



Ararat Rural City

AGENDA

UNSCHEDULED COUNCIL MEETING

Tuesday 11 January 2021

To be held in the Alexandra Oval Community Centre
1 Waratah Avenue, Ararat
(Livestreamed)

Commencing at 5.00pm

Council:

Cr Jo Armstrong (Mayor)

Cr Gwenda Allgood

Cr Rob Armstrong

Cr Peter Beales

Cr Henry Burridge

Cr Bob Sanders

Cr Bill Waterston



Ararat Rural City

A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting.

The recording is being streamed live via Facebook, to improve transparency between council and the community and give more people the opportunity to view what decisions are being made. You do not require a Facebook account to watch the live broadcast, simply enter www.facebook.com/araratruralcitycouncil into your address bar.

Recordings of Council Meetings (excluding closed sessions) are made available on Council's website.



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SECTION 1 – PROCEDURAL MATTERS

1.1 LIVE STREAMING

Council is keen to engage with members of the community and live streams the formal Council Meetings to make them accessible. The stream is available to view on Council's Facebook page from 6pm and on Council's website following the Council Meeting.

1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

Traditional acknowledgement

We acknowledge the traditional owners of the land on which we meet today, and pay our respects to their elders, past, present and emerging.

Opening Prayer

Almighty God, we humbly ask you to help us, as elected Councillors of the Ararat Rural City Council. Guide our deliberations. Prosper what is your will for us, to your honour and glory and for the welfare and benefit of the people whom we serve in the Ararat Rural City.

Councillors Pledge

We will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions invested in us under the *Local Government Act 2020* and any other Act to the best of our skill and judgement.

1.3 APOLOGIES

RECOMMENDATION (if required)

That the apology of Cr be accepted.

1.4 DECLARATION OF CONFLICT OF INTEREST

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - name of the other person;
 - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - nature of that other person's interest in the matter,and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

SECTION 2 – REPORTS REQUIRING COUNCIL DECISION

2.1 APPLICATION FOR PLANNING PERMIT 02841

RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY AND COMPLIANCE
DEPARTMENT: PLANNING, COMMUNITY AND COMPLIANCE
REFERENCE: 4308

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

PURPOSE

Consideration of Application for Planning Permit No. PA3042.

EXECUTIVE SUMMARY

Application for Planning Permit No. PA3042 was lodged by Stephanie Durant of Inception Planning for the construction of multiple dwellings on a lot, staged multi lot subdivision and an associated reduction in car parking requirements at 137-139 Grano Street Ararat, being Crown Allotment 4 Section 53 Township of Ararat Parish of Ararat.

The land is zoned Mixed Use Zone (MUZ) and also covered by the Bushfire Management Overlay (BMO).

Notice of application was carried out by forwarding notices to the owners and occupiers in the area and advertising in the *Ararat Advertiser*. Following the fourteen-day period, four objections were received for the application, with the primary concern being the intensity of a fifty-four (54) dwelling development given the existing context of the area.

A Request was made for Further Information which was insufficiently responded to by the applicant.

A subsequent further request was made, and a consultation meeting held with applicant to discuss Council's comments and the information sought within the second Request for Further Information dated 19 October 2021.

The plans were subsequently revised by the applicant to address Council's concerns and provide compliance with the requirements of ResCode (Clause 55 and Clause 56). These changes resulted in a reduction in dwellings to forty-six (46) dwellings.

The revised plans were provided to the objectors for their consideration and referred to all relevant internal and external authorities for comment. No objectors have requested to withdraw their objection based on the revised plans.

The proposal represents an opportunity to diversify housing stock and increase housing affordability within Ararat. By doing so, the development supports the local economic growth of this mixed-use area as these dwellings are ideal for visitor and worker accommodation, although they are not specifically developed for only these potential residents.

Upon the plan revisions, the development now provides a high level of compliance with the Planning Scheme design and subdivision provisions in Clause 55 and Clause 56. Additionally, the application also has a high level of compliance with the design guidelines under Clause 52.06- Car parking, as plan revisions have also provided

substantial changes to the minimum dimensions for car parking and accessways to allow for safe and efficient ingress and egress.

Whilst additional documentation has also been provided in support of this application, the context of this application remains the primary issue for consideration. Although the subject site is identified for an area of mixed use and encourages high dwelling densities, it sits abutting a Rural Living Zone and so this development would be the catalyst to start the transition of this mixed-use area into a growing hub and move away from the sole rural living context that currently exists.

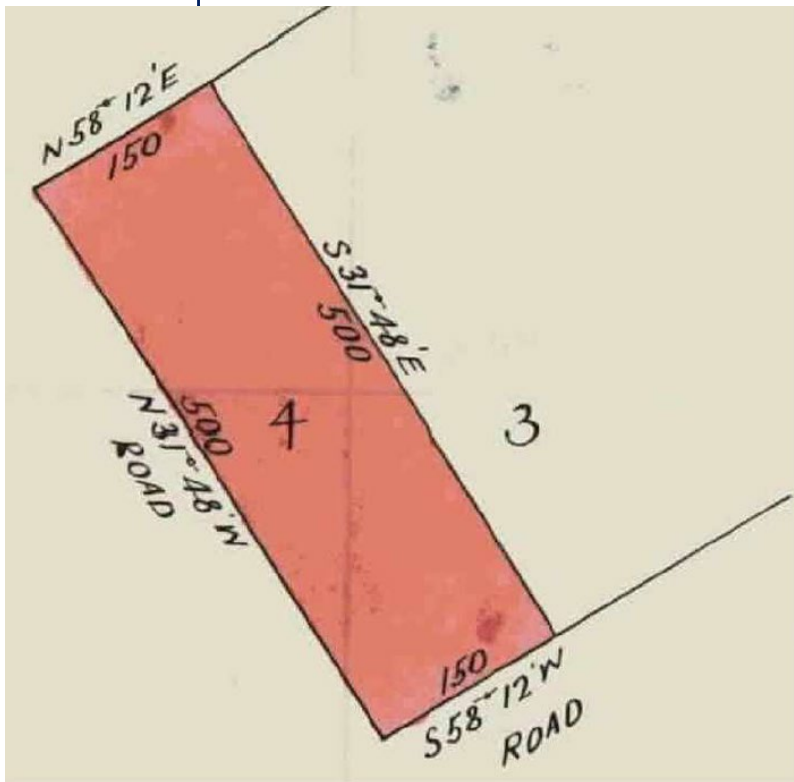
BACKGROUND AND CONTEXT

Application Site

An application has been received for 137-139 Grano Street Ararat, herein known as the "subject site".

The subject site is formally known as Crown Allotment 4 Section 53 Township of Ararat Parish of Ararat, and there are no restrictive covenants, Section 173 Agreements or easements registered on title, or restrictions that would prevent the proposed development.

Title Plan Excerpt



The subject site is regular in shape and approximately 7072sqm in size. The property has three road frontages, Grano Street to the south, Burn Street to the west and Hargreaves Road (unmade) to the north and is currently vacant, although a dwelling was previously located on the property.

The land has a slight fall towards the southern corner along the Burn Street boundary. Overall, the property is void of any substantial vegetation, although there are a few mature trees along the boundary lines of the abutting land and a planted street tree (Queensland Box) in the Road Reserve on Burn Street. Part of the property is fenced off with standard wire fencing.

The property is surrounded by substantial verges on three sides, which is currently grassed and used for pedestrian access and street parking when required. These grassed verges are standard along rural local roads, with no kerb or channel to facilitate stormwater run-off or pedestrian paths to assist in access for those residents with limited mobility.

Aerial View of Subject Site



Street View of Subject Site from Grano Street



Surrounding Area

The subject site is located approximately to 2.5km northeast of the centre of Ararat - see green marker below. The subject site is within close proximity to a variety of services and facilities, including:

- Sporting facilities – Aradale Golf Club, Aradale Bowls Club, Ararat Pistol Club
- Tourism destinations – Aradale Asylum
- Parks and Reserves – Flint Hill Public Recreation Reserve
- Public Transport – Bus route along Grano Street (Route #3)
- Melbourne Polytechnic Ararat Campus

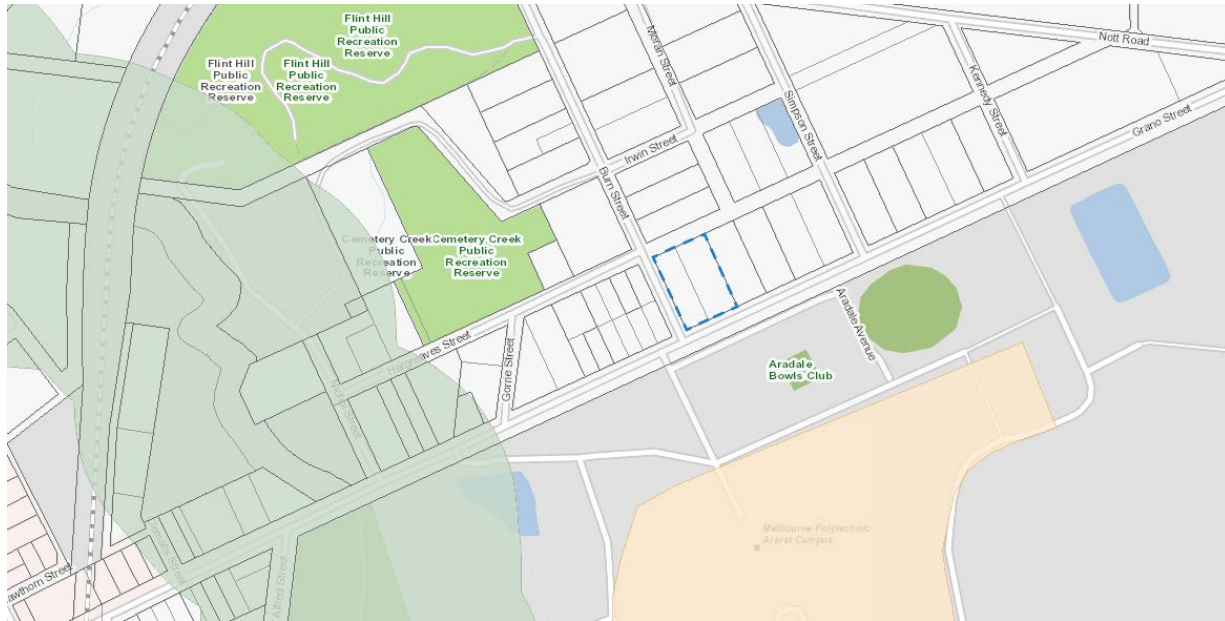
Locality Map



To the north land is zoned Rural Living and comprise approximately 3000 sq metre lots with dwellings and associated shedding. To the west, are also zoned Mixed Use and comprise lots of approximately 1000 square metres and to the east lots are approximately 4000 square metres in area. Adjacent to the site land is zoned Special Use and there are a number of dwellings fronting Grano Street on parcels of around 700 square metres in area.

The subject site is outside of any area of Aboriginal Cultural Heritage Sensitivity (see green below), however there is some areas of sensitivity to the west of the subject site, running along Cemetery Creek.

Aboriginal Cultural Heritage Sensitivity Map



PROPOSAL

An application has been received for the construction of forty-six (46) dwellings, staged multi lot subdivision, and associated reduction in car parking requirements and removal of a street tree within the Burn Street Road reserve.

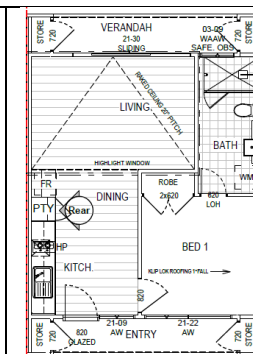
The proposed development includes three types of housing stock, which are all either one- or two-bedroom dwellings and noted as TH1, TH2 or TH3. All dwellings are single storey and provide a minimum of 25sqm secluded private open space which is easily access from the living area, although the majority of dwellings exceed that minimum Secluded Private Open Space requirement.

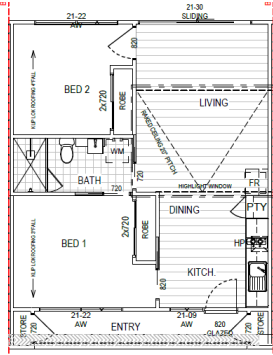
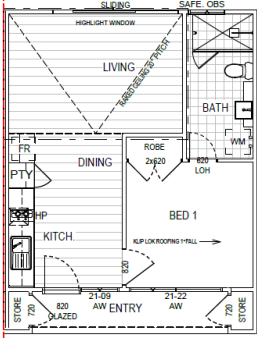
The built form is contemporary, single storey with mono pitched roofs and celestorey windows to maximise natural light. External materials include Colourbond cladding in night sky with timber shiplapped cladding in a natural finish for the walls.

Each dwelling type is slightly different in what they provide as discussed below:

TH1 includes:

- Total sized of 52sqm;
- Entry porch and rear verandah;
- Kitchen and dining area upon entry;
- One bedroom located at the front of the dwelling;
- One bathroom that is accessed via the bedroom;
- Living area at the rear;
- SPOS at the rear - accessed via the living room;
- Externally accessible storage areas.

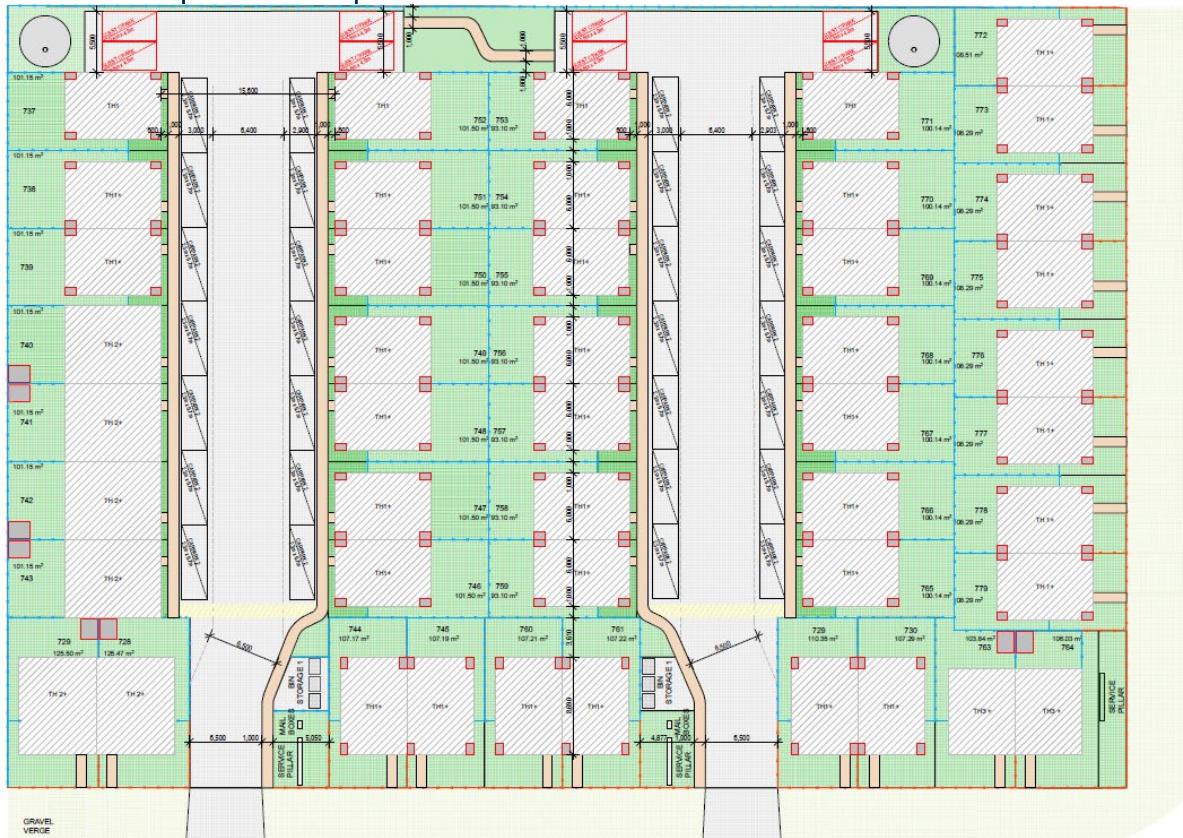


<p>TH2 includes:</p> <ul style="list-style-type: none"> • Total sized of 60sqm; • Entry porch; • Kitchen and dining area upon entry; • One bedroom located at the front of the dwelling; • One bathroom that is accessed via living area and Bedroom 1; • Living area at the rear; • Second bedroom at the rear • SPOS at the rear - accessed via the living room; • Externally accessible storage areas 	
<p>TH3 includes:</p> <ul style="list-style-type: none"> • Total sized of 46sqm; • Entry porch; • Kitchen and dining area upon entry; • One bedroom located at the front of the dwelling; • One bathroom that is accessed via the bedroom; • Living area at the rear; • SPOS at the rear that is accessed via the living room; • Externally accessible storage areas. 	

The on-site access arrangements include two double width crossovers and accessways to provide vehicle access to all twenty-eight (28) internal dwellings and the visitor parking areas located along the common boundary with 145 Grano Street. Overall, the proposal provides thirty-six (36) car spaces, with 8 being set aside for visitor parking. As the development proposes forty-six (46) 1–2-bedroom dwellings, the total car parking requirement is fifty five (55) parking spaces, including 9 spaces for visitors. As such, the application seeks planning approval for a waiver of 19 spaces (including 1 visitor space).

All internal dwellings have a car parking space located directly outside, with pedestrian paths and landscaping found along each side of both shared accessways to provide separation between the shared accessways and each internal dwelling’s entry. There is also landscaped area located between the two visitor parking areas to enhance pedestrian connectivity throughout the development, while also providing additional amenity for the residents that will stay on site.

Site Plan of Proposed Development



Perspective Image of Proposed Development



The proposal also includes staged multi lot subdivision with the site development, proposed to be developed in three stages - Stage 1 is located centrally, with Stage 2 along Grano Street and Stage 3 along Hargreaves Street. Only Stage 3 is proposed to have a common driveway; Stage 1 with its shared accessway being retained as one large lot and not subdivided into the individual dwellings, as proposed with Stage 3.

Site Plan of Proposed Staging



The location of a street tree along the Burn Street reserve is directly in line with the location of the crossover for Stage 1. This tree is required to be removed. As the tree is a planted street tree that is not indigenous to Victoria, planning approval under Clause 52.17 is not required for the removal of the tree.

The applicant has also submitted a Waste Management Plan and Swept Path diagrams as further supporting evidence for this application.

Notice of Application

Notice of application was carried out in accordance with Section 52 of the *Planning and Environment Act 1987* by forwarding notices to 20 surrounding owners and occupiers, as well as placing public notice in the *Ararat Advertiser* on Friday 13 August 2021.

Objections have been received from three local residents, as well as one landowner who owns a property in the immediate area, although their residential address is listed as the inner west of Metropolitan Melbourne.

In accordance with the Section 60 of the *Planning and Environment Act 1987* the Responsible Authority must consider '*all objections and other submissions which are received, and which have not been withdrawn*'.

The application was revised after notice to provide a better planning outcome and a high level of compliance with the relevant planning policies. These revised plans were subsequently submitted to all objectors for comment, with no objections being subsequently withdrawn. As such, the application has retained four (4) objections during the post notice assessment process and preparation of this report.

All objections are discussed elsewhere in this report.

Referrals

The application was forwarded to a range of external and internal agencies for feedback. A summary of the responses from these agencies were as follows:

Agency / Organisation	Response
External State Agencies	
CFA	No objection subject to conditions
GMW Water	No objection subject to conditions
Powercor	No objection subject to conditions
Downer	No objection subject to conditions
Internal Council Teams	
Assets	No objection subject to conditions
Waste and Sustainability	No objection
Parks and Gardens	No objection subject to conditions
Rates	No objection

Previous Relevant Applications

An application was received by Council in July 2013 for the 31-lot subdivision and the development of 24 dwellings. This application was registered in the system and given planning permit number 2339.

At the end of July 2013, a RFI letter was submitted to applicant, which also included Council's concern with the application.

After granting an extension of time to the lapse date in October 2013, the applicant submitted revised and additional plans in Jan 2014. The application proceeded to notice in February 2014 and two objections were received.

Although mediation was requested by Council at this time, it was denied by the applicant. Council proceeded with its assessment of the application against the relevant planning policies within the Ararat Planning Scheme

and a Notice of Decision to Grant a Permit subject to conditions (including amendments to the development plans) was prepared and provided to all parties in April 2014.

One of the objectors chose to take the matter to VCAT, and in January 2015 the application was heard at VCAT with Philip Martin presiding. In March 2015, VCAT confirmed that upon due consideration, they had determined to set aside Council's decision to grant a permit and no permit was issued.

There have been no further planning permit applications submitted to Council for this land since this date.

PLANNING POLICIES AND DISCUSSION

Planning Scheme Provisions

The subject site is zoned Mixed Use Zone, with a Bushfire Management Overlay.

The planning application results in multiple planning triggers and therefore multiple planning assessments that need to be considered. The application requires planning approval for the following:

- Construction of two or more dwellings on a lot (Clause 32.04 - Mixed Use Zone);
- Construct a building or construct or carry out works associated with an accommodation use (Clause 44.06 – Bushfire Management Overlay);
- Staged multi lot subdivision (Clause 32.04 - Mixed Use Zone and Clause 44.06 – Bushfire Management Overlay) and
- Reduction in the on-site car parking requirements for a forty-six (46) dwelling development (seeking waiver for 19 spaces) (Clause 52.06 – Car Parking).

Planning Policy Framework

The relevant provisions of the Planning Policy Framework and local clauses within Planning Policy Framework of the Ararat Planning Scheme are as follows:

Clause 11.01-1S – Settlement seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Relevant Strategies:

- *Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.*
- *Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Plan for development and investment opportunities along existing and planned transport infrastructure*
- *Limit urban sprawl and direct growth into existing settlements.*
- *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*
- *Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.*

Clause 11.01-1L – Settlement (Ararat Rural City)

Relevant Strategies:

- *Encourage towns to develop in accordance with the framework plans forming part of this clause (Mixed Use)*
- *Direct growth to locations where transport infrastructure and services are available.*
- *Provide a range of housing choices in Ararat through medium density and affordable housing opportunities.*

Clause 11.02-1S – Supply of Urban Land seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Relevant Strategies:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur. (Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.)*
- *Restrict rural residential development that would compromise future development at higher densities.*

Clause 12.01-2S – Native Vegetation Management seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Relevant Strategies:

- Ensure decisions that involve the removal of native vegetation apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of vegetation* (Department of Environment, Land, Water and Planning, 2017).

Clause 13.02-1S – Bushfire Planning seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Relevant Strategies:

- *Give priority to the protection of human life by:*
 - *Prioritising the protection of human life over all other policy considerations.*
 - *Directing population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
 - *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

Clause 15.01-1S – Urban Design seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity

Relevant Strategies:

- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 15.01-3S – Subdivision Design seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Relevant Strategies:

- *In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create livable and sustainable communities by:*
 - *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
 - *Creating urban places with a strong sense of place that are functional, safe and attractive.*
 - *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*

Clause 15.01-4S – Healthy Neighbourhoods seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.

Relevant Strategies:

- *Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing accessibly located public transport stops.*

Clause 15.01-5S – Neighbourhood Character seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Relevant Strategies:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.*

Clause 15.01-6S – Design for Rural Areas seeks to ensure development respects valued areas of rural character.

Relevant Strategies:

- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

Clause 15.02-1S – Energy and Resource Efficiency seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Relevant Strategies:

- *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.*

Clause 16.01-1S – Housing Supply seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Relevant Strategies:

- *Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*

- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*
- *Support opportunities for a range of income groups to choose housing in well-served locations.*
- *Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

Clause 16.01-2S – Housing Affordability seeks to deliver more affordable housing closer to jobs, transport and services.

Relevant Strategies:

- *Improve housing affordability by:*
 - *Ensuring land supply continues to be sufficient to meet demand.*
 - *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
 - *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*
- *Increase the supply of well-located affordable housing by:*
 - *Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.*

Clause 17.01-1S – Diversified Economy seeks to strengthen and diversify the economy.

Relevant Strategies:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*
- *Support rural economies to grow and diversify.*

Strategic Consideration and Merit

The Council's *Ararat Sustainable Growth Future Report (February 2014)* is an essential strategic planning document in relation to Clause 11 – Settlement and was used as the basis to the preparation of Clause 11.01-1L – Settlement (Ararat Rural City). This report discussed the Ararat Rural City context, the framework for both residential and non-residential land, in addition to Council's sustainable growth plan and vision for the future of Ararat.

Within this documentation, the subject site is discussed under both residential and non-residential land due to its Mixed-Use Zone.

The report indicates that *"the substantial majority of dwellings in the municipality are separate houses (93%) with only 4% being flat, unit or apartment type dwellings (ABS 2011)."* At the time of the preparation of this report, the average household size was 2.44 people and as such, a variety in housing supply is required to provide diversity for the residents of Ararat and provide accommodation options that would better meet the wider community's needs.

Additionally, the report notes that demand projections range between 30 - 53 new dwellings per annum over the next 20 years and it is expected that the majority of these dwellings will be constructed in the Ararat Township. Council also notes that this report was prepared prior to the emergence of the COVID global pandemic in 2020, which has resulted in many Victorian citizens wanting to relocate to a rural city whether it be for lifestyle changes or work opportunities, further straining housing supply and adding to the dwelling demand within the area.

Given the increase in housing demand, in addition to the smaller scaled average household size, a development that would assist in both these housing concerns, would be of great benefit to the continued growth of the Ararat community.

The report also indicates a strong demand for land with non-residential uses. This report indicates a *“demand for an additional 676sqm of commercial office space is expected by 2031. The majority of floorspace demand will come from the ‘Public Administration and Safety’ sector (53%) via the prison redevelopment.*

Additionally, economy growth is also being driven by local industry and the report indicates that *“organic growth is driven by population increase which will increase the customer base for local services that require industrial land, as well as the employment base for industrial businesses.”*

Given the subject site located within a mixed-use precinct and is in proximity to various larger employment opportunities, like the abattoir, Gasons (who manufacture wood heaters and other steel products) and Hopkins Correctional Facility, the location of this application and affordability provided by smaller dwellings make the development ideal for worker accommodation. Further, as Ararat relies on its tourism revenue to assist in growing its local economy, the application is also ideal for visitor accommodation or anyone who has a need for short stay accommodation.

Overall, the provision for a variety of housing stock that is outside of single dwelling homes (especially those that are on larger blocks) is essential to the growth of Ararat’s local community and economy. As such, the property has been zoned mixed use to allow for development of the land and facilitate high densities while also supporting the local economy. If Council was to continuously delay the commencement of growth of this area it will significantly impact the local economy and the strength of the community in the future, with residents likely to seek other rural opportunities to combine a rural city with the employment opportunities and commercial facilities and services that one expects within a well-established township.

Discussion of the Planning Policy Framework

In addition to the discussion of the application’s strategic merit and subsequent alignment with Clause 11 Settlement as noted above, the proposal aligns with the other relevant Planning Policy Framework clauses. Two State Planning Policy Framework clauses that are essential to the assessment of this application are Clause 15 (Built Environment and Heritage) and Clause 16 (Housing).

Clause 15 provides strategies and further details on how to ensure good urban and subdivision design, while also focusing on developing healthy communities and a neighbourhood character that reflects Council vision for the area.

During the planning process, the application was revised to provide publicly accessible private spaces that are of a high standard, while also ensuring public safety through the provision of two pedestrian walkways along each shared accessway. This level of safety will be retained throughout the evening with the provision of on-site lighting along public areas.

With the exception of Stage 1, the subdivision design has largely aligned with the development plans and provides lot sizes to suit a different type of dwelling from the standard single dwelling (which is most commonly found within Ararat). This variety of housing stock has been proposed to meet the needs and lifestyles of different groups of people.

The application clearly deviates from the existing neighbourhood character; however, the existing Rural Living neighbourhood character is not what is envisaged for the future of this area, hence the Mixed-Use Zone. The application is an example of the preferred neighborhood character for these types of developments, with higher densities as the area changes to accommodate future growth, while providing low lying built forms to ensure that development does not compete with the views of the wider landscape.

Clause 16 provides strategies and further details on how to ensure good housing supply, diverse housing stock and affordability, which the essential concept behind this application. As discussed previously, a standard single

dwelling on a lot accounts for over 90% of the housing stock within Ararat. With a small average household size, couples and singles are having to move into standard family homes or dwellings that are larger than they desire or require. Additionally, workers and visitors are having to do the same. This is not always a feasible option and therefore the growth of the local community and economy suffers.

The provision for dwellings that are smaller in size, while still providing a high level of compliance with all the internal and external amenity requirements for a medium density development is a good opportunity to redefine housing options within Ararat, while providing affordability for those that wish to enter the local property market, that may not have been able to otherwise.

While the site is located 2.5km from the City Centre, it is well serviced by open spaces including the golf course, bowling club and Melbourne Polytechnic on the opposite side of Grano Street and the Cemetery Creek Public Recreation Reserve within 140 metres along Hargreaves Street and Flint Hill Public Recreation Reserve 360 metres to the northwest of the site.

Access to shops and services etc are available via the local bus route (Route #3) along Grano Street, by car or by foot (2.5-3km).

Clause 12.01 discusses native vegetation management and requires the three-step process when assessing vegetation removal. While there is no native vegetation on the subject site, there are mature trees on the adjoining land with canopies that extend into the subject land. Tree loss/impacts have been avoided through design with the proposed dwellings set away from the boundary to ensure these trees are not impacted. The development will necessitate the removal of the street tree on Burns Street. This tree is a planted street tree and is not indigenous to Victoria (Queensland Box). The proposed conditions include the planting of replacement street trees on both Burns and Grano Street Road Reserves.

Overall, it is considered that the proposed development will be able to contribute to a livable, healthy and sustainable neighbourhood meeting the wider objectives of the Planning Policy Framework.

Zoning

Clause 32.04 – Mixed Use Zone

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Comment:

The development is consistent with the intention of the Mixed-Use Zone. Although Council notes that the application seeks planning approval for the construction of dwellings only and does not include any other non-residential uses, the applicant has noted their intention to provide a diversity in housing supply for the wider area to best support the local economy, including this mixed-use area plus industrial areas found slightly further afield.

It is expected that these dwellings are ideal for worker accommodation, especially for the abattoir and Gasons as they are both essential to the local economy and are looking to expand.

Additionally, given the tourism facilities within the immediate area, these smaller dwellings are also considered ideal for short stay accommodation and provide affordable accommodation options for people

Decision Guidelines:

General

- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate: The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed-Use Zone or Residential Growth Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings. For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of two or more dwellings on a lot

- For two or more dwellings on a lot, the objectives, standards and decision guidelines of Clause 55.

that wish to visit the area. As such, this proposal provides great support for the economic growth and future of Ararat.

The proposed development clearly aligns with the zone's objective to provide housing at higher densities, providing forty-six (46) 1- 2 bedroom units across the 7072sqm site.

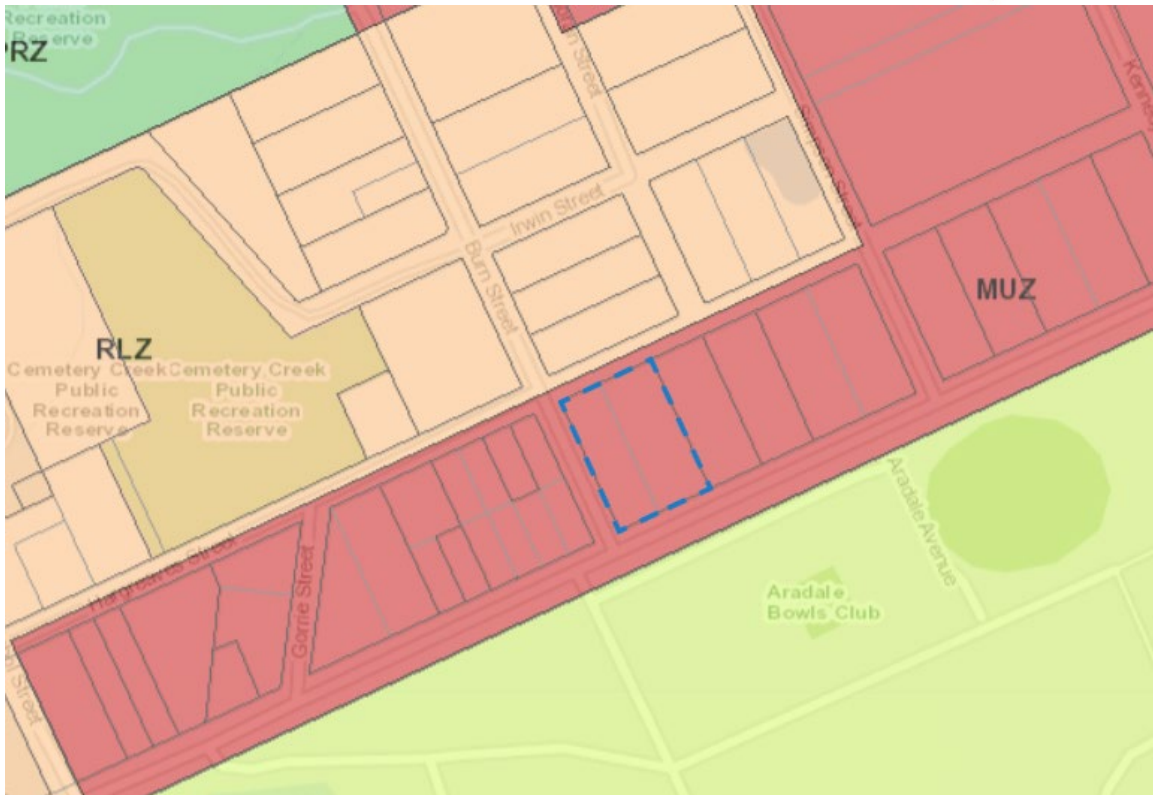
Although this application does not reflect the current neighbourhood character, it is consistent with the strategic intention for the area and is an example of the emerging neighborhood character for these type of developments as the area changes to accommodate future growth.

As the application is not wholly consistent with the existing neighbourhood character, the applicant has provided a variety of measures within the proposal to assist in the transition of the neighbourhood character. These measures include single storey forms, landscaping throughout the development and a high level of compliance with both Clause 55 and 56, which is a consideration under the decision guidelines of the Mixed Use Zone.

Although there is not currently a strong non-residential presence within this pocket, there is strategic justification, combined with essential facilities to encourage growth and medium density development within this area. The need for non-residential uses and associated housing options to support these uses are required for the growth of Ararat, as confirmed by Council's *Ararat Sustainable Growth Future Report (Feb 2014)*.

There is also existing public bus line that runs along Grano Street and will assist in supporting the connectivity and growth of this mixed-use area.

Zoning Map



Overlays

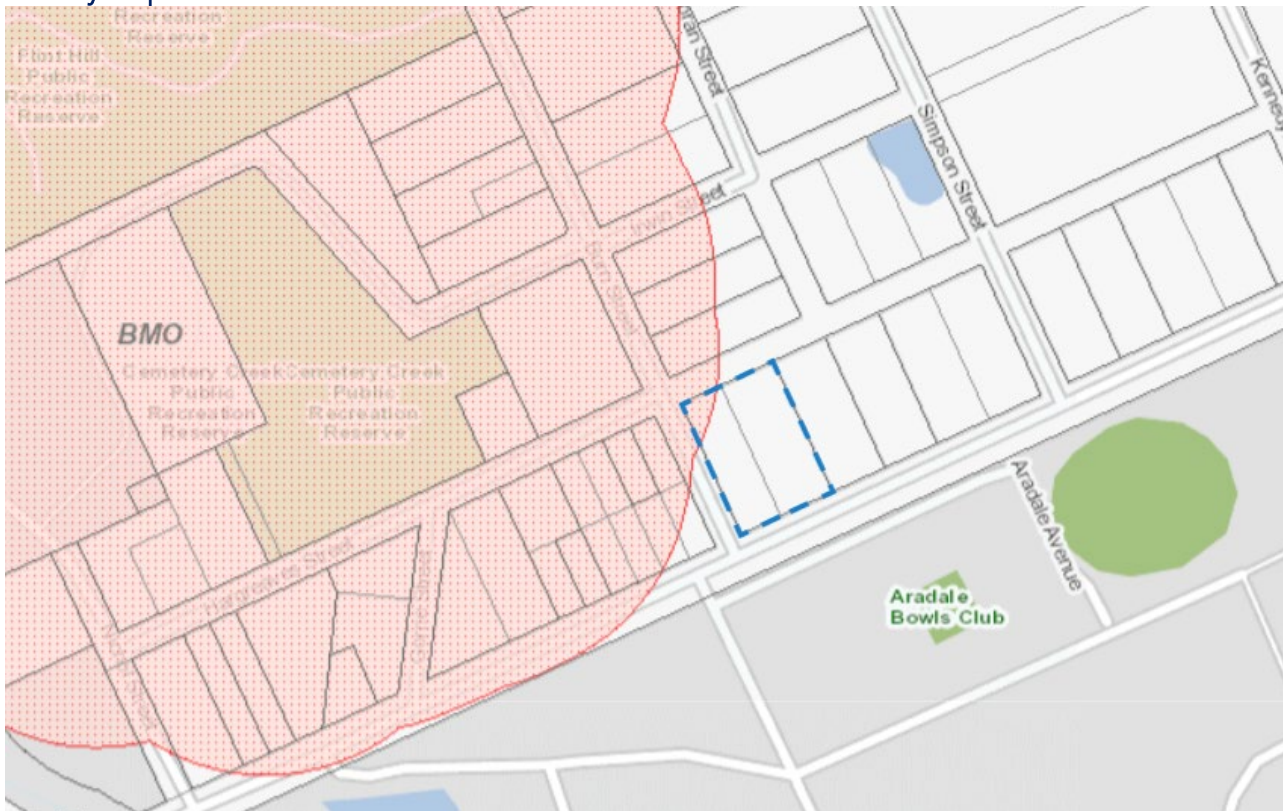
Clause 44.06 – Bushfire Management Overlay	Comment
<p>Purpose:</p> <ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented. To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. <p>Decision Guidelines:</p>	<p>A small section of the northwest corner of the subject site is located within a Bushfire Management Overlay. This area is approximately 470sqm, which equates to approximately 6.6% of the property.</p> <p>It is anticipated that no more than five (5) dwellings will be partially or wholly located within the BMO boundaries. Based on the current plans, these are Lots 728, 729, 742, 743 and 744.</p> <p>As this BMO area is located along the corner of Burn Street and Hargreaves Street, there is ample separation between the subject site and the other properties that are located within the BMO boundaries. This significant separation provides defensible space if a bushfire was to occur, and so it was considered appropriate that a Bushfire Management Plan was not required for this application unless it was requested by the CFA during the referral process.</p> <p>CFA confirmed the appropriateness of Council’s decision regarding this document and responded that</p>



- The Municipal Planning Strategy and the Planning Policy Framework.
- Any other matters specified in a schedule to this overlay.

they were supportive of the application subject to conditions, which discuss the provision for water hydrants and design requirements for the common accessways.

Overlay Map



Particular Provisions

Clause 52.06 – Car Parking	Comment
<p>Purpose:</p> <ul style="list-style-type: none"> To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. To support sustainable transport alternatives to the motor car. To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality. 	<p>The development proposes forty-six (46) 1–2-bedroom dwellings. This results in a total car parking requirement of 55 spaces, including 46 spaces (one for each dwelling) and 9 spaces for visitors.</p> <p>The proposal includes a total provision of 36 car spaces with 8 being set aside for visitor parking. As such, the application seeks planning approval for a waiver of 19 spaces (including 1 visitor space).</p> <p>Council have completed a data count of the traffic flow within the area and are satisfied that the existing road network can facilitate this additional traffic volume.</p> <p>Regarding reduction in on site car parking, Council have agreed to the waiver upon the condition that car parking is still provided to assist the development, although not technically within the property boundaries.</p>

- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Decision Guidelines:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area. Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier. Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments

As such, a recommended permit condition has been prepared that reflects that the applicant must upgrade the Grano Street and Burn Street verge to include parking (one space outside each dwelling) in addition to kerb and channel, pedestrian path and street tree planting.

Although the above car parking spaces will not be formally linked to the dwellings on title, it is considered that these additional parking facilities are likely to be used by the residents of said dwellings, so from a functionality perspective, the development will have one less visitor parking space than what is required under Clause 52.06.

Given that these dwellings are likely to be used for various groups of people, including visitors and workers accommodation, Council's engineering dept are comfortable the current capacity of the road network can facilitate this additional visitor space on the street if required.

The car parking spaces that are proposed to be on site are accessed via two double width accessways to allow for safe and efficient ingress and egress for all residents and visitors.

The application's plans were updated post RFI to ensure that they met the minimum dimensions required for the proposed parallel parking and the 90-degree visitor parking at the rear.

Currently the proposal includes a 6.4m accessway along parallel parking spaces. This is slightly wider than what is required, however has been requested by Council to allow additional clearance from the spaces and provide a proactive solution to ensure safe access is retained if residents don't park close enough to the kerb.

The turning circle area at the rear of each accessway is 5x15m, providing sufficient space for vehicle to turn and safely exit in a forward direction. The satisfactory turning circles and manoeuvrability of the proposed development is further confirmed by the updated swept path diagrams that have been included with this application.

The visitor parking at the rear meets the minimum dimension requirements for 90-degree parking and provides sufficient clearance around the vehicles and wider area.

<p>with accessways longer than 60 metres or serving 16 or more dwellings.</p> <ul style="list-style-type: none"> Any other matter specified in a schedule to the Parking Overlay. 	<p>Landscaping has also been provided to clearly delineate shared accessways and parking spaces, while also softening the quantity of hard surfaces, providing a better amenity outcome.</p>
<p>Clause 52.17 – Native Vegetation</p> <p>Purpose:</p> <p>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):</p> <ul style="list-style-type: none"> Avoid the removal, destruction or lopping of native vegetation. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation. <p>Decision Guidelines:</p> <p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate</p>	<p>Comment</p> <p>There is no native vegetation located on the property itself, however, there is native vegetation located at 145 Grano Street along the common boundary, however it is considered that these trees will not be impacted by the proposal as the car parking and landscaped areas provides a significant setback from any mature native vegetation. As such the proposed dwellings are sufficiently located having regard to the TPZ of any adjoining mature native trees.</p> <p>As previously outlined the Street tree on Burn Street is to be removed. This tree has been identified as a <i>Lophostemon confertus</i> {Queensland Box}. This particular tree is not indigenous to Victoria and was part of Council’s annual Street tree planting program. Therefore, this tree is not required to be assessed against the provisions of Clause 52.17 as it is exempt under the table at Clause 52.17 as Planted Vegetation.</p> <p>Replacement Street trees have been requested in the proposed conditions of approval.</p>
<p>Clause 53.01 - Public Open Space Contribution and Subdivision</p> <p>A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a</p>	<p>Comment</p> <p>The application does not provide any public open space and as such will need to provide a monetary contribution in accordance with Clause 53.01.</p> <p>A permit condition has been prepared to ensure this amount is paid prior to the Statement of Compliance for the associated stage.</p>

<p>combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.</p>	
<p>Clause 53.02 – Bushfire Planning</p> <p>Purpose:</p> <ul style="list-style-type: none"> • To implement the Municipal Planning Strategy and the Planning Policy Framework. • To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. • To ensure that the location, design and construction of development appropriately responds to the bushfire hazard. • To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level. • To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level. <p>Decision Guidelines:</p> <ul style="list-style-type: none"> • The Municipal Planning Strategy and the Planning Policy Framework. • The bushfire hazard site assessment and the bushfire management statement submitted with the application. • Whether all of the approved measures have been incorporated into the application 	<p>Comment</p> <p>As discussed above, a small section of the northwest corner of the subject site is located within a Bushfire Management Overlay, making this particular provision relevant to the application.</p> <p>This area is approximately 470sqm, which equates to approximately 6.6% of the property. It is anticipated that no more than five (5) dwellings will be partially or wholly located within the BMO boundaries. Based on the current plans, these are Lots 728, 729, 742, 743 and 744.</p> <p>As discussed under our assessment of the BMO requirements, this area is located along the corner of Burn Street and Hargreaves Street, providing ample separation between the subject site and the other properties that are located within the BMO boundaries. This significant separation provides defensible space if a bushfire was to occur reducing the risk of fire spreading or providing access for fire assistance or emergency services.</p> <p>Additionally, Council notes that the choice of construction and materials to comply with the appropriate BAL rating will be confirmed and subsequently approved during the building permit process. So further details regarding the dwellings’ construction to ensure the development prioritises the protection of human life and the community will be confirmed at that time.</p>
<p>Clause 55 – Two or More Dwellings on a Lot</p> <p>Purpose:</p> <ul style="list-style-type: none"> • To implement the Municipal Planning Strategy and the Planning Policy Framework. 	<p>Comment</p> <p>A full Clause 55 assessment has been provided within Appendix 3. The document reflects a high level of compliance with the objectives and technical standards found under Clause 55.</p>

<ul style="list-style-type: none"> • To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character. • To encourage residential development that provides reasonable standards of amenity for existing and new residents. • To encourage residential development that is responsive to the site and the neighbourhood. 	
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Clause 56 – Residential Subdivision	Comment
<p>Purpose:</p> <ul style="list-style-type: none"> • To implement the Municipal Planning Strategy and the Planning Policy Framework. • To create liveable and sustainable neighbourhoods and urban places with character and identity. • To achieve residential subdivision outcomes that appropriately respond to the site and its context for: <ul style="list-style-type: none"> - Metropolitan Melbourne growth areas. - Infill sites within established residential areas. - Regional cities and towns. • To ensure residential subdivision design appropriately provides for: <ul style="list-style-type: none"> - Policy implementation. - Liveable and sustainable communities. - Residential lot design. - Urban landscape. - Access and mobility management. - Integrated water management. - Site management. - Utilities. 	<p>A full Clause 56 assessment has been provided within Appendix 4. The document reflects a high level of compliance with the objectives and technical standards found under Clause 56.</p>

Decision Guidelines

Clause 65.01 – Approval of an Application	Comment
<p>The matters set out in section 60 of the Act.</p>	<p>The provisions of the Act have been considered throughout this report.</p>

<p>Any significant effects the environment, including the contamination of land, may have on the use or development.</p>	<p>The property has been vacant for some time, with the previous use being residential when a dwelling was located on the land. Given this historical context and that non-residential uses have not since occurred on the land, there is no expected contamination risk nor a concern for the proposed residential use.</p>
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>It is considered that the proposal aligns with State Planning Policy Framework, including local clauses as discussed in detail within this report.</p>
<p>The purpose of the zone, overlay or other provision.</p>	<p>It is considered that the proposal aligns with the purpose and strategic intent of the Mixed Use Zone, Bushfire Management Overlay and relevant Particular Provisions as discussed in detail within this report.</p>
<p>Any matter required to be considered in the zone, overlay or other provision.</p>	<p>As above.</p>
<p>The orderly planning of the area.</p>	<p>The proposal is a potential catalyst for the increased growth of the area and local economy. The economy growth is largely plateaued by the limited number of workers and residents of the area, due to the minimal housing stock or affordable accommodation alternatives.</p> <p>As such, the provision to increase housing options within this mixed use area, provides for the orderly planning for growth of the wider area.</p>
<p>The effect on the environment, human health and amenity of the area.</p>	<p>No significant impact on environment, human health nor the amenity of the area is expected with this application.</p> <p>Council notes that this application will provide an increase in dwelling density and therefore a point of difference from the rural living area to the north west of the subject site, however the increase in noise and traffic levels are expected to be within the standard range for expected within a Mixed Use Zone.</p>
<p>The proximity of the land to any public land.</p>	<p>The subject site is located in proximity to a few public open spaces, however this application does not pose any works that would affect the use or amenity of this public land. The site is located in close proximity to a number of parks and recreation facilities which can be accessed by future residents.</p>
<p>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</p>	<p>There are no works proposed that would have a detrimental effect on the immediate environment.</p>

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposal will increase stormwater run off due to the increased in impermeable land within the development, however this stormwater will be managed to the satisfaction of the Responsible Authority.
The extent and character of native vegetation and the likelihood of its destruction.	<p>Although the proposal seeks to remove one street tree due to its location within the road reserve, this tree is not a planted tree that is not indigenous to Victoria and replacement street tree planting will be required.</p> <p>Design measures have been included to protect existing native vegetation at 145 Grano Street.</p>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Design measures have been included to protect existing native vegetation at 145 Grano Street.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The proposal does not propose any works that could create significant detriment to the environment in terms of flood or erosion.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	<p>No loading/unloading is proposed with this application. The proposed car parking meets the design guideline requirements allowing safe and efficient movements to and from the subject site.</p> <p>A traffic count has been recently performed by Council and are satisfied that the existing road network can accommodate the additional traffic flow without any impact on the amenity of the area.</p>
The impact the use or development will have on the current and future development and operation of the transport system.	<p>The proposed development is within immediate proximity of a bus route that runs along Grano Street.</p> <p>As multiple parking spaces are located on site, it is expected that majority of visitors or residents will rely on private transportation options.</p> <p>That being said, as the area grows, there are facilities in place to increase the frequency of this bus route, if required by increased demand.</p>
Clause 65.02 – Approval to Subdivide Land	Comment
The suitability of the land for subdivision.	Due to the encouragement of high dwelling densities, the property is suitable for land subdivision, with no minimal lot size required.

	<p>Additionally, there are no Section 173 agreements or restrictions on title to prohibit the subdivision of the subject site.</p>
<p>The existing use and possible future development of the land and nearby land.</p>	<p>The surrounding uses are largely residential at the moment, however that is not consistent with the strategic vision and intent for this immediate area. As it is zoned mixed use, it is expected that non-residential uses in addition to high dwelling densities will emerge in the years to come, with this application being a potential catalyst for the transition of the area as it provides additional housing stock to support the local growth of Ararat.</p>
<p>The availability of subdivided land in the locality, and the need for the creation of further lots</p>	<p>There are no lots or dwellings within the area that provide this type of housing. As such, this application will inject a substantial number of dwellings while also providing housing affordability.</p>
<p>The effect of development on the use or development of other land which has a common means of drainage</p>	<p>The development is not expected to have an impact on the drainage of the surrounding properties.</p> <p>Conditions within the proposed planning permit include a requirement for the provision of a drainage discharge plan.</p>
<p>The subdivision pattern having regard to the physical characteristics of the land including existing vegetation</p>	<p>The subdivision pattern has taken into consideration the existing boundary interfaces, boundary dimensions, surrounding vegetation and fall of the land.</p> <p>Although one street tree needs to be removed along Burn Street's road reserve, substantial replacement planting is requested and native vegetation at 145 Grano Street will not be impacted by this development.</p>
<p>The density of the proposed development</p>	<p>As discussed in further detail under objection responses, the reduction in dwelling density during the application process resulted in a high level of compliance with the standards under Clause 55 and Clause 56.</p> <p>Given the high level of compliance and a purpose of the Mixed Use Zone is to encourage high densities, the current density (plus these dwellings being either only one to two bedroom single storey units), is not considered to be excessive for the purpose of the zone and Council's strategic intent for the area.</p>

<p>The area and dimensions of each lot in the subdivision</p>	<p>The area and dimensions for each lot are considered sufficient for individual 1-2 bedroom dwellings or the multiple dwellings as found with Stage 1.</p>
<p>The layout of roads having regard to their function and relationship to existing roads.</p>	<p>There are no roads proposed, however the shared accessways are considered to be dimensioned and laid out to allow for safe and efficient movements when entering and exiting the development, in addition to integrating into the wider local road network.</p>
<p>The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.</p>	<p>As above, the shared accessways are considered to be dimensioned and laid out to allow for safe and efficient movements when entering and exiting the development.</p> <p>Additionally, the provision for both internal and external pedestrian pathways, plus a pedestrian link through from one visitor parking area to the other, allows for ease of pedestrian movement, both within and around the development.</p>
<p>The provision and location of reserves for public open space and other community facilities.</p>	<p>No public open space or community facilities are proposed with this application.</p>
<p>The staging of the subdivision</p>	<p>The staging of the development appears orderly and allows for one large lot, and then the staging of multi lot subdivision to come later.</p>
<p>The design and siting of buildings having regard to safety and the risk of spread of fire.</p>	<p>Only a small section of the property is within a BMO, with most of these dwellings being paired off to provide separation, increasing defensible space within the development and reducing fire risk.</p>
<p>The provision of off-street parking.</p>	<p>The application seeks planning approval for a waiver of 19 spaces (including 1 visitor space).</p> <p>Council have agreed to the waiver upon the condition that car parking is still provided to assist the development, although not technically within the property boundaries.</p> <p>As such, a recommended permit condition has been prepared that reflects that the applicant must update the Grano Street and Burn Street verge to include parking (one space outside each dwelling) in addition to kerb and channel, pedestrian path and street tree planting.</p>
<p>The provision and location of common property.</p>	<p>Currently common property is the accessway, pedestrian paths, service pillar/letterbox area, bin</p>

	<p>storage area, car parking areas and the associated landscaped pedestrian link, plus the water tank area.</p> <p>These common areas provide multiple facilities for the residents of the development, while being easily accessible and clearly delineated from the individual lots.</p> <p>A planning permit condition has requested that the plans be amended so the front and in between landscape strips of the internal dwellings, be common property to ensure satisfactory maintenance.</p>
<p>The functions of any body corporate.</p>	<p>Any function of a body corporate will need to be done in accordance with Owners Corporation Act 2006.</p>
<p>The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.</p>	<p>All utilities will need to be provided by the applicant during the development of the property. All servicing authorities have provided in principle support for the application subject to conditions.</p> <p>These conditions have been wholly included in our recommendation at the start of this report.</p>
<p>If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.</p>	<p>The development is to be sewered in accordance with GWM Water's conditions.</p>
<p>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</p>	<p>No vegetation is required to be removed from the site and the layout has been designed to protect existing native vegetation at 145 Grano Street.</p>
<p>The impact the development will have on the current and future development and operation of the transport system.</p>	<p>As noted previously.</p> <p>The proposed development is within immediate proximity of a bus route that runs along Grano Street.</p> <p>As multiple parking spaces are located on site, it is expected that majority of visitors or residents will rely on private transportation options.</p> <p>That being said, as the area grows, there are facilities in place to increase the frequency of this bus route, if required by increased demand.</p>

OTHER CONSIDERATIONS

The assessment and determination of this application requires the Council to consider a range of issues which include the relevant provisions within the Ararat Planning Scheme, any benefits or impacts of the proposed land development, comments/advice received from various external authorities, plus other internal departments within the organisation.

In addition to the all the matters assessed and discussed above, there are additional considerations that need to be discussed that are yet to be covered. These considerations are discussed in greater detail below.

Proximity to Abattoir

There is an existing abattoir that is located within less than 400m of the subject site, towards the north east. This is less than the 500m buffer recommended within *Recommended Buffer Distances for Industrial Residual Air Emission, EPA, 1990*. Council have taken this facility's proximity into consideration when preparing this report.

Although the facility is within the 500m buffer, Council is of the opinion that the facility's proximity to the subject site, does not result in the property being unsuitable for a residential use. Currently multiple single dwellings are located within the 500m buffer, with many being in much closer proximity than the subject site without any issue.

As mentioned previously in this report, the type of housing stock proposed is ideal for worker accommodation and therefore being within close proximity to such a large facility with a need for additional staff is of great benefit. Also, as the current facilities are built up along Nott Road, when the abattoir look to expand, they are likely to expand further east and north east, which is further away from the subject site and well outside of the 500m buffer.

Additionally, Council notes that there have been no complaints in regards to noise or odours etc from the facility and given any expansion will be further away from the subject site, Council do not expect that to change in the future.

Waste Management

A Waste Management Plan has been submitted with the application for Council's consideration. This document was referred to Council's Waste and Sustainability Team for comment and they were subsequently satisfied with the proposed waste management strategy, including Council being the authority to provide waste collection for the development.

A Waste Management Plan indicated that Council would service the 46 dwellings, and proposes the following:

- Waste bin collection to be completed weekly, with recycling to be completed fortnightly.
- Dwellings facing Burn Street and Grano Street to have traditional street collection, and each be provided with a 120L waste bin and 240L recycling bin.
- Dwellings facing in shared accessway (within Stage 1) to be provided with shared waste facilities and be provided with six (6) 240L waste bins and three (3) 240L recycling bins.
- Dwellings facing in shared accessway (within Stage 3) to be provided with shared waste facilities and be provided with six (6) 240L waste bins and three (3) 240L recycling bins.
- Both shared waste facilities are located within the Bin Storage areas and are located along the shared accessway towards Burn Street.
- Bin Storage areas to be located at ground level with no roof to ensure good ventilation.
- No junk mail signage to be provided on letter boxes to minimise waste/recycling.

This document will need to be updated in accordance with the endorsed development plans requirements and subsequently endorsed itself. This document must be read in accordance with the planning permit and any other endorsed documentation.

COMMENTS MADE IN OBJECTION

Objections have been received from three local residents, as well as one landowner who owns a property in the immediate area, although their residential address is listed as the inner west of Metropolitan Melbourne.

Each objection letter and any secondary comments have been attached to this report.

The topics of objection and the officer response to each are set out below. Some concerns are put in general terms as many of the objections had similar grounds, whilst individual grounds are italicised.

Concern: Proposed dwelling density is too high, especially for a rural living lifestyle.

Response: Although there are dwellings within a Rural Living Zone within the immediate area, the subject site is zoned as Mixed Use Zone which specifically allows for higher residential densities, in addition to non-residential uses. As such, the rural living lifestyle is not required for this property.

That being said, there is still a consideration of how high is too high and where does Council draw the line in regard to residential density within a Mixed Use Zone context? This line is confirmed during the assessment of the application against the other planning policy requirements that are relevant to this application, including Clause 55 and 56.

With the original application, the applicant sought planning approval for 54 dwellings. Upon initial review, it was clear that this number was excessive and could not be accommodated by the subject site, as it did not comply with multiple standard objectives or technical requirements, including:

- Integration with the Street;
- Street Setback;
- Parking Locations;
- Private Open Space (POS/SPOS);
- Solar Access to Open Space;
- Storage;
- Common Open Space;
- Safety;
- Built Environment;
- Lot Diversity and Distribution;
- Car Parking – including minimum dimensions for accessways and car parking spaces.

With the exception of street setback, all these concerns were able to be addressed after the notice period by reducing the proposed dwellings from 54 to 46 dwellings, with this land being redistributed into lots, both accessways and car parking areas. Given the above and Mixed Use Zone, the current density plus these dwellings being either only one to two bedroom single storey units, is not considered to be excessive for the purpose of the zone and Council's strategic intent for the area.

Concern: *Not enough green space for the number of dwellings.*

Response: As discussed above, since this original notice period and objection, the number of dwellings has been reduced from 54 to 46 dwellings. As such, this additional land has been redistributed to allow for larger lots and provide ample POS and SPOS to be in accordance with the SPOS minimum requirements under Clause 55.

We note that the Secluded Private Open Space requirements are the same any dwelling no matter the size, so when an application for one and two bedroom units provide SPOS areas over the minimum size requirements, it results in substantial green areas for each resident to enjoy in the privacy of their backyard.

Concern: *Not sufficient diversity in housing stock eg 1 – 4 bedroom dwellings.*

Response: The proposed type of housing stock has been provided to specifically address a lack of variety of smaller dwellings within the area. The application has been proposed to provide affordable housing alternatives and encourage workers and visitors to the area. As such, the exclusion of three or four bedroom dwellings with this application is not considered to have a detrimental impact on the wider area as replicating the existing housing stock will not achieve the diversity sought by the planning scheme.

There are multiple larger dwellings and properties within Ararat and the surrounding area if a resident wishes to reside within a larger dwelling or on a large property.

Concern: *People leaving institutional facilities like Ararat prison require additional facilities and amenity.*

Response: This application has not indicated that it shall be used to house people that are leaving correctional facilities. The assessment of the application on its planning merits concludes that the development provides appropriate amenity and private open space to any future occupier.

Concern: *Site's excessive distance from commercial and public facilities*

Response: The proposal is not in close proximity to the centre of Ararat, however, has been recognised as a mixed use area, strategically intended to develop its own commercial hub within the future. Although the existing dwellings within the area are not currently under re-development, as Ararat grows, those types of public facilities will be provided in the future as the population growth requires. In the meantime, the site is well serviced in relation to open spaces and recreational activities and commercial and social services can be accessed via car or the public bus service running along the sites frontage.

Concern: *Application does not address the demolition of the structure that was demolished in the 90s.*

Response: Any previous removal of any structure in the 90s, whether it be legally or illegally done, has no bearing on the planning merit of this application. Although Council do not condone or encourage the demolition of dwellings, especially if they are historic and conducted illegally, any historical value of this structure (that was on the land over 20 years ago) may have had, has since been devalued and is unable to be once again realised, as mock heritage replicas are not encouraged by Council or Council's heritage policy.

Concern: *Application renders the property unfit for people seeking a rural lifestyle.*

Response: The property is located within a Mixed Use Zone. Although there are dwellings located within a Rural Living Zone to the immediate north and north west, the strategic intention for this property is for the land to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and to provide for housing at higher densities as such the neighbourhood character will change and evolve as land within the Mixed Use zone is developed. There are multiple parcels of land within the surrounding area that can accommodate rural lifestyles.

Concern: *The increase in persons into the area may result in minimal egress within a bushfire impact area.*

Response: Only a small section of the property is located within a BMO, and defensible space is provided around this section due to the road interfaces with Burn Street and Hargreaves Street.

The traffic flow count that was conducted for this application has confirmed Council's opinion that the increase in traffic will be able to be accommodated by the existing road network without congestion. As such, egress during such an event should not be impacted by this development.

Concern: *Increase in dwelling density provides an increase in noise, traffic, waste, visual pollution and utilities.*

Response: It is clear that the proposal will result in an increase in general noise, traffic, waste, visual pollution and demand on utilities than the existing vacant lot, however as this property is zoned for mixed use and the wider area to be identified as a future mixed use hub, including provisions for non-residential uses, this is expected to occur as development progresses.

Although the development of the subject site should limit its impact on the amenity of the surrounding properties, especially those located within a Rural Living Zone, the level of noise is expected to be similar to standard medium density developments. Additionally, Council's waste and asset team have reviewed the applications and believe the waste levels can be accommodated by Council's waste collection service and the increase in traffic by the existing road network.

Utilities will need to be provided by the applicant during the development of the land and to the satisfaction of the servicing authorities. All their conditions have been included as a permit condition under the recommendation found at the start of this report.

Concern: *Previous VCAT decision*

Response: The previous VCAT decision was discussed with the applicant during pre-application meeting. Although there are similar issues in regard to the change in neighbourhood character, this application seeks planning approval for a different type of dwellings. These are specifically proposed to provide a variety of housing stock that is smaller, affordable and that will encourage visitors and worker into the area to assist in the economic growth of Ararat. These dwellings are not anticipated to be standard family homes, and anyone seeking this type of accommodation, has other options within the surrounding area.

Additionally, this application has a high level of compliance with the objectives and technical standards of Clause 55 and Clause 56, which the other application did not. Car parking design guidelines have also been adhered to, to provide safe and efficient ingress and egress, in addition to car parking spaces provided for all internal dwellings.

Although not within the property boundaries, external facing dwellings are to be provided with car parking options through the development of the grass verge into street parking, including kerb/channel, pedestrian paths and associated landscaping/replacement planting.

Concern: *Proximity to the abattoir*

Response: As noted above, the type of housing stock proposed is ideal for worker accommodation and therefore being within close proximity of such a large facility with a great need for additional staff is of great benefit. Also, as the current facilities are built up along Nott Rd, when the abattoir look to expand, they are likely to expand further east and northeast, which is further away from the subject site and well outside of the required buffer.

Additionally, Council notes that there have been no complaints in regard to noise or odours etc from the facility and given any expansion will be further away from the subject site, Council do not expect that to change in the future.

Concern: *The application will substantially modify the existing streetscape.*

Response: Council agree that the application will modify the existing streetscape given the subject site is currently a vacant lot. Although this application does not reflect the existing neighbourhood character, it is consistent with the strategic intention of substantial growth for the area. As such, the application reflects an example of the preferred neighbourhood character for this mixed-use precinct and the required changes to the existing streetscape to accommodate mixed uses and the housing stock required to support local economy growth.

In order to respect the existing neighbourhood character, the applicant has provided a variety of measures within the proposal to assist in the transition. These measures include the single storey forms, landscaping throughout the development and a high level of compliance with both Clause 55 and 56, which is a consideration under the decision guidelines of the Mixed-Use Zone.

Overall, Council acknowledge that the application seeks planning approval for a development that is significantly different from the vacant lot that currently exists, however the application provides Ararat with an opportunity to support the local economy and its significant future growth by providing affordable and diverse housing stock that is ideal for workers or visitor accommodation.

Council also note that these dwellings can also be used by those that wish to downsize within an area that is identified for mixed use and would like to be in close proximity to the associated services and facilities that come with growth within a mixed-use context. Additionally, the proposed development is not expected to provide any change to the amenity of the area that would exceed the standard changes seen within other standard medium density developments.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

1 Growing our Place

We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.

1.2 Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.

5 Enhance community Life

We will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

5.3 Partner with community groups, not-for-profits, and traditional owner organisations to develop Ararat Rural City as a more inclusive and diverse community.

6 Strong and Effective Governance

We will work hard to build models of governance that place delivering public value at the centre through effective financial management; well measured risk management; and implementation of effective community engagement practices.

6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.

6.2 Ensure appropriate risk management is applied to Council and organisational decisions. Council's internal function is applied to areas of perceived risk.



FINANCIAL

The Council may have a financial obligation to put its case at VCAT in the event that the decision on the application is appealed by either the applicant or objectors.

POLICY/LEGAL/STATUTORY

The policy, legal and statutory considerations defined by the planning scheme and overarching legislation and practice have been outlined in the assessment of the application and throughout this report.

RISK ASSESSMENT

The assessment of this application has utilised a number of techniques to minimise known risks. The assessment has been undertaken by an external consultancy from the Council's Panel of providers as key staff have a conflict of interest through their association with the applicant and their consultants.

Furthermore, by the Council assessing the consultant's report there is an additional level of review of the proposal.

The assessment process follows the provisions of the legislation and the planning scheme clauses and related documents such as the Infrastructure Design Manual to ensure that the outcomes meet broad community standards as well as acceptable and safe design responses.

CONCLUSION

The application seeks planning approval for a development that is significantly different from the vacant lot that currently exists; however, the proposal represents an opportunity to diversify and expand the housing options within Ararat while also supporting the economic and tourism offerings.

During the assessment process the proposal has been assessed against the Planning Policy Framework, the purpose of the zone, overlays and Particular Provisions.

As mentioned previously, the development clearly aligns with Council's strategic intent for the area, although as there has been minimal change from a rural living area since the preparation of *Ararat Sustainable Growth Future Report (Feb 2014)*. As such, the development proposal would be the first step towards substantial growth and realising Council's strategic vision for the area.

The application also reflects a high level of compliance for the following policies within the Ararat Planning Scheme:

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 16 - Housing
- Purpose of the Clause 32.04 - Mixed Use Zone
- Design guidelines of Clause 52.06 – Car Parking
- Clause 55 – Two or More Dwellings on a Lot
- Clause 56 – Residential Subdivision

Although a waiver is formally required under Clause 52.06, a recommended permit condition indicates that this application must seek to have a parking space provided outside each external dwelling along Grano Street and Burn Street Road reserve, with the upgrade at the cost of the applicant.

Additionally, Council is satisfied that the increase traffic from the proposed density can be accommodated by the existing road network and waste collection by Council's waste team. As such, the proposed development is not expected to provide any change to the amenity of the area that would exceed the standard changes seen within

other standard medium density developments and is consistent with the purpose of the Mixed-Use Zone which includes providing for housing at higher densities.

It is therefore considered that the proposal is an acceptable outcome having regard to the provisions of the Ararat Planning Scheme. As such, Council recommends planning approval for the construction of forty six (46) dwellings on a lot, staged multi lot subdivision, an associated reduction in car parking requirements.

RECOMMENDATION

That the Council, having required that Notice of Application be given and having received and considered objections and submissions and the question of detriment, resolves to issue a Notice of Decision to Grant Planning Permit No. PA3042 for the construction of forty six (46) dwellings on a lot, staged multi lot subdivision and an associated reduction in car parking requirements at 137-139 Grano Street Ararat.

1. Amended Plans Required

Before the use and/or development starts, amended plans must be submitted to and approved by the Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:

- a) Removal of Street Tree (Queensland Box) to be reflected on site plan.
- b) Bins Storage areas to be titled as Bin Storage 1 and Bin Storage 2.
- c) Lot numbering on all site plans to be updated - there are two Lot 729 on the plans.
- d) Front and in between landscape strips of internal dwellings, to be designated as common property to ensure satisfactory maintenance.
- e) On-site lighting to be provided around both visitor parking areas, including the section along the water tanks.

2. Layout not altered

The use and/or development shown on the endorsed plans must not be altered without the written consent of the Council.

3. Amended Subdivision Plan Required

Prior to certification of the plan of subdivision, the developer must provide amended subdivision plans to the satisfaction of the Council. The amendments must include:

- a) Any revisions required from Condition 1, including Condition 1(d)

When approved, the plan will be endorsed and will then form part of the permit.

4. Staging Plan Required

Prior to certification of the plan of subdivision, the developer must provide amended the staging plans to align with any changes to the subdivision plan the satisfaction of the Council.

5. Layout not altered

The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Council.

6. Staged Subdivision

The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to by the Council.

7. Formal Plan of Subdivision

The formal plan of subdivision lodged for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Council.

8. Payment in Lieu of Open Space

The applicant or owner must pay to the Council a sum equivalent to 5% of the site value of all land in the subdivision & the cost incurred with the land valuation to set the Open Space contribution. This payment must be made before a statement of compliance is issued and may be varied under section 19 of the Subdivision Act 1988.

9. Section 173 Agreement

Unless otherwise agreed in writing by the Responsible Authority, prior to the Certification of Plan of subdivision, the Owner must enter into an Agreement with the Responsible Authority under the provisions of section 173 of the Planning and Environment Act 1987 and such agreement must require that:

- a) All future development on the proposed lots must be in accordance with Planning Permit 3042 issued by the Ararat Rural City on (insert permit date) or any subsequent amendment or new Planning Permit issued by the Council.
- b) With the except of Stage 1, no lot maybe further subdivided to increase the number of lots.

Prior to a Statement of Compliance being issued:

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.

The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

10. General amenity

The use and development must be managed at all times so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land
- b) appearance of any building, works or materials
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil
- d) presence of vermin

11. Landscape Master Plan

Before the development starts; a Landscape Master Plan for all landscape works 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 generally in accordance with the landscape plan submitted except that the plan must also show:

- a) Detail of surface finishes of pathways, driveways, footpath location and linkages through the development and public reserves.
- b) A planting schedule of all proposed trees, shrubs and ground covers.
- c) Additionally on-site lighting to be provided around both visitor parking areas, including the section along the water tanks.
- d) All details must be to the satisfaction of the Responsible Authority.

12. Road Reserve Upgrade Master Plan

An upgrade to the existing road reserve along the property's interface with Grano and Burn Street is required. These upgrades must be prepared in the form of a masterplan to Council's satisfaction, and submitted for Council for their approval and endorsement. This masterplan must include:

- a) A pedestrian footpath along Grano and Burn Street;
- b) Parallel car parking spaces along Grano and Burn Street, allowing for one space outside each dwelling;
- c) Kerb and channel to be provided along Grano and Burn Street;
- d) Naturestrips to be provided between pedestrian path and car parking along Grano and Burn Street;
- e) Two street trees to be provided and evenly distributed along Burn Street and
- f) Three street trees to be provided and evenly distributed along Grano Street.

All street trees are to be Brush Box ((Lophostemon Confertus) and a minimum of 2m high at the time of planting. The street tree(s) must be maintained for a period of 2 years from planting and any losses replaced to the satisfaction of the Council prior to the end of the maintenance period.

All the works and planting listed above will be at the cost of the applicant.

13. Naturestrips

The naturestrips fronting the development must be constructed in accordance with levels and specifications submitted to and approved by the Council.

The works must include -

- a) The reshaping of the naturestrip.
- b) Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed.
- c) Seeding the area with an appropriate seed mix.

All works must be completed to the satisfaction of the Council prior to the use commencing.

14. Completion of landscaping

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

15. Landscaping maintenance

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Council for a minimum period of 2 years. Any dead, diseased or damaged plants are to be replaced prior to the end of this period.

Assets

16. Vehicle Access

Vehicle access to the proposed development must be constructed at approved locations (Grano & Burn St) in accordance with plans, designs and specifications approved by the Responsible Authority (IDM standard drawing)

All works must be completed to the satisfaction of the Responsible Authority prior to the use commencing.

Any works beyond the property boundary on the road reserve or public land will be subject to a further permit from Council which must be obtained before works commence.

17. Internal accessways and car parking

Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed with seal or concrete
- b) properly formed to such levels that they can be used in accordance with the plans

- c) drained
- d) line-marked to indicate each car space and all access lanes
- e) clearly marked to show the direction of traffic along access lanes and driveways

All vehicle entry to and egress from the site must be in a forward direction.

Car spaces, access lanes must be maintained and kept available for these purposes at all times.

All works must be completed to the satisfaction of the Responsible Authority prior to issue statement of compliance.

18. Number of Spaces

No fewer than 36 car spaces must be provided on the land for the development including (8) spaces clearly marked for visitors.

19. Vehicular crossings

Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Council and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Council prior the use commencing or Statement of Compliance (as applicable to the permit type).

20. Lighting

Installation of street lighting in Grano Street, Burn Street & common property to the satisfaction of the Responsible Authority

21. On-site lighting

Low intensity lighting must be provided on-site to the satisfaction of the Council to ensure that car park areas and pedestrian access ways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land.

22. Drainage Construction

Any underground or surface works must be constructed in accordance with plans, computations and specifications submitted to and approved by the Council before the use commences. Such drainage works must be designed and installed to transport stormwater run-off from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.

Stormwater must not drain or discharge from the land to adjoining properties. All works must be completed to the satisfaction of the Council prior to the activity allowed by this permit commencing.

23. Water Tank Overflow Drainage

That the overflow from the tanks be connected to the existing/proposed stormwater drainage system that connects to the legal point of discharge to the satisfaction of the Council.

Stormwater must not drain or discharge from the land to adjoining properties. All works must be completed to the satisfaction of the Council prior to the activity allowed by this permit commencing.

24. Stormwater

Prior to the completion of construction, the applicant is to provide evidence from a registered engineer that the proposed works to distribute the stormwater runoff from the roof of the structure will ensure: erosion does not occur around the buildings and the nearby waterway; and the rate of overflow/runoff does not create water quality issues in the nearby waterway when it flows.

25. Disposal Plan

A Waste Management and Disposal Plan must be submitted to and approved by the Council before the commencement of activity allowed by this permit. The plan must be updated to reflect the changes to development or subdivision plans during the endorsement process.

All necessary approvals must be gained prior to materials being handled and disposed of in accordance with the Disposal Plan to the satisfaction of the Council.

26. Filled and contaminated sites

Before the use/development starts a soil report prepared by a suitably qualified geotechnical engineer or similar must be submitted to and approved by the Council. When approved, the report will be endorsed and then form part of the permit. The report must include data from a reasonable number of test bores on the site detailing fill depths and contaminants, as determined in consultation with the Council. Sampling regime and analyses should be generally in accordance with AS 4482.1-2005, AS4482.2-1999 or NEPM B2.

27. Construction of Works

All works are to be completed for each stage prior to the Statement of Compliance, unless otherwise agreed to by Council.

- a) Construction of all common property access with concrete or asphalt/seal
- b) Construction of kerb and channel common property, Grano and Burn Streets in accordance with relevant permit conditions
- c) Construction of footpath Grano and Burn Street frontages in accordance with relevant permit conditions
- d) Provision for rubbish bin and bin storage at common property access
- e) Construction of underground stormwater drainage
- f) Construction of stormwater detention to reduce pressure on council's stormwater system
- g) Topsoiling and seeding of naturestrips and street trees Grano and Burn Streets in accordance with relevant permit conditions
- h) Underground conduits for water, gas, electricity, and telephone.
- i) Stormwater harvesting system shall install to each unit prior to issue occupancy permit

28. Control of erosion during construction

Soil erosion control measures must be employed throughout the construction stage of the development (in accordance with Construction Techniques for Sediment Pollution Control, EPA 1991) to the satisfaction of the Council.

29. Controlled access points

Access to the site must only be at the nominated crossing shown on the endorsed plan. The crossing and road pavement works are to be constructed to the satisfaction of Council.

30. Engineering Fees

Under section 17(2)(b) of the *Subdivision Act 1988* and clause 8 of the *Subdivision (Permit and Certification Fees) Regulations 1989*, the prescribed fee for supervision of work must be up to 2.5% of the cost of constructing those works, which are subject to supervision.

Such a fee must be paid to the Council prior to the issue of a Statement of Compliance.

NB: In supervising the works to ensure that all approved designs, plans and specifications are complied with, Council is not responsible for any defects or failure in the works being undertaken (or the consequence of such defect or failure). The Developer must be responsible for ensuring that the works are completed in accordance with the approved designs, plans, specifications, any Act or Regulation or Council Local Law.

31. Fee for Checking Engineering Plans

Under section 43(2)(a)(iv) of the *Subdivision Act 1988* and clause 9 of the *Subdivision (Permit and Certification Fees) Regulations 1989*, the prescribed maximum fee for checking engineering plans must be 0.75 % of the

estimated cost of constructing the works proposed on the engineering plan. Such a fee must be paid to the Council prior to the issue of a Statement of Compliance.

NB: In supervising the works to ensure that all approved designs, plans and specifications are complied with, Council is not responsible for any defects or failure in the works being undertaken (or the consequence of such defect or failure). The Developer must be responsible for ensuring that the works are completed in accordance with the approved designs, plans

32. Drainage Discharge Plan

Before any of the development starts or before the plan of subdivision is certified under the Subdivision Act 1988, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. *The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.*

The information and plan must include:

- a) details of how the works on the land are to be drained *and/or* retarded and manage overland flow.
- b) computations and specification submitted to and approved by Responsible Authority
- c) independent drainage for each lot
- d) underground pipe drains conveying stormwater to the legal point of discharge for each allotment.
- e) a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council.
- f) documentation demonstrating approval from the relevant authority for the legal point of discharge.
- g) Full drainage assessment to make sure that existing drainage system in Grano Street is not under pressure.

33. Time Limits

Time Limit for starting and completion – development

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

- a) The use and/or development is not started within 2 years of the date of this permit.
- b) The use and/or development is not completed within 4 years of the date of this permit.

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

Time Limit - Subdivision

This permit will expire if:-

- a) The Plan of Subdivision for the first stage is not certified within 2 years of the date of this permit; or
- b) The plan of subdivision for any subsequent stage of the subdivision is not certified within 2 years of the date of the certification of the previous stage of the subdivision.
- c) The registration of any stage of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.

The Council may extend the periods referred to in Part a) only if a request is made in writing before the permit expires or as specified under Section 69 of the Planning and Environment Act 1987.

REFERRAL AUTHORITY CONDITIONS

34. CFA (Reference: 16000-687949-114985)

a) Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 90 metres and the hydrants must be no more than 120 metres apart. These distances must be measured around lot boundaries.

The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

b) Common Property Accessway

The common property accessway must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

Curves must have a minimum inner radius of 10 metres.

Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

35. GWM Water (Reference: 04/040/1351)

- a) The owner/ applicant must install water mains and associated works to serve each lot of the proposed development, at the owner's cost, and in accordance with GWM Water's specifications and requirements.
- b) The owner/ applicant must provide plans and estimates of all proposed water supply works prior to commencement, for GWM Water's approval.
- c) The owner/ applicant must provide individually metered water services to each dwelling in accordance with GWM Water's requirements.
- c) The owner/ applicant must install sewerage mains and associated works to individually serve each lot of the proposed development, at the owner's cost, in accordance with GWM Water's specifications and requirements.
- d) The owner/ applicant must provide individual sewer services to each lot in accordance with GWM Water's requirements.
- e) The owner/ applicant must provide plans and estimates of all proposed sewerage works prior to commencement for GWM Water's approval.
- f) The owner/ applicant must pay to GWM Water a fee of 3.25% of the total cost of construction (including design and supervision) for its review of design documentation and supervision of works. This fee relates to checking that the works are designed and constructed in accordance with GWM

Water's requirements and does not relieve the developer from ensuring proper design and appropriate supervision.

- g) The owner/ applicant must provide three metre wide easements in favour of GWM Water over all existing and proposed sewers located within private land.
- h) The owner/ applicant must provide written notification of commencement of the works to enable GWM Water to organise inspections and coordinate with its staff.
- i) The owner/ applicant must ensure all infrastructure is tested in accordance with the relevant WSA and GWM Water standards. This includes water quality,
- j) compaction, air and hydrostatic pressure testing as directed by GWM Water.
- k) The owner/applicant must provide "as constructed" plans and a schedule of final asset costs at the level identified in GWM Water's asset register for all water and sewerage works upon completion.
- l) The plan of subdivision submitted for certification must be referred to GWM Water in accordance with Section 8 of the Subdivision Act.
- m) The owner/ applicant must provide an owner's corporation to manage all common sewer property services.
- n) The owner/ applicant must provide GWM Water with an updated drainage plan for each dwelling submitted by a qualified plumber.

36. PowerCor (Reference 308218093)

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

The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

37. Downer (Reference: S21-2400)

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

Additional Permit Notes:

Council

Any works on a roadway will require a permit from the Asset Dept. This Planning Permit does not constitute such approval. Prior to commencing any works on site please contact Ararat Rural City Council Technical Services on (03) 5355 0200.

CFA

CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

CFA does NOT consent to the Certification of the Plan of Subdivision under Section 9 of the Subdivision Act 1988. CFA does want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988.

CFA does NOT consent to the issuing of Statement of Compliance.

PowerCor

Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

ATTACHMENTS

Application, including plans and supporting reports, original objections and secondary comments, Clause 55 Assessment and Clause 56 Assessment are provided as Attachment 2.1.