



MINUTES

S86 Development Assessment Committee Meeting

Wednesday, 18 December 2019

Time: 4.30pm

**Location: The Pavilion Room, Darley Civic and Community
Hub, Darley**

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1. OPENING

The Mayor welcomed all and opened the meeting at 4.34pm.

2. PRESENT AND APOLOGIES

Cr David Edwards (Mayor)	East Moorabool Ward
Cr Jarrod Bingham	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr John Keogh	East Moorabool Ward
Cr Tom Sullivan	West Moorabool Ward
Cr Paul Tatchell	Central Moorabool Ward

Officers:

Mr Derek Madden	Chief Executive Officer
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
Ms Brownwyn Southee	Coordinator Statutory Planning
Mr Mark Lovell	Senior Statutory Planner
Mr Samuel Duff	Statutory Planning Officer

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 MINUTES

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Jarrod Bingham

That the minutes of the S86 Development Assessment Committee Meeting held on Wednesday, 20 November 2019 be confirmed.

CARRIED

5. MATTERS ARISING FROM PREVIOUS MINUTES

Nil.

6. DISCLOSURE OF CONFLICTS OF INTERESTS**6.1 Disclosure of Indirect Conflict of Interest – Cr. Keogh**

Cr John Keogh declared a Direct Conflict of Interest in relation to item 7.1 - PA2015249 - Amended Permit for Staged Subdivision and Removal of Native Vegetation, 233 Werribee Vale Road, Maddingley. The nature of the Conflict of Interest is due to Cr Keogh acting as a consulting engineer.

7. PRESENTATIONS / DEPUTATIONS

Item	Community Planning and Economic Development	Speaker	Position
8.1	PA2015249 - Amended Permit for Staged Subdivision and Removal of Native Vegetation. 233 Werribee Vale Road, Maddingley	Anthony Stafford	Applicant
8.2	PA2015155 - Amended Permit for a Medical Clinic and Ancillary Dispensary, 4 O'Leary Way, Maddingley	Paul Kochskamper	Applicant
8.2	PA2015155 - Amended Permit for a Medical Clinic and Ancillary Dispensary, 4 O'Leary Way, Maddingley	Dr. Siva Sooknandan	Applicant
8.2	PA2015155 - Amended Permit for a Medical Clinic and Ancillary Dispensary, 4 O'Leary Way, Maddingley	Dr. Paul Williams	Applicant
8.2	PA2015155 - Amended Permit for a Medical Clinic and Ancillary Dispensary, 4 O'Leary Way, Maddingley	Lloyd Jewell	Applicant
8.2	PA2015155 - Amended Permit for a Medical Clinic and Ancillary Dispensary, 4 O'Leary Way, Maddingley	James Millikan	Applicant
8.2	PA2015155 - Amended Permit for a Medical Clinic and Ancillary Dispensary, 4 O'Leary Way, Maddingley	Hugh Millikan	Applicant
8.4	PA2019166 - 2 Lot Subdivision, 3 Ocock Street, Ballan	Adam Parker	Applicant
8.4	PA2019166 - 2 Lot Subdivision, 3 Ocock Street, Ballan	Harry Van Moorst	On behalf of applicant

8. COMMUNITY PLANNING REPORTS

Having declared a Direct Interest in item 7.1pm, Cr John Keogh left the meeting at 4:35 pm.

Mr Anthony Stafford addressed Council as an applicant in support of the granting of a planning permit for the application associated with Item 7.1.

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

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tonia Dudzik

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, grants the issue of a permit for staged subdivision and removal of vegetation at 233 Werribee Vale Road, Maddingley based on the following amendments:

New condition 1a - Lot 156 deleted and vested in Reserve No. 1

New condition 1b - The two retained trees within Lot 150 require a vegetation protection envelope which is a minimum of 2 metres outside the drip line of the trees. The protection envelope must be nominated as a restriction on Title to the satisfaction of the Responsible Authority.

New condition 1c - Fencing of the side and rear lot boundaries that adjoin Reserve No.1 must be designed to the satisfaction of the Responsible Authority. Fencing must be sympathetic to the adjacent escarpment reserve. The northern and eastern boundary of Lot 159 and the eastern boundary of Lot 158 must also be design to the satisfaction of the Responsible Authority.

Alter condition 11 to include – Offset requirements must match any amended NVIM report to the satisfaction of the Responsible Authority

Remove Melbourne Water condition 44

New Melbourne Water condition 46 - 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.

New Melbourne Water condition 47 - Prior to Certification, the Developer must ensure adequate outfall from the site. A copy of written approval from the relevant affected parties to the satisfaction of Council for the arrangement of appropriate drainage outfall for the subdivision must be provided to Melbourne Water. Copy of Council's acceptance of the SWMS for any assets under Council's maintenance shall be provided to Melbourne Water for our records.

New Melbourne Water condition 48 - Prior to the commencement of works, the proposed Wetland treatment works to be constructed for treatment of stormwater runoff is to be designed and built to Council's requirements. Council's approval to the design and acceptance of ownership and all future maintenance responsibilities of the Wetland shall be submitted to Melbourne Water prior to the commencement of works.

New Melbourne Water condition 49- Prior to Certification, 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 demonstrates how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.

New Melbourne Water condition 50 - 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.

New Melbourne Water condition 51 - Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.

New Melbourne Water condition 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.

New Melbourne Water condition 53 - Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

New Melbourne Water condition 54 - The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.

New Melbourne Water condition 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.

New Melbourne Water condition 56 - Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.

New Melbourne Water condition 57- Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

New Melbourne Water condition 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.

New Melbourne Water condition 59 - Prior to the issue of a Statement of Compliance, the drainage outfall must be to the satisfaction of Council. Written confirmation of the acceptance of the drainage outfall by Council must be sent to Melbourne Water for our records

Southern Rural Water conditions 46-49 renumbered to 60-62

Replace Western Water condition 54 with - 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.

New Western Water condition 71 - 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

New Western Water condition 72 - 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.

New Western Water condition 73 - 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.

Replace Powercor condition 58 with new condition 74- This letter shall be supplied to the applicant in its entirety.

New Powercor condition 75 - 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

New Powercor condition 76 - 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.

New Powercor condition 77 - 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:

- RESERVES established by the applicant in favour of the Distributor.
- 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.

New Power condition 78 - 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. Notes: Existing easements may need to be amended to meet the Distributor's requirements. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows

Purpose: Powerline. Origin: Section 88 Electricity Industry Act 2000 Land benefit/In favour of: PowerCor Australia Ltd

Downer Utilities condition 59 renumbered condition 79.

Permit Expiry condition 60 renumbered to 85.

New CFA condition 80 - The subdivision as shown on the endorsed plans must not be altered without the consent of CFA

New CFA condition 81 - Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- (a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- (b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority. Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

New CFA condition 82 - Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- (a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- (b) 3.2 Curves must have a minimum inner radius of 10 metres.
- (c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- (d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

New condition 83 - The subdivision must be completed in their numerical sequence unless with the written consent of the Responsible Authority.

New Condition 84 – Prior to the issue of Statement of Compliance for each stage the fence referred to in Condition 1c must be fully constructed to the satisfaction of the Responsible Authority.

CARRIED

At 4:40pm, Cr John Keogh returned to the meeting.

Dr. Paul Williams addressed Council as an applicant in support of the granting of a planning permit for the application associated with Item 7.2.

Mr. Lloyd Jewell addressed Council as an applicant in support of the granting of a planning permit for the application associated with Item 7.2.

Dr. Siva Sooknandan addressed Council as an applicant in support of the granting of a planning permit for the application associated with Item 7.2.

Mr. James Millikan and Mr Hugh Millikan addressed Council as an applicant in support of the granting of a planning permit for the application associated with Item 7.2.

8.2 PA2015155 - AMENDED PERMIT FOR A MEDICAL CLINIC AND ANCILLARY DISPENSARY, 4 O'LEARY WAY, MADDINGLEY

MOTION

Moved: Cr John Keogh

Seconded: Cr Paul Tatchell

That Council defer the matter to the next Development Assessment Committee.

The matter was declared LOST on the casting vote of the Chairperson.

RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Tonia Dudzik

That Council having considered all matters as prescribed by the Planning and Environment Act 1987, issue a permit for a medical centre and ancillary dispensary at 4 Oleary Way, Maddingley with the following amendments:-

New permit preamble - Use and Development of a Medical Centre and ancillary pharmacy within a General Residential Zone and a reduction to the standard car parking rate in accordance with the endorsed plans.

Alter Condition 6 - An external door to the ancillary pharmacy is approved.

Alter Condition 7 - Except with the further written consent of the Responsible Authority, not more than seven (7) medical practitioners for shall practice at premises at any one given time.

CARRIED

A division was called:

In Favour: Crs Jarrod Bingham, David Edwards and Tonia Dudzik.

Against: Crs Paul Tatchell, Tom Sullivan and John Keogh.

The matter was declared CARRIED on the casting vote of the Chairperson

8.3 PA2019168 - USE OF THE LAND FOR LANDSCAPE GARDENING SUPPLIES (PLANT NURSERY) AND ASSOCIATED WORKS

RESOLUTION

Moved: Cr Tom Sullivan

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 a Planning Permit:

Endorsed Plans:

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. Any buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Any buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.

General Conditions:

2. No advertising signage is to be erected unless otherwise exempt under the Moorabool Planning Scheme or with further approval from the Responsible Authority
3. Native vegetation, including dead standing native vegetation, is not to be removed from the land without the written consent of the responsible authority.
4. At least 10% of the site used for the purpose of the Plant Nursery is to be allocated for carparking spaces and is to be provided and maintained to the satisfaction of the responsible authority.

Operational:

5. The Hours of Operation, unless otherwise altered with the permission of the responsible authority, are limited as follows:
Wednesday - Sunday: 9AM-5PM
 6. Provision must be made on the land for the storage and collection of garbage and other solid waste. The area for storing of waste and rubbish must be screened from public view to the satisfaction of the Responsible Authority.
 7. All stockpiling of materials, including plants, potting mix, fertilisers and other materials is to be contained within the area specified on the plans.
 8. Storage, use and/or handling of any chemicals is to be in accordance with the recommendations of the Manufacturer or other best practice response and is not to have a detrimental effect on the environment to the satisfaction of the Responsible Authority.
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9. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin; or
 - (e) Any other way.
10. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
11. The owner, the occupier and 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.
12. Any security alarm or similar device installed must be of a silent type.
13. No additional staff other than those that live on site are to work on the site.
14. After a period of 24 months of continuous use of the site as Landscape Gardening Supplies (Plant Nursery), a report must be provided to Council in relation to the use of the site. This report must have details on the average numbers of patrons and vehicle movements and other relevant details. Council will assess then this report, where it may be determined that toilet facilities are required, and that additional staffing may be permissible. If so, an application may have to be made for the inclusion of these alterations to amendments.
15. All loading and unloading of deliveries must be undertaken in the areas specified on endorsed plans. All vehicles must exit in a forward direction.
16. The carparking and loading areas are to be appropriately signed to prevent customers using the loading area and trucks using customer parking. These signs are to be erected and maintained to the satisfaction of the Responsible Authority.

Infrastructure:

17. A double width rural vehicle crossing with culvert must be provided to the carpark entrance on Navigators Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
18. Prior to the use commencing, the car park areas must be constructed with an all-weather surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - (a) 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.
 - (b) Designated loading areas shall be shown on layout plans.
 - (c) The parking areas shall be provided with an all-weather surface and associated drainage.

- (d) Kerbing of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - (e) 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.
19. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.
 20. 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).
 21. 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.
 22. 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.

Central Highlands Water:

23. Any stormwater generated from the development of the nursery must be diverted clear of the effluent disposal field on the lot.

Permit Expiry:

24. 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.

CARRIED

8.4 PA2019166 - 2 LOT SUBDIVISION, 3 OCOCK STREET, BALLAN**RESOLUTION****Moved:** Cr Paul Tatchell**Seconded:** Cr John Keogh

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a refusal to grant a planning permit for a two lot subdivision based on the following grounds:

1. The proposed subdivision will be in breach of proposed minimum lot size requirements of the Low Density Residential Zone Schedule 1 changes as per Moorabool Planning Scheme Amendment C88 (Ballan Strategic Directions).
2. The proposed subdivision is not consistent with the existing and preferred neighbourhood character.

CARRIED

A division was called:

In Favour: Crs Paul Tatchell, John Keogh and David Edwards

Against: Crs Jarrod Bingham, Tonia Dudzik and Tom Sullivan

The matter was declared CARRIED on the casting vote of the Chairperson

9. UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Nil.

10. PROCESS FORWARD AND WORK PROGRAM

Nil.

11. UPDATE ON VCAT DECISIONS

Nil.

12. OTHER BUSINESS

Nil.

13. DATE OF NEXT MEETING

Wednesday, 19 February 2020.

14. MEETING CLOSE

The Meeting closed at 6.05pm.

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CHAIRPERSON