

MINUTES SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 21 November, 2018

North Wing Room 2 & 3

Darley Civic and Community Hub,

182 Halletts Way, Darley

5.00pm

MEETING OPENING

Councillor Cr Paul Tatchell as the Chair welcomed all and opened the meeting at 5.05pm.

ATTENDANCE

Cr. Paul Tatchell (Mayor)	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 Growth & Development
Ms. Bronwyn Southee	Coordinator Statutory Planning
Mr. Peter Cuddy	Senior Development Engineer
Mrs. Jacquie Younger	Minute Taker

APOLOGIES

Mr. Robert Fillisch	Manager Statutory Planning and Community Safety
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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. Bingham

That the Minutes of the Section 86 Development Assessment Committee for 17 October, 2018 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.

5. GROWTH & DEVELOPMENT REPORTS

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|-----|---|---------|
| 5.1 | Amendment to Planning Permit 2017 099 – 3 Corbetts Road Gordon: Five (5) lot subdivision. | Page 4 |
| 5.2 | Planning Permit PA2018 084 –Two (2) lot Subdivision and Removal of Exotic Vegetation at 20 Duncan Street, Ballan; otherwise known as Lot 2 on PS 218374H. | Page 5 |
| 5.3 | Planning Permit Application PA2017 206 – Development of Two (2) Dwellings to the Rear of the Existing Dwelling and Vegetation Removal at 78 Simpson Street, Ballan. | Page 6 |
| 5.4 | Amend Planning Permit PA2015 006 – Use of an Existing Residential Building for Short-Term Accommodation (Wedding Parties). | Page 10 |
| 5.5 | Planning Permit Application PA2018 152 – Two (2) Lot Subdivision at 69 Urquhart Street, Gordon. | Page 12 |
| 5.6 | Planning Permit PA2018 203 – Use of land for a Place of Assembly (Music Festival) at 808 Egerton-Bungeeltap Road, Bungai; otherwise known as Lot 1 and Lot 2 on TP126943C. | Page 15 |
| 5.7 | Planning Permit PA2018 242– Fifty-Nine (59) lot subdivision and Construction of Nine Dwellings on lots less than 300m2 at McCormack Road, Maddingley (Stage 20A of Stonehill Estate). | Page 16 |

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	Description	Name	Applicant /Objector
5.1	Amendment to Planning Permit 2017 099 – 3 Corbetts Road Gordon: Five (5) lot subdivision.	Katherine Martin and Simon Carey	Consultant & Applicant
5.2	Planning Permit PA2018 084 –Two (2) lot Subdivision and Removal of Exotic Vegetation at 20 Duncan Street, Ballan; otherwise known as Lot 2 on PS 218374H.	Louise Lagerche	Objector
5.3	Planning Permit Application PA2017 206 – Development of Two (2) Dwellings to the Rear of the Existing Dwelling and Vegetation Removal at 78 Simpson Street, Ballan.	Steven Golding and Marianne Golding	Objector
5.3	Planning Permit Application PA2017 206 – Development of Two (2) Dwellings to the Rear of the Existing Dwelling and Vegetation Removal at 78 Simpson Street, Ballan.	Robert Eskdale and Charlie Gusman	Speaking on behalf of Applicant and Applicant

5.4	Amend Planning Permit PA2015 006 – Use of an Existing Residential Building for Short-Term Accommodation (Wedding Parties).	David Stokes	Objector
5.4	Amend Planning Permit PA2015 006 – Use of an Existing Residential Building for Short-Term Accommodation (Wedding Parties).	Robert Eskdale and Peter Alexander	Speaking on behalf of Applicant and Applicant
5.5	Planning Permit Application PA2018 152 – Two (2) Lot Subdivision at 69 Urquhart Street, Gordon.	Robyn Lidston	Objector
5.5	Planning Permit Application PA2018 152 – Two (2) Lot Subdivision at 69 Urquhart Street, Gordon.	Robert Eskdale and Brooke Jackson	Speaking on behalf of Applicant and Applicant
5.7	Planning Permit PA2018 242– Fifty-Nine (59) lot subdivision and Construction of Nine Dwellings on lots less than 300m2 at McCormack Road, Maddingley (Stage 20A of Stonehill Estate).	Jeremy De Zylva Peter Doyle	Consultant on behalf of Applicant

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Amendment to Planning Permit 2017 099 – 3 Corbetts Road Gordon: Five (5) lot subdivision

Consideration of Deputations – Planning Permit Application No. PA2017 099

Katherine Martin addressed Council on behalf of the applicant to the granting of a planning permit for the application.

Simon Carey 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, Council issue a refusal to amend a permit for a five (5) lot subdivision:

1. The proposed amendments do not represent the orderly subdivision of land creating vacant lots.
2. The proposed amendments to remove trees is inconsistent with the objectives and purpose of the Significant Landscape Overlay Schedule 2.
3. The proposed amendments to remove infrastructure conditions will not provide adequate services to future occupants and surrounding users.
4. The proposed amendments to remove building setback is inconsistent with Rescode standard C6, Neighbourhood Character.
5. The proposed amendments to remove the requirement for a re-establishment survey plan does not enable rectification of boundary discrepancies.

Moved: Cr. Bingham

Seconded: Cr. Dudzik

That Item 5.1 – Planning Application PA2017 099 be deferred to the next S86 Development Assessment Committee meeting to allow for further discussions to be held between the applicant and Council officers.

LOST.

Resolution:

Moved: Cr. Bingham

Seconded: Cr. Dudzik

That Item 5.1 – Planning Application PA2017 099 be deferred to the next S86 Development Assessment Committee meeting to allow for further discussions to be held between the applicant and Council officers.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager, Growth and Development

Date: 21 November, 2018

Item 5.2 Planning Permit PA 2018 084 –Two (2) lot Subdivision and Removal of Exotic Vegetation at 20 Duncan Street, Ballan; otherwise known as Lot 2 on PS 218374H

Consideration of Deputations – Planning Permit Application No. PA 2018 084.

Louise Lagerche addressed Council as an objector 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 relevant matters as required by the Planning and Environment Act 1987, Council issues a Refusal to Grant a Planning Permit for PA2018084 being for a Two (2) Lot Subdivision and Removal of Exotic Vegetation on Lot 2 on PS 218374H, otherwise known as 20 Duncan Street Ballan, on the following grounds:

- 1. The subdivision creates lots that do not accord with the existing neighbourhood character of this part of Ballan.**
- 2. The subdivision does not generally accord with the intent of Ballan Strategic Directions, Precinct A, Natural Residential Growth area.**
- 3. The proposal is inconsistent with Clause 56 objectives for subdivision.**

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 November, 2018

Item 5.3 Planning Permit Application PA2017 206 – Development of Two (2) Dwellings to the Rear of the Existing Dwelling and Vegetation Removal at 78 Simpson Street, Ballan

Consideration of Deputations – Planning Permit Application No. PA2017 206

Steven Golding and Marianne Golding addressed Council as objectors to the granting of a planning permit for the application.

Albert Javas addressed Council as an objector to the granting of a planning permit for the application.

Robert Eskdale addressed Council on behalf of the applicant to the granting of a planning permit for the application.

Charlie Gusman 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, Council issues a Notice of Decision to Grant Planning Permit PA2017206 for Development of Two (2) Dwellings to the Rear of the Existing Dwelling and Vegetation Removal at Lot 12 on PS 216019Q, 78 Simpson Street, Ballan 3342 subject to the following conditions:

Endorsed Plans:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three A3 size copies must be provided. The plans must be generally in accordance with the plans prepared by Ultimate Design and Drafting P/L, Job No. D-5096, Page No.'s 3 of 7, 4 of 7, 6 of 7 & 7 of 7, dated 16/08/2018, but modified to show:
 - a. Unit 2 with a minimum floor area in accordance with covenant P656369R registered on title. This change must ensure that Unit 3 maintains compliance with the covenant, the site maintains a minimum 35% garden area and that Unit 3's carport maintains a nominal setback of no less than 3.61m from the north title boundary.
 - b. The height of Unit 3's carport parapet boundary wall with a maximum height of 3.3m above natural ground level.
 - c. The notation for Unit 3's west boundary wall height deleted from the west elevation.
 - d. A minimum 0.6m wide x 4.0m long landscape strip located in the southwest corner of the site parallel to the accessway and consequential relocation of the vehicle crossover to the east.
 - e. The side and rear boundary fences with a minimum height of 1.8m above finished ground level, except side fences within 5.0m of the front boundary which shall taper to a maximum height of 1.2m above finished ground level.
 - f. A schedule of external building colours and materials, including colour samples.
 - g. A landscape plan in accordance with Condition no. 13, including:
 - i. A minimum of two canopy trees with a mature height of minimum 5.0m and canopy of minimum 3.0m. At least one tree must be located in the existing dwelling's front setback.

2. The development as shown on the endorsed plans 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 unless written approval is provided by the relevant authority.

Amenity:

3. External lighting must be provided with suitable baffles and located so that no direct light is emitted outside the site.
4. Any security alarm or similar device installed must be of a silent type.

Landscape Plans:

5. 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.

Infrastructure:

6. The existing gravel vehicle crossing must be constructed with concrete to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, 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.
7. The common property driveway must be constructed in reinforced concrete to a depth of 125 mm. The layout of the driveway must be designed and constructed in accordance with Clause 52.06-8 of the Moorabool Planning Scheme.
8. 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. All units must be provided with a stormwater legal point of discharge at the low point of each potential lot, to the satisfaction of the Responsible Authority.
9. 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.
10. 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.
11. 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.
12. 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).

13. 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.
14. Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
15. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a. Location of vehicle crossings.
 - b. Details of the underground drainage.
 - c. Location of drainage legal points of discharge.
 - d. Standard details for vehicle crossing and legal point of discharge.
 - e. Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Southern Rural Water and Western Water:

16. Sediment control measures outlined in the EPA's publication No. 275, Sediment Pollution Control, shall be employed and maintained until the disturbed area has been permanently stabilised and/or revegetated.

Permit expiry:

17. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit; and
 - b. The development is not completed within four years of the date of this permit.

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

Resolution:

Moved: Cr. Bingham
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a refusal to grant a Planning Permit for Pa2017206 being for a development of Two (2) Dwellings to the Rear of the Existing Dwelling and Vegetation Removal at Lot 12 on PS 216019Q, 78 Simpson Street, Ballan 3342:

- 1. The proposed development does not accord with the existing neighbourhood character of this part of Ballan.**
- 2. The development does not generally accord with the intent of Ballan Strategic directions, Precinct A, Natural Residential Growth Area as it is considered an overdevelopment of the site.**
- 3. The proposal does not respect the existing or preferred neighbourhood character.**

4. The proposal does not comply with all the relevant objectives of clause 55 of the Moorabool Planning Scheme.

CARRIED.

Report Authorisation:

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 November, 2018

Item 5.4 Amend Planning Permit PA2015 006 – Use of an Existing Residential Building for Short-Term Accommodation (Wedding Parties).

Consideration of Deputations – Planning Permit Application No. PA2015 006

David Stokes addressed Council as objectors to the granting of a planning permit for the application.

Robert Eskdale addressed Council on behalf of the applicant to the granting of a planning permit for the application.

Peter Alexander 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 relevant matters as required by the Planning and Environment Act 1987, Council issue an approval to Amend a Planning Permit PA2015 006 at 18 Pykes View Road, Myrniong otherwise known as Lot 1 on PS 328461J subject to the following amendment to conditions.

1. Use permit title be amended as follows; to say ‘use of the existing residential building for short term accommodation (relationship celebrations).
2. Condition 3 be changed to – *the property may only be used for accommodation related to relationship celebrations for a maximum of 8 people at any time.*
3. Condition 8 be amended as follows - *Except with the consent of the responsible authority, the use as approved by this permit must only operate between Friday and Monday (inclusive).*
4. All car parking required for 8 occupants of the Short Stay Accommodation must park their vehicles on the same site as the dwelling (18 Pykes View Road, Myrniong).
5. Amend condition 9 to read as follows; *The site may only be used in accordance with this permit for a maximum of twenty five (25) weekends inclusive of the Friday proceeding and Monday following per year.*

Permit Note

Any photos or congregations held on the common property within Pykes View Estate trigger a land use requirement for a ‘Place of Assembly’ which needs to be formally applied for through a separate application. This amendment to the existing approval does not include this use.

Resolution:

Moved: Cr. Dudzik

Seconded: Cr. Bingham

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue an approval to Amend a Planning Permit at 18 Pykes View Road, Myrniong otherwise known as Lot 1 on PS 328461J subject to the following amendment to conditions.

1. Use permit title be amended as follows; to say 'use of the existing residential building for short term accommodation (relationship celebrations).
2. Condition 3 be changed to – *the property may only be used for accommodation related to relationship celebrations for a maximum of 8 people at any time.*
3. Condition 8 be amended as follows - *Except with the consent of the responsible authority, the use as approved by this permit must only operate between Friday and Monday (inclusive).*
4. All car parking required for 8 occupants of the Short Stay Accommodation must park their vehicles on the same site as the dwelling (18 Pykes View Road, Myrniong).
5. Amend condition 9 to read as follows; *The site may only be used in accordance with this permit for a maximum of thirty five (35) weekends inclusive of the Friday proceeding and Monday following per year.*

Permit Note

Any photos or congregations held on the common property within Pykes View Estate trigger a land use requirement for a 'Place of Assembly' which needs to be formally applied for through a separate application. This amendment to the existing approval does not include this use.

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager, Growth and Development

Date: 21 November, 2018

Item 5.5 Planning Permit Application PA2018 152 – Two (2) Lot Subdivision at 69 Urquhart Street, Gordon.

Consideration of Deputations – Planning Permit Application No. PA2018 152

Robyn Lidston addressed Council as an objector to the granting of a planning permit for the application.

Robert Eskdale addressed Council on behalf of the applicant to the granting of a planning permit for the application.

Brooke Jackson addressed Council as the applicant to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Edwards

Seconded: Cr. Keogh

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018152 for Two (2) Lot Subdivision at Crown Allotment 4, Section 5, Parish of Kerit Bareet, 69 Urquhart Street, Gordon 3345 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.**

Servicing:

- 2. 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.**
- 3. 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.**
- 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.**

Telecommunications:

- 5. 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.**
- 6. 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:

- 7. 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)".**
- 8. 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.**
- 9. 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.**
- 10. 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).**
- 11. 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.**

12. Prior to the commencement of the development, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
13. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
 - a. Location of vehicle crossings.
 - b. Details of the underground drainage.
 - c. Location of drainage legal points of discharge.
 - d. Standard details for vehicle crossing and legal point of discharge.
 - e. Civil notes as required to ensure the proper construction of the works to the satisfaction of the responsible authority.

Barwon Water:

14. The plan of subdivision submitted for certification must be referred to the relevant Water Authority in accordance with Section 8 of the Subdivision Act 1988.
15. Each allotment must be connected to reticulated sewerage system and stormwater infrastructure.
16. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authority's requirements and relevant legislation at the time.

Permit expiry:

17. 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: 21 November, 2018

Item 5.6 Planning Permit PA 2018203 – Use of land for a Place of Assembly (Music Festival) at 808 Egerton-Bungeeltap Road, Bungal; otherwise known as Lot 1 and Lot 2 on TP126943C.

Resolution:

Moved: Cr. Bingham

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 Planning Permit for a Place of Assembly (Music Festival) at 808 Egerton-Bungeeltap Road, Bungal, otherwise known as Lot 1 and Lot 2 on TP 126943C on the following grounds:

- 1. Insufficient information has been provided to fully assess the application.**
- 2. Victoria Police has objected to the application and the grounds for objection could not be resolved by the applicant.**
- 3. The claim that the event would be alcohol and drug free was not substantiated.**
- 4. The site has been deemed to pose an unacceptable risk in relation to access and bushfire.**

CARRIED.

Report Authorisation:

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 21 November, 2018

Item 5.7 Planning Permit PA2018 242– Fifty Nine (59) lot subdivision and Construction of Nine Dwellings on lots less than 300m2 at McCormack Road, Maddingley (Stage 20A of Stonehill Estate)

Consideration of Deputations – Planning Permit Application No. PA2018 242

Jeremy De Zylva from Resolution Property Group addressed Council as the consultant to the applicant to the granting of a planning permit for the application.

Peter Doyle from SJB Planning addressed Council as the consultant to 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, Council issue a permit for a fifty-nine (59) lot subdivision and Construction of Nine Dwellings on lots less than 300m2 in area, at Crown Allotment 3, Block 1, Parish of Parwan otherwise known as Stage 21A Stonehill Estate, McCormack Road, 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) Submission of a Memorandum of Common Provisions (MCP) for lots less than 300m2 which demonstrates compliance with all of the standards of Clause 54 of the Moorabool Planning Scheme.
 - b) A plan clearly demonstrating all adjacent public open space reserves including new Stages 20B and 21.
 - c) Inclusion of a roadway along the southern boundary of STAGE 20 of the subdivision providing connection to the three internal roadways. This roadway is to be bonded in accordance with condition 6.
 - d) Details of temporary Cul De Sac treatments for the southern ends of the road to be connected to future roads or the roadway as detailed in Condition 1c) above.

Subdivision/Development:

2. 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.
3. 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.
4. 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.
 5. Prior to the construction of a dwelling on each lot less than 300m², the land owner must submit a developer approved site plan with setbacks, floor plan with dimensions and elevation plans with heights in accordance with the endorsed Memorandum of Common Provisions and obtain written consent from the Responsible Authority that plans are to the satisfaction of Council.
 6. A security deposit equal to 150% of the cost of construction of the southern roadway as required by condition 1c) must be lodged with the Council. The deposit will be returned either through practical completion of the roadway to the satisfaction of the Responsible Authority or alternative roadways are approved by the Responsible Authority.
 7. Should the alternative roads referred to in Condition 6 not be constructed then the road identified in Condition 1c) must be fully constructed within three (3) years of this permit being issued.

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 provide 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.

Infrastructure:

10. The internal road network layout must be designed and constructed to be generally in accordance with the Approved West Maddingley Development Plan, to the standard detailed in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.
11. Prior to Statement of Compliance being issued the temporary Cul De Sac identified in Condition 1d) must be fully constructed.

12. Prior to the Statement of Compliance, the subdivision must be provided with 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 lot 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.

13. Prior to the commencement of any works, 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.
14. Prior to the commencement of any works, 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.
15. Prior to the commencement of any works, 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.
16. Telecommunications “fibre to premises” (FTTP) network (including all pipes, conduits, active equipment, equipment shelters and optical fibre cables) shall be provided to the lots to the satisfaction of the Responsible Authority.
17. 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.
18. 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.
19. 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).

20. Traffic management treatments must be provided in the form of line-marking, signage and pavement markers at intersections and vehicle turning areas, to the satisfaction of the Responsible Authority.
21. 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.
22. Prior to the issue of Statement of Compliance for each stage, street names and street signs must be provided to the satisfaction of the responsible authority.
23. Prior to the issue of a Statement of Compliance, permanent survey marks must be provided at a maximum spacing of 200 metres and registered, to the satisfaction of the Responsible Authority.
24. Prior to the issue of a Statement of Compliance, Street trees must be provided at approved locations in all internal roads of the subdivision at a rate of one tree per lot frontage and one tree per lot sideage, 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.
25. Prior to the issue of Statement of Compliance, landscaping within the development must be undertaken in accordance with an approved Landscape Plan, to the satisfaction of the Responsible Authority.
26. Landscaping (including 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.
27. If a Statement of Compliance is sought prior to the landscape works being undertaken, then a security deposit of 150% of the cost of the landscaping must be lodged with the responsible authority. The landscape work must then be completed within 6 months form the issue of the Statement of Compliance (Practical Completion). Once the landscaping works are “Practically Compete”, the security deposited may be returned.
28. Prior to the issue of a Statement of Compliance, a security deposit equal to 25% of the cost of landscaping 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.
29. 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.
30. After all engineering works pertaining to each stage of the subdivision have been completed, the following “as constructed” details must be submitted in the specified format to the Responsible Authority:
 - i. Drainage construction details in “D-Spec” format.
 - ii. Roadworks construction details in “R-Spec” format.

31. 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.
32. A security deposit of 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
33. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Downer Utilities:

34. 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:

35. 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.

36. 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.

Melbourne Water:

- 37. 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.
- 38. Pollution and/or sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 39. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
- 40. Prior to Certification, the Developer must ensure adequate outfall from the site. A copy of written approval from the relevant affected parties to the satisfaction of Council for the arrangement of appropriate drainage outfall for the subdivision must be provided to Melbourne Water. Copy of Council's acceptance of the SWMS for any assets under Council's maintenance shall be provided to Melbourne Water for our records.
- 41. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
- 42. Prior to the commencement of works, the proposed Wetland treatment works to be constructed for treatment of stormwater runoff is to be designed and built to Council's requirements. Council's approval to the design and acceptance of ownership and all future maintenance responsibilities of the Wetland shall be submitted to Melbourne Water prior to the commencement of works.
- 43. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
- 44. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
- 45. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
- 46. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

47. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
48. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
49. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.
50. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
51. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
52. Prior to the issue of a Statement of Compliance, the drainage outfall must be to the satisfaction of Council. Written confirmation of the acceptance of the drainage outfall by Council must be sent to Melbourne Water for our records.

Western Water:

53. Payment of new customer contributions for each lot created by the development such amount being determined by Western Water at the time of payment.
54. Reach agreement with Western Water for the provision and funding of potable water supply and sewerage services necessary to service the subdivision/development.
55. 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.
56. 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.
57. 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.
58. 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.
59. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
60. 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.

61. 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.
62. 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.
63. 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.

Country Fire Authority

64. 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).

65. 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.

Department of Environment, Land, Water and Planning

66. Before the issue of a Statement of Compliance evidence that the offset required under all previous stages of this subdivision project has been secured must be provided to the satisfaction of the Responsible Authority in consultation with the Department of Environment, Land, Water and Planning. This evidence must be one or both of the following:
- a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
67. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning Ballarat regional office.

Operational:

68. Sediment discharges must be restricted from any construction activity to within the property boundaries and any truck movements beyond the site associated with the activity 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:

69. 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 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.

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a Refusal to grant a permit for a fifty-nine (59) lot subdivision and Construction of Nine Dwellings on lots less than 300m² in area, at Crown Allotment 3, Block 1, Parish of Parwan otherwise known as Stage 21A Stonehill Estate, McCormack Road, Maddingley based on the following grounds:

1. The proposed subdivision results in the removal of a public open space reserve compared to the approved Development Plan under Clause 43.04 of the Moorabool Planning Scheme and will result in reduced amenity for future residents.
2. The lot and road layout does not accord with the approved Development Plan under Clause 43.04 of the Moorabool Planning Scheme.
3. There has been no justification for a higher number of lots and higher lot densities compared to previously approved subdivisions in West Maddingley Part 1.
4. The creation of nine lots less than 300m² without convenient access to public open spaces and other community facilities will provide for a poor amenity outcome.
5. The absence of floor and elevation plans for the dwellings on lots less than 300m² does not demonstrate the proposal complies with the neighbourhood character objectives of Clause 54.
6. The proposed subdivision fails to respond the surrounding site and context description for West Maddingley Part 1 and does not comply with Clause 56.01-2 of the Moorabool Planning Scheme.
7. The proposed subdivision and construction of dwellings on lots less than 300m² represents an overdevelopment of the site.

CARRIED.

Report Authorisation:

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 21 November, 2018

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Nil.

DATE OF NEXT MEETING

Wednesday 19 December, 2018

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 7.40pm.

