

# MINUTES

## SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

**Wednesday 17 July 2019**  
North Wing Room 2 & 3  
Darley Civic and Community Hub,  
182 Halletts Way, Darley  
6.00pm

### MEETING OPENING

Councillor Cr Tatchell as the Chair welcomed all and opened the meeting at 6.00pm.

### ATTENDANCE

Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Cr. John Keogh	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. Jacquie Younger	Executive Assistant to General Manager Community Planning and 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. Bingham

Seconded: Cr. Keogh

That the Minutes of the Section 86 Development Assessment Committee for 19 June 2019 be confirmed as a true and correct record.

CARRIED.

### 4. CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

### 5. GROWTH & DEVELOPMENT REPORTS

- |     |   |         |
|-----|---|---------|
| 5.1 | Planning Permit Application PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon.                           | Page 4  |
| 5.2 | Planning Permit Application PA2019002 – 21 Lot Staged Subdivision and Removal of Native Vegetation at 165A Werribee Vale Road, Maddingley.                    | Page 5  |
| 5.3 | Planning Permit Application PA2019030 – Two (2) lot Resubdivision at 355 Monteville Lane, Ballan. Also known as Lot 1 on TP 260524X and Lot 2 on PS 08114429. | Page 16 |
| 5.4 | Planning Permit Application PA2019055 – Two (2) Lot Subdivision at 39 Atkinson Street, Ballan.  | Page 18 |
| 5.5 | Planning Permit Application PA2018263 – Six (6) Lot Subdivision and Vegetation Removal at 24 Stanley Street, Gordon.  | Page 22 |
| 5.6 | Planning Permit Application PA2019034 – Two (2) Lot Subdivision at 3/3-5 Spencer Road, Ballan.  | Page 31 |

### 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 PA2019002 – 21 Lot Staged Subdivision and Removal of Native Vegetation at 165A Werribee Vale Road, Maddingley.	Sean O'Keefe	Applicant behalf of the Owner
5.2	Planning Permit Application PA2019002 – 21 Lot Staged Subdivision and Removal of Native Vegetation at 165A Werribee Vale Road, Maddingley.	Hugh McMaster	Owner

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Applicant/Objector</b>
5.3	Planning Permit Application PA2019030 – Two (2) lot Resubdivision at 355 Monteville Lane, Ballan. Also known as Lot 1 on TP 260524X and Lot 2 on PS 08114429.	James Robson	On behalf of Applicant
5.4	Planning Permit Application PA2019055 – Two (2) Lot Subdivision at 39 Atkinson Street, Ballan.	James Robson	On behalf of Applicant
5.5	Planning Permit Application PA2018263 – Six (6) Lot Subdivision and Vegetation Removal at 24 Stanley Street, Gordon.	Stephen Derrick	Objector
5.5	Planning Permit Application PA2018263 – Six (6) Lot Subdivision and Vegetation Removal at 24 Stanley Street, Gordon.	Katherine Martin	On behalf of Applicant
5.5	Planning Permit Application PA2018263 – Six (6) Lot Subdivision and Vegetation Removal at 24 Stanley Street, Gordon.	Luke Carey	Applicant
5.6	Planning Permit Application PA2019034 – Two (2) Lot Subdivision at 3/3-5 Spencer Road, Ballan.	Robert Eskdale	On behalf of Applicant

## **GROWTH & DEVELOPMENT REPORTS**

### **Item 5.1 Planning Permit Application PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon.**

#### **Resolution:**

**Moved: Cr. Edwards**

**Seconded: Cr. Dudzik**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018211 for Two (2) Lot Subdivision and Development and Use of a Dwelling at Lot 1 on TP 806534F, 34 Gascards Lane, Gordon 3345 on the following grounds:**

- 1. The proposal is inconsistent with the purpose of the Farming Zone.**
- 2. The proposal does not comply with the Planning Policy Framework or Local Planning Policy Framework of the Moorabool Planning Scheme relevant to the development of rural land.**

**CARRIED.**

#### **Report Authorisation:**

**Authorised by:**

**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 17 July 2019**

**Item 5.2 Planning Permit Application PA2019002 – 21 Lot Staged Subdivision and Removal of Native Vegetation at 165A Werribee Vale Road, Maddingley.**

**Consideration of Deputations – Planning Permit Application No. PA (insert Planning number)**

Sean O’Keefe addressed Council on behalf of the Applicant to the granting of a planning permit for the application.

Hugh McMaster addressed Council as the Applicant to the granting of a planning permit for the application.

**The business of the meeting then returned to the agenda.**

**Resolution:**

**Moved: Cr. Edwards  
Seconded: Cr. Keogh**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit PA2109002 for staged 21 lot subdivision and removal of native vegetation at Lot 2 on Plan of Subdivision 73998U known as 165A Werribee Vale Road, Maddingley with 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
  - a) Design guidelines must specify no front fencing to all lots facing the northern escarpment.**
  - b) Landscape plan detailing revegetation works including future maintenance of the northern escarpment.**
  - c) Construction details of the fire access track and any maintenance requirements.****

**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. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:
  - How the land is to be accessed during the construction period;****

- All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
  - All measures to be introduced to minimise soil erosion and runoff;
  - Details relating to the storage of all plant and equipment during the construction period;
  - Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.
4. **Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of The Act.**
  5. **Prior to the issue of a Statement of Compliance, the developer contributions in accordance with condition 4 consisting of \$10,000 per lot must be paid to the satisfaction of the Responsible Authority.**
  6. **Unless with the prior written consent of the Responsible Authority the temporary Cul De Sac that forms the end of Durward Avenue must be permanently constructed prior to the issue of a Statement of Compliance.**
  7. **Prior to the issue of a Statement of compliance, the former dam located around proposed lots 20 and 21 must be filled and compacted to the satisfaction of the Responsible Authority. If a boundary retaining wall is required it must be completed to the satisfaction of the Responsible Authority.**

#### **Telecommunications**

8. **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.**
9. **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.

#### **Infrastructure**

- 10. The internal road network layout must be designed and constructed to be generally in accordance with the Approved West Maddingley Development Plan, to the standard detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
- 11. Prior to the Statement of Compliance, 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 lot 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.
- 12. Prior to the commencement of any works, 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.
- 13. Prior to the commencement of any works, 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.

- 14. Prior to the commencement of any works, 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.**
- 15. Telecommunications “fibre to premises” (FTTP) network (including all pipes, conduits, active equipment, equipment shelters and optical fibre cables) shall be provided to the lots to the satisfaction of the Responsible Authority.**
- 16. 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.**
- 17. 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.**
- 18. 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).**
- 19. 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.**
- 20. 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 lighting 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.**
- 21. Prior to the issue of Statement of Compliance for each stage, street names and street signs must be provided to the satisfaction of the responsible authority.**
- 22. Prior to the issue of a Statement of Compliance, permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**
- 23. Prior to the issue of a Statement of Compliance, 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 hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.**
- 24. Prior to the issue of Statement of Compliance, landscaping within the development must be undertaken in accordance with an approved Landscape Plan, to the satisfaction of the Responsible Authority.**



25. Landscaping (including 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.
26. If a Statement of Compliance is sought prior to the landscape works being undertaken, then a security deposit of 150% of the cost of the landscaping must be lodged with the responsible authority. The landscape work must then be completed within 6 months from the issue of the Statement of Compliance (Practical Completion). Once the landscaping works are “Practically Compete”, the security deposited may be returned.
27. Prior to the issue of a Statement of Compliance, a security deposit equal to 25% of the cost of landscaping 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.
28. 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.
29. 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.
30. 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.
31. A security deposit of 5% of the total value of engineering works 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.
32. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

**Downer Utilities:**

33. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

**Powercor conditions**

34. This letter shall be supplied to the applicant in its entirety.
35. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Disturbtor in accordance with Section8 of that Act.

36. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
37. The applicant shall when required by the Distributor set aside area with the subdivision for the purposes of establishing a substation or substations.
38. The applicant shall establish easements on the subdivision for all existing Distributor electric lines where easement have not been otherwise provided on the land and for any new poweline to service the lots or adjust the positioning existing easements.

**Department of Environment Land Water and Planning**

39. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
40. Before works start to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction must be prepared and submitted to and approved by the responsible authority. When approved, the plans will be endorsed and form part of this permit. All works constructed or carried out must be in accordance with the endorsed plans.
41. Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development the following is prohibited:
  - a) vehicular or pedestrian access
  - b) trenching or soil excavation
  - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - d) entry and exit pits for the provision of underground services
  - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
42. To offset the removal of 0.342 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified as below:
  - a) A general offset of 0.0108 general habitat units must meet the following criteria:
    - i. located with the Port Phillip and Westernport Catchment Management boundary or Moorabool Shire Council municipal area;
    - ii. with a minimum strategic biodiversity score of at least 0.647.

43. Before the issue of a Statement of Compliance evidence that the offset required by this permit for this stage of this subdivision has been secured must be provided to the satisfaction of the Responsible Authority This evidence must be one or both of the following:
- a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
  - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
44. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approval at the Department of Environment, Land, Water and Planning Grampian Office via email [grampians.planning@delwp.vic.gov.au](mailto:grampians.planning@delwp.vic.gov.au).

#### Western Water

45. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
46. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
47. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.
48. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
49. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.
50. Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.
51. 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.

52. The developer must produce for approval by Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and watersensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.
53. The IWMP must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the IWMP must then form part of the permit.
54. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
  - Own a metered hydrant approved by Western Water;
  - Meter and pay for all water taken;
  - Display a Western Water Permit Number Sticker on the tanker;
  - Only take water from nominated hydrants or standpipes;
  - Only use water for the purpose approved in the Water Carters Permit;
  - Avoid wastage of water on site; and
  - Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

#### **Country Fire Authority**

55. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA
56. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
  - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
  - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

- 57. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width:**
- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**
  - b) Curves must have a minimum inner radius of 10 metres.**
  - c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.**
  - d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.**
  - e) The identified fire break access track is to have restricted access by means of lockable bollards or lockable gates & matching keys are to be provided to the local fire brigade.**
  - f) The identified fire break access track is to have the same minimum trafficable clearance, average grade & load as any public road**

#### **Melbourne Water**

- 58. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.**
- 59. Prior to Certification of any stage of this subdivision, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy for approval, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.**
- 60. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'. 4. All new lots must be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.**
- 61. All new lots must be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.**
- 62. Prior to the issue of a Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for approval.**

63. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
64. Local drainage must be to the satisfaction of Council.
65. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values.
66. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses, and/or waterway crossing
67. Any works or development (including vegetation removal) within the waterway corridor requires separate approval from Melbourne Water.

#### **Operational**

68. Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site associated with the activity that creates sediment discharges must comply with the Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.

#### **Permit Expiry**

69. This permit will expire if one of the following circumstances applies:
  - a) The plan of subdivision is not certified within two (2) years of the date of issue of the permit.
  - b) Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

#### **Permit Notes**

##### **CFA Note:**

CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

**Powercor Note:**

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mvsupplv/CIWQuickCalculator>

**CARRIED.**

**Report Authorisation:**

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 17 July 2019

**Item 5.3 Planning Permit Application PA2019030 – Two (2) lot Resubdivision at 355 Monteville Lane, Ballan. Also known as Lot 1 on TP 260524X and Lot 2 on PS 08114429.**

**Consideration of Deputations – Planning Permit Application No. PA2019030**

James Robson addressed Council on behalf of the Applicant 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 relevant matters as required by the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit PA2019030 for Two (2) Lot re-subdivision at 355 Monteville Lane, Ballan, otherwise known as Lot 1 on TP 260524X and Lot 2 on PS 08114429, subject to the following conditions:

Endorsed plans:

1. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

Section 173 Agreement:

2. Before the use and/or development start(s), the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:
  - a) No additional dwellings are permitted to be constructed on either lot.

Before Statement of Compliance is issued for the subdivision an application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred. The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Servicing:

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.



5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Infrastructure conditions:

6. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
7. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
8. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Southern rural Water condition:

9. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 Subdivision Act 1988.

Permit expiry:

10. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

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

**Resolution:**

**Moved: Cr. Bingham**  
**Seconded: Cr. Keogh**

**That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit PA2019030 for Two (2) Lot re-subdivision at 355 Monteville Lane, Ballan, otherwise known as Lot 1 on TP 260524X and Lot 2 on PS 08114429, subject to the following conditions:**

**Endorsed plans**

1. **The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.**

## **Section 173 Agreement**

- 2. Before the issue of statement of compliance, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:**

**a) No additional dwellings are permitted to be constructed on either lot.**

**Before Statement of Compliance is issued for the subdivision an application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.**

**The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred. The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.**

## **Servicing**

- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

## **Infrastructure conditions:**

- 6. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
- 7. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 8. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

## **Southern rural Water condition:**

- 9. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 Subdivision Act 1988.**

**Permit expiry:**

10. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

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

The resolution was determined to be CARRIED on a Casting Vote by the Mayor.

**Report Authorisation:**

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 17 July 2019



Cr. Edwards left the meeting at 6.14pm.

Cr. Edwards entered the meeting at 6.15pm

**Item 5.4 Planning Permit Application PA2019 055 – Two (2) Lot Subdivision at 39 Atkinson Street, Ballan.**

**Consideration of Deputations – Planning Permit Application No. PA2019 055**

James Robson addressed Council on behalf of the Applicant 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 relevant matters as required by the Planning and Environment Act 1987, Council issues a Refusal to Grant a Planning Permit for PA2019055 being for a Two (2) Lot Subdivision on 39 Atkinson Street, Ballan otherwise known as known as Crown Allotment 11, Section 44, Parish of Ballan on the following grounds:

1. The subdivision creates lots that do not accord with the existing neighbourhood character of this part of Ballan.
2. The subdivision does not generally accord with the intent of Ballan Strategic Directions, Precinct A, Natural Residential Growth area.
3. The proposal is inconsistent with Clause 56 objectives for subdivision.

**Moved: Cr. Bingham**

**Seconded: Cr. Dudzik**

***That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a to Notice of Decision to Grant a Planning Permit for PA2019055 being for a Two (2) Lot Subdivision at Crown Allotment 11, Section 44, Parish of Ballan, otherwise known as 39 Atkinson Street, Ballan with the following conditions***

***Endorsed Plans:***

1. ***Before certification of the plan of subdivision, 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 two copies must be provided. The plans must show:***

***a) The formal plan of subdivision prepared by a licensed land surveyor.***

***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.***

**Servicing:**

2. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***

**Subdivision:**

3. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
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.***

**Telecommunications:**

5. ***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.***
6. ***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.***

**Infrastructure:**

7. ***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 Atkinson Street to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel 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 crossing.***
8. ***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 by the use of 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)”.***
9. ***Prior to the commencement of the subdivision design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.***
10. ***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.***
11. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***
12. ***Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
13. ***Prior to the commencement of the subdivision 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.***
14. ***Prior to the commencement of the subdivision 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.*

**Permit Expiry:**

- 15. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.**

**Statement of Compliance must be achieved, and certified plans registered at the Titles office within five (5) years from the date of certification.**

**The resolution was determined to be LOST on a Casting Vote by the Mayor.**

**Resolution:**


**Moved: Cr. Edwards  
Seconded: Cr. Keogh**

**That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issues a Refusal to Grant a Planning Permit for PA2019055 being for a Two (2) Lot Subdivision on 39 Atkinson Street, Ballan otherwise known as known as Crown Allotment 11, Section 44, Parish of Ballan on the following grounds:**

- 1. The subdivision creates lots that do not accord with the existing neighbourhood character of this part of Ballan.**
- 2. The subdivision does not generally accord with the intent of Ballan Strategic Directions, Precinct A, Natural Residential Growth area.**
- 3. The proposal is inconsistent with Clause 56 objectives for subdivision.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**   
**Name: Satwinder Sandhu**  
**Title: General Manager Growth and Development**  
**Date: 17 July 2019**

**Item 5.5 Planning Permit Application PA2018 263 – Six (6) Lot Subdivision and Vegetation Removal at 24 Stanley Street, Gordon.**

**Consideration of Deputations – Planning Permit Application No. PA2018 263**

Stephen Derrick addressed Council as an objector to the granting of a planning permit for the application.

Katherine Martin addressed Council on behalf of the Applicant to the granting of a planning permit for the application.

Luke Carey addressed Council as the Applicant to the granting of a planning permit for the application.

**The business of the meeting then returned to the agenda.**

**Resolution:**

**Moved: Cr. Edwards  
Seconded: Cr. Dudzik**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018263 for a Six (6) Lot Subdivision and Vegetation Removal at Crown Allotment 5, Section 30, Parish of Kerrit Bareet, 24 Stanley Street, Gordon 3345 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 Landscape Conservation Plan reference 1800435, Sheet 1 of 1, v. 08 dated 02/01/2019 prepared by Beveridge Williams but modified to show:
  - a. The building envelopes deleted and replaced with building exclusion zones to the satisfaction of the Responsible Authority;**
  - b. All trees marked for retention apart from the following trees identified in the Tree Impact Assessment report prepared by Elms Horticulture submitted to Council on 4 February, 2019 and referenced therein as:
    - i. Trees 7-16, 24, 25, 66, 86-98, 100-111, 113, 114, and 139-150.****
  - c. All requirements of Condition no. 5.****
- 2. 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.**



## **Subdivision**

- 3. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 4. 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.**
- 5. 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 Restriction: No buildings or works except for boundary fencing or where otherwise exempt under the Moorabool Planning Scheme shall be constructed or undertaken within the building exclusion zones shown on the plan of subdivision. No fencing within 20 metres of the front property boundaries shall be of any construction other than post and wire, post and rail or otherwise more than 50 per cent permeable and shall be no higher than 1.5 metres. No dwelling or ancillary outbuildings shall be constructed within 12 metres of the front property boundaries.**
- e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

## **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.

#### **Environmental Planning**

- 8. To offset the removal of 0.405ha of native vegetation, including one large tree, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
  - a. A general offset of 0.069 general habitat units:
    - i. located within the Corangamite Catchment Management Authority boundary or Moorabool Shire municipal district;
    - ii. with a minimum strategic biodiversity score of at least 0.102;
    - iii. One (1) large tree.
- 9. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of Council . This evidence is one or both of the following:
  - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or
  - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

- 10. In the event that a security agreement (first party offset) is entered into as per condition 10(a), the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

#### **Vegetation Removal:**

- 11. Except where exempt under the Moorabool Planning Scheme, no vegetation other than that approved for removal on the endorsed plans shall be removed without further planning approval.

## **Infrastructure**

**12. 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:**

- a. Encompass the entire area of the development.**
- b. 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.**
- c. Provide for outfall drainage from the site connecting to an approved discharge point.**
- d. 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.**

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

- a. The subdivision as a whole must be self draining.**
- b. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
- c. 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.**
- d. 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.**
- e. 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.**
- f. The drainage system must be designed to include provision to intercept litter.**
- g. 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.**
- h. 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.**

**14. 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:**

- a. the requirements for drainage of the whole site.**
- b. if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.**
- c. If additional outfall drainage or upgrading of the existing drainage network is required.**

- 15. 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.**
- 16. 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.**
- 17. Prior to the issue of a Statement of Compliance for the relevant stages of the subdivision, the section of Grose Road abutting the subject land must be constructed to the satisfaction of the responsible authority, to the standard detailed:
  - a. 6.2 metre sealed pavement with 1 metre gravel shoulders on each side;**
  - b. table drains;**
  - c. street lighting as required;**
  - d. vehicle crossing to each lot.****
- 18. Prior to the issue of a Statement of Compliance for the relevant stages of the subdivision, the section of Stanley Street abutting the subject land must be widened to the satisfaction of the responsible authority, to the standard detailed:
  - a. 6.2 metre sealed pavement with 1 metre gravel shoulders on each side;**
  - b. table drains;**
  - c. street lighting as required;**
  - d. vehicle crossing to each lot;**
  - e. 1.5 metre reinforced concrete footpath with connection to the existing works in Dicker Street (Note: The Responsible Authority will accept either works or payment at a rate of \$100/lin.m to satisfy this Condition.)****
- 19. 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.**
- 20. 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.**
- 21. 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).**
- 22. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.**

- 23. 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 lighting 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.**
- 24. Street names and street signs must be provided to the satisfaction of the responsible authority.**
- 25. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.**
- 26. 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 hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.**
- 27. 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.**
- 28. 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.**
- 29. 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.**
  - b. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.****
- 30. 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;**
  - b. Roadworks construction details in “R-Spec” format.**

**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.****
- 31. 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.**

32. 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.
33. 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.

#### **Barwon Water**

34. The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:
- a. Each lot created in the development must be connected to a reticulated sewerage system.
  - b. No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system.

#### **Central Highlands Water**

35. 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.
36. 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.
37. 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.
38. 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.
39. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

#### **Powercor**

40. 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.

**41. The applicant shall:-**

- a. 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.
- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- c. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.  
Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- f. 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.
- g. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i. 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.
- j. 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**

- 42. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.**

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

**Permit Notes**

**Powercor:**

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.

**CARRIED.**

**Report Authorisation:**

Authorised by:



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 17 July 2019**



**Item 5.6 Planning Permit Application PA2019 034 – Two (2) Lot Subdivision at 3/3-5 Spencer Road, Ballan.**

**Consideration of Deputations – Planning Permit Application No. PA2019 034.**

Robert Eskdale addressed Council on behalf of the Applicant 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 Section 60 of the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit No. 2019-034 for Two (2) Lot Subdivision at Lot 1 on PS 525692P, 3/3-5 Spencer Road, Ballan, on the following grounds:

1. The proposed subdivision is inconsistent with the relevant Planning Policy Framework and Local Planning Policy Framework.
2. The proposal is inconsistent with the purpose of the Low Density Residential Zone.
3. The proposal is not in keeping with the surrounding neighbourhood character.
4. The proposal is inconsistent with Council's adopted Ballan Strategic Directions strategy.

**Resolution:**

**Moved: Cr. Edwards**

**Seconded: Cr. Keogh**

**That Planning Application PA2019 034, Two (2) Lot Subdivision at 3/3-5 Spencer Road, Ballan be deferred to the next available S86 Development Assessment Committee meeting.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 17 July 2019**

Cr. Edwards left the meeting at 6.57pm.

Cr. Edwards entered the meeting at 6.59pm

## **UPDATE ON TRENDS, ISSUES AND OTHER MATTERS**

There were no updates provided to the Committee.

## **DATE OF NEXT MEETING**

Wednesday 21 August 2019

6.00pm

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 6.59pm.

