

# **MINUTES**

## **SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

**Wednesday 19 December, 2018**  
North Wing Room 2 & 3  
Darley Civic and Community Hub,  
182 Halletts Way, Darley  
5.00pm

### **ATTENDANCE**

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. Jacquie Younger	Minute Taker

### **APOLOGIES**

Cr. Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
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### **1. MEETING OPENING**

Mr Satwinder Sandhu, General Manager Growth & Development welcomed all and opened the meeting at 5.02pm.

Mr Sandhu advised Councillors the Mayor/Chair Cr Paul Tatchell will not be in attendance at today's meeting and that Cr David Edwards has advised of late attendance.

Mr Sandhu advised Councillors as per the Terms of Reference, the Committee is required to nominate an Acting Chair.

### **3. APPOINTMENT OF CHAIR**

Mr Sandhu called for the nominations. One (1) nomination received.

#### **Resolution:**

**Moved:** Cr. Dudzik  
**Seconded:** Cr. Bingham

**That Cr. Keogh be appointed as Acting Chair for consideration of the remaining business.**

**CARRIED.**

## 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. Dudzik

**That the Minutes of the Section 86 Development Assessment Committee for 21 November, 2018 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

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|-----|--|---------------|
| 5.1 | Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley.   | Page 4 and 25 |
| 5.2 | Planning Permit Number PA2018 253 – Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at 97 Main Street, Bacchus Marsh.                                   | Page 5        |
| 5.3 | Planning Permit Number PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon.   | Page 8        |
| 5.4 | Planning Permit Number PA2018169 – Proposed Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – ‘The Plough’ 17 Main Street, Myrniong. | Page 9        |
| 5.5 | Planning Permit application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek.   | Page 12       |
| 5.1 | Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley.   | Page 25       |

## 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
5.1	Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley	Christine and Jan Bronchinetti	Objectors
5.2	Planning Permit Number PA2018 253 – Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at 97 Main Street, Bacchus Marsh.	Daisy Bailey	Objector
5.3	Planning Permit Number PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon.	Julie Lancashire	Speaking on behalf of Applicant
5.4	Planning Permit Number PA2018169 – Proposed Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – 'The Plough' 17 Main Street, Myrniong.	Glenn Linane and Amber Durantie	Objector and speaking on behalf of Objector
5.4	Planning Permit Number PA2018169 – Proposed Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – 'The Plough' 17 Main Street, Myrniong.	Ruth and Mark Mills	Applicants
5.5	Planning Permit Application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek.	Robert Eskdale	Speaking on behalf of Applicant

## **GROWTH & DEVELOPMENT REPORTS**

### **Item 5.1 Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley**

This item was deferred to the end of this agenda.

**Item 5.2 Planning Permit Number PA2018 253 – Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at 97 Main Street, Bacchus Marsh.**

**Consideration of Deputations – Planning Permit Application No. PA2018 253**

Daisy Bailey addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

**Resolution:**

**Moved: Cr. Dudzik  
Seconded: Cr. Bingham**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018253 for Partial Demolition, Development of an Upper Storey Extension to the Existing Building and a Reduction of Car Parking Associated with an Office at Lot 1 on TP 399859N, 97 Main Street, Bacchus Marsh 3340 subject to the following conditions:

**Endorsed plans:**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans identified as Job No. J18063, Drawing No.'s TP1-TP6, rev. A dated 15/11/2018 prepared by Briclok Building Design P/L but modified to show:
  - a. A minimum of two (2) staff bicycle parking spaces within the building.
  - b. Provision of a shower clearly shown.
2. 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.

**Section 173 Agreement**

3. The landowner is required to enter into an agreement under S173 of *the Planning and Environment Act*, unless the payment in part (a) of the agreement is made prior to the Occupancy Permit being issued, which stipulates the following:
  - a. For the outstanding three (3) parking spaces required a contribution of \$5000 per car parking space in lieu of providing it on site is required.
  - b. The payment is required to be paid to council in full by 1 December, 2019.
  - c. Before the issue of the Occupancy Permit, an application must be made to the Register of Titles to register the S173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration agreement to the Responsible Authority as soon as possible after the registration has occurred.
  - d. The owner/operator under this permit must arrange for the preparation of the S173 Agreement at his/her cost before submitting it to the Responsible Authority for Approval.

- e. The Owner/Operator under this permit must pay the costs of execution and registration of the section 173 agreement.

**Amenity:**

4. Any security alarm or similar device installed must be of a silent type.
5. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site, except to the adjoining laneway to the west.

**Infrastructure:**

6. Storm water drainage from the proposed building works and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
7. 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).
8. 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.
9. 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.
10. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

**Melbourne Water:**

11. The ground floor finished floor levels of the building must be maintained no lower than the existing floor level of the building.
12. Imported fill must be kept to a minimum on the property and should only be used for the subfloor area of the building.

**Department of Health and Human Services:**

13. If cranes are to be used on site during construction details of crane location and height must be provided to the Department of Health and Human Services at least three (3) days prior to commencement.
14. Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the Civil Aviation Safety Authority Manual of Standards Part 139 at their highest point(s) to ensure that they can be seen within the helicopter flight paths.

**Permit expiry:**

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

- a. The development is not started within two years of the date of this permit;**
- b. The development is not completed within four years of the date of this permit.**

**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.**

**Melbourne Water permit note:**

**This property is subject to flooding from the Bacchus Marsh catchment. when the capacity of the drainage system is exceeded. The applicable flood level is 100.15 metres to Australian Height Datum (AHD).**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 19 December, 2018**

**Item 5.3 Planning Permit Number PA2018 111 – Two (2) Lot Subdivision and Development and Use of a Dwelling at 34 Gascards Lane, Gordon.**

**Consideration of Deputations – Planning Permit Application No. PA2018 111**

Julie Lancashire 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 the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018111 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.**

**Resolution:**

**Moved: Cr. Bingham**

**Seconded: Cr. Dudzik**

**That Item 5.3 Planning Permit Number PA2018 111 be deferred to the next S86 Development Assessment Committee meeting to allow for further discussions to be held between the Applicant and Council officers.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 19 December, 2018**



**Item 5.4 Planning Permit Number PA2018169– Use, Buildings and Works Associated with a Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking at ‘The Plough’ 17 Main Street, Myrniong.**

*Cr. Edwards entered the meeting at 5.19pm.*

#### **Consideration of Deputations – Planning Permit Application No. PA2018169**

Amber Durantie addressed Council on behalf of the objector to the granting of a planning permit for the application.

Ruth Mills 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. Dudzik  
Seconded: Cr. Edwards**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for Use, Buildings and Works Associated with an Existing Function Centre (Marquee, Cool room & Refurbishment of Stables) with reflective cladding, and request to waiver car parking – ‘The Plough’ 17 Main Street, Myrniong. Subject to the following conditions;**

#### **Endorsed Plans**

- 1. Within sixty (60) days of the date of this permit, 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 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) A site plan demonstrating where the additional 43 bays can be accommodated on or around the site in addition to the 60 bays already specified. The plan must detail the proposed standard of which the carpark (existing and proposed) is to be constructed to and must be approved to the satisfaction of the responsible authority.**

**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.**

#### **Amenity**

- 2. The amenity of the area must not be detrimentally affected by the use or development, through the:**
  - a) Transport of materials, goods or commodities to or from the land;**

- b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin; or
  - e) Any other way.
3. Goods, equipment or machinery associated with the residential hotel must not be stored or left exposed in a position that can be seen from the street or common accessways.
  4. The owner, the occupier and the manager of the premises must make reasonable endeavors to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.
  5. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.
  6. Hours of operation for the Function centre (marquee and stables) are limited to 11am-11.30pm Monday to Sunday inclusive. With a maximum of the 'function centre' use being utilised 4days in a row per week.
  7. A maximum of 300 people are permitted on site at any one time.
  8. Within 120days of this permit being granted, the landowner is required to construct an acoustic buffering wall on the Western boundary of the site in accordance with plans submitted to the satisfaction of the responsible authority.

#### **Infrastructure**

9. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
10. A minimum of 43 sealed car parking spaces are required at all times for the Function Centre use - this includes the inclusion of accessibility bays as per the Australian Standards.
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. Within 12 months of this permit date, the car park areas must be constructed with an all-weather surface, markings and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
  - i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
  - ii. The parking areas shall be provided with an all-weather surface and associated drainage.
  - iii. Kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
  - iv. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

13. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
14. 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.
15. A Maintenance Agreement is to be prepared (at the permit holders expense) for all carparking used for 'The Plough' business on Council land. The agreement is to be entered into with and to the satisfaction of the Responsible Authority.

#### **Environmental Health**

16. The applicant to provide an acoustic management report and plan to manage the noise levels when there are functions in the marquee with entertainment.

#### **Permit Expiry**

17. This permit will expire if one (1) of the following circumstances applies:

- a) The development and the use are not started within two years of the date of this permit; or
- b) The development is not completed within four (4) years of the date of this permit.

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.

#### **Permit Note(s)**

The Function Centre is required to comply with the indoor live music entertainment venue noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2) at all times.

**CARRIED.**

#### **Report Authorisation:**

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 19 December, 2018

**Item 5.5 Planning Permit Application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek.**

**Consideration of Deputations – Planning Permit Application No. PA2017264**

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 the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2017264 for Development and Use of a Dwelling and Removal of Native Vegetation at Lot 35 on PS 093708, Cowans Drive, Dales Creek 3341, subject to the following conditions:

**Endorsed Plans:**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three 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) Details of materials/products used in the construction of the dwelling which meet the Flame Zone rating. This must include certification certificates that the materials meet the required building standards.

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.

**Dwelling requirements:**

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

#### **Materials and Colour:**

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

#### **Section 173 Agreement:**

- 7. Before the issue of a Building Permit the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority:**
  - a) The owner of the land must acknowledge that the site is in a Bushfire Management Overlay and the dwelling construction requirements are extensive due to the building being located within the Flame Zone.**
  - b) The owner of the land must maintain vegetation in accordance with the approved Bushfire Management Statement in accordance with Conditions 25 and 26 of PA2017264 at all times.**
  - c) Prior to the issue of a building permit the applicant must provide Council with details of materials used in the construction of the dwelling which meet the Flame Zone rating in accordance with the plans endorsed as part of PA2017264. This must include certification certificates that the materials meet the required building standards.**
  - d) Before a Building Permit is issued for the dwelling, 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 and the owner must provide evidence of that registration of the Agreement to the Responsible Authority.**
  - e) The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.**

#### **Environmental Health:**

- 8. An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed.**
- 9. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
- 10. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.**
- 11. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4.**
- 12. A shallow surface water cut off drain or surface water diversion mound should be provided on the high side of the disposal areas to divert any surface water flows around the effluent fields.**
- 13. Subsurface Irrigation system needs to be installed to a depth of 150mm in situ, or if the soil is of poor quality, imported good quality topsoil may be required with a 1.0m spacing in between lines.**

14. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

**Infrastructure:**

15. A standard rural vehicle crossing must be provided on Cowans Drive to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
16. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
17. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
18. 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).
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. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

**Environmental Planning:**

**21. Offset requirement:**

- To offset the removal of 0.302ha approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with DELWP's publication *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*.

**22. Offset requirements for the native vegetation to be removed:**

- Offset type: General offset
- Offset amount: 0.242 general habitat units
- Offset attributes-
- Vicinity: Be located within the Port Phillip and Westernport Catchment Management Authority (CCMA) boundary or Moorabool Shire Municipal District.
- Minimum strategic biodiversity value score: 0.392

### **23. Offset evidence:**

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of DELWP's publication Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- a) A credit register extract from the Native Vegetation Credit Register (for more information refer to DELWP's publication Permitted clearing of native vegetation Meeting permit conditions – Third party offsets); or
- b) A security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

For more information regarding the requirements for a 'first party offset' go to [http://www.depi.vic.gov.au/\\_\\_data/assets/pdf\\_file/0006/255048/First-party-general-offset-kit-Version1.1.pdf](http://www.depi.vic.gov.au/__data/assets/pdf_file/0006/255048/First-party-general-offset-kit-Version1.1.pdf)

Any revegetation must be done in accordance with the minimum planting standard specified in Appendix 2 of DELWP's publication Native vegetation gain scoring manual and revegetation sites must meet the following size requirements:

- i. At least 1 hectare in size;
- ii. Have an average width of at least 20 metres;
- iii. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres<sup>2</sup>) by the perimeter (metres).

### **24. Offset Security:**

There are two (2) options to achieve security:

- a) A conservation covenant under the Victoria Conservation Trust Act 1972 (agreement with Trust for Nature).
- b) An agreement under Section 69 of the Conservation Forests and Lands Act 1987 (agreement with DELWP).

### **Country Fire Authority:**

- 25. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
- 26. The Bushfire Management Plan (prepared by Regional Planning & Design Pty Ltd, Bushfire Management Statement – Lot 35 Cowans Drive, Dales Creek Ref No.17.210 – Figure 10, dated 7/06/2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Southern Rural Water:**

27. The recommendations from the Land Capability Assessment produced by Provincial Geotechnical Pty Ltd (Ref No. 9121I, 20th April 2018 re-issue), in particular those listed in Sections 5 & 6, should be implemented to reduce the risk to water quality.
28. The Land Application Area (irrigation area) must be located in the parcel of land designated within the Provincial Geotechnical report to ensure setback distances are met.
29. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution control, shall be employed during works and maintained until the disturbed area has been appropriately finished or revegetated.
30. Any failure of the wastewater treatment system and Land Application Area must be immediately rectified to the satisfaction of Council's Health Officer.
31. Cutoff drains should be constructed to prevent storm water or runoff entering the effluent field.
32. Minimum setback requirements for the effluent disposal area from waterways must be met.
33. Wastewater must be treated to a secondary standard as a minimum (20/30 BOD/suspended solids).
34. The wastewater treatment system (including irrigation) must be installed, maintained and serviced by a suitably qualified contractor as per a maintenance and service contract to be entered into by the owner and verified by Council's Health Officer.

**Western Water:**

35. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:
  - a. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.
  - b. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
  - c. The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.
  - d. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard.
  - e. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
  - f. The Owner shall meet the costs of the inspections and reports referred to in Condition (e).



- g. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
- h. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
- i. The dwelling must be connected to a reticulated sewer system should it become available for the area.
- j. The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition (e).
- k. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
- l. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 20 April 2018 Reference No 91721 and the accompanying management plan followed and implemented.
- m. The land must not be further subdivided.
- n. No other building works shall be undertaken on the subject land without written approval of Western Water.
- o. Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- p. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- q. The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
- r. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal field.
- s. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
- t. The obligations under this agreement shall run with the land.
- u. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.

**Permit Expiry:**

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

- a. The development and the use are not started within two (2) years of the date of this permit;
- b. The development is not completed within four (4) years of the date of this permit.

**Permit Note:**

**A permit to install an onsite wastewater management system must be submitted to Environment Health.**

**Resolution:**

**Moved: Cr. Bingham**  
**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 PA2017264 for Development and Use of a Dwelling and Removal of Native Vegetation at Lot 35 on PS 093708, Cowans Drive, Dales Creek 3341, subject to the following conditions:**

**Endorsed Plans:**

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three 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) Details of materials/products used in the construction of the dwelling which meet the Flame Zone rating. This must include certification certificates that the materials meet the required building standards.**

**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.**

**Dwelling requirements:**

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

**Materials and Colour:**

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

#### **Section 173 Agreement:**

- 7. Within two (2) months of issuing of this permit, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority:**
  - a) The owner of the land must acknowledge that the site is in a Bushfire Management Overlay and the dwelling construction requirements are extensive due to the building being located within the Flame Zone.**
  - b) The owner of the land must maintain vegetation in accordance with the approved Bushfire Management Statement in accordance with Conditions 25 and 26 of PA2017264 at all times.**
  - c) Prior to the issue of a building permit the applicant must provide Council with details of materials used in the construction of the dwelling which meet the Flame Zone rating in accordance with the plans endorsed as part of PA2017264. This must include certification certificates that the materials meet the required building standards.**
  - d) Before a Building Permit is issued for the dwelling, 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 and the owner must provide evidence of that registration of the Agreement to the Responsible Authority.**
  - e) The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.**

#### **Environmental Health:**

- 8. An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed.**
- 9. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
- 10. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.**
- 11. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4.**
- 12. A shallow surface water cut off drain or surface water diversion mound should be provided on the high side of the disposal areas to divert any surface water flows around the effluent fields.**
- 13. Subsurface Irrigation system needs to be installed to a depth of 150mm in situ, or if the soil is of poor quality, imported good quality topsoil may be required with a 1.0m spacing in between lines.**
- 14. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.**

#### **Infrastructure:**

15. A standard rural vehicle crossing must be provided on Cowans Drive to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
16. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
17. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
18. 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).
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. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

#### **Environmental Planning:**

##### **21. Offset requirement:**

- To offset the removal of 0.302ha approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with DELWP's publication *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*.

##### **22. Offset requirements for the native vegetation to be removed:**

- Offset type: General offset
- Offset amount: 0.242 general habitat units
- Offset attributes-
- Vicinity: Be located within the Port Phillip and Westernport Catchment Management Authority (CCMA) boundary or Moorabool Shire Municipal District.
- Minimum strategic biodiversity value score: 0.392

##### **23. Offset evidence:**

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of DELWP's publication *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*. Offset evidence can be either:

- a) A credit register extract from the Native Vegetation Credit Register (for more information refer to DELWP's publication Permitted clearing of native vegetation Meeting permit conditions – Third party offsets); or
- b) A security agreement, to the required standard, for the offset site or sites, including a ten (10) year offset management plan. Every year for ten (10) years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

For more information regarding the requirements for a 'first party offset' go to [http://www.depi.vic.gov.au/\\_\\_data/assets/pdf\\_file/0006/255048/First-party-general-offset-kit-Version1.1.pdf](http://www.depi.vic.gov.au/__data/assets/pdf_file/0006/255048/First-party-general-offset-kit-Version1.1.pdf)

Any revegetation must be done in accordance with the minimum planting standard specified in Appendix 2 of DELWP's publication Native vegetation gain scoring manual and revegetation sites must meet the following size requirements:

- i. At least 1 hectare in size;
- ii. Have an average width of at least 20 metres;
- iii. Have a perimeter to area ratio of 1:20. Perimeter to area ratio can be calculated by dividing the area (metres<sup>2</sup>) by the perimeter (metres).

#### **24. Offset Security:**

There are two (2) options to achieve security:

- a) A conservation covenant under the Victoria Conservation Trust Act 1972 (agreement with Trust for Nature).
- b) An agreement under Section 69 of the Conservation Forests and Lands Act 1987 (agreement with DELWP).

#### **Country Fire Authority:**

- 25. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
- 26. The Bushfire Management Plan (prepared by Regional Planning & Design Pty Ltd, Bushfire Management Statement – Lot 35 Cowans Drive, Dales Creek Ref No.17.210 – Figure 10, dated 7/06/2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

#### **Southern Rural Water:**

- 27. The recommendations from the Land Capability Assessment produced by Provincial Geotechnical Pty Ltd (Ref No. 9121I, 20th April 2018 re-issue), in particular those listed in Sections 5 & 6, should be implemented to reduce the risk to water quality.

28. The Land Application Area (irrigation area) must be located in the parcel of land designated within the Provincial Geotechnical report to ensure setback distances are met.
29. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution control, shall be employed during works and maintained until the disturbed area has been appropriately finished or revegetated.
30. Any failure of the wastewater treatment system and Land Application Area must be immediately rectified to the satisfaction of Council's Health Officer.
31. Cutoff drains should be constructed to prevent storm water or runoff entering the effluent field.
32. Minimum setback requirements for the effluent disposal area from waterways must be met.
33. Wastewater must be treated to a secondary standard as a minimum (20/30 BOD/suspended solids).
34. The wastewater treatment system (including irrigation) must be installed, maintained and serviced by a suitably qualified contractor as per a maintenance and service contract to be entered into by the owner and verified by Council's Health Officer.

**Western Water:**

35. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:
  - a. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sillage and sewage waste on site.
  - b. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
  - c. The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.
  - d. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard.
  - e. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
  - f. The Owner shall meet the costs of the inspections and reports referred to in Condition (e).
  - g. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
  - h. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
  - i. The dwelling must be connected to a reticulated sewer system should it become available for the area.

- j. The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition (e).
- k. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
- l. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 20 April 2018 Reference No 91721 and the accompanying management plan followed and implemented.
- m. The land must not be further subdivided.
- n. No other building works shall be undertaken on the subject land without written approval of Western Water.
- o. Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- p. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- q. The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
- r. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal field.
- s. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
- t. The obligations under this agreement shall run with the land.
- u. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.

**Permit Expiry:**

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

- a. The development and the use are not started within two (2) years of the date of this permit;
- b. The development is not completed within four (4) years of the date of this permit.

**Permit Note:**

**A permit to install an onsite wastewater management system must be submitted to Environment Health.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 19 December, 2018**

**Item 5.1 Planning Permit Number PA2018 211 – Three (3) Lot Subdivision at 128 Holts Lane, Darley**

**Consideration of Deputations – Planning Permit Application No. PA2017264**

Christine and Jan Bronchinetti were registered to speak to Item 5.1 however, they were not present at the meeting.

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

**Resolution:**

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

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2018211 for Three (3) Lot Subdivision at Lot S2 on PS 600483G, 128 Holts Lane, Darley 3340 on the following grounds:**

- 1. The proposed lot sizes do not comply with the minimum lot size requirements of Schedule 5 to Clause 32.09 (Neighbourhood Residential Zone) of the Moorabool Planning Scheme.**
- 2. The proposal does not comply with the Planning Policy Framework or Local Planning Policy Framework of the Moorabool Planning Scheme relevant to residential growth or neighbourhood character.**
- 3. The proposal does not comply with all relevant provisions of Clause 56 of the Moorabool Planning Scheme.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**   
**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** 19 December, 2018



## **6. 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.

## **7. UPDATE OF VCAT DECISIONS**

NIL.

## **8. DATE OF NEXT MEETING**

Wednesday 20 February, 2018

5.00pm

North Wing Room 2 & 3

Darley Civic and Community Hub, 182 Halletts Way, Darley

## **9. MEETING CLOSURE**

The Acting Chair thanked all Committee members and attendees and closed the meeting at 5.30pm.

A handwritten signature in black ink, appearing to be 'J. R. J.', is written on the page.