

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 17 April, 2019
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley
6.00pm

MEETING OPENING

Councillor Cr Tatchell as the Chair welcomed all and opened the meeting at 6.00pm.

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
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Mr. Ewen Nevett	Manager Engineering Services
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mrs. Jacquie Younger	Executive Assistant to General Manager Community Planning and 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. Edwards

Seconded: Cr. Keogh

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 20 March, 2019 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

Cr Sullivan declared an indirect conflict in relation to item 5.5 of the agenda.

Cr Toohey declared a direct conflict in relation to item 5.5 of the agenda.

5. GROWTH & DEVELOPMENT REPORTS

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| 5.1 | Planning Permit Application PA2018 011 – Five (5) Lot Staged Subdivision at 9 Rosenow Street, Gordon. | Page 3 |
| 5.2 | Planning Permit Application PA2018 067– Fifty Three (53) Lot Subdivision at 30 Fisken Street, Maddingley. | Page 4 |
| 5.3 | Planning Permit Application PA2016 144 – Development of a Camping Ground and Caravan Park Associated with a Place of Assembly at 121 Forbes Road, Leigh Creek. | Page 17 |
| 5.4 | Planning Permit Application PA2019 025 – Retrospective Dispensation of Carparking Associated with Buildings and Works of an Existing Warehouse (Mezzanine Floor and Office Fit Out) at 2B Smith Street, Maddingley. | Page 18 |
| 5.5 | Planning Permit Application PA2018 330 – Use and Development of a Dwelling at Butter Factory Road, Wallace. | Page 20 |

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 067– Fifty Three (53) Lot Subdivision at 30 Fisken Street, Maddingley	Hugh McKenzie	Speaking on behalf of Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application PA2018 011 – Five (5) Lot Staged Subdivision at 9 Rosenow Street, Gordon

The report was withdrawn by the Chief Executive Officer due to the Applicant withdrawing their Planning Application PA2018 011 prior to the commencement of this meeting.

Item 5.2 Planning Permit Number PA2018 067 – Fifty-Three (53) Lot Subdivision at 30 Fisken Street, Maddingley

Consideration of Deputations – Planning Permit Application No. PA (insert Planning number)

Hugh McKenzie addressed Council representing 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. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit for a 53 Lot Subdivision at Lots 3, 4, 5, and 6 on PS856427Y otherwise known as 30 Fisken Street, Maddingley:

Endorsed Plans

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 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/other specified plans but modified to show:
 - a) Plan clearly detailing the length, height and material of the noise barrier based on a completed SEPP N-1 analysis undertaken by an acoustic engineer. The barrier must occupy the southern, eastern and northern boundaries of the site. Submission of a completed and approved Stormwater Management Plan in accordance with condition 40 contained herein and Clause 53.18-4, Standard W1.**
 - b) Submission of a separate landscape plan for an earth mounded wall/embankment to be located along the northern boundary of Lot A with appropriate landscaping treatments. The wall will be temporary in accordance with condition 66 contained herein.**
 - c) Plan annotated that a footpath, designed to the satisfaction of the Responsible authority, will be constructed along the entire Fisken Street frontage including land labelled not in subdivision.****

Additional Plans

- 2. Before the plan of subdivision is certified under the Subdivision Act, an additional plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must show:
 - a) A 1.8 metres wide footpath from the north-east edge of the subdivision connecting to the Bacchus Marsh Railway Station via Fisken Street and Station Street.****

Acoustic Report

- 3. Prior to Statement of Compliance an updated acoustic report in accordance with the SEPP-1 detailing actual noise levels from the railway land and provide any construction details of acoustic protection measures required for dwellings within the subdivision.**

Section 173 Agreement

- 4. Before the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 Agreement of the Planning & Environment Act to provide the following:**
 - a) The owner of the land must acknowledge that while the land remains zoned as Mixed Use Zone or its equivalent successor, the site is adjacent or nearby to commercial uses, industrial uses and a state significant landfill that can continue to operate in accordance with existing permits and/or licences.**
 - b) Lot A (the balance lot) can not be used for the purposes of a dwelling or dependent person's unit as defined in Section 73.03 of the Moorabool Planning Scheme.**
 - c) The northern landscape mound/embarkment must completed to the satisfaction of the Responsible Authority within Lot A and can only be removed when a Building permit has been issued for a development in Lot A and that development has commenced.**
 - d) Each land owner with a lot adjacent to the acoustic wall is responsible for the on going maintenance and repair of the wall to the satisfaction of the Responsible Authority.**
 - e) The construction of the acoustic fence adjoining the railway land must be a minimum of 200 mm inside the property boundary of the subject land.**
 - f) Construction of a any dwelling must meet the minimum acoustic requirements in accordance with the SEPP-1 analysis report completed under Condition 3 of Planning Permit PA2018-067.**

Before the issue of a Statement of Compliance, 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. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred. The owner/operator under this permit must arrange for the preparation of the 173 Agreement at his/her cost before submitting it the Responsible Authority for approval. The owner/operator under this permit must pay the costs of execution and registration of the section 173 Agreement.

Subdivision

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

6. 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.
7. Prior to any works commencing on the land a “Construction Management Plan” (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:
 - How the land is to be accessed during the construction period;
 - All measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
 - All measures to be introduced to minimise soil erosion and runoff;
 - Details relating to the storage of all plant and equipment during the construction period; and
 - Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site.

Telecommunications:

8. 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.
9. 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.

Powercor:

10. 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.

11. 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 (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**
- 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.**
- 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.**
- e. Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.**
- f. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.**
- g. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- h. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- i. Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**

- j. 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.

Transport for Victoria

12. Before the certification of a plan of subdivision, or any other time agreed by the Head, Transport for Victoria, a functional layout plan for the subdivision or each stage of subdivision must be submitted to and approved by the responsible authority and the Head, Transport for Victoria. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 or at another scale which the responsible authority agrees with dimensions and three copies provided and an electronic copy (PDF) must also be provided. The functional layout plan must be generally in accordance with the endorsed plans but incorporate the following:
 - a) A gated pedestrian crossing at the Fiskin Street level crossing of the Melbourne – Ballarat rail corridor, including DDA compliant pedestrian paths connecting to the development site.
13. Unless otherwise agreed in writing before the development starts, detailed construction / engineering plans and computations must be submitted to and approved by the Head, Transport for Victoria for the gated pedestrian crossing, and all associated infrastructure, including landscaping and must be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002. The plans must be generally in accordance with the endorsed plans under this permit.
14. Prior to the occupation of the development, all works on the gated pedestrian crossing at the Fiskin Street level crossing of the Melbourne – Ballarat rail corridor (including DDA compliant pedestrian paths connecting to the development site) outlined on the endorsed functional layout plans must be completed, to the satisfaction of Public Transport Victoria and V/Line at the full cost to the permit holder.
15. Prior to the issue of a Statement of Compliance for any stage abutting the railway corridor, or other time agreed in writing with the Head, Transport for Victoria, the permit holder must install a visually transparent 1.8 metre high black coated chain mesh fence along the boundary abutting the rail corridor, to the satisfaction of Public Transport Victoria and VicTrack, at the full cost to the permit holder. The fence must be located on the subject land, with up to 100mm encroachment onto rail land for footings only, and the orientation of any supporting rails should be on the railway side to discourage trespassing.
16. The permit holder must take all reasonable steps to ensure that disruption to train operation within the railway corridor is kept to a minimum during the construction of the development. Foreseen disruption to rail operation during construction and mitigation measures must be communicated to V/Line and Public Transport Victoria sixteen weeks (16) prior.
17. No excavation, filling or construction other than shown on the permit plans must take place on the common boundary between the subject property and VicTrack land without the prior approval of VicTrack and the Rail Operator.

18. No drainage or effluent must enter VicTrack land and must be connected to the legal point of discharge.
19. No waste, soil or other materials from the works are to be stored or deposited on VicTrack land.
20. No lighting is to be erected (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
21. All works, including hoardings, must be undertaken within the subject land and must not encroach onto VicTrack land.
22. No entry onto railway land is permitted without the written consent of the rail operator.
23. No permanent or temporary ground anchors are permitted within VicTrack land.
24. Plant and tree species must be of the type that will not cause any future overhang onto VicTrack land or disturbance of railway operations.

Western Water:

25. Payment of new customer contributions for each lot created by the development such amount being determined by Western Water at the time of payment.
26. Reach agreement with Western Water for the provision and funding of potable water supply and sewerage services necessary to service the subdivision/development.
27. Provision of reticulated water mains and associated construction works to front each allotment, at the developer's expense in accordance with the standards of construction adopted by and to the satisfaction of Western Water.
28. Provision of reticulated sewerage services and associated construction works to each allotment within the subdivision/development, at the developer's expense, in accordance with the standards of construction adopted by and to the satisfaction of Western Water.
29. The owner shall reach an agreement with Western Water regarding the construction of any Shared Assets (water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter) required to service the subdivision/development. The construction of Shared Assets reimbursable by Western Water shall comply with Western Water Procurement and Guide to New Customer Contributions.
30. 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 2.0m wide for a dedicated sewerage easement.
31. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.

32. 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.
33. Prior to the issue of a Statement of Compliance, evidence must be provided in a form satisfactory to Western Water that will ensure all future lot owners are made aware that they must undertake water efficiency measures to limit the amount of potable water used.
34. 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 must be implemented before the issue of a statement of compliance.
35. 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:
- Own a metered hydrant approved by Western Water;
 - Meter and pay for all water taken;
 - Display a Western Water Permit Number Sticker on the tanker;
 - Only take water from nominated hydrants or standpipes;
 - Only use water for the purpose approved in the Water Carters Permit;
 - Avoid wastage of water on site; and
 - 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.

Melbourne Water:

36. 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.

Downer Utilities:

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

Country Fire Authority:

38. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- i. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- ii. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

39. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width:

- i. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- ii. Curves must have a minimum inner radius of 10 metres.
- iii. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- iv. Roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

VicRoads:

40. All access to the proposed subdivision will only be from Fiskin Road and there will be no access permitted from Parwan Road to the subdivision during the construction.

Infrastructure:

41. Prior to the development commencing, a "Stormwater Management Strategy" must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme and the "Urban Stormwater Best Practice Environmental Management Guidelines – CSIRO 1999". The Strategy must:

- i. Encompass the entire area of the development.

- ii. Propose techniques to manage the quantity and quality of stormwater emanating from the site during construction and after completion of the development in accordance with the Best Practice Guidelines.
 - iii. Provide for outfall drainage from the site connecting to an approved discharge point.
 - iv. Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment. Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.
42. The subdivision must be provided with a drainage system to a design approved by the Responsible Authority and must ensure that:
- i. The subdivision as a whole must be self draining.
 - ii. All drainage courses within the subdivision must pass through easements or reserves shown on the plan of subdivision.
 - iii. 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.
 - iv. 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.
 - v. 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.
 - vi. The drainage system must be designed to include provision to intercept litter.
 - vii. 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.
 - viii. 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.
43. 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:
- i. the requirements for drainage of the whole site.
 - ii. if the existing drainage network has sufficient capacity to cater for the additional runoff from the ultimate development.
 - iii. If additional outfall drainage or upgrading of the existing drainage network is required.
44. The internal road network layout must be designed and constructed to the standards detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
45. Design computations for all road pavement construction, based on a geotechnical investigation of the site, must be prepared and submitted to the Responsible Authority for approval.

46. 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.
47. Fisken Street must be constructed along the frontage of the property, to the satisfaction of the Responsible Authority with:
 - i. Kerb and Channel, and pavement widening along the frontage of the site to allow for Basic Right Turn (BAR) and Basic Left Turn (BAL) treatments.
 - ii. Stormwater drainage.
 - iii. Nature strip and landscaping.
 - iv. Public lighting.
 - v. A 1.5m Concrete footpath from along the frontage of the property.
48. Basic Right Turn (BAR) and Basic Left Turn (BAL) treatments must be provided at the intersection of Fisken Street and the internal Road to the satisfaction of the Responsible Authority.
49. 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.
50. An Environmental Management Plan for the road 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.
51. 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).
52. Traffic management treatments must be provided in the form of linemarking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
53. 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.
54. Street names and street signs must be provided to the satisfaction of the responsible authority.
55. Permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.

- 56. Street trees must be provided at approved locations along Fiskens Street and in all internal roads of the subdivision at a rate of at least one (1) tree per lot frontage or sideage frontage with a maximum separate distance between trees of seven (7) metres. and 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.**
- 57. Street trees must be protected during any construction works with a temporary barrier fence that prevents access and soil disturbances, to the satisfaction of the Responsible Authority. The barrier fence must be secured to the the ground and regularly checked for damage or maintenance.**
- 58. 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.**
- 59. 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.**
- 60. Landscaping within the development must be provided in accordance with an approved landscape plan, to the satisfaction of the responsible authority. t) 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.**
- 61. 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.**
- 62. Prior to the issue of a Statement of compliance for each stage of the subdivision, the developer must pay:**
 - i. 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.**
 - ii. 2.50 % of the total estimated cost of works for the supervision of works associated with that stage of the development.**
- 63. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, after all engineering works pertaining to the stage have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:**
 - i. Drainage construction details in “D-Spec” format.**
 - ii. Roadworks construction details in “R-Spec” format. Subject to the consent of the responsible authority, the data may be provided prior to the end of the maintenance period for the relevant stage of the subdivision.**
- 64. 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.**

65. 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, three (3) months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
66. 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.

Operational

67. The northern landscape mound/embankment located within Lot A must be maintained to the satisfaction of Responsible Authority and any dead or dying trees must be replaced.
68. The northern landscape mound/embankment within Lot A can only be removed when a Building permit has been issued for a development in Lot A and that development has commenced.
69. Boundary fencing/noise barrier around the perimeter of the subject land must be maintained to the satisfaction of the Responsible Authority. Any damaged sections must be immediately repaired or replaced.
70. Without the prior consent of the Responsible Authority, no street trees can be removed from the Geelong-Bacchus Marsh Road frontage.
71. Prior to the issue of a Statement of Compliance, the connecting footpath to the Bacchus Marsh Railway Station as approved by Responsible Authority must be completed to the satisfaction of Responsible Authority.
72. Prior to the issue of a Statement of Compliance, the acoustic boundary fence/noise barrier must be completed to the satisfaction of the Responsible Authority.
73. As a result of the detailed design for the stormwater system, if a drainage easement is created through Lots 32 and 33 connecting to Lot 51, it must be altered to allow a pedestrian access from the northern most cul-de-sac to Lot 51. The development within Lot 51 must be designed to allow a continuance of this pedestrian path to the Fiskin Street frontage.

Permit Expiry

74. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Transport for Victoria Notes

Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.

Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.

Powercor Notes:

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.

CARRIED.

Report Authorisation:

Authorised by: 

Name: **Satwinder Sandhu**

Title: **General Manager Growth and Development**

Date: **17 April, 2019**

Item 5.3 Planning Permit Number PA2016 144 – Development of a Camping Ground and Caravan Park associated with a Place of Assembly at 121 Forbes Road, Leigh Creek.

Cr Sullivan called in Item 5.3 Planning Permit Number PA2016 144 – Development of a Camping Ground and Caravan Park associated with a Place of Assembly at 121 Forbes Road, Leigh Creek and requested that the Planning Application be heard at the next available Ordinary Meeting of Council.

Item 5.4 Planning Permit Application PA2019 025 – Retrospective Dispensation of Carparking Associated with Buildings and Works of an Existing Warehouse (Mezzanine Floor and Office Fit Out) at 2B Smith Street, Maddingley.

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a planning permit for the Retrospective Dispensation of Carparking Associated with Buildings and Works of an Existing Warehouse (Mezzanine Floor and Office Fit Out), at the land known as 2B Smith Street, subject to the following conditions:

Endorsed Plans

- 1. The development as shown on the endorsed plans (plans numbered) 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.**

General Conditions:

- 2. The site must not be used for any habitable purpose and must not be used for any commercial or industrial purpose except in accordance with the provisions of the Moorabool Planning Scheme.**

Infrastructure:

- 3. 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).**
- 4. 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.**
- 5. 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.**

Permit Expiry:

6. 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.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 17 April, 2019

Cr. Sullivan declared an Indirect Conflict of Interest (section 78A) in relation to Item 5.5 – Planning Permit Application PA2018 330: Use and Development of a Dwelling at Butter Factory Road, Wallace. The nature of the Conflict of Interest is due to Cr. Sullivan's professional involvement in assisting the applicant to obtain a planning permit.

Cr. Toohey declared a Direct Conflict of Interest Conflict of Interest in relation to Item 5.5 – Planning Permit Application PA2018 330 – Use and Development of a Dwelling at Butter Factory Road, Wallace. The nature of the Conflict of Interest is due to Cr. Toohey being the owner of the land and that his son is the applicant to the Planning Application.

Cr. Sullivan and Cr Toohey were not present and had no involvement at this meeting.

Item 5.5 Planning Permit Application PA2018 330 – Use and Development of a Dwelling at Butter Factory Road, Wallace

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit PA2018330 for the Use and Development of a Dwelling at Lot 1 on TP 006841G otherwise known as Butter Factory Road, Wallace subject to the following conditions.

Endorsed Plans

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

a) Plan of Consolidation of Lots 1 and 2 on TP6841G

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

Operational

2. Before the use commences, the Plan of Consolidation of Lot 1 and 2 on TP6841G must be registered with Land Victoria in accordance with the provisions *Subdivision Act 1988*.

Dwelling Requirements

3. 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.

4. 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.
5. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

Farm Management Plan

7. A Farm Management Plan to the satisfaction of the Responsible Authority must be endorsed as part of this permit, and cannot be varied without the written consent of the Responsible Authority.
8. Prior to the issue of a building permit, sufficient work must have occurred in accordance with the five (5) year plan of the Farm Management Plan to the satisfaction of the Responsible Authority.
9. 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 remains zoned as Farming Zone or its equivalent successor the primary use of the land is for agricultural activities and the use of the dwelling must be in conjunction with an approved agricultural activity.
 - b. Agricultural activities and environmental management identified in the endorsed Farm Management Plan must be undertaken on the land and must be in accordance with the Farm Management Plan endorsed under Condition 7 of the Planning Permit and cannot be varied without the written consent of the Responsible Authority.
 - c. Before a Building Permit is issued for the dwelling, 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.
 - d. The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

Infrastructure

10. A standard rural vehicle crossing must be provided on Butter Factory Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
11. 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.
12. 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).

13. 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.
14. 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:

15. An onsite waste water management system with the capacity to treat effluent must be installed.
16. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Bruce Hollioake, ref number 18372 dated 14th November 2018 or any approved amendment are to be strictly adhered to.
17. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
18. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
19. 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
20. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Central Highlands Water:

21. The dwelling and effluent disposal system must be located in accordance with the Land Capability Assessment by Bruce Hollioake Reference 18372 dated 14th November 2018.
22. The owner must install a wastewater management system that provides a secondary level of treatment of wastewater, in accordance with Section 1.2 of Land Capability Assessment by Bruce Hollioake Reference 18372 dated 14th November 2018.
23. Prior to a Building Permit being issued for a dwelling the owner shall enter into an agreement with Central Highlands Region Water Corporation (CHW) and the responsible authority under Sections 173 and 174 of the Planning and Environment Act 1987, requiring that:
 - a. The owner shall have any wastewater treatment facility and effluent disposal system for the dwelling inspected annually by a qualified environmental health officer ("the EHO") and shall provide annually to both the Shire and to CHW a written report from the EHO on the condition of the wastewater treatment and effluent disposal system.

- b. The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by the EHO and evidence of this desludging shall be provided in the EHO report referred to in Clause (a) herein.
- c. The Owner shall carry out any works considered necessary by the EHO to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.
- d. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.
- e. The Owner and the Shire agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the Planning and Environment Act 1987.
- f. The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c) and (d) herein and all costs of the Shire in relation to stamping and registration of this Agreement.
- g. The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (e) herein.

24. The landowners shall meet all costs of preparing and recording this agreement.

Permit Expiry:

25. 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.

Permit Note:

A permit to install an onsite wastewater management system must be submitted to Environmental Health.

CARRIED.

Report Authorisation:

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 17 April, 2019

Cr. Bingham adjourned from the meeting at 6.14pm and did not take any further part in the meeting.

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 May, 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 6.20pm.

