



MINUTES

S86 Development Assessment Committee Meeting

Wednesday, 19 February 2020

Time: 6.00pm

Location: The Pavilion Room, Darley Civic Hub

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1. OPENING

The Mayor welcomed all and opened the meeting at 6.00pm.

2. PRESENT AND APOLOGIES

Cr David Edwards (Mayor)	East Moorabool Ward
Cr Jarrod Bingham	East Moorabool Ward
Cr Lawry Borgelt	Woodlands 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

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 Tonia Dudzik

That the minutes of the S86 Development Assessment Committee Meeting held on Wednesday 18 December 2019 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 Direct Conflict of Interest in relation to items:

- 7.1 – PA2019136 - Three Lot Subdivision at 14 Spencer Road, Ballan; and
- 7.3 - PA2019156 - Two lot subdivision (house lot excision) at 70 Dunbar Road, Pentland Hills.

The nature of the Conflicts of Interest is due to Cr Sullivan acting as a consulting surveyor on these applications.

PRESENTATIONS AND DEPUTATIONS

Item	Community Planning and Economic Development	Speaker	Position
7.4	PA2019081 Development and Use of a Service Station, Display of Signage and Creation of Access to a Road Zone Category 1 at 4348 Geelong-Bacchus Marsh Road, Maddingley	Mr. Luke Mooney	Representing Applicant
7.4	PA2019081 Development and Use of a Service Station, Display of Signage and Creation of Access to a Road Zone Category 1 at 4348 Geelong-Bacchus Marsh Road, Maddingley	Ms. Lisa Gervasoni on behalf of Val Zdero	On behalf of objector

7. COMMUNITY PLANNING REPORTS

Having declared a Direct Interest in Item 7.1, Cr Tom Sullivan left the meeting at 6:05 pm.

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

RESOLUTION

Moved: Cr Paul Tatchell

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 Planning Permit PA2019136 for Three (3) Lot Subdivision at Lot 2 on PS 145934Y known as 14 Spencer Road, Ballan 3342, 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 plan identified as Plan of Proposed Subdivision, ref. 1481, version 2 dated Jul 2019 prepared by TG Sullivan & Associates but modified to show:

- (a) All requirements of Condition no. 7.
- (b) 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.

Telecommunications:

2. 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.
3. 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:

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.
5. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 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.
6. 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 and works except where exempt under the Moorabool Planning Scheme 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.

No front fencing or internal fencing within 10 metres of Spencer Road shall be of any construction other than post and wire, post and rail or otherwise more than 50 percent transparent and shall be no higher than 1.5 metres, except for fencing on the boundaries of the lots not part of this subdivision.

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

7. Prior to the issue of a Statement of Compliance, the existing shed contained on Lot 1 must be demolished to the satisfaction of the Responsible Authority.

Infrastructure:

8. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard urban residential vehicle crossing on Spencer Road to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
9. Prior to the issue of Statement of Compliance for the subdivision, Spencer Road must be constructed along the frontage of the property to the satisfaction of the responsible authority with:
- (a) Kerb and channel, and pavement widening of approximately 1 (one) metre along the frontage of the property down to the southern boundary of the property;
 - (b) Stormwater drainage;
 - (c) Nature strip and landscaping.
10. Prior to the issue of a statement of compliance for the subdivision, a fire hydrant must be installed in Spencer Street, located to satisfy the requirements of Clause 56.09-3 of the Moorabool Planning scheme, to the satisfaction of the responsible Authority.
11. Street trees must be provided at approved locations along Spencer Road at a rate of one (1) tree per lot frontage, 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 (2) hardwood stakes, tree ties, agricultural pipe, water crystals, 100 mm of mulch and initial watering to the satisfaction of the Responsible Authority.
12. 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.
13. 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 the planting of the trees, only if Council does not require any further maintenance of the trees to be undertaken.
14. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the

developer must pay:

- (a) 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development; and
 - (b) 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
15. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
- (a) Drainage construction details in “D-Spec” format; and
 - (b) Roadworks construction details in “R-Spec” format.
16. 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.
17. 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.
18. 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.
19. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
- (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 using 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)”.
20. 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.
21. 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.
22. 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).

23. 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.
24. 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.
25. 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.

Central Highlands Water:

26. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
27. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
28. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
29. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
30. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Southern Rural Water:

31. 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.
32. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
33. 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.

Powercor:

34. 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.
35. 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.
36. 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.
37. 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.
38. 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: Easement Reference / Purpose – Power Line / Width (Metres) / Origin - Power Line Section 88 - Electricity Industry Act 2000 / Land Benefited / In Favour Of - Powercor Australia Ltd.
39. Downer Utilities:
 - (a) The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

Permit Expiry:

40. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.
41. Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

CARRIED

Cr Tom Sullivan returned to the meeting at 6:08pm.

7.2 PA2014041 - FOURTH EXTENSION OF TIME AT BLAKEVILLE ROAD, COLBROOK

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tom Sullivan

That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issues a refusal to extend the expiry dates to permit PA2014041 for the following reasons:

1. The application does not meet the *Kantor tests* including that no substantial commencement of the development has been undertaken.
2. There is no evidence that any work, including meeting permit conditions, has occurred since the permit was issued.
3. The circumstances upon which the justification of the permit was issued can no longer be substantiated.

CARRIED

Having declared a Direct Interest in Item 7.3, Cr Tom Sullivan left the meeting at 6:09 pm.

7.3 PA2019156 - TWO LOT SUBDIVISION (HOUSE LOT EXCISION) AT 70 DUNBAR ROAD, PENTLAND HILLS

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Paul Tatchell

That Council, at the request of the Permit Applicant, defer consideration of PA2019156 – Two Lot Subdivision (House Lot Excision) at 70 Dunbar Road, Pentland Hills to a future Development Assessment Committee Meeting.

CARRIED

Cr Tom Sullivan returned to the meeting at 6:12pm.

Mr. Luke Mooney addressed Council representing the applicant in support of the granting of a planning permit for the application associated with Item 7.4.

Ms. Lisa Gervasoni addressed Council, representing Ms. Val Zdero, in objection of the granting of a planning permit for the application associated with Item 7.4.

7.4 PA2019081 DEVELOPMENT AND USE OF A SERVICE STATION, DISPLAY OF SIGNAGE AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 4348 GEELONG-BACCHUS MARSH ROAD, MADDINGLEY

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Tonia Dudzik

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 this application in accordance with Section 61 of the *Planning and Environment Act 1987*, subject to the following conditions:

Endorsed Plans:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as Job No. 180911, Sheet no.'s TP-01 rev. 4, TP-02 rev. 4 & VA.01 rev. 4 prepared by Bill Jacobs P/L but modified to show:
 - (a) Landscape plans in accordance with Condition no. 3.
 - (b) Changes as per VicRoads' requirements in Condition no. 29.
 - (c) The plant equipment area fully enclosed within a building.
 - (d) Details (area, colours, content) of all proposed signage, including signage affixed to the proposed buildings, which must not exceed a combined total area of 3sq m. This requirement must result in deletion or substantial modification of the pylon sign.
 - (e) The height and materials of all new fencing.
 - (f) Property dimensions labelled for Site B, the development site.
 - (g) All accessways, building areas and boundary setbacks dimensioned.
 - (h) All truck and parking bays numbered and dimensioned.
 - (i) Wheel stops provided for the car parking bays directly in front of the building.
 - (j) A plan detailing the location and area to be occupied by any primary or secondary wastewater system in accordance with Western Water Condition no. 31.
2. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.

Landscape Plans:

3. Before the development starts, a landscape plan (the plan) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
 - (a) details of surface finishes of pathways and driveways;
 - (b) the landscaped strip parallel to the front title boundary maintained with a minimum 3.0m width.;

- (c) 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;
- (d) landscaping and planting within all open areas of that part of the site identified on the plans as Site B; and
- (e) a heavily vegetated landscape buffer with a minimum width of 2.0m comprising planting of a minimum 2.5m in height above natural ground level, which may include a bund wall, in the following locations:
 - (i) along the northern boundary of the accessway located parallel to the railway line;
 - (ii) along the northeast boundary of the truck parking bays and accessway; and
 - (iii) along the southeast boundary of the southeasternmost accessway.

Species selection shall be to the satisfaction of the Responsible Authority.

4. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Amenity:

6. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) presence of vermin; and
 - (e) any other way.
7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from outside the site.
8. Provision must be made on the land for the storage and collection of garbage and other solid waste and the area screened from public view to the satisfaction of the Responsible Authority.
9. The loading and unloading of goods must only occur on the subject site.
10. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
11. Any security alarm or similar device installed must be of a silent type.

12. Except for the delivery of newspapers, and unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site including garbage collection and fuel delivery must only occur between the hours of 7.00AM and 10.00PM, Monday to Saturday and 9.00AM and 10.00PM, Sundays and public holidays.
13. Except with the written consent of the Responsible Authority, no more than four (4) truck parking bays shall be provided on the site.
14. Vacant areas of the site must be maintained to ensure their visual appearance does not compromise the visual amenity of the area, to the satisfaction of the Responsible Authority.

Signs:

15. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.
16. The advertising signs must not contain any moving parts or flashing lights.
17. Sign illumination must be suitably baffled to ensure no direct light is emitted beyond the site.
18. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
19. The permit for signs hereby approved expires 15 years from the date of issue of the permit in accordance with Clause 52.05-4 of Moorabool Planning Scheme.

Infrastructure:

20. Prior to the commencement of the use, the entrance works to the site must be constructed to the requirements of VicRoads as detailed in this permit, to the satisfaction of the Responsible Authority.
21. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - (a) The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - (b) Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - (c) Stormwater management measures detailed in the Storm Water Management Plan prepared by Sustainable Development Consultants, to the satisfaction of the Responsible Authority.
 - (d) A proposal detailing the method of final disposal of stormwater runoff from the subject land to the receiving waters, to the satisfaction of the Responsible Authority.
 - (e) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
22. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior

to the commencement of the works associated with the permit.

23. 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).
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. 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.
26. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the Responsible Authority, and shall incorporate the following:
 - (a) The layout of the internal driveways and parking areas must be designed and constructed in accordance with the recommendations of the Traffic Impact Assessment Report prepared by Traffix Group.
 - (b) 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.
 - (c) Designated loading areas shall be shown on layout plans.
 - (d) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - (e) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - (f) 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.
27. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Environmental Health:

28. In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

VicRoads:

29. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) The service station located entirely within the subject land.

- (b) The proposed service road included within the subject land.
 - (c) Ensuring legal access is provided to all the properties as shown on the functional layout plan via the updated service road.
 - (d) Design of the exit from the service road precludes right turn movements (see Austroads Guidelines)* (see Permit Notes).
30. Prior to the works commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads' service obligations.

Western Water:

31. 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.

Environment Protection Authority:

32. Odours offensive to the senses of human beings must not be discharged, emitted or released beyond the boundaries of the premises.
33. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
34. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 1698, Liquid storage and handling guidelines or as amended.
35. Surface water discharge from the premises must not be contaminated with waste.
36. The permit holder must not contaminate land or groundwater.
37. Displaced petrol fumes must be collected with a vapour recovery system.
38. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs) (EPA Publication No. 888.4, August 2015).

Operational:

39. Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site that creates sediment discharges must comply with the Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.
40. The area set aside for car parking must not be used for any other purpose.
41. Internal fencing and boundary fencing must be maintained to the satisfaction of the Responsible Authority and shall not contain any signage.

Permit Expiry:

42. 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; and
- (b) the development is not completed within four years of the date of this permit.

Permit Notes:**Environmental Health:**

All food premises (as defined by the Victorian Food Act (1984) must register with or notify Council's Environmental Health Unit prior to commencing operation.

An agreement must be made with Western Water for the connection of sewerage to the site.

The operator is advised to contact Western Water to determine the sizing and best location for the Food and Oil Interceptor (grease trap).

VicRoads:

*Note that a roundabout is being constructed at the Geelong-Bacchus Marsh/Parwan-Exford Roads intersection.

Note that a proposed future Bacchus Marsh bypass (the "Eastern Link") may traverse a small portion of the subject site parent lot.

CARRIED

8. UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Nil.

9. PROCESS FORWARD AND WORK PROGRAM

Nil.

10. UPDATE ON VCAT DECISIONS

The Executive Manager (EM) Community Planning and Economic Development provided an update on the following current VCAT appeal matters:

- 101 Gisborne Road, Bacchus Marsh (Service Station and Convenience Restaurants)
The EM advised the Councillors of the upcoming compulsory conference scheduled for 27 February 2020. Councillors provided officers with a mandate to negotiate an outcome generally in accordance with OMC Resolution, noting that mediation could result in a slight variation in operating hours and timing of the provisioning of the electric vehicle charging station.
- 53 Camerons Road, Coimadai (Four lot subdivision)
The EM informed Councillors that an appeal against the conditions imposed by Council relating fencing, open space contribution and dwelling envelopes and has been lodged by the applicant. The hearing date is 28 April 2020.
- 58 Acacia Avenue, Dales Creek (Dwelling in Rural conservation Zone)
The EM informed Councillors that an appeal against the refusal to grant a permit based on Western Water's objection, triggering a deemed refusal by Council. The hearing date is 19 May 2020. Council officer position would be to support the development should the objection be resolved to the satisfaction of Western Water.

11. OTHER BUSINESS

Nil.

12. DATE OF NEXT MEETING

Wednesday 18 March 2020

13. MEETING CLOSE

The Meeting closed at 6:37pm.

.....
CHAIRPERSON