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| **MINUTES**  **S86 Development Assessment Committee Meeting**  **Wednesday, 20 May 2020** | |
| **Time:** | **6.00pm** |
| **Location:** | **North Wing Meeting Room 2 & 3, Darley Civic Hub** |

**Order Of Business**

[1. Opening 3](#_Toc40955906)

[2. Present and Apologies 3](#_Toc40955907)

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[5. Matters Arising from Previous Minutes 4](#_Toc40955910)

[6. Disclosure of Conflicts of Interests 4](#_Toc40955911)

[7. Community Planning Reports 4](#_Toc40955912)

[7.1 PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills 5](#_Toc40955913)

[7.2 PA2019282 - Two Lot Subdivision at 2 Alexander Drive, Ballan 8](#_Toc40955914)

[7.3 PA2019059 - Two Lot Re-Subdivision and Use and Development of a Dwelling at 139 Pound Creek Road Navigators 7](#_Toc40955915)

[7.4 PA2019286 - Two Lot Subdivision at 16 Alexander Drive, Ballan 9](#_Toc40955916)

[7.5 PA2019283 - Two Lot Subdivision at 1 Alexander Drive, Ballan 9](#_Toc40955917)

[7.6 PA2019284 - Two Lot Subdivision at 5 Alexander Drive, Ballan 10](#_Toc40955918)

[7.7 PA2019285 - Two Lot Subdivision at 15 Alexander Drive, Ballan 10](#_Toc40955919)

[7.8 PA2019261 - Use of an existing dwelling as a retail premises (cafe) at 15 Martin Street, Blackwood 7](#_Toc40955920)

[8. Update on Trends, Issues and Other Matters 11](#_Toc40955921)

[9. Update on VCAT Decisions 11](#_Toc40955923)

[10. Other Business 11](#_Toc40955925)

[11. Date of Next Meeting 11](#_Toc40955927)

[12. Meeting Close 11](#_Toc40955929)

1. Opening

The Mayor opened the meeting with the Council Prayer at 6.00pm.

The Mayor advised that Councillors Tatchell and Keogh are participating in tonight’s meeting via video link.

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 Lawry Borgelt Woodlands 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 Rob Fillisch Chief Financial Officer

Ms Yvonne Hansen Manager Governance, Risk & Corporate Planning

**APOLOGIES:**

Nil

3. Recording of Meeting

The Mayor advised that the meeting is being livestreamed via Council’s website and a copy of the meeting will be retained on Council’s website.

4. Confirmation of Minutes

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| **Committee Resolution**  **Moved:** Cr John Keogh  **Seconded:** Cr Jarrod Bingham  That the minutes of the S86 Development Assessment Committee Meeting held on Wednesday 18 March 2020 be confirmed.  **Carried** |

5. Matters Arising from Previous Minutes

Nil.

6. Disclosure of Conflicts of Interests

**6.1 Disclosure of Conflict of Interest – Cr. Sullivan**

Cr Tom Sullivan declared a Conflict of Interest in relation to item 7.1 PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills.

PRESENTATIONS AND DEPUTATIONS

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| **Item** | **Community Planning and Economic Development** | **Speaker** | **Position** |
| 7.1 | PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills | Mr. Marc Ainsworth | Objector |
| 7.1 | PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills | Mr. John Holding | Objector |
| 7.1 | PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills | Mr. Howard Smith | Applicant |
| 7.1 | PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills | Mr. Ian Buchanan | Objector |
| 7.3 | PA2019059 - Two lot re-subdivision and use and development of a dwelling at 139 Pound Creek Road, Navigators. | Mr. Andrew Lewis | Applicant |
| 7.8 | PA2019261 - Use of an existing dwelling as a retail premises (cafe) at 15 Martin Street, Blackwood | Ms. Karen Bruno | Applicant |

7. Community Planning Reports

Having declared a Direct Interest in Item 7.1, Cr Tom Sullivan left the meeting at 6:03 pm.

Mr. Marc Ainsworth addressed Council as an objector of the granting of a planning permit for the application associated with Item 7.1.

Mr. John Holding addressed Council as an objector of the granting of a planning permit for the application associated with Item 7.1.

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

Mr. Ian Buchanan addressed Council as an objector of the granting of a planning permit for the application associated with Item 7.1.

7.1 PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills

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| motion  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Jarrod Bingham  That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issue a Notice of Decision to grant a Planning Permit for a two-lot subdivision (house lot excision) on Lot 7 on TP 000918E otherwise known as 70 Dunbar Road, Pentland Hills, on the following grounds:  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.   Section 173 Agreement:   1. Before certification of the plan of subdivision the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following: 2. No further subdivision of either lot. 3. No new dwellings to be constructed on either lot.   Application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred.  The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval.  The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.  Subdivision:   1. 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. 2. 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. 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.   Infrastructure:   1. 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). 2. 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. 3. 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:   1. An easement in favour of Melbourne Water, must be created to run along the boundary with Myrniong Creek, with a minimum setback of 50m from top of bank, for the purposes of: MCPAA1107 - Wetland floodway drainage and storm water quality management. An easement in favour of Melbourne Water, must be created to run along the boundary with the Tributary of Myrniong Creek, with a minimum setback of 30m from top of bank, for the purposes of: MCPAA1107 - Wetland floodway drainage and storm water quality management.   Permit expiry:   1. 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.  **LOST** |

Cr Tom Sullivan returned to the meeting at 6.48pm.

With the leave of Council, the Mayor brought forward item 7.3 and 7.8 forward for the purposes of continuing to hear from those who registered to speak.

Mr. Andrew Lewis addressed Council as the applicant in support of the granting of a planning permit for the application associated with Item 7.3

7.3 PA2019059 - Two Lot Re-Subdivision and Use and Development of a Dwelling at 139 Pound Creek Road Navigators

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| Committee RESOLUTION  **Moved:** Cr Jarrod Bingham  **Seconded:** Cr Tonia Dudzik  That Council defer the decision regarding PA2019059 - Two Lot Re-Subdivision and Use and Development of a Dwelling at 139 Pound Creek Road, Navigators to allow for further discussion between both parties and further documents supplied by applicant to be circulated to all Councillors.  **CARRIED** |

Ms Karen Bruno addressed Council as the applicant in support of the granting of a planning permit for the application associated with Item 7.3

7.8 PA2019261 - Use of an existing dwelling as a retail premises (cafe) at 15 Martin Street, Blackwood

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| **Committee RESOLUTION**  **Moved:** Cr Jarrod Bingham  **Seconded:** Cr Tonia Dudzik  That Council defer the decision regarding PA2019261 - Use of an existing dwelling as a retail premises (cafe) at 15 Martin Street, Blackwood to allow the applicant a chance to further negotiate with Western Water in regard to the removal of condition 19.  **CARRIED** |

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| Reports Considered En Bloc |
| **Committee Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That that the recommendations contained in reports:  [7.2 PA2019282 - Two Lot Subdivision at 2 Alexander Drive, Ballan](#_Toc40955914)  [7.4 PA2019286 - Two Lot Subdivision at 16 Alexander Drive, Ballan](#_Toc40955916)  [7.5 PA2019283 - Two Lot Subdivision at 1 Alexander Drive, Ballan](#_Toc40955917)  [7.6 PA2019284 - Two Lot Subdivision at 5 Alexander Drive, Ballan](#_Toc40955918)  [7.7 PA2019285 - Two Lot Subdivision at 15 Alexander Drive, Ballan](#_Toc40955919)  be adopted by Council.  **Carried** |

7.2 PA2019282 - Two Lot Subdivision at 2 Alexander Drive, Ballan

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| Committee Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issue a Refusal to Grant Planning Permit PA2019282 for a Two Lot Subdivision at Lot 1 on PS 713325V known as 2 Alexander Drive, Ballan 3342, on the following grounds:  1. The proposed lot sizes do not meet the minimum allowable lot sizes specified in the Neighbourhood Residential Zone, Schedule 7, of the Moorabool Planning Scheme.  2. The proposal is inconsistent with relevant state and local planning policy in the Moorabool Planning Scheme for residential land subdivision in this location.  3. The proposal does not meet all relevant provisions of Clause 56 (Rescode) of the Moorabool Planning Scheme.  **Carried** |

7.4 PA2019286 - Two Lot Subdivision at 16 Alexander Drive, Ballan

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| Committee Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issue a Refusal to Grant Planning Permit PA2019286 for a Two-Lot Subdivision at Lot 6 on PS 713325V known as 16 Alexander Drive, Ballan 3342, on the following grounds:  1. The proposed lot sizes do not meet the minimum allowable lot sizes specified in the Neighbourhood Residential Zone, Schedule 7, of the Moorabool Planning Scheme.  2. The proposal is inconsistent with relevant state and local planning policy in the Moorabool Planning Scheme for residential land subdivision in this location.  3. The proposal does not meet all relevant provisions of Clause 56 (Rescode) of the Moorabool Planning Scheme.  **Carried** |

7.5 PA2019283 - Two Lot Subdivision at 1 Alexander Drive, Ballan

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| Committee Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issue a Refusal to Grant Planning Permit PA2019283 for a Two Lot Subdivision at Lot 12 on PS 713325V known as 1 Alexander Drive, Ballan 3342, on the following grounds:  1. The proposed lot sizes do not meet the minimum allowable lot sizes specified in the Neighbourhood Residential Zone, Schedule 7, of the Moorabool Planning Scheme.  2. The proposal is inconsistent with relevant state and local planning policy in the Moorabool Planning Scheme for residential land subdivision in this location.  3. The proposal does not meet all relevant provisions of Clause 56 of the Moorabool Planning Scheme.  **Carried** |

7.6 PA2019284 - Two Lot Subdivision at 5 Alexander Drive, Ballan

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| Committee Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issue a Refusal to Grant Planning Permit PA2019284 for a Two-Lot Subdivision at Lot 11 on PS 713325V known as 5 Alexander Drive, Ballan 3342, on the following grounds:  1. The proposed lot sizes do not meet the minimum allowable lot sizes specified in the Neighbourhood Residential Zone, Schedule 7, of the Moorabool Planning Scheme.  2. The proposal is inconsistent with relevant state and local planning policy in the Moorabool Planning Scheme for residential land subdivision in this location.  3. The proposal does not meet all relevant provisions of Clause 56 (Rescode) of the Moorabool Planning Scheme.  **Carried** |

7.7 PA2019285 - Two Lot Subdivision at 15 Alexander Drive, Ballan

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| Committee Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issue a Refusal to Grant Planning Permit PA2019285 for a Two-Lot Subdivision at Lot 7 on PS 713325V known as 15 Alexander Drive, Ballan 3342, on the following grounds:  1. The proposed lot sizes do not meet the minimum allowable lot sizes specified in the Neighbourhood Residential Zone, Schedule 7, of the Moorabool Planning Scheme.  2. The proposal is inconsistent with relevant state and local planning policy in the Moorabool Planning Scheme for residential land subdivision in this location.  3. The proposal does not meet all relevant provisions of Clause 56 (Rescode) of the Moorabool Planning Scheme.  **Carried** |

8. Update on Trends, Issues and Other Matters

Nil.

9. Update on VCAT Decisions

Nil.

10. Other Business

Nil.

11. Date of Next Meeting

Wednesday, 17 June 2020

12. Meeting Close

The Meeting closed at 7.47pm.

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**CHAIRPERSON**