not required.

#### Bushfire Management Overlay

The subject site is partially affected by the Bushfire Management Overlay, not including the area proposed to be developed. A permit is therefore not required.

### **Relevant Policies**

Not applicable.

### **Particular Provisions**

Not applicable.

### **DISCUSSION**

Overall, the proposed development is generally in accordance with the relevant provisions of the Moorabool Planning Scheme, in particular the Environmental Significance Overlay and the decision guidelines at Clause 65.01.

The proposed farm shed ancillary to an existing dwelling would be sited and designed to respect the rural landscape character of the area. The building would be clad with non-reflective cladding and be clustered onsite with the dwelling which is of a similarly modest size and bulk. The proposed building would not impact on landscape features in the area and no existing vegetation would be removed by the proposal.

The subject site is in a declared water supply catchment for the Moorabool River (Sheoaks) and is unsewered. The application was referred to Barwon Water as the relevant water catchment authority and conditional consent was given to the proposal. The proposed building would not contain any wastewater generating features and would be sited approximately 200m from the nearest waterway to the east. The proposed shed would not have any detrimental impacts on potable water quality or supply and is consistent with the objectives of Environmental Significance Overlay Schedule 1.

### 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 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

No notice was undertaken for the application under the *Planning and Environment Act 1987*, and therefore no correspondence is required with any parties relating to a decision in this matter.

### OPTIONS

- Issue a Planning Permit in accordance with the conditions 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 proposed farm shed ancillary to an existing dwelling is generally consistent with all relevant provisions of the Moorabool Planning Scheme. Subject to conditions, the proposal would not cause any detrimental impacts from an environmental perspective. It is recommended that the application be approved.



Cr Munari returned to the meeting and resumed the Chair at 6.22pm

### **7.3 PA2024008 - DEVELOPMENT OF THREE DWELLINGS AT 2 LEILA COURT, BACCHUS MARSH**

**Author:** Justin Rocio, Statutory Planner

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

**Attachments:** 1. Development Plans

#### **APPLICATION SUMMARY**

**Permit No:** PA2024008

**Lodgement Date:** 18 January 2024

**Planning Officer:** Justin Rocio

**Address of the land:** 2 Leila Court, Bacchus Marsh

**Proposal:** Development of Three Dwellings

**Lot size:** 1,109.72sqm

**Why is a permit required?** Clause 32.07-7 General Residential Zone Schedule 2 – Construction of two or more dwellings on a lot

#### **COMMITTEE RESOLUTION**

Moved: Cr Rod Ward

Seconded: Cr David Edwards

**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 PA2024008 for the Development of Three Dwellings at 2 Leila Court, Bacchus Marsh, subject to the following conditions:**

#### **Endorsed Plans:**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a) Amendment of the highlight windows to Bedrooms 2 and 3 of Unit 1 to allow for visual access to the front section of the driveway to the satisfaction of the Responsible Authority.****

#### **Landscaping:**

- 2. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
- 3. 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.

**Development Infrastructure:**

4. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
5. Two new urban vehicle crossings must be provided on Leila Court to the 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 urban vehicle cross over is to be generally in accordance with the Standard Drawing 240 or Standard Drawing 245 of the Infrastructure Design Manual unless an alternative approval has been approved through the vehicle cross over permit.
6. Prior to the construction commencing, engineering drainage plans and detailed computations must be submitted and approved by the Responsible Authority. The drainage plans are to undertake in accordance with the Infrastructure Design Manual and Australian Rainfall and Runoff 2016 and shall incorporate (but not limit to) the following:
  - a) The development for each dwelling must be self-draining to the legal point of discharge.
  - b) All outfall drainage land passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
  - c) 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.
  - d) Each dwelling must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
  - e) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)";
  - f) Flow paths of the 1% AEP storm must be determined, and the subdivision designed so that no property is inundated by such a storm, the flow paths must be indicated on the engineering plans.
7. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of with a legal point of discharge issued by the Responsible Authority. If applicable, overflows from on-site storage systems must be directed away from any waste water disposal areas.
8. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared, submitted and approved by the responsible authority, detailing but not limited to the following:
  - a) Location of the vehicle crossings.
  - b) Details of underground drainage.

- c) **Location of drainage legal points of discharge.**
  - d) **Standard details for vehicle crossings and legal points of discharge.**
  - e) **Civil notes as required to ensure the property construction of the works to Council standard.**
9. **Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991) and civil construction, building and demolition guide (EPA 2020).**
10. **Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Management 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.**

**Permit Expiry:**

11. **This permit will expire if:**
- a) **the development is not started within two years of the date of this permit; or**
  - b) **the development is not completed within four years of the date of this permit.**

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	Not required.
Number of objections:	One.
Consultation meeting:	A consultation meeting between the applicant and the objector was requested. The owner of the subject site has declined the offer.

**POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

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

**Priority 1.1: Improve the health and wellbeing of our community**

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 – Justin Rocio*

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, Development Infrastructure required a Stormwater Water Management Plan.
Preliminary concerns?	No.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	Yes, the applicant submitted a detailed Stormwater Management Plan.
Brief history.	The subject land is vacant with no vegetation.
Previous applications for the site?	No.
General summary.	<p>The application of three single storey dwellings on vacant residential zoned land.</p> <p>The application was advertised, and one objection was received.</p> <p>The proposed development meets the objectives and standards of ResCode as contained in Clause 55 of the Moorabool Planning Scheme. The proposal is generally in accordance with the neighbourhood character objectives as stated in the Schedule.</p> <p>It is recommended that the proposal be approved subject to conditions.</p>
<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 Planning Permit PA2024008 for the Development of Three Dwellings at 2 Leila Court, Bacchus Marsh subject to the conditions contained within this report.	

**SITE DESCRIPTION**

The subject site is located to the north of the Bacchus Marsh town centre. The Western Freeway and the off-ramp onto Gisborne Road is just north of the property. The staged multi lot subdivision at Clifton Drive is located west of Gisborne Road.

The area consists of mainly detached single storey dwellings on similar sized lots as the subject property. It is noted however that the lots along Gisborne Road and Horseshoe Circuit nearby are noticeably smaller than those along Leila Court.

The site itself has an area of 1,109.72sqm and is currently vacant with no vegetation. The site originally had a single dwelling which was recently demolished. The land is relatively flat.



**Figure 1:** Aerial photograph of the site and surrounds



**Figure 2 : Zone Map**

**PROPOSAL**

It is proposed to construct three dwellings on the site in a tandem development arrangement. Access to Units 2 and 3 will use the existing crossover and common driveway to the east of the property while access to the front dwelling will use a new crossover to the west of the site. The walls of each of the dwellings will be clad with brick and roofing will consist of corrugated Colorbond sheeting. All dwellings will have three bedrooms and its living areas as well as its secluded private open space areas oriented to the north. The height of each dwelling to the eaves will be 2.74m.

Unit 1

The bedrooms and bathroom of this dwelling will be located to the east of the building. A double garage is proposed to be built on the boundary to 1 Leila Court, Bacchus Marsh to the west. The building area of Unit 1 will be 169.1sqm. The secluded private open space area will be 40.8sqm.

Unit 2

The master bedroom will be located on the boundary to 1 Leila Court behind the double garage. Bedrooms 2 and 3 as well as the bathroom will be to the east of the dwelling. The total building area will be 170.8sqm and the secluded private open space area will be 33sqm.

Unit 3

The master bedroom will be located next to the dwelling entry while the Bedrooms 2 and 3 and bathroom will be located to the west and south respectively. This dwelling will have a 1.014m setback from the western side boundary. This dwelling will have a single garage and a tandem carparking space. The total building area will be 153.4sqm and the secluded private open space area will be 63.6sqm.



Figure 3: Site Plan

**BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

**HISTORY**

No history.

**PUBLIC NOTICE**

The application was notified to adjoining and surrounding landowners and placing a sign on site.

**SUMMARY OF OBJECTIONS**

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

Objection	Any Relevant Requirement
The proposed garage wall will overshadow the existing deck and living area to the east of the dwelling.	Clause 55.04-5 – Overshadowing open space objective
<b>Officer’s Response:</b> The proposed complies with the overshadowing standard including from the proposed garage walls.	
Dwelling built too close to the road.	Clause 55.03-1 – Street setback objective
<b>Officer’s Response:</b> The neighbouring properties at 1 Leila Court and 3 Leila Court are between approximately 7.5m to 9m, the proposed setback of Unit 1 complies with the applicable ResCode standard.	
The development will result in increased traffic in the area especially during peak times making it unsafe to drive through Leila Court and Gisborne Road.	Clause 52.06 – Carparking
<b>Officer’s Response:</b> Each dwelling will be provided with two car parking spaces meeting the minimum car parking requirements for a three-bedroom dwelling.	

The development will block the views of Bacchus Marsh valley to the east from the side deck.	
<b>Officer's Response:</b> ResCode does not have a provision for the protection of views from existing dwellings.	

## CONSULTATION

During the advertising period, one of the neighbours at 3 Leila Court asked for a confirmation from Council if the garage wall at Unit 3 will impact the boundary fence. The applicant has since confirmed that this will not be the case.

An objection was received from 1 Leila Court to the west citing that the proposed garage built on the boundary will create an overshadow impact and block the views out onto Bacchus Marsh valley from the neighbouring deck area.



**Figures 4 and 5:** Site inspection photos taken from the western adjacent property

## 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-02 – Bacchus Marsh
- 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 15.01-5S – Neighbourhood character
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 16.01-1S – Housing supply



- Clause 16.01-1L – Housing supply in Moorabool
- Clause 16.01-2S – Housing affordability

The proposal complies with the relevant sections of the PPF and LPPF.

## **ZONE**

### General Residential Zone Schedule 2

A planning permit is required under Clause 32.08-7 for the construction of two or more dwellings on a lot.

## **OVERLAYS**

There are no overlays affecting the property.

## **Relevant Policies**

None.

## **Particular Provisions**

The proposed dwellings comply with the relevant ResCode standards (Clause 55 of the Moorabool Planning Scheme).

## **DISCUSSION**

The proposed development demonstrates a high level of compliance with the relevant provisions of the Moorabool Planning Scheme.

Each dwelling has its own unique entry point and design and its own separate identity which does not compromise the character of the area which is predominantly single storey dwellings. Each dwelling has windows looking onto the proposed common driveway to Units 2 and 3, providing passive surveillance and promoting safety and security.

Landscaping is provided including along the driveway and the large front setback area. The well-proportioned secluded private open spaces allows for the planting of canopy trees to enhance the landscaping character of the area.

The proposal takes advantage of the orientation of the site to provide both north facing living areas and secluded private open space, thereby maximising solar access to each dwelling. This provides for good level of internal amenity for future residents.

The property to the west is concerned with the garage wall of Unit 1 to be built on the boundary which abuts their existing deck and principle secluded private open space area. The proposed boundary wall to Unit 1 complies with the ResCode standard (Walls on Boundary) in terms of height and length. There are no ResCode standards which prevent or restrict a wall being built adjacent to a raised deck of an existing dwelling, especially if it meets the ResCode standards.

The development will result increased housing in an established residential area in close proximity to a range of services with convenient access to the Western Freeway.

Overall, the development meets the requirement of the General Residential Zone, complies with the standards of ResCode and meets the minimum car parking requirement under Clause 52.06.

## **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
Council's Infrastructure	Consent with conditions.

#### 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 occupational health and safety issues to Council.

#### COMMUNICATIONS STRATEGY

Notice was undertaken for the application, in accordance with s52 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 if required.

#### OPTIONS

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

#### CONCLUSION

Overall, the proposal is generally compliant with the ResCode standards and provisions of the Moorabool Planning Scheme. It is recommended that this application be supported, and a planning permit issued, subject to conditions.

Jai Nun Director of Infrastructure, V/Line provided the Committee with a written submission to Item 7.4.

Bob Reid addressed the Committee as a representative for the objector to Item 7.4.

Tim Hogan addressed the Committee as a representative for the objector to Item 7.4.

#### **7.4 PA2024036 DEMOLITION OF A BUILDING (SIGNAL BOX) AT BACCHUS MARSH RAILWAY STATION, STATION STREET, MADDINGLEY**

**Author:** Thomas Tonkin, Senior Statutory Planner

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

**Attachments:**

1. Site aerial image (under separate cover)
2. Signal box plans (under separate cover)

#### **APPLICATION SUMMARY**

**Permit No:** PA2024036

**Lodgement Date:** 10 April 2024

**Planning Officer:** Tom Tonkin

**Address of the land:** Bacchus Marsh Railway Station, Station Street, Maddingley

**Proposal:** Demolition of a Building (Signal Box)

**Lot size:** 2.68ha

**Why is a permit required?** Clause 43.01 Heritage Overlay, Schedule 168 – Demolition of a building

#### **MOTION**

#### **COMMITTEE RESOLUTION**

Moved: Cr Rod Ward  
Seconded: Cr David Edwards

**That That the Development Assessment Committee, having considered all matters as prescribed by the Planning and Environment Act 1987, issue a Refusal to grant Planning Permit PA2024036 for Demolition of a Building (Signal Box) at Bacchus Marsh Railway Station, Station Street, Maddingley, on the following grounds:**

1. The proposed demolition is inconsistent with Built Environment and Heritage, Clause 02.03-5 of the Moorabool Planning Scheme.
2. The proposed demolition is inconsistent with the heritage objectives and strategies contained in the Planning Policy Framework, Clause 15.03 of the Moorabool Planning Scheme.
3. The proposed demolition is inconsistent with the purpose and decision guidelines of the Heritage Overlay, Clause 43.01 of the Moorabool Planning Scheme.
4. The proposed demolition will adversely affect the significance of the heritage place.
5. That the Council writes to the appropriate Minister to express its concerns that its

**demolition by the neglect.**

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes, three.
Notice in Moorabool Newspaper:	No.
Number of objections:	Two.
Consultation meeting:	No. The officer recommendation is for refusal.

### **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

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

#### **Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire**

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 Heritage Advisor and Development Infrastructure.
Any issues raised in referral responses?	Yes. Council's Heritage Advisor objects to the proposal.
Preliminary concerns?	Proposed demolition not supported on heritage grounds.

Any discussions with applicant regarding concerns?	Yes. The applicant was notified of the planning concerns.
Any changes made to the application since being lodged?	In support of the proposal, the applicant submitted an engineering report which assessed the structural condition and stability of the building.
Brief history.	Not applicable.
Previous applications for the site?	See 'History' below.
General summary.	<p>It is proposed to demolish the signal box at Bacchus Marsh Railway Station. The building was constructed in 1890 and is identified as a significant element of the heritage fabric of the railway station. The proposal is not in accordance with the Moorabool Planning Scheme which seeks to protect, conserve, and retain places of identified heritage significance.</p> <p>The application was advertised with two objections received relating to the loss of a building of identified heritage significance.</p> <p>It is recommended that the application be refused.</p>
<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 Refusal to grant a Planning Permit PA2024036 for Demolition of a Building (Signal Box) at Bacchus Marsh Railway Station, Station Street, Maddingley, on the grounds contained in this report.	

## SITE DESCRIPTION

The subject site is in the Transport Zone. To the south are mostly dwellings, to the north is Maddingley Park and mainly small-scale industrial land uses. To the east and west is the Melbourne-Ballarat railway alignment.

The subject site is identified as Crown Allotment 18D, Section 11, Township of Bacchus Marsh, Parish of Parwan and known as Bacchus Marsh Railway Station, Station Street, Maddingley. The site is developed with several buildings including the main brick building and signal box on the north side of the railway line.



Figure 1: Aerial photograph of the railway station

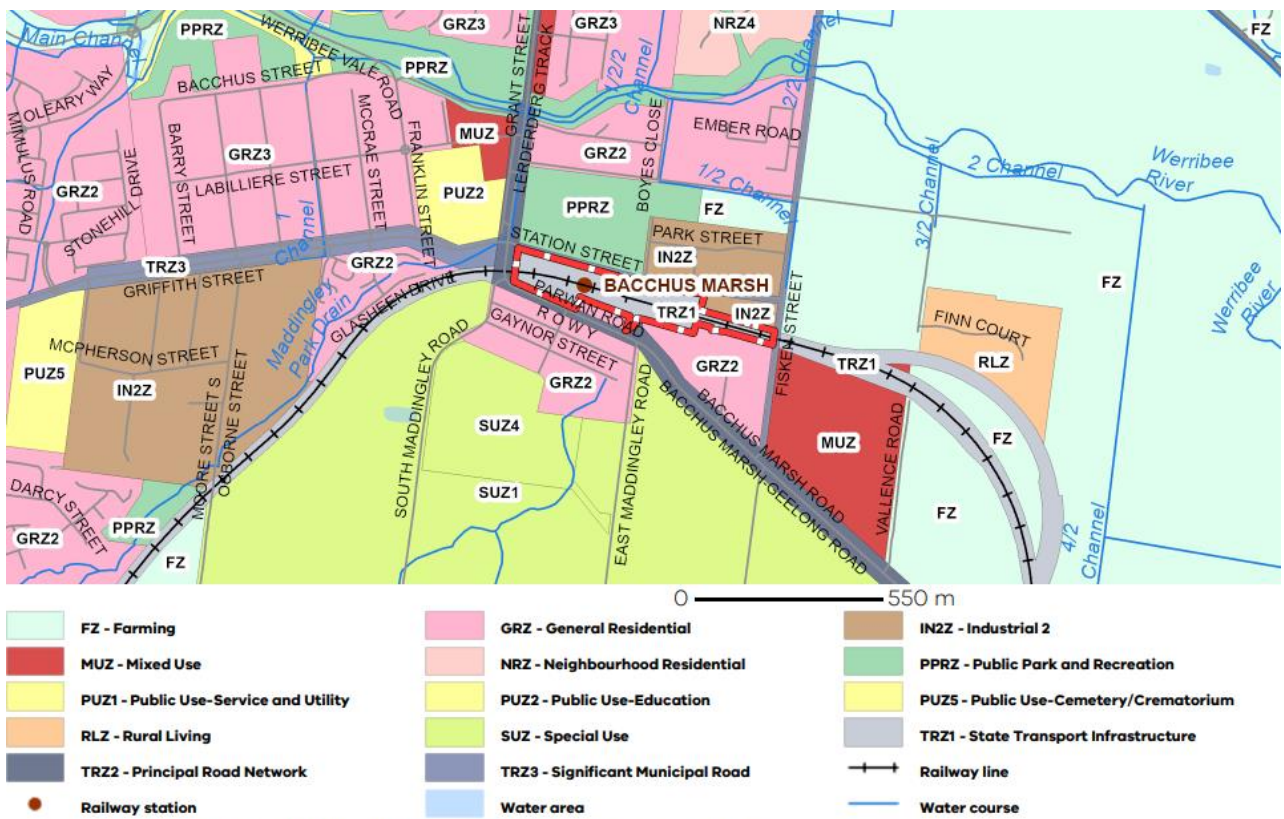


Figure 2: Zone map

## PROPOSAL

It is proposed to demolish the Signal Box building constructed in 1890. The symmetrical three storey building is comprised of timber with a gable roof clad in corrugated iron sheeting. The building is located on the south side of the railway line, east of the brick railway station building. Train signals are no longer operated manually from existing train stations due to technological advances.



**Figure 3:** View of the Signal Box looking to the south-west

## BACKGROUND TO CURRENT PROPOSAL

The applicant submitted an engineering report which identifies several building defects and makes recommendations to address these, including either demolition or carrying out remediation works. The preferred option by the applicant is demolition.

## HISTORY

Previous planning permit applications for the subject site are as follows:

- PA2015050 – Buildings and works ancillary to an existing railway station (two platform shelters) was approved by Council under delegation on 20 April 2015.
- PA2015112 – Buildings and works in a Heritage Overlay (two Myki Ticketing Readers) was approved by Council under delegation on 11 June 2015.
- PA2022177 – Removal of buildings, alterations to an existing building and construction of buildings and works ancillary to an existing railway station (staff facilities) in a Heritage Overlay was approved by Council under delegation on 24 January 2023.

## PUBLIC NOTICE

Notice of the application was given by mail to the owners and occupiers of adjoining land to the south and by way of signs erected on site.

Two objections were received.

## SUMMARY OF OBJECTIONS

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

Objection	Any Relevant Requirement
Removal of either the signal box or the turntable would significantly diminish the heritage and historical value of this railway station complex.	Clauses 02.03-5, 11.03-3S, 15.03-1S, 15.03-1L & 43.01.
<b>Officer's Response:</b> The proposed demolition will adversely affect the significance of the heritage place.	
The Signal Box should not be demolished or removed because it meets a significant range of commonly accepted heritage values criteria.	Clauses 02.03-5, 11.03-3S, 15.03-1S, 15.03-1L & 43.01.
<b>Officer's Response:</b> Existing heritage buildings should be retained.	
The building represents a rare surviving example in Victoria of a historic box.	Clauses 02.03-5, 11.03-3S, 15.03-1S, 15.03-1L & 43.01.
<b>Officer's Response:</b> Retaining and conserving heritage fabric is an objective state and local policies within the Moorabool Planning Scheme.	
Retention of the building – and subsequent remediation works – could enable adaptive reuse of the building with associated social and economic benefits.	Clauses 02.03-5, 11.03-3S, 15.03-1S, 15.03-1L & 43.01.
<b>Officer's Response:</b> Remediation of existing heritage fabric is supported by policy objectives 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 02.03-5 – Built environment and heritage
- Clause 11.03-3S – Peri-urban areas
- Clause 15.03-1S – Heritage conservation
- Clause 15.03-1L – Heritage

The proposal does not comply with the relevant section of the PPF and MPS as outlined in the table below:



MPS	Title	Response
Clause 15.03-1S	Heritage conservation	<p>The relevant strategies includes:</p> <ul style="list-style-type: none"> <li>• Retain those elements that contribute to the importance of the heritage place.</li> <li>• Encourage the conservation and restoration of contributory elements of a heritage place.</li> <li>• Ensure an appropriate setting and context for heritage places is maintained or enhanced.</li> </ul> <p>The proposed demolition does not retain contributory elements of the heritage place.</p>
Clause 15.03-1L	Heritage	<p>One of the strategies of this clause is to protect significant heritage assets and streetscapes especially in Bacchus Marsh.</p> <p>The proposed demolition removes rather than protects an important heritage feature of the Bacchus Marsh Railway Station.</p>

## ZONE

The subject site is in the Transport Zone 1 (State transport infrastructure). There is no permit requirement for demolition under Clause 36.04 of the Moorabool Planning Scheme.

## OVERLAYS

The subject site is affected by Heritage Overlay, Schedule 168 (Bacchus Marsh Railway Station). Under Clause 43.01-1 a permit is required to demolish or remove a building.

### Relevant Policies

Not applicable.

### Particular Provisions

Not applicable.

## DISCUSSION

Overall, the proposed demolition of a building is not in accordance with the Moorabool Planning Scheme, in particular the Municipal Planning Strategy, Planning Policy Framework, the Heritage Overlay and the decision guidelines at Clause 65.01.

The building proposed to be demolished is the Signal box constructed in 1890, a year later than the adjoining brick railway station building, constructed to a standard design. At three storeys with a 45 lever operating capacity, the Signal Box was a substantial example of its type for what was a rural station in the 1890's indicating the importance of Bacchus Marsh Station as a key intersecting point where trains were diverted off to other lines. The Signal Box has been decommissioned for almost 20 years and there is evidence of neglect and termite attack in elements of the building.

Along with the Bacchus Marsh Station building, the rail line, platform and various other ancillary buildings and structures, the Signal Box is an important part of the heritage place.

Bacchus Marsh Railway Station is included in the Heritage Overlay of the Moorabool Planning Scheme as a place of Individual significance (HO168). Identified in the 1995 *Bacchus Marsh Heritage Study* it has been included on the Heritage Overlay for over 20 years. The Statement of Significance for the Bacchus Marsh Railway Station states:

- A brick railway station complex, built in 1889. including various ancillary buildings and other elements.
- The station complex has local historical significance to Bacchus Marsh for its influence on development of various kinds: agriculture, industry, extraction, tourists, business, housing and hospitality.
- It is of local social significance as a landmark used by the community for orientation. It appears in many photographic views of the town.
- The station also has local historical significance as a transport link to Melbourne and stimulated developments in community life including cultural, educational, sport and entertainment.
- It demonstrates the effect of government action as a stimulus in these areas.
- It has local architectural significance as a characteristic and well-developed example of a building type with all its appearances.
- It has local social significance as a traditional meeting place for arrivals and departures from the town.
- The station complex is of local scientific significance for its potential cultural research site, in archaeological excavation of the two chaff mill sites.

In assessing the proposed demolition against the purpose and decision guidelines of the Heritage Overlay, the application is not supported for the following reasons:

- The proposed demolition is inconsistent with the policy support for protection, enhancement, conservation and adaptive re-use of heritage buildings and places, particularly those which are significant.
- The Signal Box is identified as one of the elements which contributes to the heritage significance of the Bacchus Marsh Railway Station complex. The demolition of one or more elements which contribute to the overall significance of the place and reduces the heritage significance of the place through a loss of integrity and original fabric. Such fabric provides evidence of a previous way of life and operation of the railways from the late 19<sup>th</sup> century through to the early 21<sup>st</sup> century.
- The Statement of Significance clearly identifies the Bacchus Marsh Railway Station (including the Signal Box) as being of heritage significance.
- Local and State heritage policies at Clause 15.03 discourage the demolition of heritage places and encourage the retention, conservation and adaptive re-use of heritage places.
- The demolition of the Signal Box would adversely impact the significance of the Bacchus Marsh Railway Station through reducing the integrity of the overall place as a working country railway station with a range of ancillary buildings. The loss of the Signal Box would also have an adverse aesthetic impact as the Signal Box and Station present an important

public face to the heritage place and demonstrate the early technology associated with the development of the railway.

The proponent acknowledges that the building has been left redundant for many years and has provided an engineer's report which demonstrates that the structural integrity of the place has been compromised by both lack of maintenance and termite attack.

Options set out in the reports indicate that the structural integrity of the building can be made good through repairs and treatment of timbers with preventative termite inoculation. The applicant has preferred the option to demolish rather than remediate.

The objections raised also highlight community interest in preserving this building and retaining its connection the railway station.

Given that remedial works are possible, and an assessment against the relevant provisions of the Moorabool Planning Scheme does not support the proposed demolition, the application is not supported.

### **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 Infrastructure	Consent with conditions.
Council's Heritage Adviser	Refusal.

### **FINANCIAL IMPLICATIONS**

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

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

The recommendation to refuse 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. All submitters and the applicant were invited to attend this meeting and address the Development Assessment Committee if required.

### **OPTIONS**

- Issue a Refusal to Grant a Permit in accordance with the grounds in the recommendation of this report; or
- issue a Notice of Decision to Grant a Permit with conditions. The Development Assessment Committee would need to consider what reasonable justification exists to approve the application under the Moorabool Planning Scheme. This option may result in objectors appealing the Committee's decision at VCAT.

**CONCLUSION**

The proposed demolition of the Signal Box at Bacchus Marsh Railway Station is inconsistent with the relevant provisions of the Moorabool Planning Scheme which seeks to protect, conserve and retain places of identified heritage significance. The demolition would result in the loss of a contributory heritage feature of the Bacchus Marsh Railway Station, adversely affecting the heritage significance of the railway station complex. It is recommended that the application be refused.

James Robson spoke to the Committee as the representative of the applicant to Item 7.5.

## **7.5 PA2023162 - DEVELOPMENT OF A DWELLING AT 6 ELLERSLIE COURT, BACCHUS MARSH**

**Author:** Victoria Mack, Statutory Planner

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

**Attachments:** 1. Plans (under separate cover)

### **APPLICATION SUMMARY**

**Permit No:** PA2023162

**Lodgement Date:** 15 November 2023

**Planning Officer:** Victoria Mack

**Address of the land:** 6 Ellerslie Court, Bacchus Marsh, Lot 43 on PS125692

**Proposal:** Development of a Dwelling

**Lot size:** 2,160sqm

**Why is a permit required?** Clause 42.02 - Environmental Significance Overlay and Schedule 2 - Buildings and works

### **MOTION**

#### **COMMITTEE RESOLUTION**

Moved: Cr Rod Ward

Seconded: Cr David Edwards

**That 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 PA2023162 for the Development of a Dwelling at 6 Ellerslie Court, Bacchus Marsh, subject to the following conditions:**

**Endorsed plans:**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Revised landscape plan in accordance with Condition 8.**
  - b) Minimum building setback of 4.1m to achieve compliance with Condition 8 a).****

**Development Infrastructure:**

- 2. 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.**
- 3. An urban vehicle crossing must be provided on Ellerslie Court 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 urban vehicle crossover is to be generally in accordance with Standard Drawing 240 or Standard Drawing 245 of the Infrastructure Design Manual unless an alternative approval has been approved through the vehicle cross over permit.

4. The common driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
5. Stormwater from the development must be self-draining and must be directed to a 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.
6. 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.
7. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

**Landscaping:**

8. Before the development starts, a revised 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. The landscape plan must be generally in accordance with the landscape plan dated June 2024 prepared by CGG Design, except that the plan must show:
  - a) Building areas must be setback from all trees to sufficiently protect tree root zones identified by a qualified arborist.
  - b) The Identification of the three additional trees or plants to be removed in the driveway area.
9. 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.
10. 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.

**Native vegetation:**

11. Unless exempt from planning approval, no tree shall be removed without the consent of the Responsible Authority.

**Permit expiry:****12. The permit will expire if:**

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

**CARRIED**

<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of objections:	Three, with two subsequently withdrawn.
Consultation meeting:	Online consultation on 16 April 2024, however no resolution was achieved.

**POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods****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 – Victoria Mack*

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

**EXECUTIVE SUMMARY**

Application referred?	Referred to Council's Environment, Emergency and Waste Management Services and Development Infrastructure.
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Any issues raised in referral responses?	Council's Development Infrastructure requested further information relating to the shared driveway by both the subject site and number 5 Ellerslie Court.
Preliminary concerns?	A site visit revealed that the existing dwelling and a swimming pool had been demolished and the site cleared of all vegetation. The tree removal was conducted in breach of the Moorabool Planning Scheme. A separate planning enforcement investigation was undertaken, and a planning infringement notice was issued.
Any discussions with applicant regarding concerns?	Tree removal without a planning permit was discussed with the applicant. It was noted that an arborist assessment was provided with the application documenting the 27 mature trees and shrubs that had subsequently been removed.
Any changes made to the application since being lodged?	An amended existing conditions plan was provided showing the site had been cleared.  Further amended plans were submitted showing the building height reduced and an amended landscaping plan was provided.
Brief history.	The site did contain a four-bedroom brick veneer single storey dwelling in an established garden setting with a swimming pool and sundry small outbuildings.
Previous applications for the site?	None recorded.
General summary.	The application is for a double storey dwelling on a vacant lot covered by an Environmental Significance Overlay Schedule 2. The site is within 100m of the Werribee River where the protection of the waterway and surrounds is a primary planning consideration.  The proposal has been amended with a reduced dwelling height and an improved landscape plan with the provision of canopy trees.  It now generally complies with the objectives of the Environmental Significance Overlay, Schedule 2.  Subject to sufficient building setbacks to allow for the growth of the canopy trees, the proposal development could 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 Planning Permit PA2023162 for the Development of a Dwelling at 6 Ellerslie Court, Bacchus Marsh, otherwise known as Lot 43 on PS125692, in accordance with the conditions contained within this report.	



## SITE DESCRIPTION

The site is located approximately 1km southeast of the centre of the Bacchus Marsh township, via Lord Street and McGrath Street. The surrounding streetscape is leafy and spacious with lots generally similar in size to the subject site and generally comprised of single storey dwellings with generous front setbacks and a lack of front fences. The Werribee River is located on the southern side of the site with a wide river corridor containing a public walkway. The Werribee River riparian corridor is generally well vegetated along this section with native trees and understorey species.

The subject site is located at the southern end of Ellerslie Court. It is flat and irregular in shape with an area of 2,160sqm. Access is from Ellerslie Court via a 5m wide and 45m long driveway which is parallel to a similar driveway that services the neighbouring dwelling on the east side at 5 Ellerslie Court.

A four-bedroom brick veneer single storey dwelling, swimming pool, small garden sheds and all vegetation were removed from the site in late 2023.



**Figure 1:** Aerial photo of the subject site and surrounds



Figure 2: Previous dwelling and tree locations (before demolition and clearing of the land)



Figure 3: Zone Map

**PROPOSAL**

It is proposed to construct a double storey dwelling on the site which would comprise three distinct pavilions in a H-shaped building arrangement. The dwelling would consist of four bedrooms, living areas, amenities, personal dance studio, swimming pool, alfresco dining and a five car space garage.

The site would be landscaped predominantly with native vegetation including trees shrubs and understorey species.



**Figure 4:** Ground floor plan

### BACKGROUND TO CURRENT PROPOSAL

The existing four-bedroom brick veneer single storey dwelling and swimming pool were demolished, and the site cleared of all vegetation in late 2023 including 27 mature native trees and shrubs. The tree removal was undertaken without planning approval. A separate planning enforcement infringement notice was issued and paid by the landowner.

Council considered this current planning application at the Development Assessment Committee meeting held on 19 June 2024. The officer recommendation was a refusal to grant a planning permit with the following grounds:

1. The proposal does not comply with the objectives of Clause 42.02 (Environmental Significance Overlay and Schedule 2) of the Moorabool Planning Scheme.
2. The proposal does not adequately respond to the preferred neighbourhood character (Precinct 21) in accordance with Housing Bacchus Marsh to 2041 (Mesh,2018) and Clause 11.01-1L-02 (Bacchus Marsh).
3. The proposal does not comply with neighbourhood character and landscape objectives of Clause 11.01-1L-02, Clause 15.01-2S, Clause 15.01-2L-01 and Clause 15.01-5L of the Moorabool Planning Scheme.
4. The proposal does not represent orderly planning for this area.

It was determined to defer a decision and to allow more time for the applicant to address the concerns raised by officers. The applicant submitted revised development plans including an amended landscape plan on 25 June 2024.

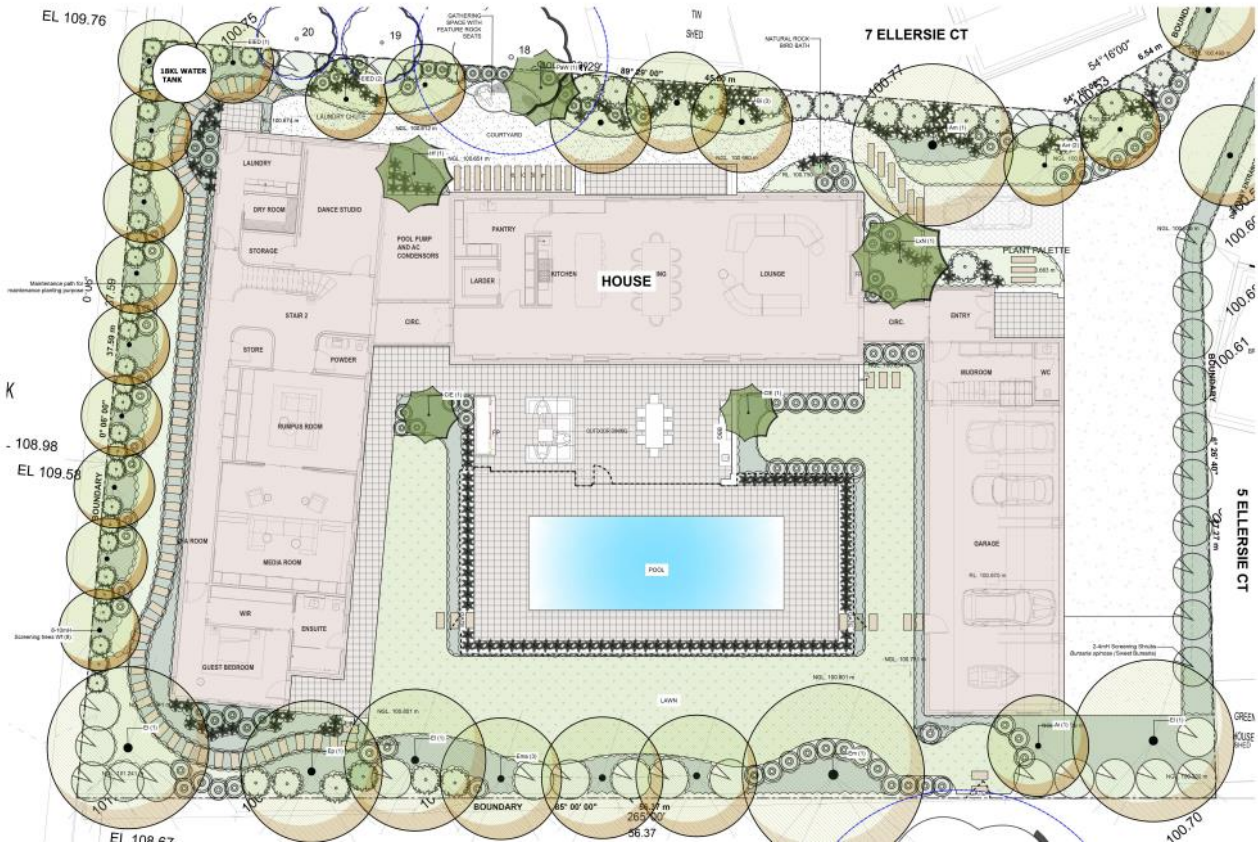


Figure 5: Amended landscape plan received June 2024

**PUBLIC NOTICE**

The application was notified by letter to adjoining and surrounding landowners and a notice placed on the site for a minimum period of 14 days. Three objections were received. Two objections were subsequently withdrawn.

The amended plans were re-advertised by letter to the remaining objector.

**SUMMARY OF OBJECTIONS**

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

Objection	Any Relevant Requirement
If a commercial business, the dance studio would create amenity concerns including traffic and safety issues in Ellerslie Court.	
<b>Officer’s Response:</b> The applicant has confirmed that the dance studio is for private purposes only. No commercial dance classes are proposed.	
The proposed height of the building would unnecessarily impact on our property.	Building design (Clause 15.01-2S and Clause 15.01-2L-01)  Landscape and neighbourhood character (Clause 15.01-5L)
<b>Officer’s Response:</b> The revised plans have reduced overall building height and will not dominate surrounding dwellings due to the extensive tree canopies proposed along the	

property boundaries.	
The proposal is not in accordance with Neighbourhood character objectives of Precinct 21 or those contained in the Moorabool Planning Scheme for the NRZ4.	Bacchus Marsh (Clause 11.01-1L-02) Landscape and neighbourhood character (Clause 15.01-5L)
<b>Officer's Response:</b> The proposed landscaping treatments as shown in the amended landscape plan will provide for a tree canopy backdrop along the property boundaries allowing the development to integrate with the existing neighbourhood character.	
Concern that the location and noise from pool pumps and air conditioning condensers would impact on neighbouring dwellings private open space.	Environmental Protection Authority (EPA)
<b>Officer's Response:</b> EPA regulations govern noise from mechanical equipment in residential areas.	
All the vegetation has already been cleared from the lot. It is not clear in the landscape plan, and the concept plan if the significant sized trees that were removed will be replaced. What will happen to the large gum tree that is at the front of the driveway (street end) as the landscape concept plan does not show this tree.	Environmental Significance Overlay, Schedule 2 Building design (Clause 15.01-2S and Clause 15.01-2L-01) Landscape and neighbourhood character (Clause 15.01-5L)
<b>Officer's Response:</b> The amended landscape plan aims to replace the trees and shrubs that have been removed.	
The landscape plan shows that only a few larger sized trees are proposed. All are on the boundaries and would grow into neighboring lots. It is not clear what tree is being planted where.	Environmental Significance Overlay, Schedule 2 Building design (Clause 15.01-2S and Clause 15.01-2L-01) Landscape and neighbourhood character (Clause 15.01-5L)
<b>Officer's Response:</b> The amended landscape plan has provided several canopy trees and nominated the exact plant species.	
The concerns are that the landscape plan sits very close to being non-compliant with the minimum landscape requirements?	Environmental Significance Overlay, Schedule 2 Building design (Clause 15.01-2S and Clause 15.01-2L-01) Landscape and neighbourhood character (Clause 15.01-5L)
<b>Officer's Response:</b> The amended landscape plan has provided extensive landscaping and with adequate building setbacks will create an effective landscaped corridor with an abuttal to a river environment.	

<p>An aerial view of the immediate area shows open spaces, trees, vegetation, and very generous setbacks on all the lots in the precinct. The Moorabool neighbourhood character precinct 21 cites an existing neighbourhood character of 20% site coverage. The preferred character statements aim to maintain the open and spacious character of the neighbourhood. This has not been achieved with this development.</p>	
<p><b>Officer's Response:</b> With the amended landscaping plan and the requirement for building setbacks will maintain the open and spacious character of the neighbourhood.</p>	

### PLANNING SCHEME PROVISIONS

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

The relevant clauses are:

- Clause 11.01-1L-02 – Bacchus Marsh
- Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 12.05-2S – Landscapes
- Clause 14.02-2S – Water quality
- Clause 15.01-2S – Building design
- Clause 15.01-2L-01 – Building design
- Clause 15.01-5L – Landscape and neighbourhood character.

The proposal complies with the relevant sections of the PPF and MPS, with the exception of the clause in the table below:

PPF	Title	Response
Clause 12.03-1S	River and riparian corridors	<p>This policy in part states that design and site development should maintain and enhance the natural environment of waterway systems by:</p> <ul style="list-style-type: none"> <li>• Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.</li> <li>• Ensuring development is visually subordinate to the local landscape setting, including, through the use of vegetation to filter views of development.</li> </ul> <p>The site has been cleared of vegetation and it will take some time for new landscaping treatments to soften the</p>

		impact of the dwelling when viewed from the river corridor landscape.
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**ZONE**Neighbourhood Residential Zone, Schedule 4 (NRZ4)

A permit is not required for the development of a single dwelling on a lot in accordance with Clause 32.09-2.

**OVERLAYS**Environmental Significance Overlay, Schedule 2 (ESO2) – Waterway protection

A permit is required for buildings and works within the ESO2, being within 100m of the Werribee River. The ESO2 covers the whole of the subject property.

Environmental objectives to be achieved

- To protect the habitat significance of vegetation.
- To provide for appropriate development of land within 100m of either side of a waterway.
- To prevent pollution and increased turbidity of water in natural waterways.
- To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of waterways.
- To conserve existing flora and fauna habitats close to waterways and to encourage generation and regeneration of habitats.

**RELEVANT POLICIES**

No relevant policies apply to this application.

**Particular Provisions**

No particular provisions apply to this application.

**DISCUSSION**Neighbourhood character

Clause 11.01-1L-02 (Bacchus Marsh) requires the responsible authority consider *Housing Bacchus Marsh to 2041 (Mesh,2018)* which identifies the subject site in Precinct 21 on the Bacchus Marsh Residential Settlement Framework Plan.

The preferred neighbourhood character of Precinct 21 is to (amongst other things) maintain generous setbacks around the dwelling, built form which occupies a low proportion of the site to allow for openness landscaping and vegetation to dominate the lots.

The proposal achieves neighbourhood character objectives as outlined in Clause 11.01-1L-02, Clause 15.01-2S, Clause 15.01-2L-01 and Clause 15.01-5L by allowing adequate space for tree planting to enhance the existing landscape as a priority. The new canopy trees are concentrated along the property boundaries and adjacent to the river corridor.

Vegetation and landscaping

Whilst a retrospective application for vegetation removal cannot be made for vegetation which has already been destroyed, the existing vegetation and vegetation characteristics of the area can be considered when considering the proposed buildings and works.

The site has recently been cleared of all vegetation which included 27 native trees and shrubs. As such, the proposed buildings and works do not minimise the disturbance of native vegetation.

The new landscaping treatments including the canopy trees allow an opportunity to maintain the landscape character. When established, the trees will provide an effective tree canopy backdrop and will screen the new double storey dwelling. There will be a condition that the landscaping treatments are maintained to the satisfaction of the Responsible Authority. To ensure the large trees have sufficient space for growth, there will be an amended plans requirement for a minimum building setback in accordance with an arborist assessment.

Waterways Protection

Clause 12.03-1S of the Moorabool Planning Scheme relating to River and riparian corridors states that design and site development should maintain and enhance the natural environment of waterway systems by minimising the visual intrusion of development on the natural landscape views from public open space and within waterway systems themselves. The policy also aims to ensure development is visually subordinate to the local landscape setting, including, through the use of vegetation to filter views of development, and ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.

The future canopy trees as shown on the amended landscape plan will provide for a subordinate development in a local landscaping setting.

The amended landscape plan allows support for a double storey dwelling with a large building footprint.

**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.
Environment, Emergency and Waste Management	Consent.

**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 if required.

**OPTIONS**

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

**CONCLUSION**

The application is for buildings and works adjacent to river corridor. The amended landscape plan will meet the neighbourhood and landscape objectives and strategies of the Moorabool Planning Scheme once established. Subject to a requirement that a building setback from the recommendations of an arborist from the boundaries is provided for landscaping growth, the proposed double storey development should be supported in compliance with the objectives of the Environmental Significance Overlay Schedule 2.

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

Nil.

**9 UPDATE ON VCAT DECISIONS**

Nil.

**10 OTHER BUSINESS**

Cr Tatchell sought an update on Golden Fries, 12 Aerodrome Road, Parwan. Mr Lovell advised that the applicant has received an amended Planning Permit to allow for a limited operation with regard to their trade waste onsite for a period of six months while they make arrangements with Greater Western Water to connect to the treatment plant. Cr Tatchell asked what the arrangement is in terms of EPA compliance and is Council provided with a report. Mr Lovell advised that the temporary facility has approval from Environmental Health and Greater Western Water and it is only a temporary arrangement and the applicant is going through the process to achieve the connection to the Greater Western Water Treatment Plant and the works will take between four to six weeks.

**11 DATE OF NEXT MEETING**

Wednesday 11 September 2024.

**12 MEETING CLOSE**

The Meeting closed at 7.06pm.

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**CHAIRPERSON**