

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 8 November, 2017
Council Chambers,
15 Stead Street, Ballan
3.30pm

MEETING OPENING

Councillor Pat Toohey as the Chair welcomed all and opened the meeting at 3.37pm.

ATTENDANCE

Cr. Pat Toohey (Chair)	Councillor – Woodlands Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. John Keogh	Councillor – East Moorabool Ward
Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Mr. Satwinder Sandhu	General Manager Growth & Development
Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
Ms. Jacquie Elliott	Minute taker

APOLOGIES

2. RECORDING OF MEETING

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

- The Moorabool News; and
- The Star Weekly.

3. CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for 11 October, 2017 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

Cr Sullivan did not attend the meeting but wished to declare his conflict of interest via email sent to the CEO, Rob Croxford on Wednesday 8 November, 2017.

Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 5.1 Permit Application No 2016 265 Development and Use of a Dwelling, Navigators Road, Yendon – Crown Allotment 18, Parish of Buninyong.

The nature of the Conflict of Interest is due to Cr. Sullivan’s son being the applicant and Cr and Mrs Sullivan own the property.

5. GROWTH & DEVELOPMENT REPORTS

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| 5.1 | Planning Permit 2016 265 – Planning Permit 2016265 – Development and Use of a Dwelling, Navigators Road, Yendon – Crown Allotment 18, Parish of Buninyong. | Page 4 |
| 5.2 | Planning Permit Application PA2017 024; Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Three Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan VIC 3342. | Page 9 |
| 5.3 | Planning Permit Application PA2017 054 – 209 & 229 Holts Lane, Darley; Two (2) Lot Subdivision at Lot 1 on TP 115242W. | Page 10 |
| 5.4 | Planning Permit 2017 078 – Two (2) Lot Subdivision (house lot excision) and creation of access to a Road Zone Category 1, 3752 Geelong-Ballan Road Mount Wallace – Crown Allotment 3A, Parish of Beremboke. | Page 13 |
| 5.5 | Planning Permit Amendment 2014 010 – 151-155 Main Street, Bacchus Marsh – Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces). | Page 14 |

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 2016 265 – Development and Use of a Dwelling, Navigators Road, Yendon – Crown Allotment 18, Parish of Buninyong.	Sean O'Keeffe	Supporter
5.2	Planning Permit Application PA2017 024; Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Three Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan VIC 3342.	James Read	Objector
5.2	Planning Permit Application PA2017 024; Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Three Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan VIC 3342.	Robert Eskdale	Applicant
5.2	Planning Permit Application PA2017 024; Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Three Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan VIC 3342.	Don Martin	Supporter
5.3	Planning Permit Application PA2017 054 – 209 & 229 Holts Lane, Darley; Two (2) Lot Subdivision at Lot 1 on TP 115242W.	Robert Eskdale	Applicant
5.3	Planning Permit Application PA2017 054 – 209 & 229 Holts Lane, Darley; Two (2) Lot Subdivision at Lot 1 on TP 115242W.	Jeff Humphries	Supporter
5.4	Planning Permit 2017 078 – Two (2) Lot Subdivision (house lot excision) and creation of access to a Road Zone Category 1, 3752 Geelong-Ballan Road Mount Wallace – Crown Allotment 3A, Parish of Beremboke.	Lee Gleeson	Objector
5.5	Planning Permit Amendment 2014-010 – 151-155 Main Street, Bacchus Marsh – Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces).	Leeanne Traianon	Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Planning Permit Application 2016-265: Development and Use of a Dwelling, Navigators Road, Yendon – Crown Allotment 18, Parish of Buninyong.

Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 5.1 Permit Application No 2016 265 Development and Use of a Dwelling, Navigators Road, Yendon – Crown Allotment 18, Parish of Buninyong.

The nature of the Conflict of Interest is due to Cr. Sullivan's son being the applicant and Cr and Mrs Sullivan own the property.

Cr Sullivan did not attend the meeting but wished to declare his conflict of interest.

Consideration of Deputations – Planning Permit Application No. PA 2016-265.

Sean O'Keeffe addressed Council as support to applicant to the granting of a planning permit for the application.

Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit a Planning Permit for the Development and Use of a Dwelling at Navigators Road Yendon, otherwise known as Crown Allotment 18, Parish of Buninyong on the following grounds:

1. The proposal does not comply with State and Local Planning Policy for the protection of agricultural land from residential development.
2. The proposal does not comply with the purpose and decision guidelines of the Farming Zone.
3. The Land Management Plan fails to provide justification for the use and development of a dwelling on the site.

The proposal did not provide sufficient information about the proposed dwelling to make a complete assessment of the application.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Planning Permit for application number PA2016265 for the Development and Use of a Dwelling at Navigators Road Yendon, otherwise known as Crown Allotment 18, Parish of Buninyong based on 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) Details of all structures including the dwelling.

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.

Dwelling Requirements

2. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
3. 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.
4. 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.
5. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Land Management Plan

6. A Land 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.

7. 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 the approved environmental management identified in the Land Management Plan.
 - b) Environmental management identified in the endorsed Land Management Plan must be undertaken on the land and must be in accordance with the Land Management Plan endorsed under Condition 6 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.

Materials and Colors

8. All external walls and roof areas of the proposed building/s are to be clad with non-reflective materials (zincalume prohibited) to the satisfaction of the Responsible Authority.

Infrastructure

9. A standard rural residential vehicle crossing must be provided to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
10. 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.
11. 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).
12. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
13. 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.

Environment Health

14. The wastewater management system including the septic tank and effluent disposal area for the dwelling must be wholly contained to the property.

15. The wastewater system must treat the effluent to a secondary level with disinfection 20/30-10.
16. All conditions of the LCA and setbacks must adhered to as recommended by Bruce Hollioake reference number 15351 dated 17th February 2016.
17. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Central Highland Water

18. The dwelling and effluent disposal system shall be located strictly in accordance with the Land Capability Assessment by Bruce Hollioake and Associates dated 17th of February 2016 reference 15351.
19. The owner shall install a wastewater management system that provides a secondary level of treatment of wastewater, in accordance with the recommendations in section 4 of Land Capability Assessment by Bruce Hollioake and Associates dated 17th of February 2016 reference.
20. 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.

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

Permit Expiry

22. 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; and
 - b) The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

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: 8 November, 2017

Item 5.2 Planning Permit Application PA2017-024: Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan VIC 3342.

Cr Tatchell declared he had an interest in this application but no conflict to this item

Consideration of Deputations – Planning Permit Application No. PA 2017-024.

James Read addressed Council as an objector to the granting of a planning permit for the application.

Robert Eskdale and Don Martin addressed Council as the supporter and applicant to the granting of a planning permit for the application.

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2017024 for a Two (2) Lot Subdivision and Removal of Non-Native Vegetation (3 Trees) at Lot 2 on PS 310491Y and Lots 1 and 2 on TP 112805T, 60 Ballan-Daylesford Road, Ballan, on the following grounds:

1. The proposed subdivision does not represent orderly, integrated planning in consideration of the Decision Guidelines at Clause 65 of the Moorabool Planning Scheme.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That the Planning Permit Application PA2017-024 be deferred to allow both parties to discuss and to determine if an agreement can be reached under the delegation process. If an agreement cannot be reached under the delegation, this item will be referred back to council and heard at the next available S86 Development Assessment Committee meeting.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 8 November, 2017

Item 5.3 Planning Permit Application PA2017-054: 209 & 229 Holts Lane, Darley; Two (2) Lot Subdivision at Lot 1 on TP 115242W.

Consideration of Deputations – Planning Permit Application No. PA 2017-054.

Robert Eskdale and Jeff Humphries addressed Council as the supporter and applicant to the granting of a planning permit for the application.

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2017-054 for Two (2) Lot Subdivision at Lot 1 on TP 115242W, 209 and 229 Holts Lane, Darley 3340, on the following grounds:

- 1. The proposal does not comply with State and local planning policy relating to residential subdivision of rural land and the protection of agriculture.**
- 2. The proposal does not comply with the purpose and relevant decision guidelines of the Farming Zone.**
- 3. The proposal is inconsistent with Clause 22.03 Houses and House Lot Excisions in Rural Areas.**

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Permit to Grant a Permit for PA2017054 for a two (2) lot subdivision at Lot 1 on TP 115242W (formerly pt CA18, S16, Parish of Korkuperrimul) otherwise known as 209 and 229 Holts Lane Darley, based on 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.**

Operational:

- 2. Lots 1 and 2 must be connected to reticulated sewerage to the satisfaction of Responsible Authority.**
- 3. Prior to the issue of a Statement of Compliance, all sewerage works required to comply with condition 2 must be completed to the satisfaction of the Responsible Authority.**

Subdivision

- 4. 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**

5. 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.
6. 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.

Telecommunications

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 provide 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

9. 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).
10. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
11. 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

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

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

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

CARRIED

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 8 November, 2017



Item 5.4 Planning Permit 2017-078: Two (2) Lot Subdivision (house lot excision) and creation of access to a Road Zone Category 1, 3752 Geelong-Ballan Road Mount Wallace – Crown Allotment 3A, Parish of Beremboke.

Consideration of Deputations – Planning Permit Application No. PA 2017-078.

Lee Gleeson addressed Council as an objector to the granting of a planning permit for the application.

Resolution:

Moved: Cr. Tatchell

Seconded: Cr. Keogh

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit a Planning Permit for a Two (2) Lot Subdivision (house lot excision) and creation of access to a Road Zone Category 1, at 3752 Geelong-Ballan Road Mount Wallace otherwise known as Crown Allotment 3A, Parish of Beremboke on the following grounds:

- 1. The proposal does not comply with State and local planning policy for the protection of agricultural land from residential development.**
- 2. The proposal does not comply with the purpose and decision guidelines of the Farming Zone.**
- 3. The application does not provide sufficient justification for creation of a small residential lifestyle dwelling lot in the Farming Zone.**
- 4. The application is in conflict with local policy 22.03.**

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 8 November, 2017



Item 5.5 Planning Permit Amendment 2014-010: 151-155 Main Street, Bacchus Marsh – Five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces).

Consideration of Deputations – Planning Permit Application No. PA 2014-010.

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

Recommendation:

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Amend a Permit, for application number PA2014010 that authorised a five (5) lot subdivision, creation of a carriageway easement and reduction in car parking (10 car spaces) on the following grounds:

- 1. Condition 4 is a valid and reasonable requirement for a public open space contribution in accordance with Section 18 of the Subdivision Act (1988).**

Resolution:

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

Condition 4

Before the subdivision is certified, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning & Environment Act to provide the following:

- a) Upon any development or subdivision of the land described as Lot 5 on the plan produced by T.G. Sullivan & Associates Pty Ltd surveyors reference 1242 dated September 2016, 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 described as Lot 5 on the plan produced by T.G. Sullivan & Associates Pty Ltd surveyors reference 1242 dated September 2016 for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**

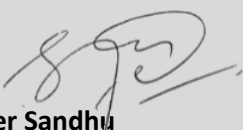
The application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred. The owner/operator 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.

CARRIED.

Report Authorisation

Authorised by:

**Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 8 November, 2017**



UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Robert Fillisch, Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

DATE OF NEXT MEETING

Wednesday 13 December, 2017
4.00pm
James Young Room, Lerderderg Library
Bacchus Marsh

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 4.36pm.

A handwritten signature in black ink, appearing to read 'P. D. Nooney', is positioned on the right side of the page. The signature is fluid and cursive, with a long, sweeping underline.