

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 16 May, 2018
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley
5.00pm

MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 5.07pm.

1. ATTENDANCE

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

APOLOGIES

NIL

2. RECORDING OF MEETING

As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting:

- The Moorabool News; and
- The Star Weekly.

3. CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for 18 April, 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 application PA2017140 – Use for Service Industry (Hand Car Wash) and Display of Business Identification Signage at Bacchus Marsh Village Shopping Centre, 176 Main Street, Bacchus Marsh. | Page 3 |
| 5.2 | Planning Permit application PA2018014 – Five Lot Subdivision at 407 Old Melbourne Road, Ballan. | Page 5 |
| 5.3 | Planning Permit PA2017-222 – Development of five (5) dwellings at 25 Higgins Court, Bacchus Marsh. | Page 18 |
| 5.4 | Planning Permit PA2013183-3 – Amended permit for a double storey Neighbourhood Activity Centre and inclusion of 33 townhouses at 10 McCormack Road, Maddingley. | Page 21 |
| 5.5 | Planning Permit PA2017175 – Development of an Office Building and a Reduction in the Standard Car Parking Rate (7 Spaces) at 10 Gell Street, Bacchus Marsh | Page 35 |

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 Application PA2017140 – Use for Service Industry (Hand Car Wash) and Display of Business Identification Signage at Bacchus Marsh Village Shopping Centre, 176 Main Street, Bacchus Marsh.	Jake Koumoundouros from Human Habitats	Speaking on behalf of Applicant
5.2	Planning Permit application PA2018014 – Five Lot Subdivision at 407 Old Melbourne Road, Ballan.	Mark Burton & Cliff Caron	Applicant
5.4	Planning Permit PA2013183-3 – Amended permit for a double storey Neighbourhood Activity Centre and inclusion of 33 townhouses at 10 McCormack Road, Maddingley.	Rina Cowan	Objector
5.4	Planning Permit PA2013183-3 – Amended permit for a double storey Neighbourhood Activity Centre and inclusion of 33 townhouses at 10 McCormack Road, Maddingley.	Andrew Amos, Steve Matthews, Jordan Curran	Applicants

5. GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit application PA2017140 – Use for Service Industry (Hand Car Wash) and Display of Business Identification Signage at Bacchus Marsh Village Shopping Centre, 176 Main Street, Bacchus Marsh

Consideration of Deputations – Planning Permit Application No. PA2017140

Jake Koumoundouros from Human Habitats addressed Council as the speaker 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.

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Edwards

That, having considered all matters as prescribed by the Planning and Environment Act 1987, under Section 60 Council issues a Notice of Decision to Grant a Permit for PA2017140, Use for Service Industry (Hand Car Wash) and Display of Business Identification Signage at Lot 1 on PS 733215Q, Bacchus Marsh Village Shopping Centre 176 Main Street, Bacchus Marsh 3340, subject to the following conditions:

Endorsed Plans

1. Before the use 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 Drawing No.'s A800 rev. 04, project no. 17-012 dated May 2017 prepared by Aurora Design but modified to show:
 - a. Elevation drawings of the proposed signage above the Young and Bennett Street entries showing the following:
 - i. Length and width of the signs;
 - ii. Minimum and maximum height above pavement level.
 - b. The location of the signs shown on the site plan.

Amenity

2. The approved use must not detrimentally affect the amenity of the neighbourhood, including 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. Hours of operation, which are limited to 8.30am to 5.30pm 7 days a week.

Advertising Signs

3. The location, design, content, colours and materials of all advertising signs must not be altered without the written consent of the Responsible Authority.
4. The advertising signs must be not contain any moving parts or flashing lights.
5. The signs must be constructed and maintained to the satisfaction of the responsible authority.
6. The signs must not be illuminated by external or internal light except with the written consent of the responsible authority.

Environmental Protection Authority

7. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
8. Waste water from vehicle washing and contaminated run-off must not be discharged to the stormwater system.
9. Sediment traps or similar must be installed to prevent the transportation of sediment, litter and wastes, oil, grease and detergents from vehicles to the stormwater system.
10. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

Western Water

11. The operator under this permit shall be obliged to enter into a Trade Waste Agreement with Western Water relating to the discharge of wastewater into Western Waters sewerage system. 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.

Permit Expiry

12. This permit will expire if the use is not started within two years of the date of this permit.

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

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 16 May, 2018

Item 5.2 Planning Permit application PA2018014 – Five Lot Subdivision at 407 Old Melbourne Road, Ballan

Consideration of Deputations – Planning Permit Application No. PA2018014

Mark Burton and Cliff Carson 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.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act 1987, under Section 60 Council issues a Notice of Decision to Grant a Permit for PA2018014, Five Lot Subdivision at Land in Plan of Consolidation 109286, 407 Old Melbourne Road, Ballan 3342, subject to the following conditions:

Endorsed Plans

1. Before the plan of subdivision is certified under the Subdivision Act 1988, an amended plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the Plan of Proposed Subdivision PS 818094D version 7 Sheets 1 & 2 of 2 and the Re-Establishment/Feature/Level Survey and Proposed Subdivision Overlay PS 818094D revised on 12/2/2018 prepared by Carson Development Consultants P/L but modified to show:
 - a. Lots 1, 2 and 3 with no less than 35% of each lot set aside as a garden area and Lots 4 and 5 with no less than 30% of each lot set aside as a garden area, as defined under Clause 72 of the Moorabool Planning Scheme, and shown as hatched areas on the plan.
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.

Telecommunications

3. 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.

4. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Subdivision

5. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
6. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:
 - 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, no roofed areas, no driveways, no car spaces and no open areas with a dimension of less than 1.0 metre are permitted within the hatched area as shown on the endorsed plans attached to Planning Permit number PA2018014 issued by Moorabool Shire Council.
 - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.

Infrastructure

7. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a residential standard concrete vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
8. 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.

9. 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.
10. The civil works specified in this permit must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
11. 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.
12. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, each lot must be provided with an urban standard reinforced concrete vehicle crossing, to the satisfaction of the responsible authority.
13. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Crook Court must be constructed along the frontage of the property, to the satisfaction of the responsible authority with:
 - a. Kerb and channel, and pavement widening of a minimum 1 (one) metre along the frontage of the site;
 - b. Stormwater drainage;
 - c. Nature strip and landscaping;
 - d. Public lighting; and
 - e. A 1.5m Concrete footpath from Graham Street to Old Melbourne Road.
14. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Old Melbourne Road (south side only) must be constructed along the frontage of the property, to the satisfaction of the responsible authority with:
 - a. Kerb and channel;
 - b. Stormwater drainage;
 - c. Nature strip and landscaping;
 - d. Public lighting; and

- e. A 2.5m shared path from Crook Street to the eastern property boundary.
15. 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.
16. 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).
17. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
18. Street trees must be provided at approved locations along Crook Court 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.

26. 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.

Downer Utilities

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

28. Any existing gas service which crosses any of the proposed allotment boundaries within the proposed subdivision must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of AusNet Gas Services.

Melbourne Water

29. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Southern Rural Water

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

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

32. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.

Central Highlands Water

33. 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.

34. 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.

35. 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.

36.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.

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

Powercor

38.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.

39.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.
- 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. The applicant shall 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.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Permit Expiry:

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

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

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

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Edwards

That, having considered all matters as prescribed by the Planning and Environment Act 1987, under Section 60 Council issues a Notice of Decision to Grant a Permit for PA2018014, Five Lot Subdivision at Land in Plan of Consolidation 109286, 407 Old Melbourne Road, Ballan 3342, subject to the following conditions:

Endorsed Plans

1. Before the plan of subdivision is certified under the Subdivision Act 1988, an amended plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the Plan of Proposed Subdivision PS 818094D version 7 Sheets 1 & 2 of 2 and the Re-Establishment/Feature/Level Survey and Proposed Subdivision Overlay PS 818094D revised on 12/2/2018 prepared by Carson Development Consultants P/L but modified to show:
 - a. The northwest corner of Lot 1 modified in accordance with the requirements of Condition No. 3.
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.
3. The existing embankment at the northwest corner of Lot 1 must be modified to create a batter of minimum 1.0m depth measured from the northwest title boundary, or to the satisfaction of the Responsible Authority. Any fence aligned with the approved works must be no higher than 1.0m above the finished ground level.

Telecommunications

4. 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.

5. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.

Subdivision

6. 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.
7. 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. Lots 1, 2 and 3 must have no less than 35% of each lot set aside as a garden area and Lots 4 and 5 no less than 30% of each lot set aside as a garden area, as defined under Clause 72 of the Moorabool Planning Scheme.

Before Statement of Compliance is issued, 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.

8. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:
- a. Land to be Burdened: Lot 1 on this plan.
 - b. Land to Benefit: All other lots on this plan.
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.
 - d. Description of Restriction: Any fence aligned or associated with the earthworks at the northwest corner of Lot 1 must be no higher than 1.0m above finished ground level as shown as shown on the endorsed plans attached to Planning Permit number PA2018014 issued by Moorabool Shire Council.
 - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.

Infrastructure

9. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a residential standard concrete vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.
10. 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.
11. 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.
12. The civil works specified in this permit must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
13. 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.
14. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, each lot must be provided with an urban standard reinforced concrete vehicle crossing, to the satisfaction of the responsible authority.

- 15. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Crook Court must be constructed along the frontage of the property, to the satisfaction of the responsible authority with:**
- a. Kerb and channel, and pavement widening of a minimum 1 (one) metre along the frontage of the site;**
 - b. Stormwater drainage;**
 - c. Nature strip and landscaping;**
 - d. Public lighting; and**
 - e. A 1.5m Concrete footpath from Graham Street to Old Melbourne Road.**
- 16. Prior to the issue of Statement of Compliance for the relevant stage of the subdivision, Old Melbourne Road (south side only) must be constructed along the frontage of the property, to the satisfaction of the responsible authority with:**
- a. Kerb and channel;**
 - b. Stormwater drainage;**
 - c. Nature strip and landscaping;**
 - d. Public lighting; and**
 - e. A 2.5m shared path from Crook Street to the eastern property boundary.**
- 17. 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.**
- 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).**
- 19. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.**
- 20. Street trees must be provided at approved locations along Crook Court 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.**
- 21. 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.**
- 22. 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.**

23. 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.**

24. 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.**

25. 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.

26. 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.

27. 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.

28. 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.

Downer Utilities

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

30. Any existing gas service which crosses any of the proposed allotment boundaries within the proposed subdivision must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of AusNet Gas Services.

Melbourne Water

31. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Southern Rural Water

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

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

34.The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.

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.**
- 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.**
- c. The applicant shall 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.**
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**

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.

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

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

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 16 May, 2018

Item 5.3 Planning Permit PA2017-222 – Development of five (5) dwellings at 25 Higgins Court, Bacchus Marsh

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to issue a Planning Permit for the development of five (5) dwellings on Lot 153 on PS 220136M and described as 25 Higgins Court, Bacchus Marsh, subject to the following conditions:

Endorsed Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and 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) One (1) visitor car parking space on the site.

Infrastructure

2. A standard double width urban residential vehicle crossing must be provided on Higgins Court 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.
3. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
4. 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) All drainage courses within the development must pass through easements or reserves shown on the plan of subdivision.
 - c) 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.
 - d) All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
 - e) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 19990".

5. 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.
6. Prior to the commencement of the development, design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, 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.
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. 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).
9. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring Moorabool Shire Council Engineering services that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
10. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. The proponent must arrange for private collection of domestic waste and recycling materials from the development. This provision must be established by a Section 173 or similar binding agreement, to the satisfaction of the responsible authority.
13. The applicant must provide a fire hydrant in accordance with the requirement of the Country Fire Authority, positioned to ensure sufficient fire protection coverage in accordance with CFA policy, to the satisfaction of the Responsible Authority.
14. Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change 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.

15. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:

- a) Location of vehicle crossings.
- b) Details of the underground drainage.
- c) Location of drainage legal points of discharge.
- d) Standard details for vehicle crossing and legal point of discharge.
- e) Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Permit Expiry

16. 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.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 16 May, 2018



Item 5.4 Planning Permit application PA2013183-3 – Amended permit for a double storey Neighbourhood Activity Centre and inclusion of 33 townhouses at 10 McCormack Road, Maddingley

Consideration of Deputations – Planning Permit Application No. PA2018014

Rina Cowan addressed Council as an objector to the granting of a planning permit for the application.

Andrew Amos, Steve Matthews, Jordan Curran 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.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Amend a Planning Permit for a double storey neighbourhood activity centre and inclusion of 33 townhouses on Lot A on PS702884T known as 10 McCormack Road, Maddingley with the following amendments:

New condition 1

Before the use and/or development commences, 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) Remove the petrol station from the site plan.
- b) All accessways and building setbacks dimensioned on the ground floor plan.
- c) Amended landscape plans showing all landscaping works to the commercial premises, car park areas, residential dwellings and treatment of the unused area previously nominated for service station.
- d) Provision of two canopy trees within the front setback of each dwelling with minimum height at the time of planting of 1.5 metres.
- e) Architectural elements including vibrant colours added to the side walls of Unit C townhouses (4 dwelling in total) that are exposed to the roadways.
- f) Specify the maximum seating number for each restaurant.
- g) Plan annotated that rear accessway to the southern townhouses (Lot C townhouses) will be restricted to one way traffic movement for the townhouse occupants only and may include speed calming measures, linemarking and warning signage.
- h) Provide details of screening to prevent overlooking between the first floor balcony spaces to the southern townhouses (Lot C townhouses) in accordance with Rescode standard B23.
- i) A staging plan to be submitted detailing how the proposed retail and residential development is to be developed. Commencement of the footings to the retail development must occur before or at the same time as commencement of the residential development.

New condition 6

No less than two hundred and seventy one (271) car parking spaces must be provided on site with a minimum of 66 bays for the residential use, unless written consent is obtained from the Responsible Authority. This total includes 8 car spaces to be constructed within the McCormack Road Reserve.

New condition 7

Commencement of the footings to the retail development must occur before or at the same time as commencement of the residential development. The residences must not be occupied prior to an occupancy permit being issued for at least 50% of the approved commercial development.

Replace condition 7 to 30 with new conditions 8 to 27.

New condition 8

Standard urban industrial vehicle crossings must be provided at all vehicular access points to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

New condition 9

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.

New condition 10

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.

New condition 11

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.

New condition 12

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.

New condition 13

Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer:

- 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.

New condition 14

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:

- i. Drainage construction details in “D-Spec” format.
- ii. Roadworks construction details in “R-Spec” format.

New condition 15

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.

New condition 16

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.

New condition 17

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.

New condition 18

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

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

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

New condition 19

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

- i. The development as a whole must be self-draining.
- ii. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 10% AEP storm prior to development. If required, the peak flow must be controlled by the use of a detention storage system located and constructed to the satisfaction of the Responsible Authority.
- iii. Flow paths of the 1% AEP storm must be determined and the development designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans. Stormwater runoff from the service station precinct must be treated using interceptor trap or similar approved system, to remove all hydrocarbon pollutants to the satisfaction of the responsible authority.
- iv. The drainage system must be designed to include provision to intercept litter.
- v. The drainage design must take into account any applicable drainage or flood management strategy.

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

New condition 20

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

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

New condition 21

Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.

New condition 22

Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

New condition 23

Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

New condition 24

Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

New condition 25

Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking, public lighting and drainage to the satisfaction of the responsible authority, and shall incorporate the following:

- i. Parking bays, aisles and access ways in the car park must comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays must comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
- ii. Designated loading areas must be shown on layout plans.**
- iii. The parking areas must be provided with an asphalt or concrete surface and associated drainage.**
- iv. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.**
- v. Public lighting must be provided to all areas used by the public, in accordance with the requirements of AS1158 – Lighting for Roads and Public Places.**
- vi. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.**

New condition 26

The car parking areas and buildings shall be provided with all-abilities access in accordance with the provisions of AS1428 – Design for Access and Mobility, to the satisfaction of the responsible authority.

New condition 27

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.

New condition 28

The amenity of the area must not be detrimentally affected by the use or development, through the:

- a) Transport of materials, goods or commodities to or from the land;**
- b) Appearance of any building, works or materials;**
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- d) Presence of vermin; and**
- e) Any other way.**

New condition 29

All pool equipment must be located or treated so as not to cause any detriment to the amenity of adjoining properties, through the emission of noise or for any other reason, to the satisfaction of the Responsible Authority.

Alter condition 30

No more than 102 children shall be accommodated within the child car care centre, unless the written consent is obtained from the Responsible Authority.

Alter condition 31

The seating capacity as shown on the endorsed plans to each restaurant must not be exceeded unless with the written consent of the Responsible Authority.

New condition 32

The number of medical practitioners not to exceed five (5).

Remove existing condition 33.

New condition 33

Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

Permit expiry condition renumbered from 34 to 42.

New condition 34

The owner, the occupier and the manager of the gym premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.

New condition 35

Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'

New condition 36

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

New condition 37

The car park areas shall be free of charge and must remain open to the public and cannot be used for any other purpose, unless with the written consent of the Responsible Authority.

New condition 38

The signs must be constructed and maintained to the satisfaction of the responsible authority.

New condition 39

The advertising signs must be not contain any moving parts or flashing lights.

New condition 40

No advertising is permitted on any residential dwellings.

New condition 41

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) Waste collection for the commercial premises and the southern townhouses (identified as the Lot C townhouses) shall be undertaken by private operator on a weekly basis. Bins for the townhouses shall be collected from the rear access way to those townhouses and bins will be returned to the garage spaces of the townhouses within 24hrs of collection.**

Before use/or development 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.

SUSPENSION OF STANDING ORDERS 6.26pm

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Edwards

That Standing Orders be suspended to facilitate a discussion on Item 5.4 Planning Permit Application PA2013183-3.

CARRIED

Cr. Dudzik adjourned from the meeting at 6.48pm and did not take any further part in the meeting.

RESUMPTION OF STANDING ORDERS 6.59pm

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Keogh

That Standing Orders now be resumed to facilitate a return to the business of the Agenda.

CARRIED

The business of the meeting then returned to the Agenda Item 5.4 Planning Permit Application PA2013183-3.

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Amend a Planning Permit for a double storey neighbourhood activity centre and inclusion of 33 townhouses on Lot A and a waiver of 21 carpark spaces on PS702884T known as 10 McCormack Road, Maddingley with the following amendments:

New condition 1

Before the use and/or development commences, 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) Remove the petrol station from the site plan.
- b) All accessways and building setbacks dimensioned on the ground floor plan.
- c) Amended landscape plans showing all landscaping works to the commercial premises, car park areas, residential dwellings and treatment of the unused area previously nominated for service station.
- d) Provision of two canopy trees within the front setback of each dwelling with minimum height at the time of planting of 1.5 metres.
- e) Architectural elements including vibrant colours added to the side walls of Unit C townhouses (4 dwelling in total) that are exposed to the roadways.
- f) Specify the maximum seating number for each restaurant.
- g) Plan annotated that rear accessway to the southern townhouses (Lot C townhouses) will be restricted to one way traffic movement for the townhouse occupants only and may include speed calming measures, linemarking and warning signage.
- h) Provide details of screening to prevent overlooking between the first floor balcony spaces to the southern townhouses (Lot C townhouses) in accordance with Rescode standard B23.
- i) A staging plan to be submitted detailing how the proposed retail and residential development is to be developed. Commencement of the footings to the retail development must occur before or at the same time as commencement of the residential development.
- j) Lot D townhouses to be constructed as two (2) individual building blocks separated with a minimum 2.5 meter wide landscaped footpath connecting Gladman Street and the car parking area of the shopping centre. The landscaped footpath should be located at the centre of the two building blocks.

New condition 6

No less than two hundred and seventy one (271) car parking spaces must be provided on site with a minimum of 66 bays for the residential use, unless written consent is obtained from the Responsible Authority. This total includes 8 car spaces to be constructed within the McCormack Road Reserve.

New condition 7

Commencement of the footings to the retail development must occur before or at the same time as commencement of the residential development. The residences must not be occupied prior to an occupancy permit being issued for at least 50% of the approved commercial development.

Replace condition 7 to 30 with new conditions 8 to 27.

New condition 8

Standard urban industrial vehicle crossings must be provided at all vehicular access points to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

New condition 9

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.

New condition 10

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.

New condition 11

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.

New condition 12

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.

New condition 13

Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer:

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.

New condition 14

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:

- i. Drainage construction details in “D-Spec” format.
- ii. Roadworks construction details in “R-Spec” format.

New condition 15

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.

New condition 16

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.

New condition 17

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.

New condition 18

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

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

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

New condition 19

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

- i. The development as a whole must be self-draining.
- ii. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 10% AEP storm prior to development. If required, the peak flow must be controlled by the use of a detention storage system located and constructed to the satisfaction of the Responsible Authority.
- iii. Flow paths of the 1% AEP storm must be determined and the development designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans. Stormwater runoff from the service station precinct must be treated using interceptor trap or similar approved system, to remove all hydrocarbon pollutants to the satisfaction of the responsible authority.
- iv. The drainage system must be designed to include provision to intercept litter.
- v. The drainage design must take into account any applicable drainage or flood management strategy.

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

New condition 20

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

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

New condition 21

Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of a stormwater drainage system.

New condition 22

Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

New condition 23

Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

New condition 24

Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

New condition 25

Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking, public lighting and drainage to the satisfaction of the responsible authority, and shall incorporate the following:

- i. Parking bays, aisles and access ways in the car park must comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays must comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
- ii. Designated loading areas must be shown on layout plans.**
- iii. The parking areas must be provided with an asphalt or concrete surface and associated drainage.**
- iv. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.**
- v. Public lighting must be provided to all areas used by the public, in accordance with the requirements of AS1158 – Lighting for Roads and Public Places.**
- vi. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.**

New condition 26

The car parking areas and buildings shall be provided with all-abilities access in accordance with the provisions of AS1428 – Design for Access and Mobility, to the satisfaction of the responsible authority.

New condition 27

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.

New condition 28

The amenity of the area must not be detrimentally affected by the use or development, through the:

- a) Transport of materials, goods or commodities to or from the land;**
- b) Appearance of any building, works or materials;**
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- d) Presence of vermin; and**
- e) Any other way.**

New condition 29

All pool equipment must be located or treated so as not to cause any detriment to the amenity of adjoining properties, through the emission of noise or for any other reason, to the satisfaction of the Responsible Authority.

Alter condition 30

No more than 102 children shall be accommodated within the child car care centre, unless the written consent is obtained from the Responsible Authority.

Alter condition 31

The seating capacity as shown on the endorsed plans to each restaurant must not be exceeded unless with the written consent of the Responsible Authority.

New condition 32

The number of medical practitioners not to exceed five (5).

Remove existing condition 33.

New condition 33

Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

Permit expiry condition renumbered from 34 to 42.

New condition 34

The owner, the occupier and the manager of the gym premises must make reasonable endeavours to ensure that people associated with the site do not create a nuisance and annoyance to neighbours or otherwise disturb the amenity of the area.

New condition 35

Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.'

New condition 36

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

New condition 37

The car park areas shall be free of charge and must remain open to the public and cannot be used for any other purpose, unless with the written consent of the Responsible Authority.

New condition 38

The signs must be constructed and maintained to the satisfaction of the responsible authority.

New condition 39

The advertising signs must be not contain any moving parts or flashing lights.

New condition 40

No advertising is permitted on any residential dwellings.

New condition 41

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) Waste collection for the commercial premises and the southern townhouses (identified as the Lot C townhouses) shall be undertaken by private operator on a weekly basis. Bins for the townhouses shall be collected from the rear access way to those townhouses and bins will be returned to the garage spaces of the townhouses within 24hrs of collection.
- (b) Waste collection for the car parking spaces marked as dual purpose waste collection and public car parking can only be undertaken between the hours of 7am and 8am Monday to Friday. Those car parking spaces are to be available for public use at all other times.

Before use/or development 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.

CARRIED.

Report Authorisation:

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 16 May, 2018

Item 5.5 Planning Permit PA2017175 – Development of an Office Building and a Reduction in the Standard Car Parking Rate (7 Spaces) at 10 Gell Street, Bacchus Marsh

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Planning Permit for the Development of an Office Building and a Reduction in the Standard Car Parking Rate (7 Spaces) for Lot 1 on TP807825N located at 10 Gell Street, Bacchus Marsh subject to the following conditions:

Endorsed Plans

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.

Car Parking

2. The area set aside for car parking must not be used for any other purposes.
3. A minimum of seven (7) on-site car parking spaces inclusive of one disabled space must be provided at all times.

Section 173 Agreement

4. The landowner is required to enter into an agreement under S173 of the Planning and Environment Act, which stipulates the following;
 - i. For the outstanding 7 parking spaces required a contribution of \$5000 per car parking space in lieu of providing on-site car parks is required.
 - ii. The payment is required at a rate of \$10,000 annually with the first payment being made to the Council prior to occupation of the building.
 - iii. Before the issue of an 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 of the Agreement to the Responsible Authority as soon as possible after the registration has occurred.
 - iv. The owner/operator under this permit must arrange for the preparation of the 173 agreement at his/her cost before submitting it to the Responsible Authority for approval.
 - v. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.

Infrastructure

5. A standard urban commercial vehicle crossing must be provided off the southern laneway to the satisfaction of the Responsible Authority. A vehicle crossing permit must be obtained for the construction of the vehicle crossing.

6. Prior to the development and its use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
 - i. The development as a whole must be self-draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
 - ii. Underground piped drainage for the whole development shall cater for 10% AEP storm.
 - iii. Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
7. Storm water drainage from the proposed building 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.
8. 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).
9. 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.
10. 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.
11. Prior to the commencement of the development, the proponent must submit for the approval of the responsible authority, detailed plans of all streetscaping works to be undertaken abutting the property in Gell Street. The overall appearance and design must generally accord with the style and finish used in the streetscape of Gell Street immediately South of the subject land. No street trees are to be removed or otherwise pruned without the prior written consent of the responsible authority.
12. Prior to the use commencing, the car park areas must be constructed with an asphalt sealed or concrete surface, line-marking 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. Designated loading areas shall be shown on layout plans.
 - iii. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
 - iv. Concrete kerb of a minimum height of 150mm to the IDM standards must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
 - v. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS 2890.2 section 2.2. Turning templates shall be submitted for approval to the Responsible Authority.

13. The building shall be provided with disabled access in accordance with the provisions of AS 1428 – Design for Access and Mobility.

Melbourne Water

14. The building must be constructed with finished floor levels set no lower than 99.84 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 98.54m to AHD.
15. No fill is permitted outside of the development envelope with the exception of minimal pedestrian ramping into the proposed development.
16. The car park must be maintained at natural surface level to allow for the passage of overland flow.
17. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

Permit Expiry

18. 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.

Permit Note

Except where no permit is required under the provisions of the Moorabool Planning Scheme, no additional advertising signage, other than shown on the endorsed plans is permitted on, or outside the subject site, except with the further written approval of the responsible authority.

This property is subject to flooding from both the Fiskin Street Drain DR8102 and break away flow from the Werribee River DR8101, and the 1% AEP flood level is 99.54m AHD.

A permit for works in a road reserve must be applied prior to the commencement of the development.

Resolution

Moved: Cr. Keogh
Seconded: Cr. Bingham

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Planning Permit for the Development of an Office Building and a Reduction in the Standard Car Parking Rate (7 Spaces) for Lot 1 on TP807825N located at 10 Gell Street, Bacchus Marsh 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. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:**
 - (a) The two trees identified to be removed on the Gell Street frontage on the site plan are to be retained and protected– the plans need to be amended to reflect this.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority. All buildings and works must be located clear of any easements or water and sewer mains or septic tank and effluent lines unless written approval is provided by the relevant authority.**

Car Parking

- 3. The area set aside for car parking must not be used for any other purposes.**
- 4. A minimum of seven (7) on-site car parking spaces inclusive of one disabled space must be provided at all times.**

Section 173 Agreement

- 5. The landowner is required to enter into an agreement under S173 of the Planning and Environment Act, which stipulates the following;**
 - i. For the outstanding 7 parking spaces required a contribution of \$5000 per car parking space in lieu of providing on-site car parks is required.**
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 - iii. Before the issue of an 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 of the Agreement to the Responsible Authority as soon as possible after the registration has occurred.**
 - iv. The owner/operator under this permit must arrange for the preparation of the 173 agreement at his/her cost before submitting it to the Responsible Authority for approval.**
 - v. The owner/operator under this permit must pay the costs of execution and registration of the section 173 agreement.**

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 - ii. Underground piped drainage for the whole development shall cater for 10% AEP storm.
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9. 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).
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 - iv. Concrete kerb of a minimum height of 150mm to the IDM standards must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
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This property is subject to flooding from both the Fiskin Street Drain DR8102 and break away flow from the Werribee River DR8101, and the 1% AEP flood level is 99.54m AHD.

A permit for works in a road reserve must be applied prior to the commencement of the development.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 16 May, 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 MATTERS

NIL.

8. DATE OF NEXT MEETING

Wednesday 20 June, 2018

5.00pm

North Wing Room 2 & 3

Darley Civic and Community Hub, 182 Halletts Way, Darley

9. MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 7.07pm.

A handwritten signature in blue ink, consisting of a stylized 'A' or 'J' shape with a crossbar and a small 'x' at the end.