

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

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

MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 5.02pm.

ATTENDANCE

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

APOLOGIES

Ms. Sam Romaszko	Manager Engineering Services
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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. Keogh
Seconded: Cr. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for 21 February, 2018 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

Cr Sullivan declared an indirect conflict in relation to item 5.1 and item 5.4 of the agenda by email prior to this the meeting.

Cr Tatchell declared a indirect conflict in relation to item 5.3 of the agenda.

5. GROWTH & DEVELOPMENT REPORTS

5.1	Planning Permit Application PA2016 257 - 22 Lot Staged Subdivision & Removal of Easements at Lot S2 on PS 312999Y, Leila Court, Bacchus Marsh VIC 3340.	Page 4
5.2	Planning Permit Application PA2016 295 – Development and Use of 15 Warehouses, Display of Business Identification Signage and a Reduction of Car Parking (26 Spaces) at 26 Rutherford Court, Maddingley.	Page 22
5.3	Planning Application PA2017 240 - Reduction in the standard car parking requirement for the use of the land as a restaurant and a liquor licence at 122 Inglis Street, Ballan.	Page 26
5.4	Planning Permit Application PA2017 198 – Staged Four (4) Lot Subdivision and Removal of Vegetation (15 trees) 6 Berry Street, Ballan.	Page 29
5.5	Planning Permit Application PA2017 099 – Five (5) lot subdivision at 3 Corbetts Road Gordon.	Page 40
5.6	Planning Permit Application PA2017 234 –Development and Use of an Ambulance Station, Creation of an Access to a RDZ1, Business Identification Signage at 102 Gisborne Road, Bacchus Marsh.	Page 54

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
5.1	Planning Permit Application PA2016 257 - 22 Lot Staged Subdivision & Removal of Easements at Lot S2 on PS 312999Y, Leila Court, Bacchus Marsh VIC 3340.	Wayne Daniel and Martin Cornfoot	Application
5.3	Planning Application PA2017 240 - Reduction in the standard car parking requirement for the use of the land as a restaurant and a liquor licence at 122 Inglis Street, Ballan.	Helen Tatchell	Objector
5.4	Planning Permit Application PA2017 198 – Staged Four (4) Lot Subdivision and Removal of Vegetation (15 trees) 6 Berry Street, Ballan.	Vincent Smoors	Objector
5.4	Planning Permit Application PA2017 198 – Staged Four (4) Lot Subdivision and Removal of Vegetation (15 trees) 6 Berry Street, Ballan.	Cheryl and Dennis	Objector
5.6	Planning Permit Application PA2017 234 – Development and Use of an Ambulance Station, Creation of an Access to a RDZ1, Business Identification Signage at 102 Gisborne Road, Bacchus Marsh.	Sam Johnston	Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2016 257; 22 Lot Staged Subdivision & Removal of Easements at Lot S2 on PS 312999Y, Leila Court, Bacchus Marsh VIC 3340.

Consideration of Deputations – Planning Permit Application No. PA2016 257.

Wayne Daniel and Martin Cornfoot addressed Council as the applicants to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Dudzik
Seconded: Cr. Bingham

That Planning Application PA2016257 be deferred to the end of this agenda to allow for further discussions to be held.

CARRIED.

Adjournment of Meeting – 6.12pm:

Moved: Cr. Bingham
Seconded: Cr. Keogh

That the meeting now stand adjourned for a period of 15 minutes.

CARRIED.

Resumption of Meeting – 6.32pm:

Moved: Cr. Edwards
Seconded: Cr. Bingham

That the meeting now be resumed.

CARRIED.

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 PA2016257 for a twenty-two (22) Lot Subdivision at Lot S2 on PS 312999Y, Leila Court Bacchus Marsh, 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 but modified to show:

- a. Lots 19-22 designated as a Public Open Space Reserve – this land is to be developed to the satisfaction of the Responsible Authority.
- b. A landscaping plan for the public open space reserve to be approved and undertaken to the satisfaction of the responsible authority.

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.

Subdivision

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 the Act.
3. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision. This can be in the form of land set aside for the purpose of public open space.

Telecommunications

4. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services 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 provided by optical fibre.
5. Before the issue of a 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 in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

6. Prior to the development commencing, a "Stormwater Management Strategy" must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the "Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999". The Strategy must:
 - a. Encompass the entire area of the development.
 - b. Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.

- c. Provide for outfall drainage from the site connecting to an approved discharge point.
- d. Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

7. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
 - a. The subdivision as a whole must be self draining.
 - b. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - c. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
 - d. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
 - e. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
 - f. The drainage system must be designed to include provision to intercept litter.
 - g. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - h. The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

8. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - a. the requirements for drainage of the whole site.
 - b. if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - c. If additional outfall drainage or upgrading of the existing drainage network is required.
9. The internal road network layout, including the unconstructed portion of Leila Court adjacent to the Western boundary of the subject land, must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
10. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
11. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.

12. Prior to the issue of a statement of compliance for the relevant stage of the subdivision, the proponent must, at their cost, construct a 1.5 metre wide reinforced concrete footpath from the Western boundary of the subject land to Gisborne Road, to the satisfaction of the responsible authority.
13. 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.
14. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.
15. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
16. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
17. Prior to the issue of a Statement of Compliance for the subdivision, indented parking bays must be constructed along the internal roads as detailed in layout plan provided with the updated Traffic Impact Assessment Report prepared by Driscoll and Associates dated April 2017, to the satisfaction of the responsible authority.
18. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
19. The development must be provided with open access underground conduits to carry optical fibre at the development stage. (This may be waived if the responsible authority considers provision is unwarranted.) A development plan must show the conduit network for the subdivision, to the satisfaction of the responsible authority. Conduits must be provided in accordance with a plan approved by the responsible authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.
20. Street names and street signs must be provided to the satisfaction of the responsible authority.
21. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
22. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.

23. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
24. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
25. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
26. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
27. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
28. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
- 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
29. After all engineering works pertaining to each stage of the subdivision have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:
- Drainage construction details in "D-Spec" format.
 - Roadworks construction details in "R-Spec" format.
30. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
31. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
32. 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.

Melbourne Water

33. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

- 34.**A stormwater management and drainage strategy must be submitted and approved by Melbourne Water. This strategy must provide details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event and demonstrate how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.
- 35.**Prior to certification, the Plan of Subdivision must show building envelopes, as approved by Melbourne Water, on each new lot. The building envelopes must not be altered or moved in any way within the prior written consent of Melbourne Water.
- 36.**Prior to the issue of a Statement of Compliance, all proposed building envelopes must be filled to a minimum height of 300mm above the applicable flood level.
- 37.**All filling must be contained within the approved building envelope areas including any battering of fill.
- 38.**Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the building envelopes have been filled in accordance with Melbourne Water's requirements.
- 39.**A restrictive covenant must be recorded on the certificate of title requiring any future dwelling to be constructed with finished floor levels a minimum of 300mm above the applicable flood level and garages must be constructed with finished floor levels a minimum of 150mm above the applicable flood level.
- 40.**A restrictive covenant must be recorded on the certificate of title requiring any external fencing to be constructed of an open-style design or wood paling style and any internal fencing must be constructed of an open-style.
- 41.**Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with Melbourne Water's floodway safety criteria.
- 42.**Prior to the commencement of works a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
- 43.**Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
- 44.**Prior to the issue of Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for review.
- 45.**Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Powercor

- 46.**The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

47.The applicant shall:

- a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required).
- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- c. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
- e. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f. Where buildings or other installations exist on the land to be subdivided connected to supply prior to 1992 and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System. The requirements for switchboard and cable labelling contained in the Electricity Safety (Installations) Regulations are to apply.
- g. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i. Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- j. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Downer Utilities Australia Pty Ltd

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

Western Water

49.Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

50.Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

51. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.
52. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
53. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.
54. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
55. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.
56. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- a. Own a metered hydrant approved by Western Water;
 - b. Meter and pay for all water taken;
 - c. Display a Western Water Permit Number Sticker on the tanker;
 - d. Only take water from nominated hydrants or standpipes;
 - e. Only use water for the purpose approved in the Water Carters Permit;
 - f. Avoid wastage of water on site; and
 - g. Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

VicRoads

57. Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988, a functional layout plan for Gisborne Road at its intersection with Leila Court Bacchus Marsh must be submitted and accepted by the Responsible Authority:
- a. Auxiliary Left Turn (AUL) lane on major road (two lane/two way road).

Permit Expiry

58. 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.

Notes:

Melbourne Water

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 171678.

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Western Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to Western Water's water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

VicRoads

Noise assessment relating to potential freeway traffic noise impacts on the subdivision is encouraged.

Provision of footpath(s) to facilitate pedestrian access is strongly encouraged.

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for PA2016257 for a twenty-two (22) Lot Subdivision at Lot S2 on PS 312999Y, Leila Court Bacchus Marsh, 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 but modified to show:
 - a. The creation of a restriction for Lots 19-22 in accordance with Condition 3.

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

Subdivision

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 the Act.
3. The plan of subdivision to include a creation of restriction. The wording of the creation of restriction shall be as follows:
 - i. Land to be Burdened: All lots on this plan.
 - ii. Land to Benefit: All lots on this plan.
 - iii. Creation of Restriction: Upon registration of this plan, the following restriction is created.
 - iv. Description of Restriction: Fencing along the boundaries adjoining the road must not be higher than 1.2 meters, must not be less than 50% permeable. No internal fencing not on a boundary permitted within 3 meters from the boundary adjoining the road way. Any other boundary fence must not be greater than 1.2 meters within 3 meters of the road boundary.
4. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision. This can be in the form of land set aside for the purpose of public open space.

Telecommunications

5. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services 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 provided by optical fibre.

6. Before the issue of a 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 in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

7. Prior to the development commencing, a "Stormwater Management Strategy" must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the "Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999". The Strategy must:
 - a Encompass the entire area of the development.
 - b Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.
 - c Provide for outfall drainage from the site connecting to an approved discharge point.
 - d Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

8. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
 - a The subdivision as a whole must be self draining.
 - b All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - c All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
 - d Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
 - e Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
 - f The drainage system must be designed to include provision to intercept litter.
 - g All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - h The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

9. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - a the requirements for drainage of the whole site.
 - b if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - c If additional outfall drainage or upgrading of the existing drainage network is required.
10. The internal road network layout, including the unconstructed portion of Leila Court adjacent to the Western boundary of the subject land, must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
11. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
12. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
13. Prior to the issue of a statement of compliance for the relevant stage of the subdivision, the proponent must, at their cost, construct a 1.5 metre wide reinforced concrete footpath from the Western boundary of the subject land to Gisborne Road, to the satisfaction of the responsible authority.
14. 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.
15. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.
16. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
17. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
18. Prior to the issue of a Statement of Compliance for the subdivision, indented parking bays must be constructed along the internal roads as detailed in layout plan provided with the updated Traffic Impact Assessment Report prepared by Driscoll and Associates dated April 2017, to the satisfaction of the responsible authority.
19. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.

20. The development must be provided with open access underground conduits to carry optical fibre at the development stage. (This may be waived if the responsible authority considers provision is unwarranted.) A development plan must show the conduit network for the subdivision, to the satisfaction of the responsible authority. Conduits must be provided in accordance with a plan approved by the responsible authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.
21. Street names and street signs must be provided to the satisfaction of the responsible authority.
22. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
23. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
24. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
25. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
26. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
27. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
28. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
29. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
 - a 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - b 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
30. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - a Drainage construction details in “D-Spec” format.
 - b Roadworks construction details in “R-Spec” format.

31. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
32. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
33. 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.

Melbourne Water

34. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
35. A stormwater management and drainage strategy must be submitted and approved by Melbourne Water. This strategy must provide details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event and demonstrate how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.
36. Prior to certification, the Plan of Subdivision must show building envelopes, as approved by Melbourne Water, on each new lot. The building envelopes must not be altered or moved in any way within the prior written consent of Melbourne Water.
37. Prior to the issue of a Statement of Compliance, all proposed building envelopes must be filled to a minimum height of 300mm above the applicable flood level.
38. All filling must be contained within the approved building envelope areas including any battering of fill.
39. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the building envelopes have been filled in accordance with Melbourne Water's requirements.
40. A restrictive covenant must be recorded on the certificate of title requiring any future dwelling to be constructed with finished floor levels a minimum of 300mm above the applicable flood level and garages must be constructed with finished floor levels a minimum of 150mm above the applicable flood level.

41. A restrictive covenant must be recorded on the certificate of title requiring any external fencing to be constructed of an open-style design or wood paling style and any internal fencing must be constructed of an open-style.
42. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with Melbourne Water's floodway safety criteria.
43. Prior to the commencement of works a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
44. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
45. Prior to the issue of Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for review.
46. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Powercor

47. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
48. The applicant shall:
 - a Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required).
 - b Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - c Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - d Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
 - e Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
 - f Where buildings or other installations exist on the land to be subdivided connected to supply prior to 1992 and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System. The requirements for switchboard and cable labelling contained in the Electricity Safety (Installations) Regulations are to apply.

- g Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- h Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- i Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- j Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

Downer Utilities Australia Pty Ltd

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

Western Water

- 50. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.**
- 51. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.**
- 52. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.**
- 53. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.**
- 54. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.**
- 55. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.**
- 56. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.**
- 57. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:**
 - a. Own a metered hydrant approved by Western Water;**
 - b. Meter and pay for all water taken;**
 - c. Display a Western Water Permit Number Sticker on the tanker;**
 - d. Only take water from nominated hydrants or standpipes;**
 - e. Only use water for the purpose approved in the Water Carters Permit;**
 - f. Avoid wastage of water on site; and**
 - g. Comply with any water restrictions imposed by Western Water at the time water is used.**

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

VicRoads

58. Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988, a functional layout plan for Gisborne Road at its intersection with Leila Court Bacchus Marsh must be submitted and accepted by the Responsible Authority:

- a Auxiliary Left Turn (AUL) lane on major road (two lane/two way road).

Permit Expiry

59. 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.

Notes:

Melbourne Water

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 171678.

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Western Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to Western Water's water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

VicRoads

Noise assessment relating to potential freeway traffic noise impacts on the subdivision is encouraged.

Provision of footpath(s) to facilitate pedestrian access is strongly encouraged.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 March, 2018

Item 5.2 Planning Permit Application PA2016-295 – Development and Use of 15 Warehouses, Display of Business Identification Signage and a Reduction of Car Parking (26 Spaces) at 26 Rutherford Court, Maddingley

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issues Planning Permit No. 2016-295 for Development and Use of 15 Warehouses, Display of Business Identification Signage and a Reduction of Car Parking (26 Spaces) at Lot 9 on PS 317065E, 26 Rutherford Court, Maddingley, subject to the following conditions:

Endorsed Plans

- 1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must be generally in accordance with the plans prepared by Draft Comps Services, identified as Job No. 16355, Sheet Numbers TP02.1, rev. B & TP03.1, rev. B, TP03.2, rev. B, TP03.3, rev B, TP04.1 rev. A and TP04.2 rev A but modified to show:**
 - a. The building containing warehouses 1-9 with setbacks from the north title boundary as follows:**
 - i. Warehouses 1, 2 and 5 by 3.35 metres;**
 - ii. Warehouses 3 and 4 by 2.35 metres;**
 - iii. Warehouses 6-9 by 4.0 metres.**
 - b. The north-facing wall of warehouses 1-9 with a textured finish and muted colours to blend with the surroundings.**
 - c. Warehouses 1 and 9 be setback 2 metres from the respective west and east title boundaries to provide access to the landscaped areas at the rear of warehouses 1-9.**
 - d. A landscape plan in accordance with Condition No. 10.**

Amenity

- 2. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.**
- 3. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.**
- 4. Any public address system installed must not be audible beyond the boundaries of the site.**
- 5. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**
- 6. Any security alarm or similar device installed must be of a silent type.**
- 7. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'**
- 8. The loading and unloading of goods from vehicles must only be carried out on the land.**

9. Provision must be made on the land for the storage and collection of garbage and other solid waste and the area screened from public view to the satisfaction of the responsible authority.

Landscaping

10. 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. The plan must show:
- a. Details of surface finishes of pathways and driveways;
 - b. 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;
 - c. Landscaping and planting within all open areas of the site; and
 - d. The area contained in the north setback with both low level and high level screening vegetation to substantially obscure views of the building.

Species selection shall be to the satisfaction of the responsible authority.

11. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. 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.

Advertising Signs

13. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.
14. The advertising signs must be not contain any moving parts or flashing lights.
15. The signs must not be illuminated by external or internal light.
16. The signs must be constructed and maintained to the satisfaction of the responsible authority.
17. Unless no permit is required under the Moorabool Planning Scheme, other signs must not be constructed or displayed without a further permit.

Infrastructure

18. A standard urban industrial vehicle crossing must be provided on Rutherford Court to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
19. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
- a. The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - b. Underground piped drainage for the whole development shall cater for 10% AEP storm.

- c. Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
20. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.
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.
24. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
- Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - Designated loading areas shall be shown on layout plans.
 - The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
25. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Permit Expiry

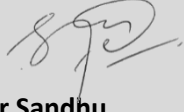
26. This permit will expire if one of the following circumstances applies:
- The development and the use are not started within two years of the date of this permit; and
 - The development is not completed within four years of the date of this permit.

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 March, 2018

Item 5.3 Planning Permit Application PA2017-240 – Reduction in the standard car parking requirement for the use of the land as a restaurant and a liquor licence at 122 Inglis Street, Ballan.

Cr Tatchell declared a Conflict in relation to item 5.3 Planning Permit Application PA2017-240 of the agenda.

The Chair Cr Tatchell adjourned from the meeting at 5.41pm and did not take part in considering item 5.3 Planning Permit Application PA2017-240.

Acting Chair

Moved: Cr. Edwards

Seconded: Cr. Bingham

That Councillor Keogh be appointed acting Chair for consideration of item 5.3 Planning Permit Application PA2017-240.

CARRIED.

Consideration of Deputations – Planning Permit Application No. PA2017-240.

Helen Tatchell addressed Council as the objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Bingham

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 the use of the land as a restaurant and a liquor license at Lot 5 on Title Plan 605512A, 122 Inglis Street, Ballan, with 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. Nominate the exact location of the 30 seats on the floor plan.**
- b. Site plan to show 12 car park spaces in accordance with Condition 8.**

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. 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**

Liquor License

- 4. The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 5. 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) 11am to 11pm Monday to Sunday.**
- 6. No more than 30 seats are to be permitted within the licensed area at any one time except with the further written consent of the Responsible Authority.**
- 7. 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").**

Infrastructure

- 8. Prior to the use commencing, the car park areas must be constructed with an all weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:**
 - i Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
 - ii. The parking areas shall be provided with an all-weather surface and associated drainage.**
 - iii. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.**
 - iii. 12 Car park spaces must be provided.**
- 9. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.**

Permit Expiry

10. 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. 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:

Unless exempt from obtaining a planning permit, no advertising signs may displayed on the land.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 March, 2018

Councillor Keogh adjourned from the role of acting chair at 5.55pm.

Item 5.4 Planning Permit Application PA2017 198 – Staged Four (4) Lot Subdivision and Removal of Vegetation (15 trees) at 6 Berry Street, Ballan.

Consideration of Deputations – Planning Permit Application No. PA2017 198.

Cheryl and Dennis addressed Council as objectors to the granting of a planning permit for the application.

Vincent Smoors addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Bingham

That Planning Application PA2017 198 be deferred to the end of this agenda to allow for further discussions to be held.

CARRIED.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue an Approval to Grant a Planning Permit for the Staged Four (4) Lot Subdivision and Removal of Vegetation (15 trees) at 6 Berry Street, Ballan, otherwise known as Crown Allotment 9, Section A, Parish of Ballan, subject to conditions.

Endorsed Plans

- 1. Prior to statement of compliance, 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 provided. The plans must be generally in accordance with the plans prepared by T.G. Sullivan & Associates Pty Ltd but modified to show:**
 - a. Development setbacks – 12m from the primary boundary and two (2) metres off each side boundary.**
 - b. A fencing restriction, requiring fencing to be semi permeable and constructed to a maximum height of 1.2 metres along the primary street boundary.**
 - c. Creation of a restriction in accordance with Condition 2.**

Subdivision

- 2. The plan of subdivision to include a creation of restriction. The wording of the creation of restriction shall be as follows:**
 - i. Land to be Burdened: All lots on this plan.**
 - ii. Land to Benefit: All lots on this plan.**
 - iii. Creation of Restriction: Upon registration of this plan, the following restriction is created.**

- iv. **Description of Restriction:** No buildings are permitted within two (2) metres of side boundaries and 12m from primary street frontage to each lot. Front fencing shall be no greater than 1.2 metres in height and must not be greater than 50% impermeable.
3. 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 the Act.
4. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.

Telecommunications

5. The owner of the land must enter into an agreement with:
- a. A telecommunications network or service provider for the provision of telecommunication services 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 provided by optical fibre.
6. Before the issue of a 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 in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

7. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
- a. The subdivision as a whole must be self draining.
 - b. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - c. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
 - d. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled.
8. by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.

9. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
 - a. The drainage system must be designed to include provision to intercept litter.
 - b. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - c. The drainage design must take into account any applicable drainage or flood management strategy.
 - d. If required, the layout of the subdivision must be modified based on the approved stormwater design.
 - e. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - i. The requirements for drainage of the whole site.
 - ii. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - iii. If additional outfall drainage or upgrading of the existing drainage network is required.
10. The civil works specified in this permit must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
11. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
12. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
13. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Old Ballanee Road must be widened to provide a carriageway width of 6.2 metres, from the Northern Boundary of the subject land to the intersection of Old Ballanee Road and Berry Street to the satisfaction of the responsible authority.
14. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, a 1.5 metre wide reinforced concrete footpath must be constructed along the frontage of the subject land in Old Ballanee Road, from the Northern boundary of the subject land to the footpath on the Southern side of Berry Street, to the satisfaction of the responsible authority.
15. 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.
16. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
17. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.

18. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
19. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
- a. Drainage construction details in “D-Spec” format.
 - b. Roadworks construction details in “R-Spec” format.
20. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.
21. All road and drainage works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of the Responsible Authority.
22. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
23. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Service 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.
24. Street trees must be provided at approved locations on all road frontages of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
25. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
26. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
27. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
28. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

29. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

Powercor

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

31. The applicant shall:

- a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required).
- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.

Downer Utilities Australia Pty Ltd

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

Central Highlands Water

33. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
34. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
35. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
36. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

37.If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Southern Rural Water

38.The plan of subdivision must be referred to Southern Rural Water in accordance with Section 8 of the Subdivision Act 1988.

39.Each allotment must be connected to the reticulated sewerage system and storm water infrastructure

Permit Expiry

40.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.

AMENDMENT

Moved: Cr. Bingham
Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue an Approval to Grant a Planning Permit for the Staged Four (4) Lot Subdivision and Removal of Vegetation (15 trees) at 6 Berry Street, Ballan, otherwise known as Crown Allotment 9, Section A, Parish of Ballan, subject to conditions.

Endorsed Plans

1. Prior to statement of compliance, 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 provided. The plans must be generally in accordance with the plans prepared by T.G. Sullivan & Associates Pty Ltd but modified to show:
 - a. Development setbacks – 12m from the primary boundary and two (2) metres off each side boundary.
 - b. A fencing restriction, requiring fencing to be semi permeable and constructed to a maximum height of 1.2 metres along the primary street boundary.
 - c. The creation of a restriction for subdivision in accordance with Conditions 2 and 3.

Subdivision

2. The plan of subdivision to include a creation of restriction. The wording of the creation of restriction shall be as follows:
 - i. Land to be Burdened: All lots on this plan.
 - ii. Land to Benefit: All lots on this plan.

- iii. **Creation of Restriction:** Upon registration of this plan, the following restriction is created.
 - iv. **Description of Restriction:** No buildings are permitted within two (2) metres of side boundaries and 12m from primary street frontage to each lot. Front fencing shall be no greater than 1.2 metres in height and must not be greater than 50% impermeable.
3. The plan of subdivision to include a creation of restriction. The wording of the creation of restriction shall be as follows:
- i. **Land to be Burdened:** Lot 4 on this plan.
 - ii. **Land to Benefit:** All lots on this plan.
 - iii. **Creation of Restriction:** Upon registration of this plan, the following restriction is created.
 - iv. **Description of Restriction:** No dwelling to be constructed greater than single story in height on lot four (4).
4. 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 the Act.
5. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.

Telecommunications

6. The owner of the land must enter into an agreement with:
- a. A telecommunications network or service provider for the provision of telecommunication services 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 provided by optical fibre.
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- c. 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
 - d. 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 in an area where the National Broadband Network will not be provided by optical fibre.

Infrastructure

8. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:
- a. The subdivision as a whole must be self draining.
 - b. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.

- c. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
 - d. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled.
- 9. by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
- 10. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
 - a. The drainage system must be designed to include provision to intercept litter.
 - b. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
 - c. The drainage design must take into account any applicable drainage or flood management strategy.
 - d. If required, the layout of the subdivision must be modified based on the approved stormwater design.
 - e. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - i. The requirements for drainage of the whole site.
 - ii. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - iii. If additional outfall drainage or upgrading of the existing drainage network is required.
- 11. The civil works specified in this permit must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
- 12. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
- 13. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
- 14. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Old Ballanee Road must be widened to provide a carriageway width of 6.2 metres, from the Northern Boundary of the subject land to the intersection of Old Ballanee Road and Berry Street to the satisfaction of the responsible authority.
- 15. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, a 1.5 metre wide reinforced concrete footpath must be constructed along the frontage of the subject land in Old Ballanee Road, from the Northern boundary of the subject land to the footpath on the Southern side of Berry Street, to the satisfaction of the responsible authority.
- 16. 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.

17. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
18. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
19. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
20. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - a. Drainage construction details in “D-Spec” format.
 - b. Roadworks construction details in “R-Spec” format.
21. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.
22. All road and drainage works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of the Responsible Authority.
23. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
24. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Service 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.
25. Street trees must be provided at approved locations on all road frontages of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
26. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.

27. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
28. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
29. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
30. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

Powercor

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

32. The applicant shall:

- a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required).
- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.

Downer Utilities Australia Pty Ltd

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

Central Highlands Water

34. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

35. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

36.A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

37.The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

38.If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Southern Rural Water

39.The plan of subdivision must be referred to Southern Rural Water in accordance with Section 8 of the Subdivision Act 1988.

40.Each allotment must be connected to the reticulated sewerage system and storm water infrastructure

Permit Expiry

41.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.


The Amendment was voted upon and was determined to be CARRIED on a Casting Vote by the Mayor.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 21 March, 2018



Item 5.5 Planning Permit Application PA2017-099 – Five (5) lot subdivision at 3 Corbetts Road Gordon.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit PA2017099 for a five lot subdivision at Crown Allotment 4, Section 20 Township of Gordon, Parish of Kerit Bareet otherwise known as 3 Corbetts Road, Gordon, subject to the following conditions.

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. Re-establishment survey to confirm exact boundaries of the subject land in comparison to the location of existing fences and buildings located on adjacent road reserves.
 - b. Nominate the location and total percentage of garden space that must achieve at 35% of the lot area in accordance with Clause 32.09-3.
 - c. The Cartons Road frontage width to Lot 5 increased from 9.14 metres to 20.00 metres. The rear boundary of Lot 4 can be altered if required. Both amended lots 4 and 5 must maintain a minimum area of 800 square metres.

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.

Subdivision

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. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
4. Prior to the issue of Statement of Compliance the existing dwelling in Lot 1 and the existing shed in Lot 2 must be demolished to the satisfaction of the Responsible Authority.
5. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:
 - Land to be Burdened - All lots on this plan.
 - Land to Benefit - All lots on this plan.
 - 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 PA2017099 issued by Moorabool Shire Council.

- Variation - The restriction can only be varied with the written consent of Moorabool Shire Council.

Telecommunications

6. 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.
7. 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.

Barwon Water

8. Each lot created in the development must be connected to a reticulated sewerage system.
9. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.

Central Highlands Water

10. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
11. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
12. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
13. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

14.If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Infrastructure

15.Prior to the issue of a Statement of Compliance for the subdivision, lot 1, 2 and 3 abutting Corbetts Road must be provided with a standard rural residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

16.Prior to the issue of a Statement of Compliance for the subdivision, lots 4 and 5 abutting Cartons Road must be provided with a standard rural residential vehicle crossing to the satisfaction of the Responsible Authority, inclusive of minimum 1200X300 mm box culverts and associated structures to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

17.The property access and the internal driveways to each lot 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.

18.The Stormwater Management Strategy submitted by the proponent, dated October 2017 must be revised as follows:

- i. Reference to the use of “SPEL” stormwater treatment systems must be removed, and an alternative method of treatment such as bioretention be investigated further;**
- ii. Reference to the provision of detention storage for 1% AEP storm events be deleted; and**
- iii. The amended Storm Water Management Strategy must be resubmitted for approval by the responsible authority.**

19.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.**

20.The civil works specified in this permit must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

21.Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.

- 22.Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
- 23.Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Corbetts Road must be widened to provide a carriageway width of 6.2 metres, from the intersection of Cartons Road to the western property boundary, to the satisfaction of the responsible authority.
- 24.Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Cartons Road must be widened to provide a carriageway width of 6.2 metres, from the intersection of Corbetts Road to the southern property boundary, to the satisfaction of the responsible authority.
- 25.Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, a 1.5 metre wide reinforced concrete footpath must be constructed along the frontage of the subject land in Corbetts Road, from the intersection of Cartons Road to the western property boundary, to the satisfaction of the responsible authority.
- 26.Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, a 1.5 metre wide reinforced concrete footpath must be constructed along the frontage of the subject land in Cartons Road, from the intersection of Corbetts Road to the southern property boundary, to the satisfaction of the responsible authority.
- 27.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.
- 28.Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
- 29.Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
- 30.Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
- 31.Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
- a. Drainage construction details in “D-Spec” format.
 - b. Roadworks construction details in “R-Spec” format.
- 32.Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.

33. All road and drainage works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of the Responsible Authority.
34. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
35. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Service 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.
36. Street trees must be provided at approved locations on all road frontages of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
37. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
38. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
39. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
40. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
41. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
42. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:
- a. Drainage construction details in "D-Spec" format.
 - b. Roadworks construction details in "R-Spec" format.
43. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.

44. All road and drainage works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of the Responsible Authority.
45. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
46. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Service 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.

Environmental Management Guidelines (CSIRO 1999)".

47. 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.
48. 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.
49. 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).
50. 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.
51. 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.
52. 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.

Powercor Australia

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

54. The applicant shall:

- a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Permit Expiry

55. 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.

PowerCor Note

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Resolution

Moved: Cr. Edwards

Seconded: Cr. Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit PA2017099 for a five lot subdivision at Crown Allotment 4, Section 20 Township of Gordon, Parish of Kerrit Bareet otherwise known as 3 Corbetts Road, Gordon, subject to the following conditions.

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. Re-establishment survey to confirm exact boundaries of the subject land in comparison to the location of existing fences and buildings located on adjacent road reserves.
 - b. Nominate the location and total percentage of garden space that must achieve at 35% of the lot area in accordance with Clause 32.09-3.
 - c. The Cartons Road frontage width to Lot 5 be increased from 9.14 metres to 20.00 metres, providing a minimum of 20 metres street frontage to both lots. The rear boundary of Lot 4 can be altered if required. Both amended lots 4 and 5 must maintain a minimum area of 1200 square metres.
 - d. Development setbacks – Ten (10) metres from the front boundary and five (5) metres off each side boundary.

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.

Subdivision

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. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
4. Prior to the issue of Statement of Compliance the existing dwelling in Lot 1 and the existing shed in Lot 2 must be demolished to the satisfaction of the Responsible Authority.
5. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:
 - Land to be Burdened - All lots on this plan.
 - Land to Benefit - All lots on this plan.
 - Creation of Restriction - Upon registration of this plan, the following restriction is created.

- Description of Restriction No 1 - 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 Condition 1b) of Planning Permit number PA2017099 issued by Moorabool Shire Council.
- Description of Restriction No.2 - No buildings to be constructed within Ten (10) metres of the front boundary and two (2) metres of side boundaries.
- Variation - The restriction can only be varied with the written consent of Moorabool Shire Council.

Telecommunications

6. 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.
7. 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.

Barwon Water

8. Each lot created in the development must be connected to a reticulated sewerage system.
9. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.

Central Highlands Water

10. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
11. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
12. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

13. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

14. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Infrastructure

15. Prior to the issue of a Statement of Compliance for the subdivision, lot 1, 2 and 3 abutting Corbetts Road must be provided with a standard rural residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

16. Prior to the issue of a Statement of Compliance for the subdivision, lots 4 and 5 abutting Cartons Road must be provided with a standard rural residential vehicle crossing to the satisfaction of the Responsible Authority, inclusive of minimum 1200X300 mm box culverts and associated structures to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

17. The property access and the internal driveways to each lot 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.

18. The Stormwater Management Strategy submitted by the proponent, dated October 2017 must be revised as follows:

- iv. Reference to the use of "SPEL" stormwater treatment systems must be removed, and an alternative method of treatment such as bioretention be investigated further;**
- v. Reference to the provision of detention storage for 1% AEP storm events be deleted; and**
- vi. The amended Storm Water Management Strategy must be resubmitted for approval by the responsible authority.**

19. 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.**

20. The civil works specified in this permit must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.

21. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
22. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
23. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Corbetts Road must be widened to provide a carriageway width of 6.2 metres, from the intersection of Cartons Road to the western property boundary, to the satisfaction of the responsible authority.
24. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Cartons Road must be widened to provide a carriageway width of 6.2 metres, from the intersection of Corbetts Road to the southern property boundary, to the satisfaction of the responsible authority.
25. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, a 1.5 metre wide reinforced concrete footpath must be constructed along the frontage of the subject land in Corbetts Road, from the intersection of Cartons Road to the western property boundary, to the satisfaction of the responsible authority.
26. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, a 1.5 metre wide reinforced concrete footpath must be constructed along the frontage of the subject land in Cartons Road, from the intersection of Corbetts Road to the southern property boundary, to the satisfaction of the responsible authority.
27. 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.
28. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control" (EPA 1991) and "Environmental Guidelines for Major Construction Sites" (EPA 1995).
29. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
30. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
31. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:
 - a. Drainage construction details in "D-Spec" format.
 - b. Roadworks construction details in "R-Spec" format.

32. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.
33. All road and drainage works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of the Responsible Authority.
34. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
35. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Service 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.
36. Street trees must be provided at approved locations on all road frontages of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
37. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
38. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
39. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
40. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
41. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
42. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:
- a. Drainage construction details in "D-Spec" format.
 - b. Roadworks construction details in "R-Spec" format.

43. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.

44. All road and drainage works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of the Responsible Authority.

45. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

46. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Service 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.

Environmental Management Guidelines (CSIRO 1999)".

47. 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.

48. 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.

49. 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).

50. 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.

51. 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.

52. 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.**

Powercor Australia

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

54. The applicant shall:

- a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Permit Expiry

55. 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.

PowerCor Note

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 21 March, 2018



Item 5.6 Planning Permit Application PA2017 234 –Development and Use of an Ambulance Station, Creation of an Access to a RDZ1, Business Identification Signage at 102 Gisborne Road, Bacchus Marsh.

Consideration of Deputations – Planning Permit Application No. PA2017 198.

Sam Johnston 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. Keogh
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 planning permit PA2017234 for Development and Use of an Ambulance Station, Creation of an Access to a RDZ1, and Business Identification Signage for Lot 1 on Plan of Subdivision 113191, otherwise known as 102 Gisborne Road, Bacchus Marsh subject to following conditions:

Endorsed Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and 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. Amend the landscape plan to show an additional trees facing the Lelia Court frontage and replacement trees for Tree 6 and 7 to be removed.
 - b. Amend the landscape plan to show an evergreen tree to replace Tree 8 which is marked 'Tree to be removed'. This new tree must not exceed a maturity height of 15 metres.
 - c. The new western boundary fence adjacent to 19 Lelia Court, Bacchus Marsh to be a solid 2.0 metres in height, comprised of Colorbond with a dark grey color tone.
 - d. The new front fence facing Lelia Court to be a solid structure.
 - e. Plans annotated that the Gisborne Road service road will be sealed to the satisfaction of VicRoads and in accordance with condition 17 contained herein.

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.

Materials and Colours

2. 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.

Amenity

- 3. 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.**
- 4. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'**
- 5. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**

Infrastructure

- 6. The proposed vehicle crossings must be constructed to urban standard to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.**
- 7. The service road abutting the western boundary of the property must be constructed in reinforced concrete to a depth of 150 mm, from Leila Court to the Southern boundary of the property, to the satisfaction of the responsible authority.**
- 8. 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; and**
 - 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.**
- 9. 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.**
- 10. 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.**
- 11. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.**
- 12. 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).**

13. 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.
14. 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.
15. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
- i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - ii. Designated loading areas shall be shown on layout plans.
 - iii. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - iv. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - v. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.
16. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access.

VicRoads

17. Prior to the issuing of the Statement of Compliance, the applicant is to seal the service road along Gisborne Road to the satisfaction of, and at no cost to, the Responsible Authority/VicRoads.
18. All vehicle access is to be via Leila Court.
19. Prior to the works on the service road along Gisborne Road commencing, the applicant must enter into a Works Agreement with VicRoads, confirming design plans, and works approvals process, including the determination of fees and the level of VicRoads' service obligations.

Advertising Signs

20. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.
21. The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.
22. The advertising sign must not contain any moving parts or flashing light.
23. The sign must be constructed and maintained to the satisfaction of the responsible authority.

Landscaping

24. 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.

25. 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.

Permit Expiry

26. 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

CARRIED.

Report Authorisation

Authorised by:



Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

21 March, 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.

DATE OF NEXT MEETING

Wednesday 18 April, 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 6.59pm.

