

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 17 October, 2018
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley
5.00pm

MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 5.34pm.

ATTENDANCE

Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Mr. Ewen Nevett	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacque Younger	Minute Taker

APOLOGIES

NIL

2. 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.

3. CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Bingham

That the Minutes of the Section 86 Development Assessment Committee for 19 September, 2018 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

Cr Sullivan declared a direct conflict in relation to items 5.2 of the agenda.

Cr Keogh declared an indirect conflict in relation to items 5.2 of the agenda.

5. GROWTH & DEVELOPMENT REPORTS

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| 5. | Other Business | Page 3 |
| 5.1 | Planning Permit Application PA2018112 – Use for a Medical Centre (Psychology Practice), Reduction of Car Parking (Eight Car Spaces) and Display of Business Identification Signage at 243 Main Street, Bacchus Marsh. | Page 4 |
| 5.2 | Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon. | Page 9 |

PRESENTATIONS/DEPUTATIONS

List of Persons making Presentations/Deputations to a planning item listed on the agenda:

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 No	Description	Name	Applicant/Objector
5.2	Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Don Fernandez	Objector
5.2	Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Helen Fernandez	Objector
5.2	Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Alice Ogilvy	Objector
5.2	Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Ian Woodhouse	Objector
5.2	Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Robert McLaren	Objector
5.2	Planning Permit Application PA2018055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.	Sean O'Keefe (Southern Cross Town Planning)	Speaking on behalf of Applicant

GROWTH & DEVELOPMENT REPORTS

Cr. Edwards advised of late attendance.

The Chair requested that the order of business be changed to consider a public question.

Question:

Eddie Sullivan addressed Council regarding Planning Permit Application PA2017 273 (Development of a Telecommunications Facility at Sullivans Road, Millbrook) which was presented to the S86 Development Assessment Committee on 18 April, 2018. Mr. Sullivan queried why residents weren't notified and requested that Council undertakes an independent assessment of the legislation that guides this planning process.

Response:

Mr Sandhu, General Manager Growth & Development addressed Council and Mr Sullivan and provided the following response:

- Council worked within the legislation of *The Planning & Environment Act 1987* and Council as the responsible authority are unable to vary those provisions and in this case, notification was exempt.
- Councillors do not have the ability to deal with this matter through the Section 86 Development Assessment Committee.
- Councillors can bring this matter to Ordinary Meeting of Councillor through moving a motion which may require a resolution.

Cr Bingham requested that Mr Sandhu notify Mr Sullivan when the item is in the agenda and on the website.

Item 5.1 Planning Permit Application PA2018 112 – Use for a Medical Centre (Psychology Practice), Reduction of Car Parking (Eight Car Spaces) and Display of Business Identification Signage at 243 Main Street, Bacchus Marsh.

Cr. Edwards entered the meeting at 5.34pm.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Planning Permit for use for a Medical Centre (Psychology Practice), Reduction of Car Parking (Eight Car Spaces) and Display of Business Identification Signage at Lot 1 on TP 202548U, 243 Main Street, Bacchus Marsh 3340, subject to the following conditions:

Endorsed Plans:

1. Before the use starts, additional 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 show:
 - a. Details of the existing business identification signage, including the:
 - i. Sign dimensions and content;
 - ii. Location of the signage on the property; and
 - iii. Height about ground level.
 - b. Details of three (3) onsite car parking spaces available for customers.
2. The use as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.

Amenity:

3. No more than three practitioners may see clients on the premises at a given time.
4. Each practitioner shall have no more than three appointments every two (2) hours.
5. Except with the written consent of the Responsible Authority, the use may operate only during the following hours:

Tuesday:	9.00am-6.00pm
Wednesday:	9.00am-8.00pm
Thursday:	9.00am-8.00pm
Friday:	9.00am-6.00pm
Saturday:	9.00am-1.00pm

6. Any security alarm or similar device installed must be of a silent type.

Infrastructure:

7. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Signage:

8. The location, design, content, colours and materials of all advertising signage must not be altered without the written consent of the Responsible Authority.
9. The advertising signage must be not contain any moving parts or flashing lights.
10. Except where no permit is required under the Moorabool Planning Scheme, the signage must not be illuminated by external or internal light.
11. Customer car park signage.

Permit Expiry:

12. This permit will expire if the following circumstance applies:

- a. The use is not commenced within two years of the date of this permit.

Council may extend the period referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Moved: Cr. Dudzik
Second: Cr Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Planning Permit for use for a Medical Centre (Psychology Practice), Reduction of Car Parking (Eight Car Spaces) and Display of Business Identification Signage at Lot 1 on TP 202548U, 243 Main Street, Bacchus Marsh 3340, subject to the following conditions:

Endorsed Plans:

1. ***Before the use starts, additional 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 show:***
 - a. ***Details of the existing business identification signage, including the:***
 - i. ***Sign dimensions and content;***
 - ii. ***Location of the signage on the property; and***
 - iii. ***Height about ground level.***
 - b. ***Details of three (3) onsite car parking spaces available.***
2. ***The use as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.***

Amenity:

- 3. No more than three practitioners may see clients on the premises at a given time.**
- 4. Each practitioner shall have no more than three appointments every two (2) hours.**
- 5. Except with the written consent of the Responsible Authority, the use may operate only during the following hours:**

Tuesday:	9.00am-6.00pm
Wednesday:	9.00am-8.00pm
Thursday:	9.00am-8.00pm
Friday:	9.00am-6.00pm
Saturday:	9.00am-1.00pm

- 6. Any security alarm or similar device installed must be of a silent type.**
- Infrastructure:**

- 7. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.**

Signage:

- 8. The location, design, content, colours and materials of all advertising signage must not be altered without the written consent of the Responsible Authority.**
- 9. The advertising signage must be not contain any moving parts or flashing lights.**
- 10. Except where no permit is required under the Moorabool Planning Scheme, the signage must not be illuminated by external or internal light.**
- 11. Car park signage.**

Permit Expiry:

- 12. This permit will expire if the following circumstance applies:**

- a. The use is not commenced within two years of the date of this permit.**

Council may extend the period referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

LOST.

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Planning Permit for use for a Medical Centre (Psychology Practice), Reduction of Car Parking (Eight Car Spaces) and Display of Business Identification Signage at Lot 1 on TP 202548U, 243 Main Street, Bacchus Marsh 3340, subject to the following conditions:

Endorsed Plans:

1. Before the use starts, additional 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 show:
 - a. Details of the existing business identification signage, including the:
 - i. Sign dimensions and content;
 - ii. Location of the signage on the property; and
 - iii. Height about ground level.
 - b. Details of three (3) onsite car parking spaces available for customers.
2. The use as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.

Amenity:

3. No more than three practitioners may see clients on the premises at a given time.
4. Each practitioner shall have no more than three appointments every two (2) hours.
5. Except with the written consent of the Responsible Authority, the use may operate only during the following hours:

Tuesday:	9.00am-6.00pm
Wednesday:	9.00am-8.00pm
Thursday:	9.00am-8.00pm
Friday:	9.00am-6.00pm
Saturday:	9.00am-1.00pm

6. Any security alarm or similar device installed must be of a silent type.

Infrastructure:

7. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Signage:

8. The location, design, content, colours and materials of all advertising signage must not be altered without the written consent of the Responsible Authority.
9. The advertising signage must be not contain any moving parts or flashing lights.
10. Except where no permit is required under the Moorabool Planning Scheme, the signage must not be illuminated by external or internal light.
11. Customer car park signage.

Permit Expiry:

12. This permit will expire if the following circumstance applies:

- a. The use is not commenced within two years of the date of this permit.

Council may extend the period referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 17 October, 2018

Item 5.2 Planning Permit Application PA2018 055– Six (6) lot staged subdivision at 40 Corbetts Road, Gordon.

Cr Sullivan declared a direct conflict as specified in section 78A in relation to item 5.2 due to carrying out the planning and surveying work on behalf of the owner and applicant.

Cr. Sullivan was not present and had no involvement at this meeting.

Cr Keogh declared an indirect interest as specified in section 78D, in relation to item 5.2 due to an association with an interested party.

Cr. Keogh adjourned from the meeting at 6.02pm.

Consideration of Deputations – Planning Permit Application No. PA2018 055.

Don Fernandez addressed Council as an objector to the granting of a planning permit for the application.

Alice Ogilvy addressed Council as an objector to the granting of a planning permit for the application.

Robert McLaren addressed Council as an objector to the granting of a planning permit for the application.

Ian Woodhouse addressed Council as an objector to the granting of a planning permit for the application.

Helen Fernandez addressed Council as an objector to the granting of a planning permit for the application.

Sean O’Keefe from Southern Cross Town Planning addressed Council as the applicants representative to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Planning Permit for a six (6) lot staged subdivision at Lot 4 on PS612676C otherwise known as 40 Corbetts Road, Gordon, with the following conditions:

1. Before the subdivision 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 three (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - a) The Tree Landscape plan to accord the boundaries of Lots 1, 2 and 6 as shown on the latest subdivision plan.

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

Subdivision

2. 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.
3. 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.
4. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority.

Section 173 Agreement

5. Before the issue of a Statement of Compliance for this 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:
 - a) Fencing along the street frontage to each lot either to be comprised of no fencing or an open style fence with a minimum openings of 25%.
 - b) Trees to each lot as shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority and cannot be removed from the site without planning permission.
 - c) Any building must have a minimum front development setback of 10 metres from each primary street frontage and a minimum development side setback of 2 metres.
 - d) No internal side fencing is permitted within the first ten (10) metres from the Faheys Road frontage of the lot boundary between Lot 1 & 2. Either side of the internal accessway for Lot 2 to be comprised of suitable landscaping treatments to the satisfaction of the Responsible Authority.

Before a Statement of Compliance is issued, the application must be made to the Registrar 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 to the Responsible Authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Telecommunications

6. 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.

7. 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.

Landscaping

8. The landscaping works shown on the endorsed landscape plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the Responsible Authority.
9. The landscaping works as shown on the endorsed landscape plan must be maintained and protected including any Tree Protection Zone (TPZ) fencing to prevent damage during the construction phase.

Barwon Water

10. Each lot created in the development must be connected to a reticulated sewerage system.
11. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.

Central Highlands Water

12. 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.
13. 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.
14. 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.
15. 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.
16. If required, the owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements may be required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.

17.If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Infrastructure

18.Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the Responsible Authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:

- I. Encompass the entire area of the development.
- II. Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.
- III. Provide for outfall drainage from the site connecting to an approved discharge point.
- IV. Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the Stormwater Strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

19.The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:

- I. The subdivision as a whole must be self draining.
- II. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
- III. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.
- IV. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.
- V. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
- VI. The drainage system must be designed to include provision to intercept litter.
- VII. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
- VIII. The drainage design must take into account any applicable drainage or flood management strategy.

If required, the layout of the subdivision must be modified based on the approved stormwater design.

20.Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:

- I. The requirements for drainage of the whole site.
- II. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
- III. If additional outfall drainage or upgrading of the existing drainage network is required.

21. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.
22. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the Responsible Authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
23. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Gladstone Street must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:
- I. 6.1 metre sealed pavement with 1 metre gravel shoulders on each side;
 - II. Table drains;
 - III. Street lighting; and
 - IV. Vehicle crossing to each lot.
24. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Corbetts Road must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:
- I. Street lighting;
 - II. Vehicle crossing to each lot; and
 - III. Reshaping of roadside drainage as required to ensure proper function of drainage system.
25. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Faheys Road must be constructed to the satisfaction of the responsible authority, to the standard detailed:
- I. Street lighting;
 - II. Vehicle crossing to each lot; and
 - III. Reshaping of roadside drainage as required to ensure proper functioning of drainage system.
26. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the intersection of Faheys Road and Corbetts Road must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:
- I. Widening of Faheys Road as required to meet minimum standard for a rural intersection;
 - II. Street lighting as required; and
 - III. Upgrading of culvert crossing of Faheys Road as required to ensure proper functioning of drainage system.
27. 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.
28. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.

29. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).
30. Traffic management treatments must be provided in the form of line marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
31. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All light fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
32. The development must be provided with open access underground conduits to carry optical fibre at the development stage (this may be waived if the Responsible Authority considers provision is unwarranted). A development plan must show the conduit network for the subdivision, to the satisfaction of the Responsible Authority. Conduits must be provided in accordance with a plan approved by the Responsible Authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.
33. Street names and street signs must be provided to the satisfaction of the Responsible Authority.
34. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
35. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the Responsible Authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two (2) hardwood stakes, tree ties, ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
36. 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.
37. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
38. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the Responsible Authority.
39. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the Responsible Authority.
40. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.

41. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:

- I. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
- II. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.

42. After all engineering works pertaining to each stage of the subdivision have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:

- I. Drainage construction details in "D-Spec" format.
- II. Roadworks construction details in "R-Spec" format.

43. 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.

44. 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, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

45. 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.

Powercor Australia

46. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

47. The applicant shall:

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. A payment to cover the cost of such work will be required. In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.

- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Permit Expiry

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

- a) The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit; or
- b) Each subsequent stage is not certified within two years of the date of certification of the previous stage.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987

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

Powercor Note

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Moved: Cr. Edwards

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Planning Permit for a six (6) lot staged subdivision at Lot 4 on PS612676C otherwise known as 40 Corbetts Road, Gordon, with the following conditions:

- 1. Before the subdivision 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 three (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:***

- a) The Tree Landscape plan to accord the boundaries of Lots 1, 2 and 6 as shown on the latest subdivision plan.***

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

Subdivision

- 2. 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.**
- 3. 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.**
- 4. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority.**

Section 173 Agreement

- 5. Before the issue of a Statement of Compliance for this 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:**
 - a) Fencing along the street frontage to each lot either to be comprised of no fencing or an open style fence with a minimum openings of 25%.**
 - b) Trees to each lot as shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority and cannot be removed from the site without planning permission.**
 - c) Any building must have a minimum front development setback of 10 metres from each primary street frontage and a minimum development side setback of 2 metres.**
 - d) No internal side fencing is permitted within the first ten (10) metres from the Faheys Road frontage of the lot boundary between Lot 1 & 2. Either side of the internal accessway for Lot 2 to be comprised of suitable landscaping treatments to the satisfaction of the Responsible Authority.**

Before a Statement of Compliance is issued, the application must be made to the Registrar 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 to the Responsible Authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Telecommunications

- 6. 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.**

7. 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.**

Landscaping

- 8. The landscaping works shown on the endorsed landscape plan for any stage must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the Responsible Authority.**
- 9. The landscaping works as shown on the endorsed landscape plan must be maintained and protected including any Tree Protection Zone (TPZ) fencing to prevent damage during the construction phase.**

Barwon Water

- 10. Each lot created in the development must be connected to a reticulated sewerage system.**
- 11. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.**

Central Highlands Water

- 12. 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.**
- 13. 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.**
- 14. 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.**
- 15. 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.**
- 16. If required, the owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements may be required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.**

17.If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Infrastructure

18.Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the Responsible Authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the “Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999”. The Strategy must:

- I. Encompass the entire area of the development.**
- II. Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.**
- III. Provide for outfall drainage from the site connecting to an approved discharge point.**
- IV. Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.**

Once approved, the Stormwater Strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

19.The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:

- I. The subdivision as a whole must be self draining.**
- II. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
- III. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.**
- IV. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.**
- V. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.**
- VI. The drainage system must be designed to include provision to intercept litter.**
- VII. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.**
- VIII. The drainage design must take into account any applicable drainage or flood management strategy.**

If required, the layout of the subdivision must be modified based on the approved stormwater design.

20.Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:

- I. The requirements for drainage of the whole site.**
- II. If the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.**
- III. If additional outfall drainage or upgrading of the existing drainage network is required.**

- 21. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.**
- 22. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the Responsible Authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.**
- 23. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Gladstone Street must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:**
- I. 6.1 metre sealed pavement with 1 metre gravel shoulders on each side;**
 - II. Table drains;**
 - III. Street lighting; and**
 - IV. Vehicle crossing to each lot.**
- 24. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Corbetts Road must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:**
- I. Street lighting;**
 - II. Vehicle crossing to each lot; and**
 - III. Reshaping of roadside drainage as required to ensure proper function of drainage system.**
- 25. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, Faheys Road must be constructed to the satisfaction of the responsible authority, to the standard detailed:**
- I. Street lighting;**
 - II. Vehicle crossing to each lot; and**
 - III. Reshaping of roadside drainage as required to ensure proper functioning of drainage system.**
- 26. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the intersection of Faheys Road and Corbetts Road must be constructed to the satisfaction of the Responsible Authority, to the standard detailed:**
- I. Widening of Faheys Road as required to meet minimum standard for a rural intersection;**
 - II. Street lighting as required; and**
 - III. Upgrading of culvert crossing of Faheys Road as required to ensure proper functioning of drainage system.**
- 27. 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.**
- 28. An Environmental Management Plan for the road construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.**

- 29. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including “Construction Techniques for Sediment Control” (EPA 1991) and “Environmental Guidelines for Major Construction Sites” (EPA 1995).**
- 30. Traffic management treatments must be provided in the form of line marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.**
- 31. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All light fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.**
- 32. The development must be provided with open access underground conduits to carry optical fibre at the development stage (this may be waived if the Responsible Authority considers provision is unwarranted). A development plan must show the conduit network for the subdivision, to the satisfaction of the Responsible Authority. Conduits must be provided in accordance with a plan approved by the Responsible Authority. Ownership of a conduit is to be vested in Council and may be transferred to another agency or telecommunications carrier at such time as it may be required. Where the conduit crosses private land an easement is required in favour of Moorabool Shire Council.**
- 33. Street names and street signs must be provided to the satisfaction of the Responsible Authority.**
- 34. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**
- 35. Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, with an approved species to the satisfaction of the Responsible Authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two (2) hardwood stakes, tree ties, ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.**
- 36. 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.**
- 37. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.**
- 38. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the Responsible Authority.**
- 39. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the Responsible Authority.**
- 40. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.**

41. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:

- I. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.**
- II. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.**

42. After all engineering works pertaining to each stage of the subdivision have been completed, the following "as constructed" details must be submitted in the specified format to the Responsible Authority:

- I. Drainage construction details in "D-Spec" format.**
- II. Roadworks construction details in "R-Spec" format.**

43. 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.

44. 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, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

45. 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.

Powercor Australia

46. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

47. The applicant shall:

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. A payment to cover the cost of such work will be required. In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.**

- *Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.*
- *Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
- *Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

Permit Expiry

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

- a) The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit; or***
- b) Each subsequent stage is not certified within two years of the date of certification of the previous stage.***

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987

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

Powercor Note

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

The Motion lapsed due to the want of a Seconder.

Moved: Cr. Bingham
Seconded: Cr. Dudzik

That Item 5.2 – Planning Application PA2018 055 be deferred to the next S86 Development Assessment Committee meeting to allow for further discussions to be held between parties.

LOST.

Moved: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Refusal to Grant a Planning Permit for a six (6) lot staged subdivision at Lot 4 on PS612676C otherwise known as 40 Corbetts Road, Gordon, on the following grounds:

- 1. Over developed; and***
- 2. Not in line with neighbourhood character.***

The Motion lapsed due to the want of a Seconder.

Resolution:

Moved: Cr. Edwards

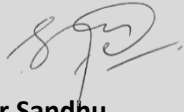
Seconded: Cr. Bingham

That Planning Application PA2018 055, be place on the agenda of the next Ordinary Meeting of Council for determination.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 17 October, 2018

Cr. Keogh entered the meeting at 7.03pm.

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Robert Fillisch, Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

DATE OF NEXT MEETING

Wednesday 21 November, 2018

5.00pm

North Wing Room 2 & 3

Darley Civic and Community Hub, 182 Halletts Way, Darley

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 7.04pm.

