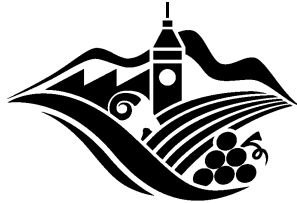


Ararat Rural City

**SPECIAL COUNCIL  
MEETING  
AGENDA**

***THURSDAY 19 JANUARY 2017***





## Ararat Rural City

13 January 2017

Dear Councillors,

You are cordially advised and invited to attend the next ordinary Council Meeting, which will be held in the Council Chamber, Shire Hall, Barkly Street, Ararat on ***Thursday 19 January 2017*** commencing at ***9.30am***.

### **BUSINESS:**

- 1 Traditional Acknowledgement/Opening Prayer/Oath**
- 2 Apologies**
- 3 Disclosure of Interests**
- 4 Officer's Reports**

Your attendance is respectfully requested.

Yours sincerely,

**ANDREW EVANS**  
**CHIEF EXECUTIVE OFFICER**

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An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting and Assembly of Councillors. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law.

*1 – TRADITIONAL ACKNOWLEDGEMENT / OPENING PRAYER/OATH*

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**TRADITIONAL ACKNOWLEDGEMENT**

WE ACKNOWLEDGE THE TRADITIONAL OWNERS OF THE LAND ON WHICH WE MEET TODAY, AND PAY OUR RESPECTS TO THEIR ELDERS, PAST AND PRESENT.

**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 OATH**

WE WILL UNDERTAKE THE DUTIES OF THE OFFICE OF COUNCILLOR IN THE BEST INTERESTS OF THE PEOPLE OF THE MUNICIPAL DISTRICT OF THE ARARAT RURAL CITY COUNCIL AND FAITHFULLY AND IMPARTIALLY CARRY OUT THE FUNCTIONS, POWERS, AUTHORITIES AND DISCRETIONS VESTED IN ME UNDER THE LOCAL GOVERNMENT ACT 1989 OR ANY OTHER ACT TO THE BEST OF OUR SKILL AND JUDGMENT.

*2 – APOLOGIES*

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**MOTION** (if required)

That the apology of (Name) be accepted.
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**3 – DISCLOSURE OF INTERESTS**

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Disclosure of Interests are to be made immediately prior to any relevant item being discussed.

**Local Government Act 1989 Section 79 (2)**

A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest -

- (a) by either -
  - (i) advising the Council or special committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
  - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) classifying the type of interest that has given rise to the conflict as either -
  - (i) a direct interest: or
  - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
- (c) describing the nature of the interest; and
- (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a) (ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

**Local Government Act 1989 Section 80C)**

A person who is providing advice or a report to a meeting of the Council or a special committee, and who has a conflict of interest in a matter to which the advice or report relates, must disclose the constituting the conflict of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

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ITEM 4.1 OATH OF OFFICE

**Introduction**

Section 63 of the Local Government Act, states:

- (1A) The following oath of office is to be taken by a Councillor in accordance with Division 2 of Part IV of the **Evidence (Miscellaneous Provisions) Act 1958**—  
"I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the **Local Government Act 1989** or any other Act to the best of my skill and judgment."
- (2) The oath of office must be—  
(a) made before the Chief Executive Officer; and  
(b) dated and signed before the Chief Executive Officer; and  
(c) recorded in the minutes of the Council. **Note**  
See section 102 of the **Evidence (Miscellaneous Provisions) Act 1958** as to the making of a solemn affirmation instead of an oath.
- (3) A declaration by a person elected to be a Councillor under subsection (1)(b) must be—  
(a) in writing; and  
(b) witnessed by the Chief Executive Officer.

**Discussion**

A review by the Local Government Investigations and Compliance Inspectorate found the wording that Council has used for the Oath of Office required updating to meet legislative requirements.

To rectify this matter, Councillors are requested to retake the Oath of Office/Affirmation.

**POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE**

**Council plan reference**

5.1 Good governance through leadership.

**Financial and resource implications**

None identified.

**Risk implications**

Not retaking the Oath of Office/Affirmation with the correct wording would be a breach of the Local Government Act 1989 Section 63.

**Statutory Implications**

Current Oath of Office not compliant in relation to Section 102 of the **Evidence (Miscellaneous Provisions) Act 1958** as to the making of a solemn affirmation instead of an oath.

**Community Implications**

None identified.

**Environmental Implications**

None identified.

**Internal/external consultation**

Local Government Investigations and Compliance Inspectorate.



***4 - OFFICERS REPORTS***

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**Attachment**

There are no attachments relating to this item.

**Conclusion**

A copy of the Oath of Office has been prepared for signing by each person elected to be a Councillor.

**The Chief Executive Officer invites Councillors (in alphabetic order) to take the Oath of Office.**

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ITEM 4.2 APPLICATION FOR PLANNING PERMIT NO. 02600

Received : 08/08/2016

Applicant : James Iles, iPlanning Services P/L

Proposed Use & Development : Second Dwelling and Carport

Location : 23 Flattely Street, Ararat being Lot 1 TP94507W, Township & Parish of Ararat

Zoning : General Residential Zone

Site

The subject site, 23 Flattely Street, Ararat being Lot 1 TP94507S, Township & Parish of Ararat, has a frontage of 15.24 metres, a depth of 50.29 metres with an area of 786 m<sup>2</sup> and adjoins Flattely Street, which is constructed to a sealed residential road standard.



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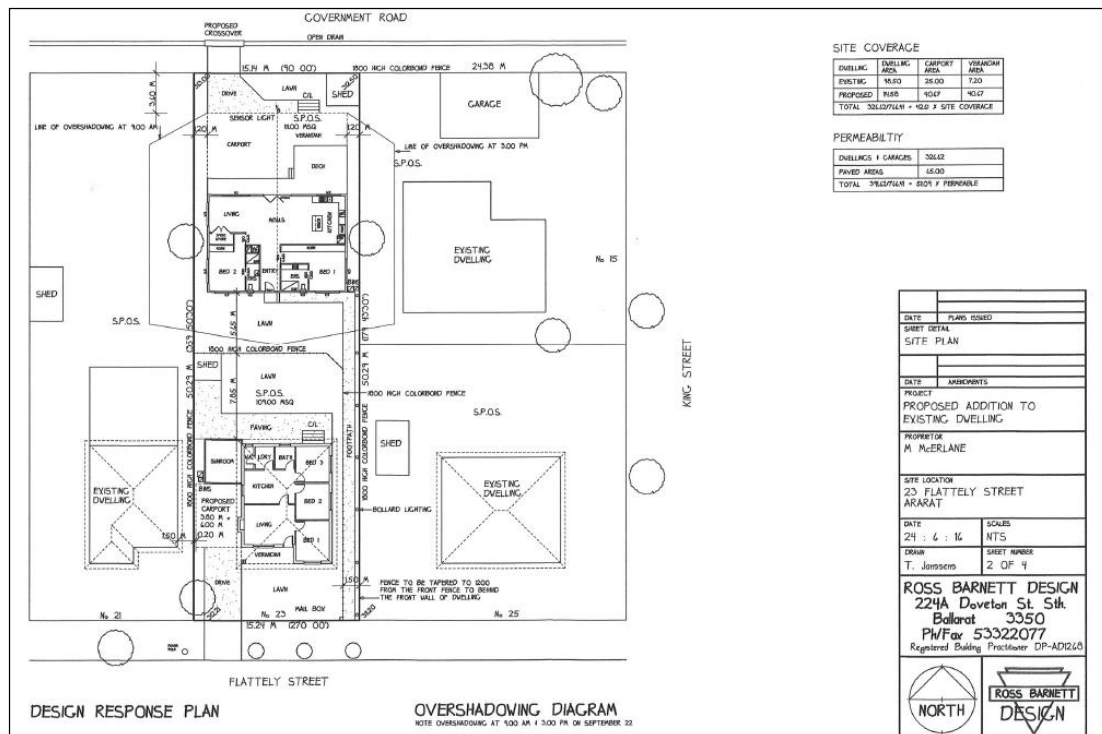
**Proposal**

An application has been received for an additional dwelling on the lot and the construction of a carport.

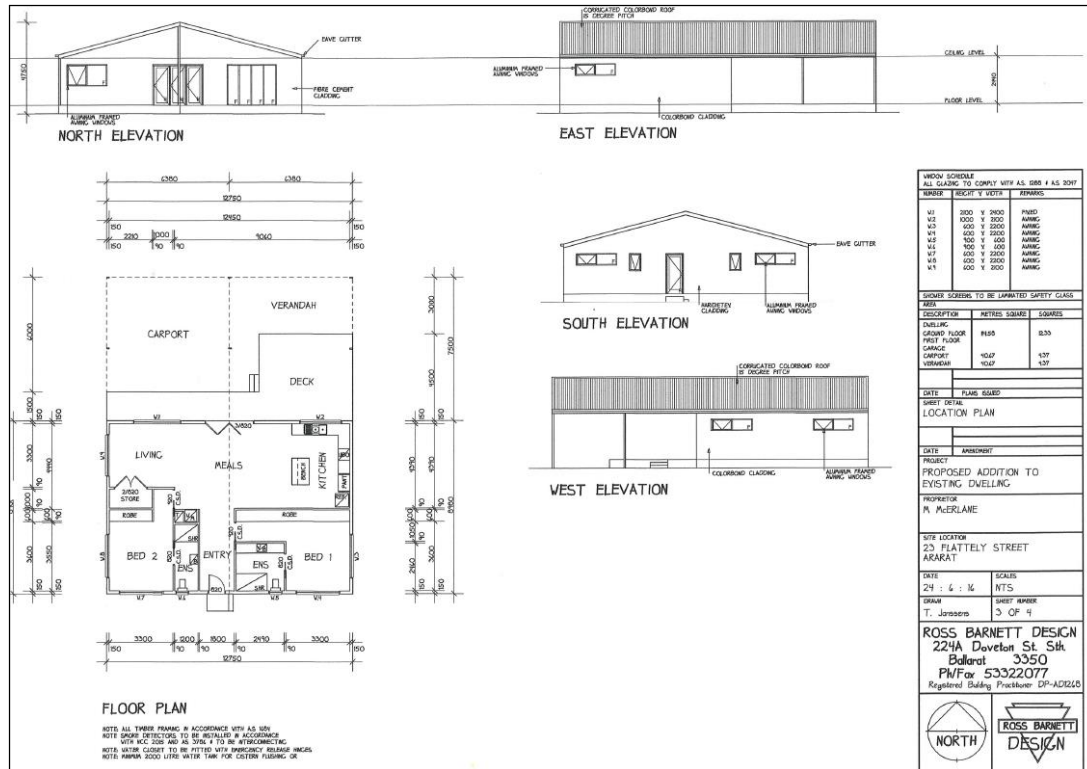
The proposed dwelling is single storey, two bedrooms with ensuite to both bedrooms and a living room, meals area and kitchen. A double carport is located at the northern end of the dwelling. The dwelling is clad in fibre cement with a 15 degree pitched roof with an overall height of 4.75 metres with a ceiling height of 2.44 metres. Windows and doors will be aluminium framed. The dwelling will be set back 5.65 metres from a new 1.8 metre dividing fence between the two dwellings, 1.2 metres from the east and west boundaries and 3.6 metres from the northern boundary. Private open space (totalling 111.0 m<sup>2</sup>) is provided on the northern side of the dwelling where access is provided from the meals area. A small garden shed is located in the north-east corner which provides 6.0 m<sup>3</sup> of storage.

A new carport is to be constructed for the existing dwelling located on the western side of the dwelling with dimensions of 3.8 metres by 6.0 metres.

The existing dwelling will be provided with a 6.0 m<sup>3</sup> storage shed in the north –west corner of the yard. Private open space is also located to the north of the existing dwelling with an area of 109.0 m<sup>2</sup>. Access will be via the existing sunroom. A new colourbond fence will be constructed along the walkway to provide privacy to the existing dwelling.



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**Notice of application**

Notice of application was carried out by forwarding notices to the owners and occupiers of the adjoining land. Following the fourteen-day period two objections or submissions were received.

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

**Referrals**

No external referrals were required.

The proposal was referred internally to the Building Surveyor, Assets Department and the Rates Department who raised no objection subject to conditions.

**Previous Council Decisions**

This land was the subject of planning permit 02465 of 2015. This permit application was also for a second dwelling on the site and applied for a two storey “Queenslander” style of building. This application was refused on the grounds of not responding to neighbourhood character and detriment to amenity of adjoining landholders.

**Planning Comment**

The proposed development site is located within the General Residential Zone and there are no overlay controls.

A permit is required for the following reasons:

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**Clause: 32.08-4**

A planning permit is required because the development will create a second dwelling on the lot.

An assessment against the pertinent State and Local Planning Frameworks, Zone and the objectives and standards of Clause 55 are set out below:

**State and Local Planning Frameworks.**

<b>State Planning Policy Framework</b>	<b>Comment</b>
<b>16.01-4 Housing diversity</b> <b>Objective</b> To provide for a range of housing types to meet increasingly diverse needs.	The proposal is considered to meet the objective by providing a dwelling choice of a type less represented in Ararat.
<b>16.01-5 Housing affordability</b> <b>Objective</b> To deliver more affordable housing closer to jobs, transport and services	The proposal is considered to meet the objective of affordable housing as it a modest proposal and is close to transport and services.
<b>Local Planning Policy Framework</b>	
<b>Municipal Strategic Statement</b> <b>Clause 21.03-1</b> <b>Townships</b> Encourage greater diversity in the range of housing opportunities provided, including additional small lot and multi-unit housing.  Encourage the provision of a diverse range of dwellings particularly higher density developments within the existing townships. Ensure that new residential and rural residential areas have convenient and safe connections to the commercial and community facilities in the town centres	The proposal is within the urban boundary of Ararat and is considered to be a suitable site for medium density housing being close to services, transport and community infrastructure. The development will add to the diversity of development within Ararat.

**Zone**

The proposal is within the General Residential Zone and there are no overlays affecting the proposal.

**Clause 32.08-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

A permit is required if there is at least one dwelling existing on a lot.

**Clause 32.08-4** requires that “A development must meet the requirements of Clause 55”

**Clause 55.**

Clause 55 requires that all objectives must be met and all standards should be met.

Below is an assessment against clause 55

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Clause	Comment
<p><b>Clause: 55.02-1</b> NEIGHBOURHOOD CHARACTER</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that the design responds to the features of the site and surrounding area.</p>	<p>Complies.</p> <p>The existing neighbourhood character features mainly single storey dwellings that are constructed between 1940's and 1970's and are constructed from brick and weatherboard with a mixture of tiled and iron roofs. The pitches of the roof are mainly 27.5 degrees. Other features include mainly exotic garden being planted in front yards and high front fencing ranging between 600 mm to 1.2 metres in height.</p> <p>Under this proposal, the new dwelling will be constructed from fibro cement sheeting with aluminium windows. The roofs will be contains gabled and sloping pitches and will be clad in colourbond.</p> <p>No new fencing is proposed with the development and landscaping will be minimal and comprise exotic plantings.</p>
<p><i>Clause 55.02-2</i> RESIDENTIAL POLICY</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Complies</p>
<p><i>55.02-3</i> DWELLING DIVERSITY</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Complies</p> <p>The existing and proposed dwelling are single storey with all living area at ground level. The existing dwelling comprises three (3) bed rooms and the new dwelling comprises two (2) bedrooms.</p>
<p><i>55.02-4</i> INFRASTRUCTURE</p> <p>To ensure development is provided with appropriate utility services and infrastructure</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Complies</p> <p>The existing services of electricity, reticulated water and sewerage are currently available to the site and will be utilised as part of the proposed development</p> <p>There is no indication that the development will overload these services.</p>
<p><i>55.02-5</i> INTEGRATION WITH THE STREET</p> <p>To integrate the layout of development with the street.</p>	<p>Complies</p> <p>Entrances to the dwellings are from Flattely Street which provide for good surveillance for residents in the development. Pedestrian access will be via a driveway or pathway to the front door.</p>
<p><i>55.03-1</i> STREET SETBACK</p>	<p>Complies</p> <p>The front setback will not change to Flattely Street. The</p>



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Clause	Comment
<p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>setback from the rear laneway is approximately 3.6 metres. There are no other dwellings fronting onto the laneway.</p>
<p><i>55.03-2</i> BUILDING HEIGHT</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Complies</p> <p>The maximum overall height is approximately 4.75 metres from ground level.</p>
<p><i>55.03-3</i> SITE COVERING</p> <p>To ensure that the site coverage respect the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p>Complies</p> <p>Built area- 326.62 m2 Site area- 786.0 m2</p> <p><math>326.62 \text{ m}^2 + 786.0 \text{ m}^2 \times 100 = 41.5\%</math></p>
<p><i>55.03-4</i> PERMEABILITY</p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Complies</p> <p>Built/hard surface area- 391.62 m2 Site area- 786.0 m2</p> <p><math>391.62 \text{ m}^2 + 786.0 \text{ m}^2 \times 100 = 49.8\%</math></p>
<p><i>55.03-5</i> ENERGY EFFICIENCY</p> <p>To achieve and protect energy efficient dwellings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>Complies</p> <p>The internal living area has been orientated towards the north with these internal areas having direct access to an outdoor living area that is located to the north. There are large areas of windows in the living areas to allow for good solar access, which will help with the reduction of the use of fossil fuels.</p>
<p><i>55.03-6</i> OPEN SPACE</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A</p> <p>No common open space proposed as part of this development.</p>
<p><i>55.03-7</i> SAFETY</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Complies</p> <p>Proposed entrances to each dwelling are generally oriented towards Flattely Street. Lights can be installed at each entrance for visibility at night times and front doors to each unit will be seen from the street. The private open spaces to each unit will be enclosed with no public access. Planting will not obscure access ways.</p>
<p><i>55.03-8</i> LANDSCAPING</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Complies</p> <p>Appropriate landscaping will be provided as part of the development. A detailed landscape plan is provided in the plans documentation.</p>

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Clause	Comment
<p><i>55.03-9</i> ACCESS</p> <p>To ensure vehicle access to and from a development is safe, manageable and convenient.</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Complies</p> <p>The proposal will upgrade the existing entrance from the rear laneway and the existing driveway in Flattely Street will allow for convenient, safe and efficient vehicle movements and connection to surrounding streets.</p> <p>The street width is wider than 20 m and the driveways will not exceed 40% of the street frontage. Emergency vehicles will have direct access to the front doors of the proposed dwelling.</p>
<p><i>55.03-10</i> PARKING LOCATION</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Complies</p> <p>Car parking spaces are conveniently located with easy access to each dwelling.</p> <p>All dwellings contain a carport.</p>
<p><i>55.04-1</i> SIDE AND REAR SETBACK</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Complies</p> <p>New building wall heights will be less than 3.6 metres and are setback at least 1 metre from side and rear boundaries, except for the garage for dwelling 2 and the southern wall of dwelling 1.</p>
<p><i>55.04-2</i> WALLS ON BOUNDARIES</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Complies</p> <p>There are no existing or proposed walls on boundaries.</p>
<p><i>55.04-3</i> DAYLIGHT TO EXISTING WINDOWS</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>Complies</p> <p>All habitable room windows on surrounding dwellings are in excess of 1m from the subject site.</p>
<p><i>55.04-4</i> NORTH-FACING WINDOWS</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Complies</p> <p>There are no habitable room windows within 3 metres of the property boundary.</p>
<p><i>55.04-5</i> OVERSHADOWING OPEN SPACE</p> <p>To ensure buildings do not unreasonably overshadow existing secluded private open space.</p>	<p>Complies</p> <p>There is no overshadowing to the existing dwellings or their secluded private open spaces.</p>
<p><i>55.04-6</i> OVERLOOKING</p> <p>To limit views into existing secluded private open space and</p>	<p>Complies- All dwellings will be single storey with dividing fence heights of 1.8 m.</p>



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<b>Clause</b>	<b>Comment</b>
habitable room windows.	
<p><i>55.04-7</i> INTERNAL VIEWS</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Complies</p> <p>Due to the dwellings being single storey and separated by fences, would suggest that overlooking into secluded private open space of the existing dwelling will not occur.</p>
<p><i>55.04-8</i> NOISE IMPACTS</p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>Complies</p> <p>There will no noise impacts to adjoining dwellings.</p>
<p><i>55.05-1</i> ACCESSIBILITY</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Complies</p> <p>Entry points are located at ground level and are easily accessible.</p>
<p><i>55.05-2</i> DWELLING ENTRY</p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p>Complies</p> <p>Entry points are visible from Flattely Street and are contained under a verandah.</p>
<p><i>55.05-3</i> DAYLIGHT TO NEW WINDOWS</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p>Complies -All habitable room windows open to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.</p>
<p><i>55.05-4</i> PRIVATE OPEN SPACE</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Complies</p> <p>Both dwellings will have ample secluded open space located at the rear and have a northerly orientation.</p>
<p><i>55.05-5</i> SOLAR ACCESS TO OPEN SPACE</p> <p>To allow solar access into the secluded private open space of a new dwelling.</p>	<p>Complies</p> <p>All secluded private open spaces areas are located on the north side of the dwelling.</p>
<p><i>55.05-6</i> STORAGE</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p>Complies</p> <p>6.0 m<sup>3</sup> of storage space is available in a storage shed located in the rear yard.</p>
<p><i>55.06-1</i> DESIGN DETAIL</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Complies</p> <p>The built form will compliment and be compatible with existing surrounding development.</p> <p>The existing neighbourhood is characterised by simple designs that were built in the 1940's and 1970's. There are some more modern designs starting to be built in the immediate area with a mixture of building materials such as brick, weatherboard and mixture of pitched and flat roofs.</p>

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Clause	Comment
	The proposed development will comprise fibre cement with aluminium windows and a colourbond roof, which cannot be seen from Flattely Street. A number of existing outbuildings located in the rear yards of the adjoining properties are constructed from fibro cement sheeting or iron cladding.
<p><i>55.06.2</i> FRONT FENCES</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Complies</p> <p>No front fence is being constructed.</p>
<p><i>55.06.3</i> COMMON PROPERTY</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	Not Applicable.
<p><i>55.06.4</i> SITE SERVICES</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Complies</p> <p>Site services have been located where possible in the most efficient and economical location.</p> <p>Provision has been made for the storage of bins and mailboxes have been located in convenient and appropriate locations.</p>

**Decision Guidelines**

The use and development is for residential use in the residential environment and there are neighbours in the proximity that use their land in a similar manner.

Clause 65.01	Comments
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies	It is considered that the proposal will accord with the Local and State Planning Policy Framework.
The purpose of the zone, overlay or other provision.	The development complies with the General Residential zone.
Any matter required to be considered in the zone, overlay or other provision	Does not apply.
The orderly planning of the area.	This proposal is an orderly and practical response to land situated within a residential context.
The effect on the amenity of the area.	It is not considered to have a measurable effect on amenity of the area. An appropriate offset distance exists between existing dwelling and between adjoining residential properties. No adverse overshadowing effects or overlooking of private open space occurs.
The proximity of the land to any public land	Does not apply.
Factors likely to cause or contribute to land degradation salinity or reduce water quality.	Does not apply in this residential context.
Whether the proposed development is designed to maintain or improve the quality of stormwater within the existing site.	Stormwater will be discharged to the current point of legal discharge.
The extent and character of native vegetation and the likelihood of its destruction	There is no native vegetation on the site.
Whether native vegetation is to be or can be protected	There is no native vegetation on the site.

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planted or allowed to regenerate	
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 subject site is not exposed to any wildfire, floods or land erosion hazards.

**Objections and submissions**

Two objections were received and the issues raised summarised below.

<b>Issues and questions from objectors</b>	<b>Considerations</b>
No carport	An existing gazebo is being used as a carport
The fall of the land to the north west corner is approximately 0.7 metres. How can this be considered a slight fall?	A 0.7 metre fall over a 15 metre length is considered a slight fall.
Reference to a colorbond fence. There is no fence on Flattely St.	Reference is to the rear fence
Walkway and emergency services	The walkway provided is adequate for emergency access
No new fence between 23 Flattely and 15 King St – existing fence on 1.5 should be 1.8 metres.	An appropriate 1.8 metre fence to be constructed will be included in conditions
Whether the laneway will be upgraded/ sealed	It is considered that the amount of potential traffic increase does not warrant upgrading of the laneway other than that set out in conditions
Omission of verandah	Not material
Vegetation on site	Not material there is no native vegetation.
Noise and damage to lane with building process	The lane is to be reconstructed from King St to the site
Access to lane not to be compromised	This can be addressed in conditions
Children playing	Building sites must be secured to appropriate safety standards.
Privacy and overlooking to 32 McGibbony St	It is considered that the requirements for overlooking have been met and an existing shed exists on the boundary.

**Attachments**

There are no attachments relating to this item.

**Conclusion**

The proposed development meets the State and Local Planning Policy and assessment against the decision guidelines including a detailed assessment against Clause 55 and Clause 65.

The objections have been considered and pertinent matters can be addressed through conditions.

**Recommendation**

**That having required that Notice of Application be given and having received and considered objections and the question of detriment, a Notice of Decision to issue a Planning Permit be issued in respect of Application for Planning Permit No. 02600 for Construction of Second Dwelling and Carport at 23 Flattely Street, Ararat being Lot 1 TP 94507W, Township & Parish of Ararat subject to the following conditions:**

- 1. Layout not altered**  
The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2. Permit Expiry**  
This permit will expire if one of the following circumstances applies:

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- The development and use is/are not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

3. Vehicle access to the proposed development must be constructed at approved locations in accordance with plans, designs and specifications approved by the Responsible Authority (IDM SD260). The works must include:

- 3.1 The installation of 375 mm RCP of min 4.8 m width along the line of the existing drain
- 3.2 The installation of low profile Headwalls
- 3.3 The excavation and placement of minimum 100 mm depth compacted layer of natural gravel/Class 3 fine crush Rock/approved local materials.
- 3.4 Regrading of existing table drainage to suit installed crossing
- 3.5 Realignment of existing table drainage
- 3.6 Installation of stormwater Grated pit and minimum 150 mm dia pipe in laneway, connecting to existing stormwater pit located in corner of King Street and laneway
- 3.7 Upgrade the laneway with 150 mm crushed rocks from King Street to the Western boundary of proposed dwelling

Or an alternative approved by the Responsible Authority.

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

Note:

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

Note: Pedestrian access, rubbish collection & Street address will be from Flattely Street.

4. The 1.5 metre height section of fence on the western boundary of the development site is to be increased in height to 1.8 metres.
5. No building material is to be stored in the rear laneway other than material being loaded and unloaded.
6. Vehicle access to the rear laneway is to be maintained at all times.

- End of Conditions -

**Ararat Rural City Council**

- *This permit is issued in accordance with the Ararat Planning Scheme and does not relieve the applicant/ operator from obtaining the required approvals from Councils Building Surveyor and Council's Environmental Health Officer.*
- *A Road Opening Permit is required for any works on Council roads – Contact Customer Service Unit*

*4 - OFFICERS REPORTS*

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