

# MINUTES

## SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 15 May, 2019  
Council Chambers  
15 Stead Street, Ballan  
6.30pm

### MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 6.32pm.

### 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. Derek Madden	CEO
Mr. Satwinder Sandhu	General Manager Community Planning
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Executive Assistant to General Manager Community Planning and Minute Taker

### APOLOGIES

Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Mr. Ewen Nevett	Manager Engineering Services

### 2. RECORDING OF MEETING

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

- The Moorabool News; and
- The Star Weekly.

### 3. CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Keogh  
Seconded: Cr. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 17 April, 2019 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

- 5.1 Planning Permit Application PA2018 137 – 331 Lot Subdivision, Creation, Variation and Removal of Easements, Removal of Vegetation, and Building and Works within ES02 at 174 Moretons Road, Pentland Hills. Page 3
- 5.2 Planning Permit Application PA2018 346 – Variation of Restrictive Covenant AJ565132E item (k) to allow construction of an outbuilding 30.0m x 12.0m x 4.2m high to the eaves at 12 View Gully Road, Hopetoun Park. Page 5

#### 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
5.2	Planning Permit Application PA2018 346 – Variation of Restrictive Covenant AJ565132E item (k) to allow construction of an outbuilding 30.0m x 12.0m x 4.2m high to the eaves at 12 View Gully Road, Hopetoun Park.	Alexandria McQuire	Applicant

## GROWTH & DEVELOPMENT REPORTS

### Item 5.1 Planning Permit Application PA2018 137 – 331 Lot Subdivision, Creation, Variation and Removal of Easements, Removal of Vegetation, and Building and Works within ES02 at 174 Moretons Road, Pentland Hills.

#### Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a refusal to grant a permit for a 331 lot subdivision, creation, variation and removal of easements, removal of vegetation and building and works within ES02 for the land at Lot S7 on Plan of Subdivision 725408Y, known as 174 Moretons Road, Pentland Hills, based on the following grounds:

1. The proposed subdivision is not generally in accordance with the development plan approved under Development Plan Overlay Schedule 6 to Moorabool Planning Scheme.
2. The proposed subdivision does not comply with the objectives and strategies of Clause 15.01-3S, Subdivision Design.
3. The lack of a plan to create, vary or remove easements does not comply with the decision guidelines of Clause 52.02.
4. The proposed subdivision represents an overdevelopment of the land.
5. The proposed lot sizes and widths, road layout, and location and configuration of the local park will result in poor design outcomes.
6. Melbourne Water, a determining referral authority has objected to the application with the following grounds:
  - a) The proposed development is inconsistent with the Environmental Significance Overlay - Schedule 2 (ESO2).
  - b) The proposed development is inconsistent with the Design and Development Overlay - Schedule 6 (DD06).
  - c) The proposed development is inconsistent with State and Local Planning Policy relating to the protection of waterways, the natural environment and River Health.

**Resolution:**

**Moved:** Cr. Dudzik

**Seconded:** Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council advise the VCAT Registrar that Council does not support the application for a 331 lot subdivision, creation, variation and removal of easements, removal of vegetation and building and works within ES02 for the land at Lot S7 on Plan of Subdivision 725408Y, known as 174 Moretons Road, Pentland Hills, based on the following grounds:

1. The proposed subdivision is not generally in accordance with the development plan approved under Development Plan Overlay Schedule 6 to Moorabool Planning Scheme.
2. The proposed subdivision does not comply with the objectives and strategies of Clause 15.01-3S, Subdivision Design
3. The lack of a plan to create, vary or remove easements does not comply with the decision guidelines of Clause 52.02.
4. The proposed subdivision represents an overdevelopment of the land.
5. The proposed lot sizes and widths, road layout, and location and configuration of the local park will result in poor design outcomes.
6. Melbourne Water, a determining referral authority has objected to the application with the following grounds
  - a) The proposed development is inconsistent with the Environmental Significance Overlay - Schedule 2 (ESO2).
  - b) The proposed development is inconsistent with the Design and Development Overlay - Schedule 6 (DD06).
  - c) The proposed development is inconsistent with State and Local Planning Policy relating to the protection of waterways, the natural environment and River Health.

**CARRIED.**

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**Report Authorisation:**

**Authorised by:**



**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 15 May, 2019

**Item 5.2 Planning Permit Application PA2018 346 – Variation of Restrictive Covenant AJ565132E item (k) to allow construction of an outbuilding 30.0m x 12.0m x 4.2m high to the eaves at 12 View Gully Road, Hopetoun Park.**

**Consideration of Deputations – Planning Permit Application No. PA2018 346**

Alexandria McQuire 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. Edwards**

**Seconded: Cr. Keogh**

**That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018346 for Variation of Restrictive Covenant AJ565132E item (k) to allow construction of an outbuilding 30.0m x 12.0m x 4.2m high to the eaves at Lot 131 on PS 628116E, 12 View Gully Road, Hopetoun Park 3340 subject to the following conditions:**

- 1. The plan of variation of the restriction must be certified under Section 6 of the Subdivision Act 1988 and then must be registered with the Registrar of Titles before a Building Permit is issued.**
- 2. This permit will expire if the approved variation of the restriction is not registered with the Land Titles Office within two years of the date of this permit. The wording of item (k) has been approved as follows:**
  - k) Site any outbuildings on the Lot other than towards the rear of the Lot and behind any dwelling house and generally in such a manner as to minimize visual impact from the streetscape. No such outbuilding shall be of a size greater than 30 metres in length, 12 metres in width and 4.2 metres in height to the eaves nor shall they be constructed prior to the erection of a dwelling house on the Lot.**

**Permit Note:**

**Except where exempt under the Moorabool Planning Scheme, the outbuilding enabled by this permit shall not be used for any purpose other than ancillary to a dwelling on the lot.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 15 May, 2019**

## **UPDATE ON TRENDS, ISSUES AND OTHER MATTERS**

Satwinder Sandhu, General Manager Community Planning provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

## **DATE OF NEXT MEETING**

Wednesday 19 June, 2019

6.00pm

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 6.44pm.

