



MINUTES

S86 Development Assessment Committee Meeting

Date: Wednesday, 16 October 2019

Time: 3.30pm

Location: Council Chamber, 15 Stead Street, Ballan

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1. OPENING

Councillor Cr Tatchell as the Chair welcomed all and opened the meeting at 3.30pm.

2. PRESENT AND APOLOGIES

Cr Paul Tatchell	Councillor – Central Moorabool Ward
Cr John Keogh	Councillor – East Moorabool Ward
Cr Jarrod Bingham	Councillor – East Moorabool Ward
Cr Tonia Dudzik	Councillor – East Moorabool Ward
Mr Henry Bezuidenhout	Executive Manager Community Planning & Economic Development
Mr Robert Fillisch	Manager Statutory Planning and Building Services
Ms Yvonne Hansen	Manager Governance, Risk & Corporate Planning

An apology was received for:

Cr David Edwards Councillor – East Moorabool Ward

3. 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.

4. CONFIRMATION OF MINUTE

Resolution:

Moved: Cr John Keogh

Seconded: Cr Tonia Dudzik

That the minutes of the S86 Development Assessment Committee Meeting held on Wednesday, 21 August 2019 be confirmed.

CARRIED

5. MATTERS ARISING FROM PREVIOUS MINUTES

Nil.

6. DISCLOSURE OF CONFLICTS OF INTERESTS

6.1 Disclosure of Direct Interest – Cr. Dudzik

Cr Tonia Dudzik declared an Indirect Conflict of Interest in relation to Item 7.6 - PA2018345 - Subdivision - 130-144 Holts Lane, Darley. The nature of the Conflict of Interest is due to an association with an objector to the Item.

PRESENTATIONS / DEPUTATIONS

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	Growth & Development Reports	Speaker	Position
7.2	PA2019034 – Two lot subdivision at 3/3-5 Spencer Road, Ballan	James Robson	On behalf of applicant
7.3	PA2019037 – Two lot subdivision and Native Vegetation Removal	Jeremy Marriott	Applicant
7.3	PA2019037 – Two lot subdivision and Native Vegetation Removal	Maureen Leverett	Objector
7.3	PA2019037 – Two lot subdivision and Native Vegetation Removal	Joanne Barron	Objector
7.4	PA2015249 – Amended permit for staged subdivision and removal of native vegetation. 233 Werribee Vale Road, Maddingley.	Anthony Stafford	Applicant
7.5	PA2019080 - Construction of two dwellings. 5/36 Somerton Court, Darley.	Jacque Younger	Objector
7.5	PA2019080 - Construction of two dwellings. 5/36 Somerton Court, Darley.	Brigita Szabo	On behalf of applicant
7.6	PA2018345 – Subdivision – 130-144 Holts Lane Darley	Gerard Harrington	Objector
7.6	PA2018345 – Subdivision – 130-144 Holts Lane Darley	James Iles	Applicant
7.6	PA2018345 – Subdivision – 130-144 Holts Lane Darley	Tom Falzon	Applicant

7. COMMUNITY PLANNING REPORTS

7.1 PA2018306 - 3 DWELLING DEVELOPMENT - 8 STANDFIELD STREET, BACCHUS MARSH

Resolution:

Moved: Cr John Keogh

Seconded: Cr Tonia Dudzik

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Planning Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, on the following grounds:

1. The application does not accord with the referred Neighbour Character of Precinct 22 of the Bacchus Marsh Housing Strategy.
2. The application does not comprehensively accord with all of the objectives of Rescode.
3. The double storey form extends to the rear of the lot creating excessive visual bulk and massing when viewed from the secluded private open space of adjacent properties.
4. A lack of upper floor setbacks and insufficient levels of building articulation that fails to respect the existing and preferred neighbourhood character.
5. The secluded private open space areas do not meet the reasonable recreational needs of future residents and does not respect the preferred neighbourhood character.
6. The egress from Unit 3 car space does not allow for safe and convenient vehicle movement.
7. The application is considered an overdevelopment of the site in this location.

CARRIED

7.2 PA2019034 - TWO LOT SUBDIVISION AT 3/3-5 SPENCER ROAD, BALLAN

Mr James Robson addressed Council on behalf of the Applicant in favour of the granting of a planning permit for the application.

Resolution

Moved: Cr Jarrod Bingham

Seconded: Cr John Keogh

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to Grant Planning Permit No. 2019-034 for Two Lot Subdivision at Lot 1 on PS 525692P, 3/3-5 Spencer Road, Ballan, subject to the following conditions:

Endorsed Plans:

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

Servicing:

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

Telecommunications:

5. 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 provided by optical fibre.
6. 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.

Subdivision:

7. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:

Description of Restriction:

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 less than a 5.0 metre wide native vegetation buffer shall be provided parallel to the street boundaries, except where vehicle access between each lot and the street is required, planted and maintained to the satisfaction of the Responsible

Authority. No street boundary fencing shall be of any construction other than post and wire, post and rail or otherwise more than 50 per cent permeable and shall be no higher than 1.5 metres. No solid fencing shall be erected within 5.0 metres of the street boundaries.

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

Infrastructure:

8. Prior to the issue of a Statement of Compliance for the subdivision, Lot 1 must be provided with an urban standard reinforced concrete vehicle crossing on Spencer Road, and Lot 2 must be provided with a rural standard vehicle crossing with culvert on Densley Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel 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 crossing.
9. 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:
 - (a) The development as a whole must be self draining.
 - (b) 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.
 - (c) Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
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 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.
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 commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - (a) location of vehicle crossings.
 - (b) details of the underground drainage.
 - (c) location of drainage legal points of discharge.
 - (d) standard details for vehicle crossings and legal points of discharge.
 - (e) civil notes as required to ensure the proper construction of the works to Council standard.

Vegetation Removal:

16. Except where exempt under the Moorabool Planning Scheme, no vegetation shall be removed without further planning approval.

Western Water and Southern Rural Water:

17. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
18. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
19. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authority's requirements and relevant legislation at the time.

Permit Expiry:

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

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

CARRIED

7.3 PA2019037 - TWO LOT SUBDIVISION AND NATIVE VEGETATION REMOVAL

Ms Maureen Leverett addressed Council as an objector to the granting of a planning permit for the application.

Ms Joanne Barron addressed Council as an objector to the granting of a planning permit for the application.

Mr Jeremy Marriott addressed Council in favour of the granting of a planning permit for the application.

Resolution

Moved: Cr John Keogh

Seconded: Cr Jarrod Bingham

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to Grant Planning Permit No. 2019-037 for Two Lot Subdivision and Native Vegetation Removal at Crown Allotment 5, Section 36, Township of Gordon, Parish of Kerrit Bareet, 54 Nightingale Street, Gordon, subject to the following conditions:

Endorsed Plans:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 then form part of the permit. The plans must be generally in accordance with the plans identified as Proposed Plan rev. A and Native Vegetation Plan rev. A dated 12/6/2019 prepared by NR Links P/L but modified to show:
 - (a) The building envelope on Lot 2 deleted and replaced with a building exclusion zone to the satisfaction of the Responsible Authority;
 - (b) All trees marked for retention unless required to facilitate the subdivision;
 - (c) All requirements of Condition no. 3.
2. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

Subdivision:

3. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:

Description of Restriction:

- (a) Land to be Burdened: All lots on this plan.
- (b) Land to Benefit: All lots on this plan.
- (c) Creation of Restriction: Upon registration of this plan, the following restriction is created.

(d) Description of Restrictions:

No buildings or works except where allowed for under this restriction or where otherwise exempt from requiring a building permit shall be constructed or undertaken within the building exclusion zone shown on the plan of subdivision.

(e) No fencing on a street boundary, or internal fencing within 30 metres of Nightingale Street or within 10 metres of Stanley Street shall be of any construction other than post and wire, post and rail or otherwise more than 50 per cent permeable and shall be no higher than 1.5 metres, except for fencing on the boundaries of lots not part of this subdivision.

(f) Variation: The restrictions can only be varied with the written consent of Moorabool Shire Council.

Servicing:

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. 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.

Telecommunications:

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

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

Environmental Planning:

9. To offset the removal of 0.122ha of native vegetation, including five large trees, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), as specified below:

- (a) A general offset of 0.021 general habitat units:

Located within the Corangamite Catchment Authority boundary or Moorabool Shire municipal district;

With a minimum strategic biodiversity score of at least 0.112 and five large trees.

10. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of Council. This evidence is one or both of the following:

- (a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or

- (b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

11. In the event that a security agreement (first party offset) is entered into as per Condition 9(a), the permit holder must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offsets security agreement for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Vegetation Removal:

12. Except where exempt under the Moorabool Planning Scheme, no vegetation shall be removed without further planning approval.

Infrastructure:

13. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a rural standard vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the roadside drain 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 crossing.

14. 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:
 - (a) The development as a whole must be self draining.
 - (b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
 - (c) 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.
 - (d) Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.
15. 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.
16. 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.
17. 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).
18. 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.
19. 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.
20. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - (a) location of vehicle crossings.
 - (b) details of the underground drainage.
 - (c) location of drainage legal points of discharge.
 - (d) standard details for vehicle crossings and legal points of discharge.
 - (e) civil notes as required to ensure the proper construction of the works to Council standard.

Barwon Water:

21. Each lot created in the development must be connected to a reticulated sewerage system.
22. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.
23. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution Control, must be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.

Permit Expiry:

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

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

CARRIED

7.4 PA2015249 - AMENDED PERMIT FOR STAGED SUBDIVISION AND REMOVAL OF NATIVE VEGETATION – 233 WERRIBEE VALE ROAD MADDINGLEY

Mr Anthony Stafford addressed Council as an objector to the recommendation to issue a refusal to amend a permit.

Resolution

Moved: Cr Jarrod Bingham

Seconded: Cr John Keogh

That Planning Application PA2015249 - Amended Permit for Staged Subdivision and Removal of Native Vegetation - 233 Werribee Vale Road, Maddingley, be deferred to the next S86 Development Assessment Committee.

CARRIED

7.5 PA2019080 - CONSTRUCTION OF TWO DWELLINGS. 5/36 SOMERTON COURT, DARLEY

Ms Jacquie Younger addressed Council in support of the recommendation to issue a refusal to grant a planning permit.

Ms Brigita Szabo addressed Council as an objector to the recommendation to issue a refusal to grant a planning permit.

Resolution

Moved: Cr Tonia Dudzik

Seconded: Cr John Keogh

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a refusal to grant a planning permit for the construction of two dwellings based on the following the grounds.

1. The proposed development does not respect the existing or preferred neighbourhood character by being isolated from the nearest street frontage.
2. The proposed dwelling represents of an overdevelopment of a lot without a street frontage.
3. The proposed development does not comply with the Rescode standards B5 (Integration with Street) and Rescode standard B12 (Safety).
4. The wrong design response has been undertaken of poorly positioned existing lot and does not comply with the objectives of Clause 55.02-1, Neighbourhood Character.

CARRIED

Having declared a Conflict of Interest in relation to Item 7.6, Cr Tonia Dudzik left the meeting at 3.55pm.

7.6 PA2018345 - SUBDIVISION - 130-144 HOLTS LANE DARLEY

Mr Gerard Harrington addressed Council as an objector to the recommendation to issue a refusal to amend a permit.

Mr James Iles addressed Council as an Applicant in favour of the granting of a planning permit for the application.

Mr Tom Falzon addressed Council as an Applicant in favour of the granting of a planning permit for the application.

Resolution

Moved: Cr John Keogh

Seconded: Cr Jarrod Bingham

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Decision to Grant a Planning Permit for a 51 lot subdivision and removal of native vegetation at 130-144 Holts Lane, Darley, otherwise known as Crown Allotment 9, Section 16, Parish of Korkuperrimul, subject to the following conditions:

1. Before the use and/or development starts, 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 two copies must be provided. The plans must show:
 - a) The creation of restriction in accordance with the Subdivision Act (1988) which benefits and burdens all lots. The restriction must state no more than one dwelling on each lot; all boundary fencing to be no more than 2 metres in height and be of the wooden paling type; and all side fencing facing a street frontage must having no less than 20% openings;
 - b) Replace reserve No. 2 with the adjacent drainage reserve or road reserve.
 - c) An amended landscape plan showing landscaping details for Reserve No 1 including pathways and landscaping within Reserve No. 1 which will integrate with the adjacent public park and screen adjacent boundary fencing on the south and east boundaries.
 - d) Crossover locations with Lots 3, 4, 8 accessing internal roadway and not Holts Lane.

Subdivision

2. Prior to certification, the plan of subdivision must include a creation of restriction under the Subdivision Act (1988) in accordance with the endorsed plans.
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 that 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 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. Reserve No 1 can be included to offset the contribution requirement.

Telecommunications

5. 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.
6. 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.

Infrastructure

7. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with an urban residential standard vehicle crossing to the satisfaction of the Responsible Authority.
8. The subdivision must be provided with drainage system in accordance with the Stormwater Management Strategy prepared by Axiom Consulting Engineers, to a design approved by the Responsible Authority and must ensure that:
 - i. the subdivision as a whole must be self-draining.
 - ii. all drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - iii. 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.
 - iv. 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.
 - v. 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.
 - vi. the drainage system must be designed to include provision to intercept litter.
 - vii. 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.
 - viii. 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.
17. 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.
18. Prior to the issue of a Statement of Compliance for the subdivision, the missing underground drainage line in front of the property must be constructed to the satisfaction of the Responsible Authority.

19. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
 20. 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.
 21. 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.
 22. Prior to the issue of a Statement of Compliance for the subdivision, the section of Holts Lane abutting the property must be constructed to the satisfaction of the Responsible Authority as detailed below:
 - i. Kerb and Channel, and sealed pavement widening along the frontage of the site to match the existing construction of Holts Lane to the east and west of the property.
 - ii. Stormwater drainage
 - iii. Nature strip and Landscaping
 23. Prior to the issue of a Statement of Compliance for the subdivision, a 1.5 metre wide footpath must be constructed on the northern side of Holts Lane from the existing footpath on the western boundary of the property to the existing footpath on Halletts Way.
 24. 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.
 25. 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.
 26. 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).
 27. 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.
 28. 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.
 29. Street names and street signs must be provided to the satisfaction of the responsible authority.
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30. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
31. 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.
32. 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.
33. 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.
34. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
35. 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.
36. 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.
37. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
 - i. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - ii. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
38. 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:
 - i. Drainage construction details in “D-Spec” format.
 - ii. Roadworks construction details in “R-Spec” format.
39. 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.
40. 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.

41. 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.
42. 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

Landscape plan – Reserve No 1

43. Before the plan of subdivision is certified under the Subdivision Act 1988, a landscape plan must be submitted to and approved by the Responsible Authority for the reserve located in north-west corner of the site. The plans must indicate as a minimum the following to the satisfaction of the Responsible Authority:
 - a) pathways linking to the existing footpath on Ross Street located to the west of the proposed Reserve1;
 - b) location and detail of furniture, rubbish bins and play equipment;
 - c) site contours and any proposed changes to the existing levels including any structural elements such as retaining walls;
 - d) details of surface finishes of pathways and driveways;
 - e) details of fencing along common boundaries; and
 - f) 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.
44. Prior to the issuing of a Statement of Compliance pursuant to the Subdivision Act 1988, the approved landscape plan for Reserve No.1 must be constructed and implemented at the cost of the developer and to the satisfaction of the Responsible Authority.

Landscape Plan – Reserve No. 2

45. Before the plan of subdivision is certified under the Subdivision Act 1988, a landscape plan must be submitted to and approved by the Responsible Authority for Reserve No. 2 located in south-west corner of the site. The plans must indicate as a minimum the following to the satisfaction of the Responsible Authority:
 - a) site contours and any proposed changes to the existing levels including any structural elements such as retaining walls;
 - b) details of surface finishes of pathways and driveways;
 - c) details of fencing along common boundaries; and
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

46. Prior to the issuing of a Statement of Compliance pursuant to the Subdivision Act 1988, the approved landscape plan for Reserve No.2 must be constructed and implemented at the cost of the developer and to the satisfaction of the Responsible Authority.

Melbourne Water

47. 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.
48. Pollution and / or sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
49. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
50. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
51. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
52. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
53. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
54. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
55. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
56. The drainage system of the proposed development shall be designed to ensure that increased flows from the site are restricted to existing drainage structures capacity unless increased flows are approved by Council. A copy of Council approved drainage plans and associated works shall be provided to Melbourne Water for our records.
57. Prior to the issue of a Statement of Compliance, a drainage outfall must be to the satisfaction of Melbourne Water, Council and any affected downstream property owner(s). Written confirmation of the acceptance of the drainage outfall by Council and any affected downstream property owner(s) must be sent to Melbourne Water for our records.
58. Prior to the issue of a Statement of Compliance for the subdivision, 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.

Downer Utilities Australia P/L

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

Powercor

60. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
61. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes:

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

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

Notes:

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

63. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes:

Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

64. RESERVES established by the applicant in favour of the Distributor.
65. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

66. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.
67. Existing easements may need to be amended to meet the Distributor's requirements;
68. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (metres)	Origin	Land benefited/in favour of
	Powerline		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

Western Water

69. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment
70. 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
71. 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;
72. 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
73. The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (potable water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter), required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western Water's Procurement Procedure and Guide to New Customer Contributions.
74. 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
75. Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water
76. The developer must produce for approval by Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.
77. The IWMP must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the IWMP must then form part of the permit.
78. 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.
79. 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:
 - * Own a metered hydrant approved by Western Water;

- * Meter and pay for all water taken;
- * Display a Western Water Permit Number Sticker on the tanker;
- * Only take water from nominated hydrants or standpipes;
- * Only use water for the purpose approved in the Water Carters Permit;
- * Avoid wastage of water on site; and
- * 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.

Permit expiry

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

- a) The plan of subdivision is not certified within two (2) years of the date of issue of the permit.

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

Permit Notes

Melbourne Water

To find out more information regarding building in flood prone areas please visit our website for more information.

For general development enquiries contact our Customer Service Centre on (03)96797531.

Downer Utilities Australia P/L

It is important that the applicant(s) are aware that this letter does not serve as a confirmation of gas supply availability. The owner/developer of the land may need to enter into an agreement or request a quote from a local gas retailer for provision or altering of gas services for each lot of the endorsed plan.

Powercor

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or crr@powercor.com.au on.

CARRIED

Cr Tonia Dudzik returned to the meeting at 4.08pm.

7.7 PA2018217 - USE OF THE LAND FOR ANIMAL KEEPING (5 DOGS) AT 15 DUNCAN STREET, BALLAN

Resolution

Moved: Cr Tonia Dudzik

Seconded: Cr John Keogh

That Council issue a Notice of Decision to issue a planning permit, subject to the following conditions:

Endorsed Plans:

1. Before the use and/or development starts, 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 two copies must be provided. The plans must show:

- a) Floor and Site Plan

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

2. The use as detailed on the endorsed plans (Health Management Plan) must not be altered without the written consent of the Responsible Authority.

Amenity:

3. The amenity of the area must not be detrimentally affected by the use 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.
4. Suitable screen fencing must be maintained to the satisfaction of the Responsible Authority in around the rear yard around the property.
5. An Amenity Impact Mitigation Plan is to be submitted to Council that demonstrates that the owner has taken all reasonable steps to mitigate the amenity impacts generated by the use including noise and odour. This should have details that relate to the cleaning schedule of the animals, site and bedding, how particularly noisy animals are managed – such as noise baffled kennels.

Operational:

6. The use is to comply with the EPA Noise Control Guidelines (Publication 1254, dated October 2008) for Dog kennels, or equivalent document, to the satisfaction of the Responsible Authority.
7. The use hereby permitted is to comply with the Domestic Animal Business Code of Practice or equivalent Code of Practice.
8. No more than three litters of puppies are to be bred in any one year, unless with the prior written consent of the Responsible Authority
9. Liquid waste and liquid generated from cleaning is to be diverted into the nearest approved drainage system.
10. Solid waste from the site must be removed at a suitable frequency to prevent a public health or environmental nuisance.
11. All gates and doors to the perimeter fencing of the site/facility are to be self-closing and self-locking to the satisfaction of the Responsible Authority.
12. The dogs must be contained within the dwelling or rear yard between school hours: between 8-9:30 am and 2:30-4 pm, Monday to Friday, unless during holiday periods.
13. Noise levels emanating from the kennel facility must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 ('SEPP N-1').
14. No more than 5 breeding dogs are to be kept on site at any one time
15. All animals onsite, both entire and de-sexed, are required to be registered with Council.
16. Only the 5 existing breeding animals may be kept on site. Breeding animals cannot be replaced with other breeding animals in the event of the cessation of breeding, sale, moved to another site or death of any breeding animal that is currently of site until the number of breeding animals is reduced to a maximum of two animals.

Permit Expiry:

17. This permit will expire if one of the following circumstances are met:
 - a) The use is not started within two years of the date of this permit;
 - b) The use is discontinued for a period of greater than 2 years
 - c) The applicant of the permit sells the property

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

Nil.

9. PROCESS FORWARD AND WORK PROGRAM

Nil.

10. UPDATE ON VCAT DECISIONS

Nil.

11. OTHER BUSINESS

Nil.

12. DATE OF NEXT MEETING

Wednesday, 18 November 2019
6.00pm
North Wing Room 2 & 3
Darley Civic and Community Hub, 182 Halletts Way, Darley

13. MEETING CLOSE

The Chair thanked all Committee members and attendees and closed the meeting at 4.30pm.

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CHAIRPERSON