

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 11 October, 2017
James Young Room, Lerderderg Library
Bacchus Marsh
4.00 pm

1. MEETING OPENING

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

MEMBERS

Cr. Pat Toohey (Chair)	Councillor – Woodlands Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. John Keogh	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward

OFFICERS

Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mr. Thomas Tonkin	Statutory Planning Officer
Ms. Jacquie Elliott	Minute taker

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. Tatchell

That the Minutes of the Section 86 Development Assessment Committee for 13 September, 2017 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 PA2016 179 – 150-158 Masons Lane, Bacchus Marsh; Use and Development of a Dwelling and Ancillary Outbuildings. | Page 3 |
| 5.2 | Planning Permit 2017 050 – Development and Use of a Dwelling and ancillary outbuilding (shed), Hopgoods Road, Clarendon – Lot 1 on TP 1199024 (formerly pt CA2, Parish of Clarendon). | Page 4 |
| 5.3 | Planning Permit Application PA2017 015; Development of Six (6) Dwellings at Lot 84 on PS 526975V, 9 Delahey Close, Maddingley VIC 3340. | Page 5 |
| 5.4 | Planning Permit Application PA2017 115 – 3 Holts Lane, Darley; 18 Lot Subdivision at Lot A on PS 810474L. | Page 8 |
| 5.5 | Planning Permit 2016 119 – Development of buildings and works (shearing shed) within 100m of a waterway – 82 Springbank Road, Bullarook otherwise known as Lot 2 on PS 409327N. | Page 25 |

PRESENTATIONS/DEPUTATIONS

List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/Objector
5.1	Planning Permit Application PA2016 179 – 150-158 Masons Lane, Bacchus Marsh; Use and Development of a Dwelling and Ancillary Outbuildings.	John Younger	Owner
5.4	Planning Permit Application PA2017 115 – 3 Holts Lane, Darley; 18 Lot Subdivision at Lot A on PS 810474L.	Susan Collinson	Objector
5.5	Planning Permit 2016 119 – Development of buildings and works (shearing shed) within 100m of a waterway – 82 Springbank Road, Bullarook otherwise known as Lot 2 on PS 409327N.	Tim Scanlon	Objector
5.5	Planning Permit 2016 119 – Development of buildings and works (shearing shed) within 100m of a waterway – 82 Springbank Road, Bullarook otherwise known as Lot 2 on PS 409327N.	Neil Haydon	Speaking on behalf of Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2016 179 – 150-158 Masons Lane, Bacchus Marsh; Use and Development of a Dwelling and Ancillary Outbuildings

Consideration of Deputations – Planning Permit Application PA2016 179

Mr. John Younger addressed Council as the Owner of the property subject to 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 PA2016-179 for Use and Development of a Dwelling and Ancillary Outbuildings at Lot 2 on PS 631645G, 150-158 Masons Lane, Bacchus Marsh 3340, 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. Keogh

Seconded: Cr. Tatchell

That the Planning Application PA 2016-179 be deferred at the request of the owner of the property to make changes to the application.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 11 October, 2017



Item 5.2 Planning Permit 2017 050 – Development and Use of a Dwelling and ancillary outbuilding (shed), Hopgoods Road, Clarendon – Lot 1 on TP 1199024 (formerly pt CA2, Parish of Clarendon).

This subject application has been withdrawn from the agenda. The Planning Permit Application PA 2017-050 was recently amended by the applicant, thereby requires reassessment of the application and will be dealt with accordingly.

Item 5.3 Planning Permit Application PA2017 015; Development of Six (6) Dwellings at Lot 84 on PS 526975V, 9 Delahey Close, Maddingley VIC 3340.

There were no speakers to this item.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment Act 1987, under Section 60 Council issue a Notice of Decision to Grant Permit PA2017 015; Development of Six (6) Dwellings at Lot 84 on PS 526975V, 9 Delahey Close, Maddingley VIC 3340 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans identified as Site Layout & Floor Plan and Elevations prepared by Xpress Building Design Group, Job No. 888366, dated 18/05/2017 but modified to show:
 - a. A landscape plan in accordance with Condition no. 12; and
 - b. A notation that any landscaping or other feature around the proposed crossover and within the property shall not exceed 900mm height, in compliance with Design standard 1 under Clause 52.06-8 of the Moorabool Planning Scheme.

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

Amenity:

2. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.

Landscape Plans:

3. Before the occupation of the development 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.

Infrastructure:

4. A standard urban residential vehicle crossing must be provided on Delahey Close to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

5. 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.
6. 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. 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; and
 - c. All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
7. Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
8. 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 taken out prior to the construction of the stormwater drainage system.
9. 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.
10. 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.
11. 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).
12. 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 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.
13. 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.
14. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a. location of vehicle crossings;
 - b. details of the underground drainage;
 - c. location of drainage legal points of discharge;
 - d. standard details for vehicle crossing and legal point of discharge; and
 - e. civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Permit expiry:

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

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

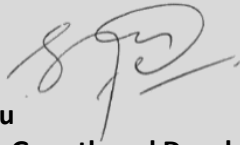
Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 11 October, 2017



Item 5.4 Planning Permit Application PA2017 115 – 3 Holts Lane, Darley; 18 Lot Subdivision at Lot A on PS 810474L.

Consideration of Deputations – Planning Permit Application No. PA2016 119.

Susan Collinson addressed Council as the objector to this planning application and advised she was withdrawing her objection.

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 PA2017115 for an 18 Lot Subdivision at Lot A on PS 810474L, Holts Lane Darley, subject to the following conditions:

Endorsed Plans

1. The formal plan of subdivision lodged for certification must be substantially the same as the plan submitted with the application identified as Ref. No. 18628T4, version 1, Sheet 1 of 1, prepared by Millar Merrigan P/L, dated 2 March 2017 but modified to include a restriction requiring dwellings to be set back a minimum of 7.0 metres from the property boundary of the land to Holts Lane.

Section 173 Agreement

2. If a Statement of Compliance is sought prior to approval of a development plan for the proposed lots created on this Plan of Subdivision ref. 18628T4 Version 1 or any subsequent plan approved under this permit, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the owner of the site and the Responsible Authority requiring:
 - a. Development of all lots on this Plan of Subdivision must have a garden area at ground level with the minimum garden area requirement as set out in Clause 32.08-4 of the Moorabool Planning Scheme, or as amended from time to time.

This Agreement is to be prepared by the Responsible Authority at the owner's expense and will be recorded on the folio of the register relating to the site. The owners agree to pay on demand all costs and expenses of, and incidental to, the execution and recording of this Agreement.

Definitions: "Garden Area" — an uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any areas that has a dimension of less than 1 metre.

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 provided 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.**

Infrastructure

- 6. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard urban residential vehicle crossing on Holts Lane to the satisfaction of the Responsible Authority.**
- 7. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:**
 - a. The subdivision as a whole must be self draining.**
 - b. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
 - c. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.**
 - d. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.**

- e. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.
- f. The drainage system must be designed to include provision to intercept litter.
- g. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
- h. The drainage design must take into account any applicable drainage or flood management strategy.

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

8. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:
 - a. the requirements for drainage of the whole site.
 - b. if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - c. If additional outfall drainage or upgrading of the existing drainage network is required.
9. Holts Lane must be constructed to the satisfaction of the responsible authority with:
 - a. Kerb and channel and pavement widening as required along the frontage of the site to match with the existing pavement width, and kerb and channel on the court end of Holts Lane;
 - b. 1.5 metre footpath along the frontage of the site;
 - c. Storm water drainage;
 - d. Nature strip and landscaping; and
 - e. Public lighting.
10. Prior to the issue of a statement of compliance, 50 % contribution of a reinforced concrete footpath to be constructed along the South side of Holts Lane from the western boundary of the subject land to the existing footpath in Gisborne Road, at a cost agreed between the developer and Council.
11. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.
12. 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.
13. An Environmental Management Plan for the construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.
14. 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).

15. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
16. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be “Standard” fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.
17. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
18. Street trees must be provided at approved locations of the subdivision at a rate of one tree per lot frontage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
19. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
20. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
21. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
22. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
23. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
24. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
 - a. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - b. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
25. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - a. Drainage construction details in “D-Spec” format; and
 - b. Roadworks construction details in “R-Spec” format.

26. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
27. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
28. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Melbourne Water conditions

29. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
30. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
31. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
32. Unless otherwise agreed in writing, the Plan of Subdivision must include a restriction on title or other agreed method identifying a buildings and works exclusion zone for the purpose of flood storage and protection, and areas filled above the 1 in 100 year flood level associated with Melbourne Water's drainage system. The buildings and works exclusion zone must indicate that earthworks and development is not to occur within this area of the plan of subdivision, without the further review and written consent of Melbourne Water for the purpose of flood protection and flood plain storage. The restriction must be to the satisfaction of Melbourne Water and the Responsible Authority.
33. Unless otherwise agreed in writing by the relevant drainage authority, the subdivision must retard stormwater back to pre-development levels before entering the downstream drainage system and/or retard stormwater back to the sufficient capacity of the downstream drainage system, whichever is appropriate.
34. All local drainage must be to Council's satisfaction.
35. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water overland flow path.

36. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements.
37. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth x Velocity product does not exceed 0.35 m²/s.
38. The drainage swale, which is intended to convey the 1% ARI flow path from a Melbourne Water's managed drainage system, must be designed and constructed in accordance with Melbourne Water's Land Development Manual.
39. Engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and the 1 in 100 year flood level for the overland flow paths.

Western Water conditions

40. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
41. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
42. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
43. 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.
44. 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.
45. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
46. 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.

47. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- a. Own a metered hydrant approved by Western Water;
 - b. Meter and pay for all water taken;
 - c. Display a Western Water Permit Number Sticker on the tanker;
 - d. Only take water from nominated hydrants or standpipes;
 - e. Only use water for the purpose approved in the Water Carters Permit;
 - f. Avoid wastage of water on site; and
 - g. Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

VicRoads conditions

48. The discharge of any concentrated drainage or sullage into the declared road reserve shall not be permitted unless approved in writing by VicRoads.
49. Before the use commences or the buildings are occupied, an acoustic fence must be erected/ earth mounding must be put in place along the southern boundary of the site and must be designed and constructed in accordance with the Traffic Noise Barrier Review (2 August 2016, by Arup Pty Ltd) and the Urban Design Strategy by VicRoads, with detailed plans to be submitted to VicRoads.
50. The acoustic fence must be designed and constructed at no cost to and to the satisfaction of VicRoads.

Downer conditions

51. The existing 3m wide gas easement shall remain on the title of the new lot for the proposed subdivision.
52. The pipeline route shall be kept clear all the times for ongoing maintenance and operation purposes.
53. The depth of cover for the existing gas distribution pipeline shall be maintained as per requirements of AusNet Services Technical Standard TS 2607.
54. All associated development and construction activities in the vicinity of the existing gas pipeline shall adhere to the requirements of AusNet Services 'Conditions of Works' TS 2607.1.

55. All the existing Gas warning Signs/Sign Posts shall not be disturbed, relocated, or altered without the prior written approval of AusNet Gas Services. Line of sight between gas marker posts shall be maintained with an installation of additional posts if required.
56. New trees planted in the vicinity of the gas main shall adhere to AusNet Services' Technical Standard TS 4156.
57. 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 conditions

58. 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.
59. 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.

Expiry condition

60. 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 of each stage.

Permit Note

Powercor

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.

Western Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as future stages of the development will be connected to Western Water's water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Notice of Decision to Grant a Permit for PA2017115 for an 18 Lot Subdivision at Lot A on PS 810474L, Holts Lane Darley, subject to the following conditions:

Endorsed Plans

1. The formal plan of subdivision lodged for certification must be substantially the same as the plan submitted with the application identified as Ref. No. 18628T4, version 1, Sheet 1 of 1, prepared by Millar Merrigan P/L, dated 2 March 2017 but modified to show:
 - a. A restriction requiring dwellings to be set back a minimum of 7.0 metres from the property boundary of the land to Holts Lane.
 - b. Each lot with a garden area in accordance with the requirements of Clause 32.08-4 of the Moorabool Planning Scheme.
2. Prior to certification of the Plan of Subdivision, the garden areas shown on the endorsed plans must be registered on title via a creation of restriction attached to the Plan of Subdivision. The garden areas can only be varied with the written consent of the Responsible Authority.
3. Definition: "Garden Area" — an uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any areas that has a dimension of less than 1 metre.

Telecommunications

4. The owner of the land must enter into agreements with:
 - a. A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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

Infrastructure

- 6. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard urban residential vehicle crossing on Holts Lane to the satisfaction of the Responsible Authority.**
- 7. The subdivision must be provided with drainage system to a design approved by the Responsible Authority and must ensure that:**
 - a. The subdivision as a whole must be self draining.**
 - b. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.**
 - c. All outfall drainage passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision.**
 - d. Volume of water discharging from the subdivision in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of retardation basin(s) located and constructed to the satisfaction of the Responsible Authority.**
 - e. Flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans.**
 - f. The drainage system must be designed to include provision to intercept litter.**
 - g. All lots must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.**
 - h. The drainage design must take into account any applicable drainage or flood management strategy.**

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

- 8. Design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval, and must include analysis of the existing stormwater drainage system in the area to determine:**
 - a. the requirements for drainage of the whole site.**
 - b. if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.**
 - c. If additional outfall drainage or upgrading of the existing drainage network is required.**
- 9. Holts Lane must be constructed to the satisfaction of the responsible authority with:**
 - a. Kerb and channel and pavement widening as required along the frontage of the site to match with the existing pavement width, and kerb and channel on the court end of Holts Lane;**
 - b. 1.5 metre footpath along the frontage of the site;**
 - c. Storm water drainage;**
 - d. Nature strip and landscaping; and**
 - e. Public lighting.**
- 10. Prior to the issue of a statement of compliance, 50 % contribution of a reinforced concrete footpath to be constructed along the South side of Holts Lane from the western boundary of the subject land to the existing footpath in Gisborne Road, at a cost agreed between the developer and Council.**
- 11. Plans and specifications of all road, traffic and drainage works must be prepared and submitted to the responsible authority for approval prior to the commencement of such works and all such works must be carried out in accordance with the approved plans to the satisfaction of the Responsible Authority.**
- 12. 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.**
- 13. An Environmental Management Plan for the construction works must be submitted to the Responsible Authority for approval prior to the commencement of construction. All works must be performed in accordance with the approved Environmental Management Plan.**
- 14. 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).**
- 15. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.**
- 16. Prior to the issue of Statement of Compliance for each stage, street lighting must be provided in accordance with the requirements of AS1158 – Lighting for Roads and Public Places, to the satisfaction of the Responsible Authority. All lighting fittings must be "Standard" fittings maintained by the electricity network provider at no additional cost to Council. All lights must utilise LED type luminaires where available.**

17. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
18. Street trees must be provided at approved locations of the subdivision at a rate of one tree per lot frontage, with an approved species to the satisfaction of the responsible authority. All street trees must have an existing height of 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree ties, Ag pipe, water crystals, 100 mm of mulch and initial watering, to the satisfaction of the responsible authority.
19. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
20. A security deposit equal to 150% of the cost of planting street trees must be lodged with the Council. The deposit will be returned after the final inspection of street trees, 18 months after the completion of planting of the trees, only if Council requires no further maintenance of the trees to be undertaken.
21. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority.
22. Landscaping must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the responsible authority.
23. A security deposit equal to 150% of the cost of the landscaping must be lodged with the Council. The deposit will be returned after the final inspection of landscaping, 18 months after the completion of landscaping, only if Council requires no further maintenance of the landscaping to be undertaken.
24. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:
 - a. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
 - b. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.
25. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - a. Drainage construction details in “D-Spec” format; and
 - b. Roadworks construction details in “R-Spec” format.
26. All road and drainage works must be maintained in good condition and repair for a minimum of 3 months after completion of the works, to the satisfaction of the Responsible Authority.
27. Prior to the issue of a Statement of compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.

28. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Melbourne Water conditions

29. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
30. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
31. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
32. Unless otherwise agreed in writing, the Plan of Subdivision must include a restriction on title or other agreed method identifying a buildings and works exclusion zone for the purpose of flood storage and protection, and areas filled above the 1 in 100 year flood level associated with Melbourne Water's drainage system. The buildings and works exclusion zone must indicate that earthworks and development is not to occur within this area of the plan of subdivision, without the further review and written consent of Melbourne Water for the purpose of flood protection and flood plain storage. The restriction must be to the satisfaction of Melbourne Water and the Responsible Authority.
33. Unless otherwise agreed in writing by the relevant drainage authority, the subdivision must retard stormwater back to pre-development levels before entering the downstream drainage system and/or retard stormwater back to the sufficient capacity of the downstream drainage system, whichever is appropriate.
34. All local drainage must be to Council's satisfaction.
35. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water overland flow path.
36. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements.
37. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth x Velocity product does not exceed 0.35 m²/s.
38. The drainage swale, which is intended to convey the 1% ARI flow path from a Melbourne Water's managed drainage system, must be designed and constructed in accordance with Melbourne Water's Land Development Manual.

39. Engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and the 1 in 100 year flood level for the overland flow paths.

Western Water conditions

40. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
41. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
42. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.
43. 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.
44. 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.
45. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
46. 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.
47. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- a. Own a metered hydrant approved by Western Water;
 - b. Meter and pay for all water taken;
 - c. Display a Western Water Permit Number Sticker on the tanker;
 - d. Only take water from nominated hydrants or standpipes;
 - e. Only use water for the purpose approved in the Water Carters Permit;
 - f. Avoid wastage of water on site; and
 - g. Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

VicRoads conditions

- 48. The discharge of any concentrated drainage or sullage into the declared road reserve shall not be permitted unless approved in writing by VicRoads.
- 49. Before the use commences or the buildings are occupied, an acoustic fence must be erected/ earth mounding must be put in place along the southern boundary of the site and must be designed and constructed in accordance with the Traffic Noise Barrier Review (2 August 2016, by Arup Pty Ltd) and the Urban Design Strategy by VicRoads, with detailed plans to be submitted to VicRoads.
- 50. The acoustic fence must be designed and constructed at no cost to and to the satisfaction of VicRoads.

Downer conditions

- 51. The existing 3m wide gas easement shall remain on the title of the new lot for the proposed subdivision.
- 52. The pipeline route shall be kept clear all the times for ongoing maintenance and operation purposes.
- 53. The depth of cover for the existing gas distribution pipeline shall be maintained as per requirements of AusNet Services Technical Standard TS 2607.
- 54. All associated development and construction activities in the vicinity of the existing gas pipeline shall adhere to the requirements of AusNet Services 'Conditions of Works' TS 2607.1.
- 55. All the existing Gas warning Signs/Sign Posts shall not be disturbed, relocated, or altered without the prior written approval of AusNet Gas Services. Line of sight between gas marker posts shall be maintained with an installation of additional posts if required.
- 56. New trees planted in the vicinity of the gas main shall adhere to AusNet Services' Technical Standard TS 4156.
- 57. 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 conditions

- 58. 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.

59. 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.

Expiry condition

60. 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 of each stage.

Permit Note

Powercor

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.

Western Water

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as future stages of the development will be connected to Western Water's water supply and sewerage systems independently of this stage, Western Water reserves the right to revise any conditions applicable to any subsequent stages lodged.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 11 October, 2017



Item 5.5 Planning Permit 2016 119 – Development of buildings and works (Shearing shed) within 100m of a waterway – 82 Springbank Road, Bullarook otherwise known as Lot 2 on PS 409327N.

Consideration of Deputations – Planning Permit Application No. PA2016 119.

Mr. Tim Scanlon addressed Council as the objector to this planning application.

Mr. Neil Haydon addressed Council speaking on behalf of the applicant to the planning 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 Planning Permit for the Development of buildings and works within 100m of a waterway on the following grounds:

1. The buildings and works would be located within 100m of a potable water supply catchment and pose an unacceptable risk to the waterway.
2. The location of the shearing shed does not provide a suitable buffer and setback distance to ensure best practice land and waterway management.
3. The applicant has not provided sufficient information to fully assess the impacts the shearing shed may have on the waterway.
4. The application has not included retrospective associated development required to support the shearing shed.

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That as the matter of Planning Application PA2016 119 is now before VCAT, that the Council's position at VCAT be a Refusal to Grant a Planning Permit for the development of buildings and works within 100m of a waterway on the following grounds:

1. The buildings and works would be located within 100m of a potable water supply catchment and pose an unacceptable risk to the waterway.
2. The location of the shearing shed does not provide a suitable buffer and setback distance to ensure best practice land and waterway management.
3. The applicant has not provided sufficient information to fully assess the impacts the shearing shed may have on the waterway.
4. The application has not included retrospective associated development required to support the shearing shed.

CARRIED.

In reference to item 5.5 Planning Permit 2016 119 – Development of buildings and works (Shearing shed) within 100m of a waterway – 82 Springbank Road, Bullarook otherwise known as Lot 2 on PS 409327N.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

1. That Council Officers investigate the noise, odour and other amenity impacts as a result of the activities in accordance with their delegated authority.
2. That the relevant authorities, including Southern Rural Water, Central Highlands Water and Environment Protection Authority Victoria (EPA), be consulted in reference to non-compliance.

CARRIED.

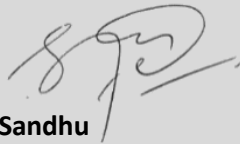
Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 11 October, 2017



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 8 November, 2017
3.30pm
Council Chambers, Ballan

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 5.04pm.

A handwritten signature in black ink, appearing to read 'P. Rooney', is positioned on the right side of the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.