

# **MINUTES**

## **SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

**Wednesday 21 February, 2018**  
North Wing Room 2 & 3  
Darley Civic and Community Hub,  
182 Halletts Way, Darley  
5.00pm

### **MEETING OPENING**

Councillor Paul Tatchell as the Chair welcomed all and opened the meeting at 5.00pm.

### **ATTENDANCE**

Cr. Paul Tatchell (Chair)	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Ms. Sam Romaszko	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Minute taker

### **APOLOGIES**

NIL

### **2. RECORDING OF MEETING**

As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting:

- The Moorabool News; and
- The Star Weekly.

### **3. CONFIRMATION OF PREVIOUS MEETING MINUTES**

Resolution:

Moved: Cr. Bingham  
Seconded: Cr. Keogh

That the Minutes of the Section 86 Development Assessment Committee for 13 December, 2018 be confirmed as a true and correct record.

**CARRIED.**

#### 4. CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

#### 5. GROWTH & DEVELOPMENT REPORTS

- |     |  |         |
|-----|--|---------|
| 5.1 | Planning Permit Application PA2017-237; 11 Russell Street, Darley; Development of a Second Dwelling on the Lot at Lot 3 on PS 124658.  | Page 3  |
| 5.2 | Planning Permit PA2016-278; Leonards Hill-South Bullarto Road, South Bullarto - Development and Use of a Dwelling and Ancillary Outbuilding, Native Vegetation Removal and Earthworks. | Page 6  |
| 5.3 | Planning Permit PA2017-117; 94 Main Street, Bacchus Marsh – Two lot subdivision.   | Page 17 |
| 5.4 | Planning Permit PA2017-152; Two lot subdivision at 36 Ingliston Road, Ballan.  | Page 18 |
| 5.5 | Planning Permit PA2017-248; 156 Main Street, Bacchus Marsh - Reduction in the standard car parking requirement for the use of the land as a restaurant and liquor licence.             | Page 22 |

#### PRESENTATIONS/DEPUTATIONS

##### List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/Objector
5.2	Planning Permit PA2016-278; Leonards Hill-South Bullarto Road, South Bullarto - Development and Use of a Dwelling and Ancillary Outbuilding, Native Vegetation Removal and Earthworks.	Anthony Parker	Objector
5.2	Planning Permit PA2016-278; Leonards Hill-South Bullarto Road, South Bullarto - Development and Use of a Dwelling and Ancillary Outbuilding, Native Vegetation Removal and Earthworks.	Rocco Szabo	Applicant
5.3	Planning Permit PA2017-117; 94 Main Street, Bacchus Marsh – Two lot subdivision.	Steven Crowe	Applicant
5.4	Planning Permit PA2017-152; Two lot subdivision at 36 Ingliston Road, Ballan.	Robert Eskdale	Speaking on behalf of Applicant
5.5	Planning Permit PA2017-248; 156 Main Street, Bacchus Marsh - Reduction in the standard car parking requirement for the use of the land as a restaurant and liquor licence.	Ian Bethune	Applicant

## **GROWTH & DEVELOPMENT REPORTS**

**Item 5.1 Planning Permit Application PA2017 237; 11 Russell Street, Darley; Development of a Second Dwelling on the Lot at Lot 3 on PS 124658.**

### **Resolution:**

**Moved: Cr. Bingham**

**Seconded: Cr. Keogh**

**That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2017 237; Development of a Second Dwelling on the Lot at Lot 3 on PS 124658, 11 Russell Street, Darley VIC 3340 subject to the following conditions:**

### **Endorsed Plans:**

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and A3 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application identified as Job No. 17131, Sheet No.'s TP03 & TP05, dated 12/10/2017 prepared by New Dimension Drafting P/L but modified to show:**
  - a. The notation on Sheet No. TP05 for the east elevation corrected to refer to 'proposed', not 'existing'.**
  - b. A landscape plan in accordance with Condition no. 10.**

**Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.**

### **Amenity:**

- 2. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**

### **Landscape Plans:**

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

**Infrastructure:**

- 4. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.**
- 5. The development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:**
  - a. The development as a whole must be self draining;**
  - b. Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority;**
  - c. All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.**
- 6. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.**
- 7. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.**
- 8. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 9. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991).**
- 10. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.**
- 11. Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**
- 12. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**
  - a. location of vehicle crossings;**
  - b. details of the underground drainage;**
  - c. location of drainage legal points of discharge;**
  - d. standard details for vehicle crossing and legal point of discharge; and**
  - e. civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.**

**Permit Expiry:**

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

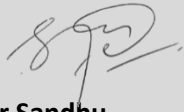
- a. The development is not started within two years of the date of this permit; and**
- b. The development is not completed within four years of the date of this permit.**

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

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 21 February, 2018**

**Item 5.2 Planning Permit PA2016-278; Leonards Hill-South Bullarto Road, South Bullarto - Development and Use of a Dwelling and Ancillary Outbuilding, Native Vegetation Removal and Earthworks.**

***Consideration of Deputations – Planning Permit Application No. PA2016-278***

***Rocco Szabo addressed Council as the applicant to the granting of a planning permit for the application.***

***Anthony Parker addressed Council an objector to the granting of a planning permit for the application.***

***The business of the meeting then returned to the agenda.***

**Recommendation**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to grant a permit for development and use of a Dwelling and ancillary outbuilding, native vegetation removal and earthworks at Lot 10 on Title Plan 085359L otherwise known at Leonards Hill-South Bullarto Road, South Bullarto subject to the following conditions:

**Endorsed plans**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a) Elevation plans which nominate all natural ground levels, finished floor levels, floor to ceiling levels and overall height;
  - b) Site plan to show the location of the Land Application Area (LAA) in accordance with the Land Capability Assessment prepared by Ground Science dated 1 July, 2017;
  - c) Material and finish schedule of all external materials including colour swatches;
  - d) Show the location of all site services including any external power supply systems; and
  - e) The floor plan be amended to nominate a laundry within the dwelling.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

**Dwelling Requirements**

2. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
3. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

5. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

### **Materials and Colours**

6. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.
7. All external walls and wall finishes must be maintained to the satisfaction of the Responsible Authority

### **Amenity**

8. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'
9. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any building, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d. Presence of vermin; and
  - e. Any other way.

### **Environmental Health**

10. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Ground Science, ref number E2409.1 AB dated 1 July 2017 or any approved amendment are to be strictly adhered to.
11. An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed
12. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
13. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
14. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4
15. A shallow surface water cut off drain or surface water diversion mound, should be provided on the high side of the disposal areas to divert any surface water flows around the effluent fields.
16. Subsurface Irrigation system needs to be installed to a depth of 150mm in situ or if the soil is of poor quality, imported good quality topsoil may be required, with a 1m spacing in between lines.
17. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

## Infrastructure

18. A standard rural vehicle crossing with culvert must be provided on Camp Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
19. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
20. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas. Moorabool Shire Council Engineering Services
21. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
22. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
23. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

## Western Water

24. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:
  - a. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site;
  - b. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times;
  - c. The effluent system must be maintained by a *suitably* qualified person in accordance with the manufacturer's specifications and EPA requirements;
  - d. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard;
  - e. 6. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request;
  - f. The Owner shall meet the costs of the inspections and reports referred to in Condition e);
  - g. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property;
  - h. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system;



- i. The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition e);
  - j. The primary and reserve effluent disposal fields must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal;
  - k. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Ground Science dated 1 July 2017 Reference No E2490.1 AB and the accompanying management plan followed and implemented;
  - l. The land must not be further subdivided;
  - m. No other building works shall be undertaken on the subject land without written approval of Western Water;
  - n. Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater;
  - o. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated;
  - p. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields;
  - q. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures; and
  - r. The obligations under this agreement shall run with the land.
25. The applicant shall pay all Council costs associated with the registration and enforcement of the Section 173 Agreement.

#### **Southern Rural Water**

26. The wastewater treatment system must be designed to meet the requirements outlined in the Land Capability Assessment (LCA) produced by Ground Science (report reference # E2490.1 AB) and must be satisfactory to Council's Health Officer.
27. Wastewater must be treated to a secondary standard as a minimum.
28. The wastewater treatment system must be installed, maintained and serviced by a suitably qualified contractor and verified by Council's Health Officer.
29. A cut-off drain must be installed up-gradient and down-gradient of the land application area (LAA) to prevent runoff of effluent if the system were to fail and stormwater ingress into the LAA.
30. Water saving fixtures must be installed in the dwelling to reduce volumes of wastewater.
31. Any failure of the wastewater treatment system and LAA must be immediately rectified to the satisfaction of Council's Health Officer.
32. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution control, shall be employed during construction and maintained until the disturbed area has been revegetated.

## **Country Fire Authority**

33. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
34. The Bushfire Management Plan (prepared by Southern Cross Town Planning Pty Ltd, *Bushfire Management Statement – Lot 10 – 34 Lynch’s Road, Bullarto South* – Revision D, Attachment 5, dated 5/08/2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

## **Department of Environment, land Water & Planning**

35. To offset the removal of 0.463 hectares (remnant patch) approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*.
36. The general offset must:
- a) contribute gain of 0.068 general biodiversity equivalence units;
  - b) be located within the Port Phillip and Westernport Catchment Management Authority boundary or Moorabool Shire Council municipal district; and
  - c) have a strategic biodiversity score of at least 0.130.
37. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:
- a. a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan;
  - b. a credit register extract from the Native Vegetation Credit Register; or
  - c. A copy of the offset evidence endorsed by the Responsible Authority will form part of this permit. Within 30 days of offset endorsement, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. This permit will expire if one of the following circumstances applies:

## **Permit Expiry**

38. This permit will expire if one of the following circumstances applies:
- a. The development and the use are not started within two years of the date of this permit;
  - b. The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987

## **Permit Note**

A permit to install an onsite wastewater management system must be submitted to Environmental Health.

### **Resolution:**

**Moved:** Cr. Bingham

**Seconded:** Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to grant a permit for development and use of a Dwelling and ancillary outbuilding, native vegetation removal and earthworks at Lot 10 on Title Plan 085359L otherwise known at Leonards Hill-South Bullarto Road, South Bullarto subject to the following conditions.

### **Endorsed plans**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a. Elevation plans which nominate all natural ground levels, finished floor levels, floor to ceiling levels and overall height;
  - b. Site plan to show the location of the Land Application Area (LAA) in accordance with the Land Capability Assessment prepared by Ground Science dated 1 July, 2017;
  - c. Material and finish schedule of all external materials including colour swatches;
  - d. Show the location of all site services including any external power supply systems; and
  - e. The floor plan be amended to nominate a laundry within the dwelling.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

### **Dwelling Requirements**

2. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
3. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
5. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

## **Materials and Colours**

- 6. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.**
- 7. All external walls and wall finishes must be maintained to the satisfaction of the Responsible Authority**

## **Landscape plans**

- 8. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plan dated (insert date) prepared by (specify consultant), except that the plan must show / The plan must show:**
  - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed**
  - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
  - c. Details of surface finishes of pathways and driveways**
  - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
  - e. Landscaping and planting within all open areas of the site to ensure preservation of the environmental values of the site.**

## **Landscape completion**

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

## **Landscape maintenance**

- 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**

## **Amenity**

- 11. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'**
- 12. The amenity of the area must not be detrimentally affected by the use or development, through the:**
  - a. Transport of materials, goods or commodities to or from the land;**
  - b. Appearance of any building, works or materials;**
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - d. Presence of vermin; and**
  - e. Any other way.**

## **Environmental Health**

- 13.The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Ground Science, ref number E2409.1 AB dated 1 July 2017 or any approved amendment are to be strictly adhered to.**
- 14.An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed**
- 15.The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
- 16.The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.**
- 17.All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4**
- 18.A shallow surface water cut off drain or surface water diversion mound, should be provided on the high side of the disposal areas to divert any surface water flows around the effluent fields.**
- 19.Subsurface Irrigation system needs to be installed to a depth of 150mm in situ or if the soil is of poor quality, imported good quality topsoil may be required, with a 1m spacing in between lines.**
- 20.The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.**

## **Infrastructure**

- 21.A standard rural vehicle crossing with culvert must be provided on Camp Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
- 22.The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.**
- 23.Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas. Moorabool Shire Council Engineering Services**
- 24.Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
- 25.Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**

**26. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

#### **Western Water**

**27. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:**

- a. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site;**
- b. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times;**
- c. The effluent system must be maintained by a *suitably* qualified person in accordance with the manufacturer's specifications and EPA requirements;**
- d. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard;**
- e. 6. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request;**
- f. The Owner shall meet the costs of the inspections and reports referred to in Condition e);**
- g. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property;**
- h. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system;**
- i. The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition e);**
- j. The primary and reserve effluent disposal fields must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal;**
- k. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Ground Science dated 1 July 2017 Reference No E2490.1 AB and the accompanying management plan followed and implemented;**
- l. The land must not be further subdivided;**
- m. No other building works shall be undertaken on the subject land without written approval of Western Water;**
- n. Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater;**
- o. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated;**
- p. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields;**
- q. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures; and**
- r. The obligations under this agreement shall run with the land.**

**28.The applicant shall pay all Council costs associated with the registration and enforcement of the Section 173 Agreement.**

#### **Southern Rural Water**

**29.The wastewater treatment system must be designed to meet the requirements outlined in the Land Capability Assessment (LCA) produced by Ground Science (report reference # E2490.1 AB) and must be satisfactory to Council's Health Officer.**

**30.Wastewater must be treated to a secondary standard as a minimum.**

**31.The wastewater treatment system must be installed, maintained and serviced by a suitably qualified contractor and verified by Council's Health Officer.**

**32.A cut-off drain must be installed up-gradient and down-gradient of the land application area (LAA) to prevent runoff of effluent if the system were to fail and stormwater ingress into the LAA.**

**33.Water saving fixtures must be installed in the dwelling to reduce volumes of wastewater.**

**34.Any failure of the wastewater treatment system and LAA must be immediately rectified to the satisfaction of Council's Health Officer.**

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

#### **Country Fire Authority**

**36.The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**

**37.The Bushfire Management Plan (prepared by Southern Cross Town Planning Pty Ltd, *Bushfire Management Statement – Lot 10 – 34 Lynch's Road, Bullarto South* – Revision D, Attachment 5, dated 5/08/2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

#### **Department of Environment, land Water & Planning**

**38.To offset the removal of 0.463 hectares (remnant patch) approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*.**

**39.The general offset must:**

- a. contribute gain of 0.068 general biodiversity equivalence units;**
- b. be located within the Port Phillip and Westernport Catchment Management Authority boundary or Moorabool Shire Council municipal district; and**
- c. have a strategic biodiversity score of at least 0.130.**

40. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:

- a. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan;
- b. A credit register extract from the Native Vegetation Credit Register; or
- c. A copy of the offset evidence endorsed by the Responsible Authority will form part of this permit. Within 30 days of offset endorsement, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. This permit will expire if one of the following circumstances applies:

#### Permit Expiry

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

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

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987

#### Permit Note

A permit to install an onsite wastewater management system must be submitted to Environmental Health.

**CARRIED.**

#### Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 February, 2018



**Item 5.3 Planning Permit PA2017-117; 94 Main Street, Bacchus Marsh – Two lot subdivision.**

***Consideration of Deputations – Planning Permit Application No. PA PA2017-117.***

***Steven Crowe addressed Council as the applicant to the granting of a planning permit for the application.***

***The business of the meeting then returned to the agenda.***

**Recommendation**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Refusal to grant a planning permit for a two lot subdivision at Lot 1 on Title Plan 840272R, otherwise known as 94 Main Street, Bacchus Marsh, based on the following grounds:

1. The proposed subdivision creates a lot without legal access to a roadway.
2. The proposed subdivision does not represent the orderly planning of the area.

**Resolution:**

**Moved: Cr. Dudzik**  
**Seconded: Cr. Bingham**

**That Council:**

1. Defer the matter to obtain legal advice;
2. A further report be brought back to the S86 Development Assessment Committee meeting.

**CARRIED.**

**Report Authorisation:**

**Authorised by:**   
**Name: Satwinder Sandhu**  
**Title: General Manager Growth and Development**  
**Date: 21 February, 2018**

**Item 5.4 Planning Permit PA2017-152; Two lot subdivision at 36 Ingliston Road, Ballan.**

***Consideration of Deputations – Planning Permit Application No. PA2017-152***

***Robert Eskdale addressed Council as the applicant to the granting of a planning permit for the application.***

***The business of the meeting then returned to the agenda.***

**Recommendation**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a refusal to grant a planning permit for a two lot subdivision at Lot 4 on PS301770V otherwise known as 36 Ingliston Road Ballan.

1. The proposed subdivision does not respond to the existing and prevailing subdivision pattern of the area.
2. The area and dimension of each lot does not respect the existing or preferred neighbourhood character of the area.
3. The proposed subdivision create lots with minimal street frontages and will not provide an adequate sense of address for a future dwelling.
4. The proposed subdivision does not represent the orderly planning of the area.

**Resolution:**

**Moved: Cr. Dudzik**

**Seconded: Cr. Keogh**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to grant a planning permit for a two lot subdivision at Lot 4 on PS301770V otherwise known as 36 Ingliston Road Ballan:**

**Endorsed plans**

1. **Before the subdivision starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:**
  - a. **The eastern boundary of Lot 1 to extend till it connects with the proposed southern boundary of Lot 2 and all of land east of this boundary to be included into Lot 2. A new easement over Lot 2 to include the existing gravel driveway which provides access to Lot 1 where it is not already covered by E-3 as shown on the proposed plan.**

**Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.**

### **Servicing**

- 2. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**

### **Subdivision**

- 5. Prior to the issue of Statement of Compliance, the existing GI shed in Lot 2 must be demolished to the satisfaction of the Responsible Authority.**
- 6. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:**
  - a. Land to be Burdened: All lots on this plan.**
  - b. Land to Benefit: All lots on this plan.**
  - c. Creation of Restriction: Upon registration of this plan, the following restriction is created. Description of Restriction: No buildings, no roofed structures, no driveways, and no car spaces are permitted within the hatched area as shown on the endorsed plans attached to Planning Permit number PA2017152 issued by Moorabool Shire Council. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

### **Telecommunications**

- 7. The owner of the land must enter into agreements with:**
  - a. A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
  - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.**
- 8. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
  - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**

- b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

#### **Southern Rural Water**

- 9. The plan of subdivision submitted for certification must be referred to the relevant water authority in accordance with Section 8 of the Subdivision Act 1988
- 10. Each allotment must be connected to the reticulated sewerage system and storm water infrastructure
- 11. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authority's requirements and relevant legislation

#### **Infrastructure**

- 12. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
  - i. The development as a whole must be self draining. Moorabool Shire Council Engineering Services
  - ii. Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
  - iii. Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
  - iv. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
- 13. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
- 14. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.
- 15. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
- 16. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
- 17. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

18. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

19. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:

- i. location of vehicle crossings;
- ii. details of the underground drainage;
- iii. location of drainage legal points of discharge;
- iv. standard details for vehicle crossings and legal points of discharge; and
- v. civil notes as required to ensure the proper construction of the works to Council standard.

#### **Permit Expiry**

20. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

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

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

**CARRIED.**

---

#### **Report Authorisation:**

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 February, 2018

**Item 5.5 Planning Permit PA2017-248; 156 Main Street, Bacchus Marsh - Reduction in the standard car parking requirement for the use of the land as a restaurant and liquor licence.**

*Consideration of Deputations – Planning Permit Application No. PA 2017-248.*

*Ian Bethune addressed Council as the applicant to the granting of a planning permit for the application.*

*The business of the meeting then returned to the agenda.*

**Resolution:**

**Moved: Cr. Bingham**

**Seconded: Cr. Keogh**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a planning permit for the reduction in the standard car parking requirement for the use of the land as a restaurant and liquor license at Lot 1 on Title Plan 885086K, otherwise known as 156 Main Street, Bacchus Marsh, with the following conditions:

**Endorsed plans**

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

**Amenity**

2. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any building, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d. Presence of vermin;
  - e. Any other way.
3. The owner, the occupier or the manager of the premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area
4. No more than 44 seats are to be permitted before 5.00pm except with the further written consent of the Responsible Authority.
5. No more than 62 seats are to be permitted after 5.00pm except with the further written consent of the Responsible Authority

**Liquor License**

6. The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.

7. Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area(s) between the following hours:
- a. 5.00am to 11.00pm Monday to Friday;
  - b. 7.00am to 11.00pm Saturday;
  - c. 7.00am to 10.00pm on Sunday.
8. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").

**Permit expiry**

9. This permit will expire if one of the following circumstances applies:
- a. The use is not started within two years of the date of this permit.
  - b. Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

**CARRIED.**

**Report Authorisation:**

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 February, 2018

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

Robert Fillisch, Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

## **8. UPDATE TO TERMS OF REFERENCE**

The updated Terms of Reference was discussed. Members will consider the suggested changes and request that the updated Terms of Reference be brought back to the S86 Development Assessment Committee at a later date.

## **DATE OF NEXT MEETING**

Wednesday 21 March, 2018  
5.00pm  
North Wing Room 2 & 3  
Darley Civic and Community Hub, 182 Halletts Way, Darley

## **MEETING CLOSURE**

The Chair thanked all Committee members and attendees and closed the meeting at 6.30pm.

