



MINUTES

S86 Development Assessment Committee Meeting

Date: Wednesday, 20 November 2019

Time: 6.00pm

Location: North Wing Meeting Room 2 & 3, Darley Civic Hub

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1. OPENING

Cr Paul Tatchell as the Chair, welcomed all and opened the meeting at 6.02pm.

2. PRESENT AND APOLOGIES

Cr David Edwards, Mayor	East Moorabool Ward
Cr Jarrod Bingham	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr Tom Sullivan	West Moorabool Ward
Cr Paul Tatchell	Central Moorabool Ward
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

An apology was received for:

Cr John Keogh 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 MINUTES**RESOLUTION**

Moved: Cr Jarrod Bingham

Seconded: Cr David Edwards

That the minutes of the S86 Development Assessment Committee Meeting held on Wednesday 16 October 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. Sullivan**

Cr Sullivan declared an Indirect Conflict of Interest in relation to item 7.1 - PA2019136 - Three Lot Subdivision at 14 Spencer Road, Ballan. The nature of the Conflict of Interest is due to Cr Sullivan acting on behalf of the applicant.

6.2 Disclosure of Indirect Conflict of Interest – Cr. Sullivan

Cr Sullivan declared an Indirect Conflict of Interest in relation to item 7.3 - PA2019182 - Use of existing shed as store, 535 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh. The nature of the Conflict of Interest is due to Cr Sullivan acting on behalf of the applicant.

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	Community Planning and Economic Development	Speaker	Position
7.2	PA2019100 - Lot 2 on Plan of Subdivision LP115490. 61 Ingliston Drive, Ingliston	Graham Cox	Objector
7.2	PA2019100 - Lot 2 on Plan of Subdivision LP115490. 61 Ingliston Drive, Ingliston	Neil Haydon	Representing the Applicant
7.3	PA2019182 – Use of existing shed as store, 535 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh	Sean O'Keeffe	Representing the Applicant
7.3	PA2019182 – Use of existing shed as store, 535 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh	Linda Dellios	Objector

7. COMMUNITY PLANNING REPORTS

Having declared an Indirect Interest in item 7.1pm, Cr Sullivan left the meeting at 6.06pm.

7.1 PA2019136 - THREE LOT SUBDIVISION AT 14 SPENCER ROAD, BALLAN

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr David Edwards

That Council defer consideration of PA2019136 - Three Lot Subdivision at 14 Spencer Road, Ballan to the next meeting of the Development Assessment Committee.

CARRIED

Cr Sullivan returned to the meeting at 6.07pm.

Having sought consent from all members of the Committee, the Chairperson postponed consideration of Item 7.2 to enable a speaker to the item to attend the meeting.

Having declared an Indirect Interest in item 7.3, Cr Sullivan left the meeting at 6.08pm.

Mr Sean O'Keefe addressed Council as a representative of the applicant in support of the granting of a planning permit for the application associated with Item 7.3.

Ms Linda Dellios addressed Council as an objector to the granting of a planning permit for the application associated with Item 7.3.

7.3 PA2019182 - USE OF EXISTING SHED AS STORE, 535 BACCHUS MARSH ROAD (AVENUE OF HONOUR), BACCHUS MARSH

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr David Edwards

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2019182 for the use of existing shed as store at Lot 1 on PS 067161, 535 Bacchus Marsh Road (Avenue of Honour), Bacchus Marsh 3340 subject to the following conditions:

Use:

1. The use of the land for a store must be contained wholly within the existing shed.
2. Hours of operation are to be limited to between 6:00 AM and 8:00 PM (0600-2000) all days of the week. These hours cannot be varied unless with the prior written consent of the Responsible Authority.

Car parking:

3. Customer and employee car parking must only be carried out on the existing hard standing area located in front of the shed and not within five metres of any Avenue of Honour tree.

Amenity:

4. 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.
5. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
6. Any externally installed lighting must not dazzle or otherwise be allowed to interfere with the safety of drivers on Bacchus Marsh Road.
7. 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, including any existing and future farming operations.

Development:

8. No construction of buildings or carrying out of works external to the shed may be performed without the written consent of the responsible authority.

Infrastructure:

9. Prior to the commencement of any works near an "Avenue of Honour" Elm Tree, a tree protection fence must be erected around the tree, at a radius of 1.5 metres from the base of the trunk to define a "Tree Protection Zone", to the satisfaction of the responsible authority. The fence must be constructed of materials approved by the responsible authority, and remain in place until construction is completed. The Tree Protection Zone must be covered by a 100 mm deep layer of approved mulch, and receive regular watering to the satisfaction of the responsible authority.
10. Except with the written consent of the responsible authority, within the Tree Protection Zone:
 - a) No vehicular or pedestrian access, trenching or soil excavation is to occur.
 - b) No storage or dumping of tools, equipment or waste is to occur.
11. 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).
12. 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.

13. 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.

VicRoads:

14. The crossovers and driveways are to be upgraded to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.

Permit Expiry:

15. 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) Five years after the date of this permit.

Permit Note:

Any building, new parking infrastructure or additional crossover within the land included on the Victorian Heritage Register (land affected by Heritage Overlay HO47) would be subject to a permit from Heritage Victoria.

CARRIED

Cr Sullivan returned to the meeting at 6.21pm

Mr Graham Cox addressed Council as an objector to the granting of a planning permit for the application associated with Item 7.2.

Mr Neil Haydon addressed Council as a representative of the applicant in support of the granting of a planning permit for the application associated with Item 7.2.

7.2 PA2019100 - TWO LOT SUBDIVISION, 61 INGLISTON DRIVE, INGLISTON

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Jarrod Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to grant a permit for a two lot subdivision at 61 Ingliston Road, Ingliston based on 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. 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. 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.

Section 173 Agreement

5. Before the plan of subdivision is certified 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:
 - (a) No further subdivision of either lot.
 - (b) No dwelling is permitted within the vacant/balance lot, Lot 1.
 - (c) Any building associated with the agricultural use of the land in Lot 1 must not be located within 100 metres of the northern boundary of the neighbouring property, 100 metres from Gilletts Lane and 100 metres of a waterway or wetland or designated flood plain.

Before issue of a Statement of Compliance, 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 under this permit must arrange for the preparation of the 173 Agreement at cost before submitting it the Responsible Authority for approval. The owner under this permit must pay the costs of execution and registration of the section 173 agreement.

Infrastructure

6. 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).
7. 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.
8. 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.

Permit Expiry

9. 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 PA2018228 - 7 ROSS STREET, DARLEY - DEVELOPMENT OF 3 DWELLINGS**RESOLUTION**

MOVED: Cr David Edwards

Seconded: Cr Tonia Dudzik

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a Notice of Refusal to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, for the development of 3 dwellings at 7 Ross Street, Darley on the following grounds:

1. The application does not accord with the preferred Neighbour Character of Precinct 12 of the Bacchus Marsh Housing Strategy.
2. The application does not comprehensively accord with all of the objectives of Rescode.
3. Permeability of the site is 10% well below the minimum required of 20%.
4. 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.
5. The egress from Unit 3 car space does not allow for safe and convenient vehicle movement.
6. The application is considered an overdevelopment of the site in this location.

CARRIED

7.5 PA2019152 - DEVELOPMENT AND USE OF A DWELLING AT MOLESWORTH COURT, GORDON**RESOLUTION**

Moved: Cr Tom Sullivan

Seconded: Cr David Edwards

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, subject to the following conditions:

Endorsed Plans:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All 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.

Dwelling Requirements:

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

Materials and Colour:

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

General Conditions:

7. Unless with further planning permission from the Responsible Authority or otherwise exempt under the Moorabool Planning Scheme, native vegetation, including dead standing vegetation, is not to be removed from the site.

Infrastructure:

8. A standard rural vehicle crossing must be provided on Molesworth Court to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
9. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
10. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
11. 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).
12. 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.

13. 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.

Environmental Health:

14. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by South East Soil & Water are to be strictly adhered to.
15. An onsite waste water management system with the capacity to treat effluent to a minimum of 20mg/L BOD/30mg/L SS and 10org/100ml must be installed via an EPA Wastewater treatment system.
16. Effluent Disposal must be undertaken a wick trench and bed designed as recommended in the LCA by South East Soil & Water.
17. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
18. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
19. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4 and therefore option 1 is the preferred option for the location of the land application area.
20. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Barwon Water:

21. Wastewater treatment is to achieve a minimum water quality standard of 20mg/L BOD, 30mg/L SS and 10 orgs/100ml, i.e. secondary treatment, via an EPA approved all wastewater treatment system.
22. Effluent disposal must be undertaken via a wick trench and bed designed and installed by a wastewater irrigation expert as recommended in the South East Soil & Water Land Capability Assessment Report for 14 Molesworth Court, Gordon.
23. All components of the wastewater management system including the effluent disposal area must be located at least 100m from any surface waterway as identified as option 1 in the South East Soil & Water Land Capability Assessment Report for 14 Molesworth Court, Gordon.
24. An integrated drainage system must be installed to divert overland flow away from entering the effluent disposal area and roof stormwater must not be disposed to the effluent disposal area.
25. Monitoring, Operation and Maintenance must be undertaken in accordance with South East Soil & Water Land Capability Assessment Report for 14 Molesworth Court, Gordon.
26. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, and vehicles.
27. Sediment control measures as outlined in the EPA's publication No 275 Sediment Pollution Control shall be employed during the construction of the dwelling and maintained until the disturbed area has regenerated.

28. Prior to a certificate of occupancy being issued for the dwelling the owner must enter into an agreement with the Responsible Authority and Barwon Water in accordance with Section 173 of the Planning and Environment Act 1987 requiring that:
- (a) The Owner is to enter into a service contract to have any wastewater treatment facility and effluent disposal system for the dwelling inspected and maintained in accordance with the EPA Certificate of Approval for the installed system.
 - (b) The Owner must provide to Barwon Water and the Responsible Authority an annual report on the condition and operation of the wastewater treatment system which documents the effluent quality achieved and provides laboratory, inspection and maintenance reports for the preceding 12 months.
 - (c) The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by Council's Environmental Health Officer. Evidence of this desludging shall be provided in the annual report referred to in Clause (b) here in.
 - (d) The Owner shall carry out any works considered necessary by the service contractor to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.
 - (e) The Owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.
 - (f) The Owner and the Responsible Authority agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the Planning and Environment Act 1987.
 - (g) The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c), (d), and (e) herein and all costs of the Responsible Authority in relation to stamping and registration of this Agreement.
 - (h) The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (f) herein.

Country Fire Authority:

29. The Bushfire Management Plan prepared by Regional Planning & Design Pty Ltd (Bushfire Management Statement – Lot 14 Molesworth Court, Gordon Ref No.19.178 – Report Version A, Figure 7, dated 21/05/2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Permit Expiry:

30. 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.

Permit Note:

31. Please be advised, an application for a permit to install an onsite wastewater management system must be applied for from Councils Environmental Health department.

CARRIED

8. UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Nil.

9. PROCESS FORWARD AND WORK PROGRAM

Nil.

10. UPDATE ON VCAT DECISIONS

A verbal update was provided regarding a VCAT matter associated with Maddingley.

11. OTHER BUSINESS

Nil.

12. DATE OF NEXT MEETING

13. MEETING CLOSE

The Chair thanked all committee members and attendees and closed the meeting at 6.51pm.

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CHAIRPERSON