

MINUTES

SECTION 86 DEVELOPMENT ASSESSMENT COMMITTEE MEETING

Wednesday 20 February, 2019
North Wing Room 2 & 3
Darley Civic and Community Hub,
182 Halletts Way, Darley
5.00pm

MEETING OPENING

Councillor Tatchell as the Chair welcomed all and opened the meeting at 5.00pm.

ATTENDANCE

Cr. Paul Tatchell	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward
Mr. Derrek Madden	CEO
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

Mr. Ewen Nevett	Manager Engineering Services
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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. Dudzik

That the Minutes of the Section 86 Development Assessment Committee for 19 December, 2019 be confirmed as a true and correct record.

CARRIED.

4. CONFLICT OF INTEREST

Cr. Bingham declared an indirect conflict in relation to item 5.6 of the agenda.

Cr Sullivan declared an indirect conflict in relation to item 5.7 of the agenda.

5. GROWTH & DEVELOPMENT REPORTS

- 5.1 Planning Permit Number PA2018 295 – Two (2) Lot Subdivision at 4 Page 4
Creek Court, Ballan
- 5.2 Planning Permit Number PA2018 296 – Two (2) Lot Subdivision at 5 Page 9
Creek Court, Ballan
- 5.3 Planning Permit Number PA2018 297 – Two (2) Lot Subdivision at 8 Page 14
Creek Court, Ballan
- 5.4 Planning Permit Number PA2018 198 – Three (3) Lot Subdivision at Page 19
29 Walkers Lane, Mount Egerton
- 5.5 Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Page 25
Jopling Street, Ballan
- 5.6 Planning Permit Number PA2018267 – Development and Use of a Page 32
Medical Centre (Dental Practice) at 83 Gisborne Road, Bacchus Marsh
- 5.7 Planning Permit Number – PA2018264 Development and Use of a Page 36
Dwelling at Lot 20 Myrniong-Korobeit Road, Greendale.

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 Number PA2018 295 – Two (2) Lot Subdivision at 4 Creek Court, Ballan.	Paul Yankos	Applicant
5.2	Planning Permit Number PA2018 296 – Two (2) Lot Subdivision at 5 Creek Court, Ballan.	Paul Yankos	Applicant
5.3	Planning Permit Number PA2018 297 – Two (2) Lot Subdivision at 8 Creek Court, Ballan.	Paul Yankos	Applicant
5.5	Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan.	Eddy Pitcher	Objector

5.5	Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan.	Jennifer Shaw	Objector
5.5	Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan.	Glenys Romiane	Objector
5.5	Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan.	Robert Eskdale	Representing the Applicant
5.6	Planning Permit Number PA2018267 – Development and Use of a Medical Centre (Dental Practice) at 83 Gisborne Road, Bacchus Marsh.	Johan Moylan	Representing the Applicant
5.7	Planning Permit Number PA2018264 - Development and Use of a Dwelling at Lot 20 Myrniong-Korobeit Road, Greendale.	Graeme Hastings	Applicant
5.7	Planning Permit Number PA2018264 - Development and Use of a Dwelling at Lot 20 Myrniong-Korobeit Road, Greendale.	Luke Offer	Supporter

GROWTH & DEVELOPMENT REPORTS

Cr. Edwards and Cr. Bingham advised of late attendance.

Item 5.1 Planning Permit Number PA2018 295 – Two (2) Lot Subdivision at 4 Creek Court, Ballan

Satwinder Sandhu, General Manager Growth & Development advised there was only one (1) objector to this Planning Permit, who withdrew their objection prior to this meeting. Therefore, the recommendation will be to approve the Planning Permit.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018295 for a Two (2) Lot Subdivision at Lot 4 on PS 713326T, 4 Creek Court, Ballan 3342, 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.**

Subdivision:

- 2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016147 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:**
 - a. Land to be Burdened: All lots on this plan.**
 - b. Land to Benefit: All lots on this plan.**
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
 - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016147 issued by Moorabool Shire Council.**
 - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

Servicing:

- 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.**

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 provided 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 subdivision, the vehicle crossings to dwellings A and B must be constructed in accordance with Condition 7 of Planning Permit PA2016147 issued by Moorabool Shire Council, 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.**

- 9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016147, issued by Moorabool Shire Council.**

- 10. 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).**

- 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 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.**

Melbourne Water:

13. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Southern Rural 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 the 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 authorities requirements and relevant legislation.

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.

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

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Planning Permit PA2018295 for a Two (2) Lot Subdivision at Lot 4 on PS 713326T, 4 Creek Court, Ballan 3342, 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.

Subdivision:

2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016147 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:
 - a. Land to be Burdened: All lots on this plan.
 - b. Land to Benefit: All lots on this plan.
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.

- d. **Description of Restriction:** No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016147 issued by Moorabool Shire Council.
- e. **Variation:** The restriction can only be varied with the written consent of Moorabool Shire Council.

Servicing:

- 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.

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 provided 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 subdivision, the vehicle crossings to dwellings A and B must be constructed in accordance with Condition 7 of Planning Permit PA2016147 issued by Moorabool Shire Council, 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.

9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016147, issued by Moorabool Shire Council.
10. 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).
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 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.

Melbourne Water:

13. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Southern Rural 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 the 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 authorities requirements and relevant legislation.

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.

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: 20 February, 2019

Item 5.2 Planning Permit Number PA2018 296 – Two (2) Lot Subdivision at 5 Creek Court, Ballan

Satwinder Sandhu, General Manager Growth & Development advised there was only one (1) objector to this Planning Permit, who withdrew their objection prior to this meeting. Therefore, the recommendation will be to approve the Planning Permit.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018296 for a Two (2) Lot Subdivision at Lot 5 on PS 713326T, 5 Creek Court, Ballan 3342, 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.**

Subdivision:

- 2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016148 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:**
 - a. Land to be Burdened: All lots on this plan.**
 - b. Land to Benefit: All lots on this plan.**
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
 - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016148 issued by Moorabool Shire Council.**
 - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

Servicing:

- 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.**

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 provided 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 subdivision, the vehicle crossing to dwelling B must be constructed in accordance with Condition 7 of Planning Permit PA2016148 issued by Moorabool Shire Council, 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.**

- 9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016148, issued by Moorabool Shire Council.**

- 10. 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).**

- 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 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.**

Melbourne Water:

13. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Southern Rural 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 the 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 authorities requirements and relevant legislation.

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.

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

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Planning Permit PA2018296 for a Two (2) Lot Subdivision at Lot 5 on PS 713326T, 5 Creek Court, Ballan 3342, 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.

Subdivision:

2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016148 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:
 - a. Land to be Burdened: All lots on this plan.
 - b. Land to Benefit: All lots on this plan.
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.

- d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016148 issued by Moorabool Shire Council.**
- e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

Servicing:

- 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.**

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 provided 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 subdivision, the vehicle crossing to dwelling B must be constructed in accordance with Condition 7 of Planning Permit PA2016148 issued by Moorabool Shire Council, 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.**

9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016148, issued by Moorabool Shire Council.
10. 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).
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 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.

Melbourne Water:

13. Prior to the issue of Statement of Compliance, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Southern Rural 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 the 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 authorities requirements and relevant legislation.

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.

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: 20 February, 2019

Item 5.3 Planning Permit Number PA2018 297 – Two (2) Lot Subdivision at 8 Creek Court, Ballan

Satwinder Sandhu, General Manager Growth & Development advised there was only one (1) objector to this Planning Permit, who withdrew their objection prior to this meeting. Therefore, the recommendation will be to approve the Planning Permit.

Recommendation

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018297 for a Two Lot Subdivision at Lot 8 on PS 713326T, 8 Creek Court, Ballan 3342, 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.**

Subdivision:

- 2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016150 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:**
 - a. Land to be Burdened: All lots on this plan.**
 - b. Land to Benefit: All lots on this plan.**
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
 - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016150 issued by Moorabool Shire Council.**
 - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.**

Servicing:

- 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.**

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 provided 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 subdivision, the vehicle crossings to Dwellings A and B must be constructed in accordance with Condition 7 of Planning Permit PA2016150 issued by Moorabool Shire Council, 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.**
- 9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016150, issued by Moorabool Shire Council.**
- 10. 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).**
- 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 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.**

Southern Rural Water:

13. 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.
14. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
15. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.

Permit Expiry:

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

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

Resolution:

Moved: Cr. Keogh
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Planning Permit PA2018297 for a Two Lot Subdivision at Lot 8 on PS 713326T, 8 Creek Court, Ballan 3342, 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.

Subdivision:

2. Before the issue of a Statement of Compliance for the subdivision, footings for the development approved under PA2016150 must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, or the plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:
 - a. Land to be Burdened: All lots on this plan.
 - b. Land to Benefit: All lots on this plan.
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.
 - d. Description of Restriction: No dwelling shall be constructed except in accordance with the development approved under planning permit PA2016150 issued by Moorabool Shire Council.
 - e. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.

Servicing:

- 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.**

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 provided 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 subdivision, the vehicle crossings to Dwellings A and B must be constructed in accordance with Condition 7 of Planning Permit PA2016150 issued by Moorabool Shire Council, 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.**
- 9. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a stormwater drainage system to the satisfaction of the responsible authority, in accordance with conditions 8 to 10 of Planning permit PA2016150, issued by Moorabool Shire Council.**

10. 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).
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 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.

Southern Rural Water:

13. 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.
14. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
15. The owner of the land must enter into an agreement with the relevant authority for the provision of water in accordance with the authorities requirements and relevant legislation.

Permit Expiry:

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

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

CARRIED.

Report Authorisation:

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 February, 2019

Cr. Edwards and Cr. Bingham entered the meeting at 5.03pm.

Item 5.4 Planning Permit Number PA2018 198 – Three (3) Lot Subdivision at 29 Walkers Lane, Mount Egerton

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 Decision to Grant Planning Permit PA2018198 for a Three (3) Lot Subdivision of Crown Allotments 1 and 2, Section 21, Township of Egerton, Parish of Bungal, 29 Walkers Lane, Mount Egerton, 3352, subject to the following conditions:

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 generally in accordance with the plans submitted with the application but modified to show:
 - a. Amendments to the Bushfire Management Plan in accordance with Condition no. 17.**
 - b. A notation stating that the dam on Lots 2 and 3 must be filled, which must not result in the discharge of surface water to adjoining properties.****
- 2. 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.**

Subdivision:

- 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.**
- 4. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**

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 provided 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, each lot must be provided with a rural standard vehicle crossing on Walkers Lane 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 crossings.**
- 8. The property access and the internal driveways to each lot must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the Responsible Authority.**
- 9. Storm water drainage from future buildings and impervious areas within any lot 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. Prior to the issue of a Statement of Compliance for the subdivision, a Section 173 Agreement must be registered against the subject land enforcing this provision.**
- 10. 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).**
- 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 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.**
- 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. standard details for vehicle crossings and legal points of discharge;**
 - d. civil notes as required to ensure the proper construction of the works to Council standard.****

Environmental Health:

Prior to Statement of Compliance it must be demonstrated that the existing wastewater system and land application area to be retained on Lot 1 is wholly contained within the boundaries of Lot 1 and meet the necessary setbacks in accordance with the Environmental Protection Agency Code of Practice, Onsite Wastewater Management, Publication 891.4 July 2016.

Powercor:

14. 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.

15. 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.
- 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 and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. The applicant shall 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.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Country Fire Authority:

16. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Moorabool Planning Scheme.
- b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

17. Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 Agreement. The BMP must be substantially in accordance with the BMP drawn by Geometri Pty. Ltd., dated 16-7- '18 and must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Construction Standards

- a. Nominate a minimum Bushfire Attack Level of BAL – 29 that the future buildings on the lots 2 & 3 will be designed and constructed.

Water Supply

- a. Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
 - I. Is stored in an above ground water tank constructed of concrete or metal.
 - II. All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.

The water supply must also –

- I. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- II. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- III. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.

Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

- a. Show the access for fire fighting purposes which meets the following requirements:
 - I. Curves must have a minimum inner radius of 10m.
 - II. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - III. Have a minimum trafficable width of 3.5m of all- weather construction.
 - IV. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
 - V. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Matters to be set out in Section 173 Agreement

- a. In addition to the requirements of Clause 44.06-3 of the Moorabool Council Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify:
 - I. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Moorabool Council Planning Scheme:

- i. A building or works consistent with an agreement under Section 173 Agreement of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.

Maintenance of Defendable Space

- a. Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Barwon Water:

18. The issue of a planning permit for the re-subdivision does not convey in any way ensuing approval for development of a dwelling on either lot. Any future proposals for development of a dwelling will be subject to relevant planning approvals and assessed separately in relation to potential impacts on catchment water quality.
19. Prior to a certificate of compliance being issued for the subdivision the owner shall enter into an agreement with the responsible authority and Barwon Water under Sections 173 Agreement of the Planning and Environment Act 1987, requiring that:
 - a. Each lot created cannot be further subdivided.
 - b. The Owner and the Responsible Authority 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.
 - c. The Owner shall meet all costs of the Responsible Authority in relation to stamping and registration of this Agreement.
 - d. The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (b) herein.

Central Highlands Water:

20. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
21. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
22. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Permit Expiry:

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

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

Permit Note:

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

CARRIED.

Report Authorisation:

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 February, 2019

Item 5.5 Planning Permit Number PA2018 240 – Two (2) Lot Subdivision at 8 Jopling Street, Ballan

Consideration of Deputations – Planning Permit Application No. PA2018 240

Eddy Pitcher addressed Council as an objector to the granting of a planning permit for the application.

Jennifer Shaw addressed Council as an objector to the granting of a planning permit for the application.

Glenys Romiane 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.

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 PA2018240 for a Two (2) Lot Subdivision at Lot 4 on PS 210622J, 8 Jopling Street, Ballan 3342, subject to the following conditions:

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. Lot 2 with a building envelope which achieves the following minimum boundary setbacks:
 - i. 2.0m from the west boundary;**
 - ii. 4.0m from the south (front) boundary;**
 - iii. 2.0m from the east boundary; and**
 - iv. 4.0m from the north boundary.******
- 2. 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.**
- 3. The plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:
 - a. Land to be Burdened: All lots on this plan.**
 - b. Land to Benefit: All lots on this plan.**
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.**
 - d. Description of Restriction: No building on Lot 2 shall be constructed outside the designated building envelope shown on the endorsed plans attached to planning permit PA2018240 issued by Moorabool Shire Council.****

- e. **Variation:** The restriction can only be varied with the written consent of Moorabool Shire Council.
- f. **Definition: Building** – any building larger than 10 sqm that requires a building permit.

Servicing:

- 4. 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.
- 5. 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.
- 6. 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:

- 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:

- 9. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a rural standard residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed and the 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. 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.
15. 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.
16. 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.
 - e. civil notes as required to ensure the proper construction of the works to Council standard.

Southern Rural Water:

17. 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.
18. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.

19. 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.

Permit Expiry:

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

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

Permit Note:

Please refer to the Ballan Strategic Directions (June 2018) – Precinct A, section 4.1.3 – Character Precincts, which detail the preferred development standards for this site/area.

Resolution:

Moved: Cr. Bingham
Seconded: Cr. Dudzik

That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Notice of Decision to Grant Planning Permit PA2018240 for a Two (2) Lot Subdivision at Lot 4 on PS 210622J, 8 Jopling Street, Ballan 3342, subject to the following conditions:

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. Lot 2 with a building envelope which achieves the following minimum boundary setbacks:
 - i. 2.0m from the west boundary;
 - ii. 4.0m from the south (front) boundary;
 - iii. 2.0m from the east boundary; and
 - iv. 4.0m from the north boundary.
 - b. Lot 2 with the following notations:
 - i. Only one dwelling may be constructed within the building envelope and must be single storey.
2. 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.

3. The plan of subdivision submitted for certification must include the creation of a restriction, the wording of which shall be as follows:
 - a. Land to be Burdened: All lots on this plan.
 - b. Land to Benefit: All lots on this plan.
 - c. Creation of Restriction: Upon registration of this plan, the following restriction is created.
 - d. Description of Restriction 1: No building on Lot 2 shall be constructed outside the designated building envelope shown on the endorsed plans attached to planning permit PA2018240 issued by Moorabool Shire Council.
 - e. Description of Restriction 2: No more than one dwelling shall be constructed within the designated building envelope.
 - f. Description of Restriction 3: Any dwelling constructed within the building envelope must be no more than single storey.
 - g. Variation: The restriction can only be varied with the written consent of Moorabool Shire Council.
 - h. Definition: Building – any building larger than 10 sqm that requires a building permit.
4. Prior to the issue of Statement of Compliance the developer will replace both the northern and eastern boundary fences with a new fence with a minimum height of 1.8 metres to the satisfaction of the Responsible Authority.

Servicing:

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.
7. 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:

8. The owner of the land must enter into agreements with:
 - a. A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

- 9. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
- a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.**

Infrastructure:

- 10. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a rural standard residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed and the 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.**
- 11. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage and erosion 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)".**
- 12. Prior to the commencement of the development design computations for drainage and erosion of the whole site must be prepared and submitted to the Responsible Authority for approval.**
- 13. 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.**
- 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 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:
- Location of vehicle crossings.
 - Details of the underground drainage.
 - Location of drainage legal points of discharge.
 - Standard details for vehicle crossings and legal points of discharge.
 - Civil notes as required to ensure the proper construction of the works to Council standard.

Southern Rural Water:

18. 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.
19. Each allotment must be connected to the reticulated sewerage system and stormwater infrastructure.
20. 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.

Permit Expiry:

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

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

Permit Note:

Please refer to the Ballan Strategic Directions (June 2018) – Precinct A, section 4.1.3 – Character Precincts, which detail the preferred development standards for this site/area.
CARRIED.

Report Authorisation:

Authorised by: 
Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 20 February, 2019

Cr. Bingham declared an indirect Conflict of Interest (section 78) in relation to Item 5.6 – Planning Permit Number PA2018267 (Development and Use of a Medical Centre (Dental Practice) at 83 Gisborne Road, Bacchus Marsh). The nature of the Conflict of Interest is due to Cr. Bingham being allowed to use the land to display electoral material when campaigning for the State Election.

Cr. Bingham adjourned from the meeting at 5.37pm and did not participate in voting on the Item.

Item 5.6 Planning Permit Number PA2018267 – Development and Use of a Medical Centre (Dental Practice), Business Identification Signage and Variation of Access to a Road Zone, Category 1 (RDZ1) at 83 Gisborne Road, Bacchus Marsh

Consideration of Deputations – Planning Permit Application No. PA2018267.

Johan Moylan addressed Council representing the Applicant to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Resolution:

Moved: Cr. Dudzik

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 PA2018267 for the Development and Use of a Medical Centre (Dental Practice), Business Identification Signage and Variation of Access to a Road Zone, Category 1 (RDZ1) at Lot 2 on PS 008499, 83 Gisborne Road, Bacchus Marsh, 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) A functional Layout plan showing conversion of the existing parking space into a Left Turn Lane and removal of redundant parking space, including any signs and line-marking required;**
 - b) Drainage Plans, in accordance with Condition 14 of this planning permit;**
 - c) Landscaping plan in accordance with condition 11.****

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.

General Conditions:

- 2. A maximum number of two (2) practitioners may operate from the premises at any one time, except with the prior written consent of the Responsible Authority.**

3. The use may operate only between the hours of Monday to Friday, 8.30am to 5.30pm, and Saturday, 9.00am to 4.00pm, unless with the written consent of the Responsible Authority.
4. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
5. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
6. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
7. Other than the two (2) backlit acrylic signs shown on the endorsed plans, no further advertising signs are to be constructed, painted or installed, unless with the prior written consent of the Responsible Authority.
8. 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.
9. The back-lit signs must be turned off outside of business hours.

Materials and Colour:

10. 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.

Landscaping

11. 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 landscape plan must be generally in accordance with the Site Ground Floor plan dated (28 August, 2018 prepared by Architecton, except that 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 within all open areas of the site.
 - d) a minimum of four (4) canopy trees in the following areas: front berm to the east of the medical clinic and car parkas well as a minimum of one (1) canopy tree at the rear of the car park, the trees are to be a minimum two (2) metres tall when planted. All species selected must be to the satisfaction of the responsible authority.

- e) Due to the high amount of hardstand area, it is recommended that alternative modes of greening the site be considered, including vertical gardening such as creeping plants, or the inclusion of a vegetated rooftop garden.
- f) It is recommended and preferred that any planted vegetation are native species. On the Moorabool Shire Council website, there is a list of species that are indigenous to the area. This is a link to that list:
<https://www.moorabool.vic.gov.au/sites/default/files/Bacchus-Marsh-Native-Plant-List.pdf>.

12. The landscaping must be maintained to the satisfaction of the responsible authority.

Infrastructure:

13. An urban standard industrial vehicle crossing must be provided on Gisborne Road to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.

14. 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.

15. 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. A Stormwater Point of Discharge permit must be obtained from the responsible authority prior to the commencement of the works associated with the permit.

16. 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).

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. 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.

19. 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.

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

VicRoads:

21. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.

22. The redundant vehicle crossing must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use.

23. Prior to the commencement of works a Functional Layout plan showing conversion of the existing parking space into a Left Turn Lane and removal of redundant parking space, including any signs and line-marking required, is to be submitted to and to the satisfaction of VicRoads and at no cost to the Roads Corporation.

Permit Expiry:

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

- a) The development and the use are not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.

Permit Note:

25. It is highly recommended that egress is by left turn only onto Gisborne Road.

CARRIED.

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 February, 2019

Cr. Bingham returned to the Meeting at 5.39pm.

Cr Sullivan declared an indirect Conflict of Interest (section 78A) in relation to Item 5.7 - Planning Permit Number PA2018264 (Development and Use of a Dwelling at Lot 20 Myrniiong-Korobeit Road, Greendale). The nature of the Conflict of Interest is due to preparing the permit application for the applicant who is also a client of his surveying company.

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

Item 5.7 Planning Permit Number PA2018264 - Development and Use of a Dwelling at Lot 20 Myrniiong-Korobeit Road, Greendale.

Consideration of Deputations – Planning Permit Application No. PA2018264

Martin McKenzie addressed Council as an objector to the granting of a planning permit for the application.

Graeme Hastings addressed Council as the applicant to the granting of a planning permit for the application.

Luke Offer addressed Council as a supporter 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 PA2018264 for Development and Use of a Dwelling at Lot 20 on PS335983L Myrniiong-Korobeit Road, Greendale. subject to the following conditions:

Endorsed Plans:

- 1. Before the use and/or development starts, 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 two copies must be provided. The plans must show:**
 - a) The Land Management Plan submitted with the application is to be updated with the following information and resubmitted to the responsible authority for endorsement:**
 - I. must be updated to clearly state the life span of the document (e.g. 10 years).**
 - II. Action tables for each of the zones must be updated to clearly outline required works to be undertaken in each of the zones over the life of the document the Pest, Plant and Animal control programs must be updated to include monitoring and control of species likely to invade the property including:**
 - Serrated tussock.**
 - Chilean Needle Grass.**
 - Gorse.**
 - Broom.**
 - Blackberry.**

- III. Management actions required in Zone C to ensure the retention of trees along northern edge and compliance with bushfire management mitigation actions.
- b) 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.

CFA:

2. The Bushfire Management Plan prepared by Southern Cross Town Planning Pty Ltd (Bushfire Management Statement for Lot 20 on PS335983 Myrniong-Korobeit Road, Greendale – Revision B, Attachment 5, dated 30 August 2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
3. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
4. Vegetation on the land must be maintained to at least the following standard:

Inner Zone:

- a) Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.
- b) Trees must not overhang the roofline of the building, touch walls or other elements of the dwelling.
- c) Grass must be no more than five (5) centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.
- d) Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.
- e) Plants greater than 10 centimetres in height at maturity must not be placed directly in front of a window or other glass feature.
- f) Tree canopy separation of two (2) metres and the overall canopy cover of no more than 15 per cent at maturity.
- g) Tree branches below two (2) metres from ground level must be removed.

Infrastructure:

5. A standard rural vehicle crossing must be provided on Lawsons Lane to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
6. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
7. Prior to occupying the site, Lawsons Lane must be upgraded to an all weather standard, with a minimum 100mm depth approved material, from the intersection of Myrniong-Korobeit Road and Lawsons Lane Greendale to the crossover/driveway point of access to the site. These works must be approved by and completed to the satisfaction of the responsible authority.

8. these works must be approved by and completed to the satisfaction of the responsible authority.
9. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundary 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.
10. 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). Moorabool Shire Council Engineering Services.
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 and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Environmental Health:

13. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd, ref number 11026H dated 28 August, 2018 or any approved amendment are to be strictly adhered to.
14. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
15. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
16. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4
17. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Environmental Planning:

18. The Land Management Plan must be updated to clearly state the life span of the document (e.g. 10 years).
19. Action tables for each of the zones must be updated to clearly outline required works to be undertaken in each of the zones over the life of the document the Pest, Plant and Animal control programs must be updated to include monitoring and control of species likely to invade the property including:
 - a) Serrated tussock.
 - b) Chilean Needle Grass.
 - c) Gorse.

- d) Broom.
- e) Blackberry.

20. Management actions required in Zone C to ensure the retention of trees along northern edge and compliance with bushfire management mitigation actions.

Western Water:

21. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:

- a) A wastewater treatment system that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.
- b) Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
- c) The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.
- d) The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30 standard.
- e) Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
- f) The Owner shall meet the costs of the inspections and reports referred to in Condition 19 e).
- g) The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
- h) If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
- i) The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition 19 e).
- j) The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
- k) The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 28 August 2018 Reference No 11026H and the accompanying management plan followed and implemented.
- l) The land must not be further subdivided.
- m) No other building works shall be undertaken on the subject land without written approval of Western Water.
- n) Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- o) Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- p) The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.

- q) Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields
 - r) Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.
 - s) All recommendations, requirements and timelines contained within the Land Management Plan prepared by Central Highlands Environmental Consultancy dated August 2018 must be followed and implemented to the satisfaction of the Council and Western Water
 - t) The obligations under this agreement shall run with the land.
22. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.
 23. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.
 24. Wastewater must be treated to a secondary standard prior to dispersal (20/30 BOD/SS Standard).
 25. Secondary-treated wastewater must be dispersed via an appropriate method to a land application area (LAA) in line with the Land Capability Assessment undertaken by Provincial Geotechnical (Report #11026H).
 26. The LAA must meet minimum setback distances to the satisfaction of Council's Health Officer. Please note that the setback distances must consider waterways as potable as they supply water to Pykes Creek Reservoir.
 27. The Land Application Area (LAA) must meet the minimum area required and calculated according to the proposed number of rooms in the new dwelling as per the recommendations of the LCA.
 28. Gypsum should be applied to the base of the Land Application Area to ameliorate soil conditions.
 29. The wastewater disposal system must be installed by a suitably qualified contractor to the satisfaction of Council's Health Officer.
 30. A maintenance contract should be entered into with a suitable qualified contractor for maintenance of the wastewater disposal system. Reports or receipts demonstrating maintenance must be made available to Council or Southern Rural Water on request.
 31. Cut off drains should be installed as per the Land Capability Assessment above and below the LAA in order to prevent storm water run-on entering the LAA.
 32. Grass cover or vegetation must be maintained on the LAA to promote uptake of nutrients and evapotranspiration.
 33. Any failure of the LAA or wastewater treatment system must be immediately reported to Council's Health Officer and rectified to the satisfaction of Council.
 34. No building, stock access or vehicle access must be allowed on the LAA to prevent damage to the system. If required, fencing should be installed in order to prevent stock or vehicle access.

Materials and Colour:

35. 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.

Permit Expiry:

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

- a. The development and the use are not started within two years of the date of this permit;
- b. The development is not completed within four years of the date of this permit.

Permit Note:

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

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 PA2018264 for Development and Use of a Dwelling at Lot 20 on PS335983L Myrniong-Korobeit Road, Greendale. subject to the following conditions:

Endorsed Plans:

1. Before the use and/or development starts, 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 two copies must be provided. The plans must show:
 - a) The Land Management Plan submitted with the application is to be updated with the following information and resubmitted to the responsible authority for endorsement:
 - I. Must be updated to clearly state the life span of the document (e.g. 10 years).
 - II. Action tables for each of the zones must be updated to clearly outline required works to be undertaken in each of the zones over the life of the document the Pest, Plant and Animal control programs must be updated to include monitoring and control of species likely to invade the property including:
 - Serrated tussock.
 - Chilean Needle Grass.
 - Gorse.
 - Broom.
 - Blackberry.
 - III. Management actions required in Zone C to ensure the retention of trees along northern edge and compliance with bushfire management mitigation actions.

- b) 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.

CFA:

- 2. The Bushfire Management Plan prepared by Southern Cross Town Planning Pty Ltd (Bushfire Management Statement for Lot 20 on PS335983 Myrniong-Korobeit Road, Greendale – Revision B, Attachment 5, dated 30 August 2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
- 3. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

- 4. Vegetation on the land must be maintained to at least the following standard:

Inner Zone:

- a) Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.
- b) Trees must not overhang the roofline of the building, touch walls or other elements of the dwelling.
- c) Grass must be no more than five (5) centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.
- d) Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.
- e) Plants greater than 10 centimetres in height at maturity must not be placed directly in front of a window or other glass feature.
- f) Tree canopy separation of two (2) metres and the overall canopy cover of no more than 15 per cent at maturity.
- g) Tree branches below two (2) metres from ground level must be removed.

Infrastructure:

- 5. A standard rural vehicle crossing must be provided on Lawsons Lane to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing.
- 6. The property access and the internal driveways must be constructed in accordance with the requirements specified in Table 5 of Clause 53.02-5 of the Moorabool Planning Scheme, to the satisfaction of the responsible authority.
- 7. Prior to occupying the site, Lawsons Lane must be upgraded to an all weather standard, with a minimum 100mm depth approved material, from the intersection of Myrniong-Korobeit Road and Lawsons Lane Greendale to the crossover/driveway point of access to the site. These works must be approved by and completed to the satisfaction of the responsible authority.

8. 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.
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). Moorabool Shire Council Engineering Services.
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.

Environmental Health:

12. The land application area and all conditions must be in accordance to the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd, ref number 11026H dated 28 August, 2018 or any approved amendment are to be strictly adhered to.
13. The wastewater management system including all effluent must be wholly contained within the property boundaries at all times.
14. The effluent disposal area must be kept free of buildings, driveways, vehicular traffic and services trenching.
15. All setback distances must be adhered to as dictated by Table 5 of the Code of Practice, Onsite Wastewater Management, EPA Publication Number 891.4.
16. The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

Environmental Planning:

17. The Land Management Plan must be updated to clearly state the life span of the document (e.g. 10 years).
18. Action tables for each of the zones must be updated to clearly outline required works to be undertaken in each of the zones over the life of the document the Pest, Plant and Animal control programs must be updated to include monitoring and control of species likely to invade the property including:
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 - b) Chilean Needle Grass.
 - c) Gorse.
 - d) Broom.
 - e) Blackberry.

19. Management actions required in Zone C to ensure the retention of trees along northern edge and compliance with bushfire management mitigation actions.

Western Water:

20. Prior to a building permit being granted for the development of a dwelling, the owner of the land must enter into a Section 173 Agreement with Western Water and the Council agreeing that:

- a) A wastewater treatment system that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.
- b) Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
- c) The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.
- d) The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30 standard.
- e) Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
- f) The Owner shall meet the costs of the inspections and reports referred to in Condition 19 e).
- g) The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
- h) If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
- i) The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition 19 e).
- j) The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
- k) The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 28 August 2018 Reference No 11026H and the accompanying management plan followed and implemented.
- l) The land must not be further subdivided.
- m) No other building works shall be undertaken on the subject land without written approval of Western Water.
- n) Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- o) Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- p) The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
- q) Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields.
- r) Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.

- s) All recommendations, requirements and timelines contained within the Land Management Plan prepared by Central Highlands Environmental Consultancy dated August 2018 must be followed and implemented to the satisfaction of the Council and Western Water.
- t) The obligations under this agreement shall run with the land.
21. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.
 22. The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.
 23. Wastewater must be treated to a secondary standard prior to dispersal (20/30 BOD/SS Standard).
 24. Secondary-treated wastewater must be dispersed via an appropriate method to a land application area (LAA) in line with the Land Capability Assessment undertaken by Provincial Geotechnical (Report #11026H).
 25. The LAA must meet minimum setback distances to the satisfaction of Council's Health Officer. Please note that the setback distances must consider waterways as potable as they supply water to Pykes Creek Reservoir.
 26. The Land Application Area (LAA) must meet the minimum area required and calculated according to the proposed number of rooms in the new dwelling as per the recommendations of the LCA.
 27. Gypsum should be applied to the base of the Land Application Area to ameliorate soil conditions.
 28. The wastewater disposal system must be installed by a suitably qualified contractor to the satisfaction of Council's Health Officer.
 29. A maintenance contract should be entered into with a suitable qualified contractor for maintenance of the wastewater disposal system. Reports or receipts demonstrating maintenance must be made available to Council or Southern Rural Water on request.
 30. Cut off drains should be installed as per the Land Capability Assessment above and below the LAA in order to prevent storm water run-on entering the LAA.
 31. Grass cover or vegetation must be maintained on the LAA to promote uptake of nutrients and evapotranspiration.
 32. Any failure of the LAA or wastewater treatment system must be immediately reported to Council's Health Officer and rectified to the satisfaction of Council.
 33. No building, stock access or vehicle access must be allowed on the LAA to prevent damage to the system. If required, fencing should be installed in order to prevent stock or vehicle access.

Materials and Colour:

34. 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.

Permit Expiry:

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

- a. The development and the use are not started within two years of the date of this permit;
- b. The development is not completed within four years of the date of this permit.

Permit Note:

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

CARRIED.

Report Authorisation:

Authorised by: 

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 20 February, 2019

SUSPENSION OF STANDING ORDERS 5.50PM

Resolution:

Moved: Cr. Edwards
Seconded: Cr. Bingham

That Standing Orders be suspended to facilitate a discussion with the Committee.

CARRIED.

RESUMPTION OF STANDING ORDERS 6.22PM

Resolution:

Moved: Cr. Edwards
Seconded: Cr. Keogh

That Standing Orders now be resumed to facilitate a return to the business of the Agenda.

CARRIED.

The business of the meeting then returned to the Agenda.

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

No updates were provided.

DATE OF NEXT MEETING

Wednesday 20 March, 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 6.23pm.

