

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 20 June, 2018
Council Chambers
15 Stead Street, Ballan
4.00pm

MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 4.02pm.

ATTENDANCE

Cr. Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Mr. Tristan May	Acting Manager Engineering
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie 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. Bingham
Seconded: Cr. Keogh

That the Minutes of the Section 86 Development Assessment Committee for 16 May, 2018:

- a) reflect that the word “includes” becomes “excludes” under Item 5.4 new Condition 6; and
- b) 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 PA2018 045 – Development and Use of land for Animal Husbandry (keep, breed and train racing dogs, 50 Greyhounds) at 2612 Bacchus-Marsh Balliang Road, Rowsley. | Page 4 |
| 5.2 | Planning Permit PA2017 283 – Use and Development of the land for materials recycling at 53B Seereys Track, Coimadaí. | Page 7 |
| 5.3 | Planning Permit PA2017 118– Development of Four (4) Offices and Four (4) Dwellings, eight lot subdivision, reduction to the standard car parking requirement at 68 Steiglitz Street, Ballan. | Page 8 |
| 5.4 | Planning Permit 2010 002– Amended Permit Condition, Condition 19 to allow for an amended Bird and Bat Plan at 2043 Glenmore Road, Mount Wallace. | Page 14 |
| 5.5 | Planning Permit Application PA2017 262 – Development and Use of a Dwelling and Sheds at Yendon-Egerton Road, Mount Egerton. | Page 17 |

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 or Objector
5.3	Planning Permit PA2017 118 – Development of Four (4) Offices and Four (4) Dwellings, eight lot subdivision, reduction to the standard car parking requirement at 68 Steiglitz Street, Ballan.	Edmond Hapsburg	Applicant
5.3	Planning Permit PA2017 118 – Development of Four (4) Offices and Four (4) Dwellings, eight lot subdivision, reduction to the standard car parking requirement at 68 Steiglitz Street, Ballan.	Graham Thomas	Representation for Objector
5.4	Planning Permit PA2010 002– Amended Permit Condition, Condition 19 to allow for an amended Bird and Bat Plan at 2043 Glenmore Road, Mount Wallace.	Kevin Ramholdt	Objector
5.4	Planning Permit PA2010 002– Amended Permit Condition, Condition 19 to allow for an amended Bird and Bat Plan at 2043 Glenmore Road, Mount Wallace.	Kim Derriman, Environment Development Manager of Pacific Hydro	Applicant

Item No	Description	Name	Applicant or Objector
5.5	Planning Permit Application PA2017 262 – Development and Use of a Dwelling and Sheds at Yendon-Egerton Road, Mount Egerton.	Robert Widdison	Land Owner
5.5	Planning Permit Application PA2017 262 – Development and Use of a Dwelling and Sheds at Yendon-Egerton Road, Mount Egerton.	Julie Lee	Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2018 045 – Development and Use of land for Animal Husbandry (keep, breed and train racing dogs, 50 Greyhounds) at 2612 Bacchus-Marsh Balliang Road, Rowsley.

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment A1987, Council issue a Permit for Development and Use of land for Animal Husbandry (Keep, breed and train racing dogs, 50 Greyhounds) at 2612 Bacchus-Marsh Balling Road, Rowley, subject to the following conditions;

Endorsed Plans

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:**
 - a) Internal layout of the shed housing the kennels;**
 - b) Details of acoustic treatment of the shed and kennels;**
 - c) Exercise and training areas;**
 - d) Location of all fencing and gates; and**
 - e) Details of any other details to demonstrate the development complies with the Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017.**

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

Operational

- 2. A landscape plan to the satisfaction of the Responsible Authority must be provided showing vegetation screening to be planted on the site including species to be planted, number of plants and protection and maintenance measures until the vegetation is established.**
- 3. 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.**
- 4. The dogs must be contained within the acoustically baffled kennels between the hours of 10pm and 7am each day.**
- 5. Greyhound exercising can only occur between 7.00am and 6.00pm.**
- 6. Greyhound training shall only occur between 8.00am to 10.00am daily.**

7. Feeding times are only permitted to occur between the hours of 7.00am to 6.00pm. Feeding times must be managed and supervised to minimise noise emissions from the site. Feeding must be undertaken within the confines of the acoustically baffled kennels.
8. All external walls and roof areas of all proposed buildings on the subject site are to be clad with non-reflective materials to the satisfaction of Council.
9. No more than 50 dogs (including puppies) may be accommodated on the land at any one time to the satisfaction of the Responsible Authority.
10. The proposed animal keeping and animal training facility must at all times be conducted in accordance with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017 to the satisfaction of the Responsible Authority.
11. All gates and doors to the perimeter fencing of the Animal Boarding facility are to be self-closing and self-locking to the satisfaction of the Responsible Authority.
12. Noise levels emanating from the kennel facility must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 ('SEPP N-1').
13. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Appearance of any building, works or materials;
 - b) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - c) Presence of vermin; and
 - d) Any other detrimental impact that may arise as a result of the proposed use being conducted on the subject site.
14. All on site works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of Council.
15. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

Environmental Health Conditions

16. Solid waste from facility must be removed at a suitable frequency to prevent a public health or environmental nuisance.
17. Wastewater/wash down water generated from the animal keeping facility must not be directed into the onsite septic system.
18. Wastewater/Wash down water generated from the animal keeping facility must be managed, treated and disposed of in a manner which prevents a public health or environmental nuisance.

Infrastructure Conditions

- 19. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of Council. Overflows from on-site storage systems must be directed away from any waste water disposal areas.**
- 20. 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)".**
- 21. Unless otherwise approved by Council there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 22. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Assets 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 Council.**

Permit Expiry

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

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

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: 20 June, 2018

Item 5.2 Planning Permit PA2017 283 – Use and Development of the land for materials recycling at 53B Seereys Track, Coimadai

Resolution:

Moved: Cr. Dudzik
Seconded: Cr. Edwards

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Refusal to Grant a permit for the Use and Development of the land for materials recycling at Crown Allotment 53B, Parish of Coimadai known as 53B Seereys Track Coimadai with the following grounds of refusal

1. The proposed use and development is inconsistent with the objectives of the Farming Zone by not allowing for sustainable land management practices and providing for adequate infrastructure provisions.
2. The proposed use and development is inconsistent with the objectives of the Environmental Significance Overlay by not conserving existing flora and fauna habitats close to waterways and preventing pollution entering the waterway.
3. The proposed use and development does not comply with the purpose of Clause 52.45, Resource Recovery.
4. The location of the use has not taken into account the surrounding site context and environmental value of the subject land and surrounding land.
5. The local roadways are not designed to support vehicles required by the materials recycling use.
6. The proposed use and development does not represent the orderly planning of the area.

CARRIED.

Report Authorisation:

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 20 June, 2018

Item 5.3 Planning Permit PA2017 118– Development of Four (4) Offices and Four (4) Dwellings, eight lot subdivision, reduction to the standard car parking requirement at 68 Steiglitz Street, Ballan

Consideration of Deputations – Planning Permit Application No. PA2017 118.

Edmond Hapsburg addressed Council as the applicant to the granting of a planning permit for the application.

Graham Thomas addressed Council on behalf of the objector, to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to grant a permit for the Development of Four (4) Offices and Four (4) Dwellings, eight lot subdivision and a reduction to the standard car parking requirement at Lot 1 and 2 on TP00964G otherwise known as 68 Steiglitz Street, Ballan with the following conditions:

Endorsed plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:

- a) Landscape plan in accordance with condition 20 contained herein

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

Environmental Audit

2. Prior to the commencement of any works, use and development the applicant is to provide to Council either:
 - i) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - ii) An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Amenity

3. The area coverage by carriageway easement E-1 on Title Plan TP9764G must not be blocked or obstructed.
4. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.

5. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.
6. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
7. Any security alarm or similar device installed must be of a silent type.
8. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.
9. All service pipes, fixtures and fittings, other than stormwater downpipes, must be concealed on exposed elevations to the satisfaction of the responsible authority.
10. The bin storage must be kept in a clean and tidy manner and be regularly maintained to the satisfaction of the Responsible Authority.

Landscaping

11. 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.
12. 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.

Infrastructure

13. Prior to the commencement of the development, the common property driveway must be constructed in reinforced concrete to a depth of 125mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
14. Prior to the issue of a Statement of Compliance for the subdivision, the proponent must construct a reinforced concrete footpath 1.5m wide, 125mm thick from Fiskin Street to the entrance of the off-street Car Parking area in Steiglitz Street (approximately 65m to the East of the subject land), to the satisfaction of the responsible authority.
15. Prior to the commencement of the development, the development must be provided with a drainage system constructed 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 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.
 - iii) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
16. 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.

17. 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.
18. 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.
19. 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).
20. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring 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.
21. 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
22. 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:
 - i) location of vehicle crossings.
 - ii) details of the underground drainage.
 - iii) location of drainage legal points of discharge.
 - iv) standard details for vehicle crossing and legal point of discharge.
 - v) civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.
23. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - 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 must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
24. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Subdivision

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

26.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.

Telecommunications

27.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.

28.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.

Southern Rural Water

29.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.

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

31.Sediment control measures outlined in EPA's publication No 275 (Sediment Pollution Control) shall be employed during construction and maintenance until the disturbed area has been completed and/or revegetated.

Powercor

32.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.

33.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

Downer Utilities

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

Permit Expiry

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

- a) The development and the use 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; and
- c) 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.

Powercor Note

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

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

Resolution:

Moved: Cr. Keogh

Seconded: Cr. Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council refuse to grant a planning permit for the Development of Four (4) Offices and Four (4) Dwellings, eight lot subdivision and a reduction to the standard car parking requirement at Lot 1 and 2 on TP00964G otherwise known as 68 Steiglitz Street, Ballan with the following grounds.

1. The proposed office use does not achieve the minimum car requirement under Clause 52.06 of the Moorabool Planning Scheme.
2. The inadequate on site car parking provision represents an overdevelopment of the site.
3. The proposed use, development and subdivision does not represent the orderly planning of the area.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 June, 2018

Item 5.4 Planning Permit PA2010 002– Amended Permit Condition, Condition 19 to allow for an amended Bird and Bat Plan at 2043 Glenmore Road, Mount Wallace

Consideration of Deputations – Planning Permit Application No. PA 2010 002.

Kevin Ramholdt addressed Council as the objector to the granting of a planning permit for the application.

Kim Derriman, Environment Development Manager of Pacific Hydro 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 issue an amended permit altering condition 19 of planning permit PA2010002 for the use and development of a Wind Energy Facility comprising 14 wind turbine generators and associated infrastructure including aviation safety lighting, access tracks, a permanent anemometer, underground cabling, a substation, excavation of rock and soil material, earthworks, temporary concrete batching plants, maintenance and storage facilities, car parking, and alterations to roads within the Road Zone Category 1 for the land known as 2043 Glenmore Road, Mount Wallace.

New Condition 19

Before the development commences a bat and bird management plan (BBMP) must be prepared to the satisfaction of the Minister for Planning and the Department of Sustainability and Environment. When approve the plan will be endorsed and form Part of the permit. The use a development as shown on the endorsed plans must not be altered or modified without the written consent of the Minister for Planning in consultation with the Department of Environment, Land, Water and Planning.

The Bird and Bat Management Plan must include:

- a) A statement of the objectives and overall strategy for managing an mitigating any significant bird and bat strike arising from the wind energy facility operations; and
- b) A monitoring program starting from the date of the commissioning of the wind energy facility and continuing for initially for three years after the commissioning of the wind energy facility, with the provision for review at that point, in consultation with DELWP to determine the need (or otherwise) for a further 2 years based on the findings of the program.

This plan will include:

- i. Procedures for detecting and recording strikes of all native species of bats and birds including information on the species, number, age, sex (if possible), date of strikes, and seasonal and yearly variation in the number of strikes. The procedures will include a requirement for site surveys for evidence of any mortality to be carried out at least once per fortnight for the first six months following commissioning of the wind energy facility. Searches may revert to monthly after this period in consultation with DELWP unless results necessitate continuation of fortnightly program for a defined period.

- ii. Procedures for the reporting of any strikes of Wedge-tailed Eagles, Bent-wing Bats or any other species listed under the Environment Protection and Biodiversity Conservation Act 1999 and/or Flora and Fauna Guarantee Act 1988 to the Department of Sustainability and Environment within 7 days of the operator becoming aware of any strike.
 - iii. Details on the efficacy of searches for carcasses of birds and bats, and where practical, information on the rate of removal of carcasses by scavengers, so that correction factors for observer efficiency can be determined to enable calculations of the total number of mortalities.
 - iv. Recommendations in relation to the mortality rate for Wedge tailed Eagles or Bentwing Bats which would trigger the requirement for responsive mitigation measures to be undertaken.
 - v. In addition to the other reporting requirements specified above, requirements for periodic reporting, with in agreed timeframes, of the findings of the monitoring program to the Department of Sustainability and Environment.
- c) A survey program to be carried out in at least three of the first five years after commissioning of the wind energy facility to determine the impact of the operation of the wind energy facility on the local Wedge-tailed Eagle population and will include:
 - i. Assessment of the presence, behaviour and movements of any Wedge-tailed Eagles especially breeding pairs in the vicinity of the wind energy facility.
 - ii. Requirements for periodic reporting, within agreed timeframes, of the findings of the survey program to the Department of Sustainability and Environment.
- d) Procedures for the regular removal (at least weekly) of carrion (including livestock, native animals and pest animals) likely to attract raptors to areas near the turbines.
- e) Protocols as agreed with the land owner that the paddocks in the vicinity of the turbines are managed during lambing season in such a manner so as to reduce the risk of attracting birds of prey.
- f) A program to explore techniques such as blade marking that could result in the turbine blades being more visible to Wedge-tailed Eagles.
- g) Procedures to make available the results of the monitoring and survey programs to the community after being verified by the Department of Sustainability and Environment.

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council refuse to amend the permit altering condition 19 of planning permit PA2010002 for the use and development of a Wind Energy Facility comprising 14 wind turbine generators and associated infrastructure including aviation safety lighting, access tracks, a permanent anemometer, underground cabling, a substation, excavation of rock and soil material, earthworks, temporary concrete batching plants, maintenance and storage facilities, car parking, and alterations to roads within the Road Zone Category 1 for the land known as 2043 Glenmore Road, Mount Wallace based on the following grounds.

1. There has been insufficient justification to warrant a departure from the original wording of permit condition 19.
2. Existing condition 19 provides an adequate response to manage Bird and Bat fatalities
3. Each Bird and Bat Plan should be specific to a site where there is an absence of state wide guidelines and does not need to align with other existing Wind Facilities.
4. Lambing near the turbines is likely to attract more birds of prey and subsequently more fatalities this was specifically referred to in item 10.5.7 of Advisory Committee Report P664/2010
5. The proposed amendment to condition 19 does not represent the orderly planning of the area.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 June, 2018

Item 5.5 Planning Permit application PA2017 262 – Development and Use of a Dwelling and Sheds at Yendon-Egerton Road, Mount Egerton.

Consideration of Deputations – Planning Permit Application No. PA2017 262.

Julie Lee addressed Council as the applicant to the granting of a planning permit for the application.

Robert Widdison addressed Council as the land owner to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2017-262 for Use and Development of a Dwelling and Sheds at Lot 1 on TP 082644D, Yendon-Egerton Road, Mount Egerton 3352, on the following grounds:

1. The proposal does not comply with State and Local Planning Policy for the protection of agricultural land from residential development.
2. The proposal does not comply with the purpose and decision guidelines of the Farming Zone.

Resolution

Moved: Cr. Bingham

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2017-262 for Use and Development of a Dwelling and Sheds at Lot 1 on TP 082644D, Yendon-Egerton Road, Mount Egerton 3352, on the following grounds:

1. The proposal does not comply with State and Local Planning Policy for the protection of agricultural land from residential development.
2. The proposal does not comply with the purpose and decision guidelines of the Farming Zone.

Lost.

Resolution

Moved: Cr. Dudzik

Seconded: Cr. Edwards

That Item 5.5 – Planning Application PA2017 262 be deferred to the next S86 Development Assessment Committee meeting to allow for further discussions to be held with the applicant.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 June, 2018



UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

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

DATE OF NEXT MEETING

Wednesday 18 July, 2018

5.00pm

North Wing Room 2 & 3

Darley Civic and Community Hub, 182 Halletts Way, Darley

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 5.17pm.

