

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 18 July, 2018
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley
5.00pm

MEETING OPENING

Councillor Cr Tatchell as the Chair welcomed all and opened the meeting at 5.05pm.

ATTENDANCE

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

That the Minutes of the Section 86 Development Assessment Committee for 20 June, 2018 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

Cr Edwards declared a direct conflict in relation to item 5.2 of the agenda.

5. GROWTH & DEVELOPMENT REPORTS

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| 5.1 | Planning Permit PA2018077 – Use of land for the keeping of animals at Lot 10 Camp Road, Bullarto South. | Page 3 |
| 5.2 | Planning Permit Application PA2018053 – Use and Development for Animal Boarding (Dog Kennels) at 10 Whelans Road, Parwan. | Page 6 |
| 5.3 | Planning Permit Application PA2017101 – Development of Five Dwellings, Five (5) Lot Subdivision, Waiver of the Visitor Car Space and Creation of Access to a Road Zone, Category 1 at 133 Gisborne Road, Darley. | Page 10 |
| 5.4 | Planning Permit Application PA2018008 – Development and Use of a Dwelling and removal of Vegetation, Lot 1 Martin Street, Blackwood. | Page 16 |

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 PA2018077 – Use of land for the keeping of animals at Lot 10 Camp Road, Bullarto South.	Anthony and Connie Parker	Objector
5.1	Planning Permit PA2018077 – Use of land for the keeping of animals at Lot 10 Camp Road, Bullarto South.	Tony Mew	Objector (Did not address the Committee due to the item being deferred)
5.1	Planning Permit PA2018077 – Use of land for the keeping of animals at Lot 10 Camp Road, Bullarto South.	Fred Cummings	Objector (Did not address the Committee due to the item being deferred)
5.1	Planning Permit PA2018077 – Use of land for the keeping of animals at Lot 10 Camp Road, Bullarto South.	Rocco Szabo	Applicant (Did not address the Committee due to the item being deferred)
5.2	Planning Permit Application PA2018053 – Use and Development for Animal Boarding (Dog Kennels) at 10 Whelans Road, Parwan.	David Marnie	Objector
5.2	Planning Permit Application PA2018053 – Use and Development for Animal Boarding (Dog Kennels) at 10 Whelans Road, Parwan.	Robert Williams	On behalf of Applicant
5.3	Planning Permit Application PA2017101 – Development of Five Dwellings, Five (5) Lot Subdivision, Waiver of the Visitor Car Space and Creation of Access to a Road Zone, Category 1 at 133 Gisborne Road, Darley.	Susan Marriott	On behalf of Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit PA2018077 – Use of land for the keeping of animals at Camp Road, Bullarto South

Consideration of Deputations – Planning Permit Application No. PA2018077.

Anthony and Connie Parker addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

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 use of land for the keeping of animals for the land at Lot 10 on Title Plan 085359L otherwise known as Camp Road, Bullarto South, subject to 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 submitted with the application or some other specified plans but modified to show:
 - a) Nominate on the site plan, the maximum of animals to each enclosure area and the total maximum animal number of the land at any one time.
 - b) New landscaping works to be comprised of native species to accord with the objectives of the Rural Conservation Zone.
2. The use of the land as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority.

Amenity

3. All fences must be kept in a good state of repair so that all the animals are contained within the subject land to the satisfaction of the Responsible Authority.
4. Feed is to be stored in vermin-proof structures to the satisfaction of the Responsible Authority.
5. A waste management plan is to be submitted to the satisfaction of the Responsible Authority detailing the process of how all waste is to be collected and removed from site to ensure there is no nutrient impact on the water catchment.
6. The amenity of the area must not be detrimentally affected by the use, to the satisfaction of the Responsible Authority, through:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any buildings, works or materials.
 - c) Emission of noise, smell or waste products.
 - d) Presence of vermin.

7. The enclosures must be kept in clean and tidy manner to the satisfaction of the Responsible Authority.

Infrastructure

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.

Native Vegetation

11. Native vegetation including dead standing native vegetation is not to be removed from the land without the written consent of the responsible authority.

Permit Expiry

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

- a) The use are not started within two 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

The subject keeping of animals use must be compliant with the relevant animal Codes of Practice.

SUPPLEMENTARY REPORT

After the completion of the July Development Assessment Committee meeting agenda, Western Water provided advice advising they are the Section 55 referral authority and object to the Planning Application PA2018077.

As a Section 55 referral authority, Council cannot make a determination to approve the application as recommended in the Council agenda. Western Water would be required to defend their position in any future appeal hearing.

Should this objection not have been provided, officers would have recommended approval as per the original agenda.

Recommendation:

That , having considered all matters as prescribed by the Planning and Environment Act, Council Refuse to Grant a Permit for the use of land for the keeping of animals for the land at Lot 10 on Title Plan 085359L otherwise known as Camp Road, Bullarto South, subject to the following grounds:

1. Western Water has refused the application under S55 Planning and Environment Act 1987 for the following reasons;
 - a. The land is located within a Special Water Supply catchment Area listed in a Schedule 5 of the Catchment and Land Protection Act (Pykes Creek Reservoir and Werribee River Water Supply Catchment) which provides water to a domestic supply. Pursuant to Clause 66.02-5 of the Moorabool Planning Scheme Western Water is a Determining Referral Authority for this application.
 - b. The proposal does not provide acceptable outcomes in regards to the State Planning Policy Framework.
 - c. The proposal does not provide acceptable outcomes in regards to the Local Planning Policy Framework.
 - d. The proposal is not in accordance with the purpose or the decision guidelines contained within the Rural Conservation Zone.
 - e. The application has failed to take into account stocking rates with the capabilities of the land to sustain grazing and the potential impact of overstocking on water quality.
 - f. The proposed use of the land falls within the definition of Intensive Animal Husbandry which is prohibited within the Rural Conservation Zone.

Resolution

Moved: Cr Dudzik
Seconded: Cr Edwards

That Item 5.1 – Planning Application PA2018077 be deferred to allow the applicant to have discussions with Western Water regarding their objection.

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

Report Authorisation:

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 18 July, 2018

Item 5.2 Planning Permit Application PA2018053 – Use and Development for Animal Boarding (Dog Kennels) at 10 Whelans Road, Parwan.

Cr Edwards declared a Conflict in relation to item 5.2 Planning Permit Application PA2018053 of the agenda.

Cr. Edwards adjourned from the meeting at 5.18pm and did not take part in this item of the agenda.

Consideration of Deputations – Planning Permit Application No. PA2018053.

David Marnie addressed Council as an objector to the granting of a planning permit for the application.

Robert Williams addressed Council representing the applicant to the granting of a planning permit for the application.

Sunny Nguyen 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 relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for Use and Development for Animal Boarding (Dog Kennels) at 10 Whelans Road, Parwan, on the following grounds:

- 1. The proposed use and development does not comply with Clause 22.04 of the Moorabool Planning Scheme.**
- 2. The proposed use and development does not represent the proper and orderly planning of the area.**
- 3. The proposed use and development conflicts with the intended future use of the land for residential development as identified in the Urban Growth Framework.**
- 4. There is insufficient information to address noise, waste management and site management requirements.**
- 5. The use would have unreasonable impacts on surrounding amenity, due to its proximity to dwellings, lack of noise attenuation and visual impact**

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue Notice of Decision for Development and use of land for Animal Boarding for a maximum of 25 dogs at 10 Whelans Road, Parwan, subject to the following conditions:

- 1. The subject Animal Boarding land use is to cease operating upon the incorporation of Parwan Station Precinct Structure Plan(PSP) into Moorabool Planning Scheme.**

2. All development associated with the Animal Boarding use is to be decommissioned and removed from site within three (3) months of the use ceasing.
3. Before the issue of a Building Permit the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority:
 - a. The owner of the land must acknowledge that while the land is currently zoned as Farming Zone it has been strategically identified for residential development as part of the Parwan Station Precinct Structure Plan.
 - b. Upon the incorporation of Parwan Station Precinct Structure Plan(PSP) into Moorabool Planning Scheme the Animal Boarding use is to cease.
 - c. All development in association to the Animal Boarding use is to be decommissioned within three (3) months of the Animal Boarding use ceasing.
4. Before a Building Permit is issued for the kennel works, application must be made to the Register of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act and the owner must provide evidence of that registration of the Agreement to the Responsible Authority.
 - a. The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.
5. Prior to a building permit being issued for the works existing and proposed on site in association to this use, the proposed kennel design is to be independently assessed by an acoustic specialist to ensure compliance with EPA Noise Control Guidelines.

Endorsed Plans

6. The use and development as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority. All buildings shall be located clear of any easements or water and sewer mains/septic tank and effluent lines.

Operational

7. A landscape plan to the satisfaction of the Responsible Authority must be provided showing vegetation screening to be planted on the site with a particular focus on screening the Kennels from Parwan Exford Road; including species to be planted, number of plants and protection and maintenance measures until the vegetation is established.
8. 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.
9. All required works as identified in the Town Planning report (Human Habitats dated February 2018) and associated acoustic report prepared by Clarity Acoustics dated 5 December, 2017 must be implemented prior to bringing any further animals onto the site.
10. The dogs must be contained within the acoustically baffled kennels between the hours of 6.00pm and 8.00am each day.
11. Feeding times are only permitted to occur between the hours of 7.00am-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.
12. 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.

- 13.No more than 25 dogs may be accommodated on the land at any one time to the satisfaction of the Responsible Authority.
- 14.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.
- 15.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').
- 16.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;
 - d. Any other detrimental impact that may arise as a result of the proposed use being conducted on the subject site.
- 17.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.
- 18.External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

Environmental Health Conditions

- 19.Solid waste from facility must be removed at a suitable frequency to prevent a public health or environmental nuisance.
- 20.Wastewater/wash down water generated from the animal keeping facility must not be directed into the onsite septic system.
- 21.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

- 22.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.
- 23.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)".
- 24.Unless otherwise approved by Council there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
- 25.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

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

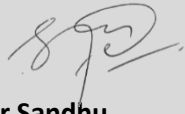
- a. The development and the use are not started within two years of the date of this permit;**
- b. The development is not completed within four years of the date of this permit;**
- c. Or in accordance with Condition 1.**

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: 18 July, 2018

Item 5.3 Planning Permit Application PA2017101 – Development of Five Dwellings, Five (5) Lot Subdivision, Waiver of the Visitor Car Space and Creation of Access to a Road Zone, Category 1 at 133 Gisborne Road, Darley.

Cr. Edwards returned to the meeting at 4.40pm.

Consideration of Deputations – Planning Permit Application No. PA2017101.

Susan Marriott addressed Council on behalf of the applicant to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues Planning Permit PA2017101 for Development of Five Dwellings, Five Lot Subdivision, Waiver of the Visitor Car Space and Creation of Access to a Road Zone, Category 1 at Lot S2 on PS 711421, 133 Gisborne Road, Darley 3340 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.
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. Before the statement of compliance is issued under the Subdivision Act 1988, the approved development must be commenced, i.e. footings constructed and slabs poured, in accordance with the plans endorsed under this planning permit, to the satisfaction of the Responsible Authority.
- 7. 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 dwellings including with eaves, fascia or gutter more than 600mm wide; no unroofed terraces, patios, decks, steps or landings 800mm in height or greater; no outbuildings exceeding 10sq m gross floor area; 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 PA2017101 issued by Moorabool Shire Council.

Variation

The restriction can only be varied with the written consent of Moorabool Shire Council.

Amenity

- 8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
- 9. Any security alarm or similar device installed must be of a silent type.

Landscape Plans

- 10. 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.

Infrastructure

- 11. 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."**
- 12. Prior to issue of a statement of compliance for the subdivision, double width vehicle crossings must be constructed to urban standard to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.**
- 13. 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.**
- 14. Prior to issue of a statement of compliance for the subdivision, the proponent shall construct the service road in Gisborne Road from Somerton Court to the northern boundary of the subject land to the following standard, to the satisfaction of the Responsible Authority:**
 - a. 6.8 metre wide asphalt sealed pavement.**
 - b. Kerb and channel including sub-surface drainage along the property frontage.**
 - c. Concrete barrier kerb along outer edge of service road pavement.**
 - d. Underground stormwater drainage as required, designed to ensure that the drainage system will accept all runoff from a 20% AEP storm.**
 - e. 1.5 metre wide 100mm thick reinforced concrete footpath along the frontage on Gisborne Road.**
 - f. A connection between concrete footpaths, the existing walking trail in Gisborne Road and the bus stop in Gisborne Road.**
 - g. Landscaping of nature strips, including top soiling, trimming to finish level and hydro-mulching.**
 - h. Traffic signage and line-marking as required.**
- 15. Prior to the commencement of the development:**
 - a. Pavement design computations, based on geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.**
 - b. Engineering plans for the works must be prepared and submitted for the approval of the responsible authority.**
- 16. The road construction works must be undertaken in accordance with the requirements of the Infrastructure Design Manual, to the satisfaction of the responsible authority.**
- 17. Prior to the issue of a statement of compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:**
 - a. The development as a whole must be self draining.**
 - b. The internal drainage system must be connected to the existing drainage network servicing 38 Somerton Court, to the satisfaction of the responsible authority.**
 - c. All units must be provided with a stormwater legal point of discharge at the low point of each lot, to the satisfaction of the Responsible Authority.**
- 18. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Legal Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.**

19. Prior to the commencement of the development, design computations and plans for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.
20. 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.
21. If required, the layout of the development must be modified based on the approved stormwater design.
22. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including "Construction Techniques for Sediment Control and Environmental Guidelines for Major Construction Sites" (EPA 1995).
23. 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.
24. 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. Details of road and drainage works required for the construction of the service road abutting the subject land
 - b. Location of vehicle crossings
 - c. Details of the underground drainage
 - d. Location of drainage legal points of discharge
 - e. Standard details for vehicle crossing and legal point of discharge
 - f. Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Melbourne Water

25. The dwellings must be constructed with finished floor levels set no lower than 112.46 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level.
26. The garages must be constructed with finished floor levels set no lower than 112.31 metres to Australian Height Datum (AHD), which is 150mm above the applicable flood level.
27. A minimum 1.7 metre setback measured from the western boundary and maintained at natural surface level, is required for the conveyance of overland flow.
28. The proposed carport at Unit 5 must be constructed at natural surface level and remain open for the life of the structure. No doors are to be used on this structure.
29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Downer Utilities:

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

Powercor

31.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.

32.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. 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.**
- c. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- d. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**

Western Water

33.Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

34.Provision of reticulated water and associated construction works to the development, at the developer's expense and to the satisfaction of Western Water.

35.Provision of reticulated sewerage and associated construction works to the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

36.Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.

37.Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.

38.Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

39.The developer must produce for approval by Western Water an Integrated Water Management Plan that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water such as stormwater, rainwater and recycled water. This plan must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the Integrated Water Management Plan will form part of the permit and the requirements of the Integrated Water Management Plan must be implemented before the issue of a statement of compliance.

40. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

Permit Expiry

41. 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; 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.

Permit Note

Melbourne Water: Preliminary land and flood level information available at Melbourne Water indicates that the property is subject to flooding. For a storm event with a 1% chance of occurrence in any one year, the flood level for the property is 112.16 metres to Australian Height Datum (AHD). The plans submitted with the application indicate that Melbourne Water's requirements have been complied with.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 18 July, 2018

Item 5.4 Planning Permit Application PA2018008 – Development and Use of a Dwelling and removal of Vegetation at Lot 1 Martin Street, Blackwood.

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, it is recommended that Council Issue a Notice of Decision for Use and Development of a single Dwelling and clearing of Native Vegetation for Lot 1 on TP831579, located at Martin Road, Blackwood, on the following grounds:

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.

Materials and Colour

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

Infrastructure

3. A standard rural residential vehicle crossing must be provided on Martin Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
4. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 52.47-3 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
5. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
6. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
7. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
8. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Environmental Health

- 9. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by St. Quentin, ref number 14777G-C-3 LCA dated May 2017 or any approved amendment are to be strictly adhered to.**
- 10. An onsite waste water management system with the capacity to treat effluent to a minimum of 20/30/10 (BOD/Suspended Solids and Chlorination) must be installed.**
- 11. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.**
- 12. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.**
- 13. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4.**
- 14. A shallow surface water cut off drain or surface water diversion mound, should be provided on the high side of the disposal areas to divert any surface water flows around the effluent fields.**
- 15. Subsurface Irrigation system needs to be installed to a depth of 150mm in situ or if the soil is of poor quality, imported good quality topsoil may be required, with a 1m spacing in between lines.**
- 16. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.**

Dwelling Requirements

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

Country Fire Authority

- 21. The Bushfire Management Plan (prepared by Tomkinson Group, Bushfire Management Statement for Lot 1 TP831579, Martin Street, Blackwood, Ref: 1137401 – Rev. B, Appendix 3, dated December 2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

Southern Rural Water

- 22. The recommendations from the Land Capability Assessment produced by St Quentin (Report No. 14777G-C-3 LCA) should be implemented to reduce the risk to water quality**
- 23. Wastewater must be treated to a secondary standard as a minimum (20/30/10 - BOD/suspended solids/E.coli).**
- 24. Wastewater must be dispersed via shallow pressure compensated subsurface irrigation.**
- 25. The Land Application Area (irrigation area) must be located in the parcel of land designated within the St Quentin LCA report to ensure setback distances are met.**
- 26. The Land Application Area should be of a design that allows appropriate wastewater disposal i.e. a terraced retaining structure as suggested in the LCAGypsum must be applied at recommended rates to the irrigation area.**
- 27. Any failure of the wastewater treatment system and Land Application Area must be immediately rectified to the satisfaction of Council's Health Officer.**
- 28. Cut off drains should be constructed up slope and downslope from the land application area to prevent storm water and runoff from entering the effluent field and flow of effluent downslope in the event of the wastewater system failing.**
- 29. Minimum setback requirements for the effluent disposal area from waterways must be met.**
- 30. The wastewater treatment system (including irrigation) must be installed, maintained and serviced by a suitably qualified contractor as per a maintenance and service contract to be entered into by the owner and verified by Council's Health Officer.**
- 31. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution control, shall be employed during works and maintained until the disturbed area has been appropriately finished or revegetated**

Western Water

- 32. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:**
 - a. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.**
 - b. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.**
 - c. The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.**
 - d. The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard.**

- e. Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
- f. The Owner shall meet the costs of the inspections and reports referred to in Condition 6.
- g. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
- h. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
- i. The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition 6.
- j. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
- k. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by St Quentin dated May 2017 Report No: 14777G-C-3 LCA and the accompanying management plan followed and implemented.
- l. The land must not be further subdivided.
- m. No other building works shall be undertaken on the subject land without written approval of Western Water.
- n. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- o. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land.
- p. No stormwater should be allowed to move into the effluent disposal fields.
- q. A cut off diversion drain is to be installed upslope of the effluent disposal field to prevent surface and subsurface water entering the effluent disposal system.
- r. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
- s. The obligations under this agreement shall run with the land.
- t. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.

Permit Expiry

33. 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;
- 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.

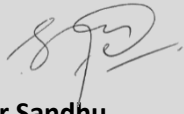
Permit Note(s)

34. A permit to install an onsite wastewater management system must be submitted to Environmental Health.
35. It is important to note that there is important vegetation on this site and it should be retained whether possible without conflicting with the Bushfire Management Statement.
36. Western Water will prepare the Section 173 Agreement upon receipt of a copy of the approved planning permit and a current copy of the Certificate of Title.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 18 July, 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 15 August, 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 6.04pm.

