

# MINUTES

## SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

**Wednesday 19 September, 2018**

Council Chambers  
15 Stead Street, Ballan  
4.30pm

### MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 4.30pm.

### 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
Mr. Ewen Nevett	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Minute Taker

### APOLOGIES

Cr. David Edwards	Councillor – East Moorabool Ward
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### 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 15 August, 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 PA2018077 – Use of land for the keeping of animals at Camp Road, Bullarto South.  | Page 3 |
| 5.2 | Planning Permit Application PA2017220 – Two (2) lot subdivision (boundary realignment) and creation of a carriageway easement over Lot 9 on LP129303D in favour of proposed Lot 1 on PS811639Y at 145 Old Melbourne Road, Ballan. | Page 5 |
| 5.3 | Planning Permit Application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek.  | Page 7 |

#### 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 PA2018 077 – Use of land for the keeping of animals at Camp Road, Bullarto South.	Rocco Szabo	Applicant
5.3	Planning Permit Application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek.	Robert Eskdale	On behalf of Applicant

## **GROWTH & DEVELOPMENT REPORTS**

### **Item 5.1 Planning Permit Application PA2018 077 – Use of land for the keeping of animals at Camp Road, Bullarto South**

#### **Consideration of Deputations – Planning Permit Application No. PA2018 077.**

Rocco Szabo addressed Council as the applicant to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

#### **Resolution:**

Moved: Cr. Keogh

Seconded: Cr. Bingham

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 as a Section 55 determining referral authority have objected to the application with the following grounds:
  - a) The land is located within a Special Water Supply Catchment Area listed in Schedule 4 of the Catchment and Land Protection Act (Pykes Creek Reservoir and Werribee River Water Supply Catchment) which provided water to a domestic supply. Pursuant to Clause 66.02-5 of the Moorabool Planning Scheme Western Water is a Determining Water Authority.
  - 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 taken 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.

Note: All animals will be required to be removed from the land in accordance with timelines set by the Responsible Authority.

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

#### **Report Authorisation:**

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 19 September, 2018

**Councillor Dudzik called for a Division.**

Councillors voting for the resolution:

*Cr. Tatchell, Cr Keogh and Cr Bingham.*

Councillors voting against the resolution:

*Cr. Dudzik.*

**The resolution was determined to be CARRIED.**

**Item 5.2 Planning Permit Application 2017220 – Two lot subdivision (boundary realignment) and creation of a carriageway easement over Lot 9 on LP129303D in favour of proposed Lot 1 on PS811639Y at 145 Old Melbourne Road, Ballan.**

**Resolution:**

**Moved: Cr. Keogh**

**Seconded: Cr. Bingham**

That, having considered all matters as prescribed by the Planning and Environment Act, it is recommended that Council issues a Notice of Decision to Grant a Planning Permit for a two (2) lot subdivision (boundary realignment) and creation of a carriageway easement over Lot 9 on LP129303D in favour of proposed Lot 1 on PS811639Y on land known as 145 Old Melbourne Road, Ballan, and otherwise known as Lot 10 on PS 129303 and Lots 1 and 2 on TP 103768X (formerly pt Portion 15 and 16, Section 4 Parish of Gorong) subject to the following conditions:

**Endorsed Plans:**

1. Before certification of the plan of subdivision, 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 (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:

- a) A 100m wide buffer from the boundaries of lots abutting Ingliston Road on the proposed Lot 2, shown as a restriction on the plan, where agricultural infrastructure cannot be constructed.

Unless otherwise approved in writing by the Responsible Authority, the subdivision must be undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

**Operational:**

2. Before Statement of Compliance is issued for the subdivision, the title to Lot 9 on LP 1293030D must be altered to include the proposed Lot 1 only of the subdivision as a benefiting lot to the carriageway easement located on that lot.

**Central Highlands Water:**

3. 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.

4. 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.

**Permit Expiry:**

5. 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: 19 September, 2018

**Item 5.3 Planning Permit Application PA2017264 – Development and Use of a Dwelling and Removal of Native Vegetation at Cowans Drive, Dales Creek**

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

Robert Eskdale addressed Council on behalf of the applicant to the granting of a planning permit for the application.

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

**Recommendation**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant Planning Permit PA2017264 for Development and Use of a Dwelling and Removal of Native Vegetation at Lot 35 on PS 093708, Cowans Drive, Dales Creek 3341, on the following grounds:

1. The proposal does not meet the objective or relevant strategies of Clause 13.02 of the Moorabool Planning Scheme.
2. The proposal does not meet the objectives of Clause 13.02-1S (Bushfire), Clause 21.02-5 (Bushfire), Clause 21.03-5 (Small Town Development) or relevant strategies in Clause 21.09-1 (Small Towns and Settlements) of the Moorabool Planning Scheme.
3. The proposal does not meet the purpose of Clause 35.06 (Rural Conservation Zone) of the Moorabool Planning Scheme.
4. The proposal does not meet the purpose of Clause 44.06 (Bushfire Management Overlay) in the Moorabool Planning Scheme.

**Resolution:**

**Moved: Cr. Bingham**

**Seconded: Cr. Keogh**

**That Planning Application PA2017264 be deferred to the next available s86 Development Assessment Committee meeting at the request of the Applicant.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 19 September, 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 17 October, 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 5.11pm.

