

# MINUTES

## SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

**Wednesday 19 June, 2019**  
North Wing Room 2 & 3  
Darley Civic and Community Hub,  
182 Halletts Way, Darley  
6.00pm

### MEETING OPENING

Councillor Paul Tatchell as the Chair welcomed all and opened the meeting at 6.06pm.

### ATTENDANCE

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

### APOLOGIES

NIL

### 2. RECORDING OF MEETING

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

- The Moorabool News; and
- The Star Weekly.

### 3. CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Keogh

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 15 May 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 284 – Development of two (2) dwellings and two (2) lot subdivision at 2A Standfield Street, Bacchus Marsh.  | Page 4  |
| 5.2 | Planning Permit Application PA2019058 - Development and Use of a Storage Shed using Zincalume and Removal of Vegetation at Elaine-Morrisons Road, Morrisons.   | Page 8  |
| 5.3 | Planning Permit Application PA2018270 – Use and Development of a Warehouse and a Reduction of Car Parking (One Space) at 21 Osborne Street, Maddingley.  | Page 12 |
| 5.4 | Planning Permit Application PA2018310 – Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at 35 Fiskens Street and 32 Park Street, Maddingley. | Page 15 |
| 5.5 | Planning Permit Application PA2018038 – Thirty Five (35) lot subdivision at 10 McCormacks Road, Maddingley.  | Page 17 |
| 6.1 | Planning Application PA2014010 – Five (5) Lot Subdivision, Creation of a Carriageway Easement and Reduction in Car Parking (10 spaces). Update on process for creation of a carriageway easement.                | 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 PA2018 284 – Development of two (2) dwellings and two (2) lot subdivision at 2A Standfield Street, Bacchus Marsh.	Kate Thomas	Applicant
5.2	Planning Permit Application PA2019058 - Development and Use of a Storage Shed using Zincalume and Removal of Vegetation at Elaine-Morrisons Road, Morrisons.	Ian Wood (Does not want to speak but present at meeting).	Objector
5.2	Planning Permit Application PA2019058 - Development and Use of a Storage Shed using Zincalume and Removal of Vegetation at Elaine-Morrisons Road, Morrisons.	James Mauriks	Applicant

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Applicant/Objector</b>
5.4	Planning Permit Application PA2018310 – Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at 35 Fiske Street and 32 Park Street, Maddingley.	Grant Wright	Applicant
5.4	Planning Permit Application PA2018038 – Thirty Five (35) lot subdivision at 10 McCormacks Road, Maddingley.	Tony	Applicant
6.1	Planning Application PA2014010 – Five (5) Lot Subdivision, Creation of a Carriageway Easement and Reduction in Car Parking (10 spaces). Update on process for creation of a carriageway easement.	Leeanne Traianon	Applicant

## **GROWTH & DEVELOPMENT REPORTS**

### **Item 5.1 Planning Permit Application PA2018 284 – Development of two (2) dwellings and two (2) lot subdivision at 2A Standfield Street, Bacchus Marsh.**

#### **Consideration of Deputations – Planning Permit Application No. PA2018 284**

Kate Thomas 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 a Planning Permit for the Development of two (2) dwellings and a two (2) lot subdivision at 2A Standfield Street, otherwise known as Lot 2 on PS 060466 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) The Area Schedule on plan numbered TP01 showing the correct area of the site and the garden area shown as a percentage for each dwelling with the garden area to be shown on the plan as hatched.
  - b) A Landscape plan in accordance with condition 6.

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.

#### **Subdivision Conditions**

2. Before the statement of compliance is issued under the Subdivision Act 1988, the approved development must be commenced, i.e. footings constructed, and slabs poured, in accordance with the plans endorsed under this planning permit, to the satisfaction of the Responsible Authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
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.

#### **Landscape Condition**

6. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed. The plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must be generally in accordance with the landscape concept plan Reference TP10 except that the plan must be modified to show:
  - a) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - b) details of surface finishes of pathways and driveways across the site.
  - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - d) landscaping and planting within all open areas of the site including ground covers, small and medium shrubs and canopy trees.
  - e) One canopy tree (minimum two metres tall when planted) in the following areas of each dwelling:
    - i. Front setback.
    - ii. Rear private open space.

All species selected must be to the satisfaction of the responsible authority.

#### **Telecommunications Conditions**

7. 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.
8. 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 Conditions**

9. 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 Standfield Street 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.
10. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:
  - a) The development as a whole must be self-draining.
  - b) 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.
  - c) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.
  - d) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".
11. 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.
12. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
13. 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).
14. A landscape plan must be prepared and submitted to the responsible authority for approval detailing all proposed landscaping and proposed tree removal, ensuring that no tree or shrub is planted over existing or proposed drainage infrastructure and easements. The landscape plan must include a plant legend with botanical name, quantity, pot size at time of planting and details of ground treatments.
15. 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.

16. 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.

17. 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 crossings and legal points of discharge; and
- e) civil notes as required to ensure the proper construction of the works to Council standard.

#### Permit Expiry

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

- a) The development is not started within two years of the date of this permit;
- b) The development is not completed within four years of the date of this permit; and
- c) The plan of subdivision is not certified within two (2) years of the date of the permit.

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

**CARRIED.**

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#### Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 19 June 2019



**Item 5.2 Planning Permit Application PA2019058 - Development and Use of a Storage Shed using Zincalume and Removal of Vegetation at Elaine-Morrisons Road, Morrisons.**

**Consideration of Deputations – Planning Permit Application No. PA2019058**

Ian Wood addressed Council as the objector to the granting of a planning permit for the application.

James Mauriks addressed Council as the applicant to the granting of a planning permit for the application.

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

**Recommendation**

**That, having considered all matters as prescribed by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant Planning Permit PA2019058 for the Development of a Storage Shed using Zincalume and Removal of Vegetation on land known as Crown Allotment 6, Section A Parish of Borhoneyghurk located at Elaine-Morrisons Road, Morrisons Vic 3334 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) Detail of vegetation screening in accordance with condition 4 contained herein.**

**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.**

**Vegetation Screening:**

- 2. Vegetation must be planted to obstruct direct views from the adjacent road and dwellings on adjoining properties to the satisfaction of the Responsible Authority.**

**Infrastructure:**

- 3. Storm water drainage from the proposed building and impervious surfaces must be disposed of to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.**
- 4. 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).**
- 5. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over any drainage pipes and easements on the property.**



6. 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.

#### Central Highland Water

7. The permitted building 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.
8. The existing or proposed effluent disposal areas (if applicable) must be kept free from stock, buildings, driveways and service trenching.
9. Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.
10. Sediment control measures outlined in the EPA's publication No 275 Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.

#### Permit Expiry:

11. 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.

#### Permit Note:

The building permitted by this permit must not be used for the storage of dangerous, hazardous or explosive goods, materials or substances.

#### Resolution:

Moved: Cr. Bingham  
Seconded: Cr. Edwards

That, having considered all matters as prescribed by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant Planning Permit PA2019058 for the Development of a Storage Shed using Zincalume and Removal of Vegetation on land known as Crown Allotment 6, Section A Parish of Borhoneyghurk located at Elaine-Morrisons Road, Morrisons Vic 3334 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) Detail of vegetation screening in accordance with condition 2 contained herein.

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.

**Vegetation Screening:**

2. Vegetation must be planted to obstruct direct views from the adjacent road and dwellings on adjoining properties to the satisfaction of the Responsible Authority.

**Infrastructure:**

3. Storm water drainage from the proposed building and impervious surfaces must be disposed of to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
4. 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).
5. Unless otherwise approved by the responsible authority there must be no buildings, structures, or improvements located over any drainage pipes and easements on the property.
6. 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.

**Central Highland Water**

7. The permitted building 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.
8. The existing or proposed effluent disposal areas (if applicable) must be kept free from stock, buildings, driveways and service trenching.
9. Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.
10. Sediment control measures outlined in the EPA's publication No 275 Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.

**Permit Expiry:**

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

- c) The development is not started within two years of the date of this permit;
- d) The development is not completed within four years of the date of this permit.

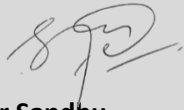
**Permit Note:**

The building permitted by this permit must not be used for the storage of dangerous, hazardous or explosive goods, materials or substances.

**CARRIED.**

**Report Authorisation:**

**Authorised by:**



**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 19 June 2019**

**Item 5.3 Planning Permit Application PA2018270 – Use and Development of a Warehouse and a Reduction of Car Parking (One Space) at 21 Osborne Street, Maddingley.**

**Resolution:**

**Moved: Cr. Dudzik**

**Seconded: Cr. Edwards**

**That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issues Planning Permit No. 2018-270 for Development and Use of a Warehouse and a Reduction of Car Parking (One space) at Lot 1 on PS 728385S, 21 Osborne Street, Maddingley, subject to the following conditions:**

**Endorsed Plans:**

- 1. Before the use and 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 identified as Project No. 18046, Sheet no.'s TP02, TP03, TP04 & TP05 dated 16/04/2019 and prepared by Peter Thompson Architects but modified to show:
  - a. A landscape plan in accordance with Condition no. 20.****

**Amenity:**

- 2. Subject to the provisions of Clauses 52.06 (Car Parking) and 53.11 (Uses with Adverse Amenity Potential) of the Moorabool Planning Scheme, separate planning approval may be required for a specific warehouse use other than allowed for by this permit.**
- 3. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a. Transport of materials, goods or commodities to or from the land;**
  - b. Appearance of any building, works or materials;**
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - d. Presence of vermin;**
  - e. Any other way.****
- 4. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.**
- 5. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.**
- 6. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.**
- 7. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.**

8. Any security alarm or similar device installed must be of a silent type.
9. The loading and unloading of goods from vehicles must only be carried out on the land.
10. Provision must be made on the land for the storage and collection garbage and other solid waste and the area screened from public view to the satisfaction of the Responsible Authority.

**Advertising Signs:**

11. Except where no permit is required under the Moorabool Planning Scheme, signage must not be displayed or erected on the site without further planning approval.

**Infrastructure:**

12. A standard urban residential vehicle crossing must be provided on Osborne Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
13. Prior to the development and use commencing, engineering drainage plans and computations must be submitted to the Responsible Authority for approval and shall incorporate the following:
  - a. The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.
  - b. Underground piped drainage for the whole development shall cater for 10% AEP storm.
  - c. Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.
14. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.
15. 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).
16. 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.
17. 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.

18. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:

- a. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
- b. Designated loading areas shall be shown on layout plans.
- c. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
- d. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
- e. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.

19. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

**Landscape Plans:**

20. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a. details of surface finishes of pathways and driveways;
- b. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- c. landscaping and planting of locally native vegetation within all open areas of the site.

All species selected must be to the satisfaction of the Responsible Authority.

21. Before the occupation of the development starts 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.

22. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

**Permit expiry:**

23. 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.

**CARRIED.**

**Report Authorisation:**

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 19 June 2019

**Item 5.4 Planning Permit Application PA2018310 – Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at 35 Fisken Street and 32 Park Street, Maddingley.**

**Consideration of Deputations – Planning Permit Application No. PA2018310**

Grant Wright addressed Council as the applicant to the granting of a planning permit for the application.

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

**Resolution:**

**Moved: Cr. Keogh  
Seconded: Cr. Dudzik**

**That, having considered all matters as prescribed by Section 60 of the Planning and Environment Act, Council issues Planning Permit No. 2018-310 for Use for Industry (Manufacture of Metal Wall Cladding and Roof Materials) and a Reduction of Car Parking (10 spaces) at Lots 1 and 2 on PS 636213L, 35 Fisken Street and 32 Park Street, Maddingley, subject to the following conditions:**

**Endorsed Plans:**

- 1. The use as shown on the endorsed plans must not be altered without the written approval of the Responsible Authority.**
- 2. This permit allows the use of the land only by Industry Cladding and Roofing of 35 Fisken Street, Maddingley. If Industry Cladding and Roofing ceases to use the land, this permit will expire.**

**Amenity:**

- 3. The amenity of the area must not be detrimentally affected by the use, through the:
  - a) Transport of materials, goods or commodities to or from the land;**
  - b) Appearance of any building, works or materials;**
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - d) Presence of vermin;**
  - e) Any other way.****
- 4. Except with the written consent of the Responsible Authority, manufacturing must only occur from Monday to Friday between 6.00AM to 6.00PM and Saturday 8.00AM to 12.00PM.**
- 5. Except with the written consent of the Responsible Authority, deliveries to and from the site must only occur from Monday to Friday between 7.00AM and 6.00PM.**
- 6. Except with the written consent of the Responsible Authority, no more than 14 employees shall be present on the site at a given time.**
- 7. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.**

8. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
9. Any security alarm or similar device installed must be of a silent type.
10. The loading and unloading of goods from vehicles must only be carried out on the land.
11. Provision must be made on the land for the storage and collection of garbage and other solid waste and the area screened from public view to the satisfaction of the Responsible Authority.

**Advertising Signs:**

12. Except where no permit is required under the Moorabool Planning Scheme, signage must not be displayed or erected on the site without further planning approval.

**EPA:**

13. Nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.
14. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
15. Surface water discharge from the premises must not be contaminated with waste.
16. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 1698 Liquid Storage and Handling Guidelines, or as amended.
17. If required, noise barriers such as screens must be erected around equipment and operations.
18. All ventilation and extractor fans should be noise efficient or fitted with silencers, and all ducts should be lined with sound-absorbent material.
19. Equipment must be kept in good repair and loose or rattling covers, worn bearings and broken equipment must be attended to promptly.

**Permit expiry:**

20. This permit will expire if the following circumstance applies:

- a) The use is not started within two years of the date of this permit.

**CARRIED.**

**Report Authorisation:**

Authorised by:   
Name: Satwinder Sandhu  
Title: General Manager Growth and Development  
Date: 19 June 2019



**Item 5.5 Planning Permit Application PA2018038 – Thirty Five (35) lot subdivision at 10 McCormacks Road, Maddingley.**

**Consideration of Deputations – Planning Permit Application No. PA2018038**

Tony 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.

**AJOURNMENT OF MEETING – 6.39PM**

Moved: Cr. Bingham

Second: Cr. Keogh

That the meeting now stand adjourned for a period of 5 minutes.

**CARRIED.**

**RESUMPTION OF MEETING – 6.50PM**

Moved: Cr. Bingham

Second: Cr. Keogh

That the meeting now be resumed.

**CARRIED.**

**Resolution:**

Moved: Cr. Keogh

Seconded: Cr. Edwards

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Planning Permit for a thirty-five (35) lot subdivision at Lot A on PS 702884T & Lot G on PS 746030F otherwise known as 10 McCormacks Road, Maddingley 3340 subject to the following conditions.

**Endorsed Plans:**

1. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

**Section 173 Agreement:**

2. Before the issue of a Statement of Compliance for the subdivision, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must be in a form to the satisfaction of the Responsible Authority and the owner must be responsible for the expense of the preparation of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, execution, registration on title and enforcement of the agreement. The agreement must to provide for the following:

- a) The commercial development contained within Lot B known as the Neighbourhood Activity Centre approved under Planning Permit PA2013-183 issued by Moorabool Shire Council must commence construction before or at the same time as any residential dwelling also approved under Planning Permit PA2013-183.
- b) No residential dwellings approved under Planning Permit 2013-183 can be occupied until at least 50% of the commercial development contained within Lot B known as the Neighbourhood Activity Centre also approved under Planning Permit PA2013-183 has an occupancy permit to the satisfaction of the Responsible Authority.
- c) Before the issue of a Statement of Compliance for the subdivision, the Section 173 agreement must be registered on the title to the land under section 181 of the Planning and Environment Act 1987.

**Servicing:**

3. 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.

**Subdivision**

4. 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.
5. Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under Section 173 of The Act.

**Telecommunications:**

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

- b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.
7. 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:**

- 8. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, lots 21 to 33 abutting Gladman Road must be provided with a standard urban residential vehicle crossing 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 crossings.
- 9. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, any vehicle crossing providing access Lots A and B requiring relocation must be provided with an urban standard industrial vehicle crossing 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 crossings.
- 10. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the common property driveway must be constructed in reinforced concrete to a depth of 150 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme
- 11. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, the development must be provided with a drainage system to the satisfaction of the responsible authority, in accordance with conditions 19 and 20 of Permit PA2013183 as amended, issued by Moorabool Shire Council, and in accordance with requirements of any relevant stormwater management strategy related to the West Maddingley Development Plan.
- 12. 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.
- 13. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the legal point of discharge to the satisfaction of the Responsible Authority.

- 14. 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).**
- 15. 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.**
- 16. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, 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. Prior to the issue of a Statement of Compliance for the relevant stage of the subdivision, fire hydrants must be provided at appropriate locations in Gladman Road and McCormacks Road in accordance with the requirements of Clause 56.09-3 of the Moorabool planning Scheme, to the satisfaction of the responsible authority.**
- 18. Street trees must be provided at approved locations on Gladman Road and McCormacks Road, 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. 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.**
- 22. 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:**
  - i. location of vehicle crossings**
  - ii. details of the underground drainage**
  - iii. location of drainage legal points of discharge**
  - iv. standard details for vehicle crossings and legal points of discharge**
  - v. civil notes as required to ensure the proper construction of the works to Council standard**

**Downer Utilities:**

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

**Powercor:**

**24. 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.**

**25. 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) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d) 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.
- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, 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 "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- g) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- h) 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
- i) 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.

**Melbourne Water:**

**26. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.**

27. 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.
28. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
29. Prior to Certification, any temporary drainage outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
30. Local drainage shall be to Council's satisfaction.
31. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
32. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
33. Prior to the commencement of works, a separate application direct to Melbourne Water, must be made for any works on or around our mains, drains and waterways. Applications shall be made online via the Melbourne Water website.
34. Drainage and stormwater treatment must be in accordance with the latest Melbourne Water accepted Stormwater Management Strategy documents for the Stonehill Estate.

**Western Water:**

35. Payment of new customer contributions for each lot created by the development such amount being determined by Western Water at the time of payment.
36. Reach agreement with Western Water for the provision and funding of potable water supply and sewerage services necessary to service the subdivision/development.
37. Provision of reticulated water mains and associated construction works to each allotments 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.
38. 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.
39. 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 in 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.
40. 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.

41. 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.
42. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
43. 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
44. 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.
45. 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.
46. The developer must produce for approval by Western Water an Integrated Water Management Plan that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water such as stormwater, rainwater and recycled water. This plan must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Western Water. When approved by Western Water, the Integrated Water Management Plan will form part of the permit and the requirements of the Integrated Water Management Plan must be implemented before the issue of a statement of compliance

**Operational:**

47. Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site that creates sediment discharges must comply with the Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.

**Permit Expiry:**

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

- a) The first stage of the plan of subdivision is not certified within two (2) years of the date of issue of the permit;
- b) Each subsequent stage is not certified within two years of the date of certification of the previous stage;
- c) 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:**

**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.**

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**Report Authorisation:**

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** 19 June 2019



**Item 6.1 Planning Application PA2014010 – Five (5) Lot Subdivision, Creation of a Carriageway Easement and Reduction in Car Parking (10 spaces). Update on process for creation of a carriageway easement.**

**Consideration of Deputations – Planning Permit Application No. PA2014010**

Leeanne Traianon addressed Council as the applicant to the granting of a planning permit for the application.

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

**Recommendation:**

**That Council:**

- 1. Receives the report detailing options for Mrs Traianon in order to satisfy Condition 2 of PA2014010.**
- 2. Requests Council officers to provide Mrs Traianon with a letter stating that it considers the economical and efficient subdivision of the land referred to in PA2014010 would require the acquisitions of easement located on Lot 1 of TP130611F, and that would not result in an unreasonable loss of amenity in the area affected by the acquisition.**

**Resolution:**

**Moved: Cr. Dudzik**

**Seconded: Cr. Keogh**

**That Council:**

- 1. Notes the report; and**
- 2. Requests a further report be presented to the Section 86 Development Assessment Committee which investigates options under the relevant Road Act.**

**CARRIED.**

**Report Authorisation:**

**Authorised by:**

**Name: Satwinder Sandhu**

**Title: General Manager Growth and Development**

**Date: 19 June 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.

### ADJOURNMENT OF MEETING – 7.24pm

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That the meeting now stand adjourned for a period of 10 minutes.

CARRIED.

### CLOSED SESSION OF THE MEETING TO THE PUBLIC

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Bingham

*That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:*

- a) personnel matters;*
- b) the personal hardship of any resident or ratepayer;*
- c) industrial matters;*
- d) contractual matters;*
- e) proposed developments;*
- f) legal advice;*
- g) matters affecting the security of Council property;*
- h) any other matter which the Council or special committee considers would prejudice the Council or any person;*
- i) a resolution to close the meeting to members of the public.*

CARRIED.

## **RETURN TO OPEN SESSION – 7.37pm**

### **Resolution:**

**Moved:** Cr. Dudzik

**Seconded:** Cr. Keogh

**That the Meeting now return to Open Session.**

**CARRIED.**

## **DATE OF NEXT MEETING**

Wednesday 17 July 2019

5.00pm

North Wing Room 2 & 3

Darley Civic and Community Hub, 182 Halletts Way, Darley

## **MEETING CLOSURE**

The Chair thanked all Committee members and attendees and closed the meeting at 7.39pm.

