



**MORNINGTON
PENINSULA**
Shire



**COMMITTED TO A
SUSTAINABLE
PENINSULA**



**MINUTES OF AND
RECOMMENDATIONS FROM THE
DEVELOPMENT ASSESSMENTS
COMMITTEE MEETING**

MONDAY, 21 FEBRUARY, 2011

**PENINSULA COMMUNITY THEATRE, CORNER
NEPEAN HIGHWAY AND WILSONS ROAD,
MORNINGTON**



**COMMITTED TO A
SUSTAINABLE
PENINSULA**

COUNCILLORS

**Cr. Lynn Bowden
Cr. Antonella Celi
Cr. Bev Colomb
Cr. Leigh Eustace
Cr. David Gibb
Cr. Bill Goodrem
Cr. Frank Martin
Cr. Graham Pittock
Cr. Tim Rodgers
Cr. Anne Shaw
Cr. Reade Smith**

**Watson Ward
Truemans Ward
Mornington Ward
Mount Eliza Ward
Rosebud Ward
Rye Ward
Red Hill Ward and Deputy Mayor
Kangerong Ward and Mayor
Nepean Ward
Balcombe Ward
Cerberus Ward**

EXECUTIVE MANAGEMENT TEAM

**Dr. Michael Kennedy OAM
Mr. Kevin Clarke
Mr. Stephen Chapple
Mr. Alex Atkins
Mr. Joe Cauchi**

**Chief Executive Officer
Director – Sustainable Organisation
Director – Sustainable Environment
Director – Sustainable Infrastructure
Director – Sustainable Communities**

MORNINGTON PENINSULA SHIRE COUNCIL

MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING

Held at the Peninsula Community Theatre, Corner Nepean Highway and Wilsons Road,
Mornington on Monday, 21 February, 2011 at p.m.

INDEX

OPENING AND WELCOME

SECTION 1 – PROCEDURAL MATTERS

- 1.1 Apologies
- 1.2 Confirmation of Minutes of the Previous Development Assessments Committee Meeting held on 31 January, 2011.
- 1.3 Disclosure of Conflicts of Interest Pursuant to Section 79 of the *Local Government Act 1989*
- 1.4 Advice to Public on Committee Decisions:
 - “ *Recommendations contained in Part A of Section 2 and Section 3 of this Agenda have been referred by Officers to the Development Assessments Committee for a decision under delegation.*”

SECTION 2 – DEVELOPMENT ASSESSMENTS

PAGE NO.

Part A – Items Dealt with Under Delegation

2.1 Application for Permits

- 2.1.1 Planning Scheme Amendment C137 and Draft Planning Permit CP09/004, 105 and 117 LaTrobe Parade, Dromana – Heronswood (Russell Smith, Strategic Planner)2
- 2.1.2 Conditions of Planning Permit P06/2879 – 1225 Nepean Highway, Mount Eliza – Coastal Reserve Maintenance Contribution (Niall Sheehy, Team Leader – Statutory Planning)5
- 2.1.3 Application for Planning Permit P10/1884 – 110 Stony Creek Road, Red Hill (Kym Umbers – Statutory Planner).....9

**MINUTES OF THE DEVELOPMENT ASSESSMENTS
COMMITTEE MEETING**

INDEX

(CONT'D)

SECTION 2 – DEVELOPMENT ASSESSMENTS (CONT'D) PAGE NO.

Part A – Items Dealt with Under Delegation (Cont'd)

2.1 Application for Permits (Cont'd)

2.1.4 Planning Application P10/1631 –
514 Tucks Road, Shoreham
(David McPherson, Senior Statutory Planner).....13

2.2 Other

Nil.

SECTION 3 – CONFIDENTIAL ITEMS

Nil.

SECTION 4 – URGENT BUSINESS

Nil.

SECTION 5 – NOTICES OF MOTION

Nil.

Attachments are made available to the public via Council's website at www.mornpen.vic.gov.au or are available for viewing at all Council Offices.

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING OF THE
MORNINGTON PENINSULA SHIRE COUNCIL HELD AT THE PENINSULA
COMMUNITY THEATRE, CORNER NEPEAN HIGHWAY AND WILSON ROAD,
MORNINGTON ON MONDAY, 21 FEBRUARY, 2011 AT 7:38 P.M.**

Present

Cr. Bev Colomb (Chairperson)
Cr. Antonella Celi
Cr. Leigh Eustace
Cr. David Gibb
Cr. Bill Goodrem
Cr. Frank Martin
Cr. Graham Pittock
Cr. Tim Rodgers
Cr. Anne Shaw
Cr. Reade Smith

Dr. Michael Kennedy OAM, Chief Executive Officer

Apologies

Cr. Lynn Bowden

Confirmation of Minutes

Moved: Cr. Shaw
Seconded: Cr. Martin

That the minutes of the Development Assessments Committee Meeting held on 31 January, 2011 be confirmed.

Carried

Disclosure of Conflicts of Interest

Nil.

Deputations

**2.1.2 Conditions of Planning Permit P06/2879 – 1225 Nepean Highway,
Mount Eliza – Coastal Reserve Maintenance Contribution**

- Mr. Chas Jacobsen, Applicant.

**2.1.3 Application for Planning Permit P10/1884 –
110 Stony Creek Road, Red Hill**

- Mr. Adrian Wischer, Applicant; and
- Ms. Jean Edwards, Submitter.

**2.1.4 Planning Application P10/1631 –
514 Tucks Road, Shoreham**

- Mr. Matt Tilley, Applicant; and
- Ms. Nicole Worsley, the Applicant.

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

| | | |
|----------------------|--|-----------------------|
| REPORT TO | Development Assessments Committee | ITEM NO. 2.1.1 |
| MEETING DATE | Monday, 21 February, 2011 | |
| SUBJECT | Planning Scheme Amendment C137 and Draft Planning Permit CP09/004, 105 and 117 LaTrobe Parade, Dromana – Heronswood | |
| PREPARED BY | Russell Smith, Strategic Planner | |
| AUTHORISED BY | Manager – Strategic Planning | |
| ATTACHMENT(S) | YES | |

[REPORT](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

RECOMMENDATION

1. That the Mornington Peninsula Shire Council indicate to the Panel that it generally supports the proposed Planning Scheme Amendment C137 and draft Planning Permit CP09/004, provided it is demonstrated that the proponent demonstrates appropriate measures to manage traffic and car parking associated with the use and to prevent unreasonable impact on the amenity of surrounding owners. In this context attention should be given to a number of matters generally as outlined in the above report and particularly:
 - A. A new Section 173 Agreement be imposed to restrict any future commercial expansion.
 - B. The service road parking area is constructed and maintained to a safe standard – particularly in regard to maintaining sight distances by preventing parking too close to the outer kerb line.
 - C. The public car park be upgraded by means of levelling, sealing and proper line marking.
 - D. That further car parking be provided onsite, to the extent that this is reasonably practical.
 - E. That a bus parking area be designated that does not block the egress of vehicles.
 - F. Provision for traffic marshalling by appropriately trained staff on all weekends and special events, with particular regard to ensuring access to residential properties. Signs should be erected indicating that vehicles blocking access may be removed.
 - G. Consideration of the use of a shuttle bus in conjunction with open days and ticketed events.
 - H. Direction that tour buses must not park on LaTrobe Parade or in the adjoining residential side streets.

RECOMMENDATION (CONT'D)

1. (Cont'd)
 - I. Attention to the conditions in the draft permit relating to the control of noise and odour.
 - J. The need to maintain a Community Consultative Committee and to designate a point of contact for the resolution of day to day issues.
 - K. The need to ensure that access arrangements and the provision of parking is open to effective review over time.
2. That Mornington Peninsula Shire Council requests that the Minister for Planning, under Section 20(4) of the *Planning and Environment Act 1987*, exempt himself from all of the Requirements of Sections 17, 18 and 19 and the Regulations; to prepare, adopt and approve an amendment to the Mornington Peninsula Planning Scheme as shown in Attachment 2.

COMMITTEE DECISION

Moved: Cr. Pittock
Seconded: Cr. Shaw

1. That the Mornington Peninsula Shire Council indicate to the Panel that it generally supports the proposed Planning Scheme Amendment C137 and draft Planning Permit CP09/004. This conditional support is based upon the proponent clearly demonstrating appropriate and achievable measures to manage traffic and car parking associated with the use and to prevent unreasonable impact on the amenity of surrounding owners. In this context attention should be given to a number of matters generally as outlined in the above report and particularly:
 - A. A new Section 173 Agreement/revised covenant be imposed to restrict any future commercial expansion.
 - B. The service road parking area is constructed and maintained to a safe standard – particularly in regard to maintaining sight distances by preventing parking too close to the outer kerb line.
 - C. The public car park be upgraded by means of levelling, sealing and proper line marking.
 - D. That further car parking be provided onsite.
 - E. That a bus parking area be designated that does not block the egress of vehicles.
 - F. Provision for traffic marshalling by appropriately trained staff on all weekends and special events, with particular regard to ensuring access to residential properties. Signs should be erected indicating that vehicles blocking access may be removed.

MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011

Planning Scheme Amendment C137 and Draft Planning Permit
CP09/004, 105 and 117 LaTrobe Parade, Dromana – Heronswood

ITEM NO. 2.1.1

COMMITTEE DECISION (CONT'D)

1. (Cont'd)
 - G. Mandatory use of a shuttle bus in conjunction with open days and ticketed events and that this should be the sole method of access on such days.
 - H. Direction that tour buses must not park on LaTrobe Parade or in the adjoining residential side streets.
 - I. Attention to the conditions in the draft permit relating to the control of noise and odour.
 - J. The need to maintain a Community Consultative Committee and to designate a point of contact for the resolution of day to day issues.
 - K. The need to ensure that access arrangements and the provision of parking is open to effective review over time.
 - L. The consideration of provisions to manage total visitor numbers on the site in conjunction with the issue of car parking.
 - M. The appropriateness of any probation period for the restaurant in relation to the number of seats.
 - N. The adequacy of insurance policies held by the Applicant both on private title and on other land, utilised by the Applicant for car parking and other purposes.
2. That Mornington Peninsula Shire Council requests that the Minister for Planning, under Section 20(4) of the *Planning and Environment Act 1987*, exempt himself from all of the Requirements of Sections 17, 18 and 19 and the Regulations; to prepare, adopt and approve an amendment to the Mornington Peninsula Planning Scheme as shown in Attachment 2.

Carried

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

| | | |
|----------------------|---|-----------------------|
| REPORT TO | Development Assessments Committee | ITEM NO. 2.1.2 |
| MEETING DATE | Monday, 21 February, 2011 | |
| SUBJECT | Conditions of Planning Permit P06/2879 – 1225 Nepean Highway, Mount Eliza – Coastal Reserve Maintenance Contribution | |
| PREPARED BY | Niall Sheehy, Team Leader – Statutory Planning | |
| AUTHORISED BY | Manager – Statutory Planning | |
| ATTACHMENT(S) | YES | |

REPORT

ATTACHMENT 1

ATTACHMENT 2

ATTACHMENT 3

ATTACHMENT 4

ATTACHMENT 5

ATTACHMENT 6

RECOMMENDATION

1. That Council accepts the offer from the permit holder of \$228,710, being 50% of the overall cost for the implementation of a Vegetation Management Plan and the full cost of re-vegetating the land previously cleared of vegetation.
2. That Council accepts the offer from the permit holder to pay the full cost of the erection of a 1.8 metre high PVC fence along the western boundaries (foreshore boundaries) of the coastal reserves.
3. That Council also accepts the offer from the permit holder to pay 50% contribution towards the total cost of constructing and maintaining the internal vehicle access track with the coastal reserves for a period of 10 years.

Deputations

- Mr. Char Jacobsen, Applicant.

MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011

Conditions of Planning Permit P06/2879 – 1225 Nepean Highway,
Mount Eliza – Coastal Reserve Maintenance Contribution

ITEM NO. 2.1.2

PROCEDURAL MOTION

Extension to Speaking Time

Moved: Cr. Gibb
Seconded: Cr. Shaw

That a two minute extension to the speaking time be granted to Mr. Char Jacobsen, Applicant, in relation to the above matter.

Carried

COMMITTEE DECISION 1

Moved: Cr. Gibb
Seconded: Cr. Eustace

That Council requires the permit holder to contribute 100% of the overall cost for the implementation of a Vegetation Management Plan and the full cost of re-vegetating the land previously cleared of vegetation as per Clause 5D of Planning Permit P06/2879.

Carried

PROCEDURAL MOTION

Suspension of Standing Orders

Moved: Cr. Gibb
Seconded: Cr. Shaw

That Standing Orders be suspended.

Carried

PROCEDURAL MOTION

Resumption of Standing Orders

Moved: Cr. Shaw
Carried: Cr. Gibb

That Standing Orders be resumed.

Carried

COMMITTEE DECISION 2

Moved: Cr. Gibb
Seconded: Cr. Shaw

That Council accepts an offer from the permit holder to pay the full cost of the erection of a 1.8 metre high PVC fence along the western boundaries (foreshore boundaries) of the coastal reserves and 50% of maintenance costs in the first 10 years.

Motion Lost on
Casting Vote of Chair

Moved: Cr. Eustace
Seconded: Cr. Gibb

That Council would accept an offer from the permit holder to pay the full cost of the erection of a 1.8 metre high PVC fence along the western boundary of the southern coastal reserve and a 1.2 metre high PVC fence along the western boundary of the northern coastal reserve and 50% of maintenance costs in the first 10 years.

Carried

COMMITTEE DECISION 3

Moved: Cr. Goodrem
Seconded: Cr. Gibb

That Council also accepts the offer from the permit holder to pay 50% contribution towards the total cost of constructing and maintaining the internal vehicle access track with the coastal reserves for a period of 10 years.

Carried

For ease of reference, the full decision is repeated below:

1. That Council requires the permit holder to contribute 100% of the overall cost for the implementation of a Vegetation Management Plan and the full cost of re-vegetating the land previously cleared of vegetation as per Clause 5D of Planning Permit P06/2879.
2. That Council would accept an offer from the permit holder to pay the full cost of the erection of a 1.8 metre high PVC fence along the western boundary of the southern coastal reserve and a 1.2 metre high PVC fence along the western boundary of the northern coastal reserve and 50% of maintenance costs in the first 10 years.
3. That Council also accepts the offer from the permit holder to pay 50% contribution towards the total cost of constructing and maintaining the internal vehicle access track with the coastal reserves for a period of 10 years.

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

**Conditions of Planning Permit P06/2879 – 1225 Nepean Highway,
Mount Eliza – Coastal Reserve Maintenance Contribution**

ITEM NO. 2.1.2

ALTERED RESOLUTION

Please refer to the Minutes from the Development Assessments Committee Meeting held on 21 March, 2011: Section 5 – Notices of Motion, Notice of Motion No. 116 (Cr. Leigh Eustace) for the altered resolution for Committee Decision 2 of Item 2.1.2 ‘Conditions of Planning Permit P06/2879 – 1225 Nepean Highway, Mount Eliza – Coastal Reserve Maintenance Contribution’.

PROCEDURAL MOTION

Adjournment of Meeting

**Moved: Cr. Shaw
Seconded: Cr. Gibb**

That the Development Assessments Committee Meeting be adjourned at 10:20 p.m.

Carried

Resumption of Meeting

**Moved: Cr. Gibb
Seconded: Cr. Martin**

That the Development Assessments Committee Meeting be resumed at 10:30 p.m.

Carried

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

| | | |
|----------------------|---|-----------------------|
| REPORT TO | Development Assessments Committee | ITEM NO. 2.1.3 |
| MEETING DATE | Monday, 21 February, 2011 | |
| SUBJECT | Application for Planning Permit P10/1884 – 110 Stony Creek Road, Red Hill | |
| PREPARED BY | Kym Umbers – Statutory Planner | |
| AUTHORISED BY | Manager – Statutory Planning | |
| ATTACHMENT(S) | YES | |
| Application No. | P10/1884 | |
| Proposal | The application is for the use and development of a single storey dwelling and associated outbuildings and use of the site for animal husbandry in accordance with the submitted plans. | |
| Melway Reference | 190H9 | |
| Zoning | Green Wedge Zone – Schedule 1 | |
| Applicant | Felicity Wischer C/- Hansen Partnership Pty Ltd | |
| Date Received | 3 September, 2010 | |

REPORT

ATTACHMENT 1

ATTACHMENT 2

ATTACHMENT 3

ATTACHMENT 4

ATTACHMENT 5 – CONFIDENTIAL

This report contains personal submitter details and is therefore not available for public viewing.

ATTACHMENT 6

ATTACHMENT 7

RECOMMENDATION

That Council, being the Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all matters in respect of Planning Application P10/1884 for the use and development of a single dwelling and animal husbandry at 110 Stony Creek Road, Red Hill, and associated outbuildings on the land hereby resolves to grant a Planning Permit subject to the following conditions:

1. Before the developments 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.

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

**Application for Planning Permit P10/1884 –
110 Stony Creek Road, Red Hill**

ITEM NO. 2.1.3

RECOMMENDATION (CONT'D)

1. (Cont'd)

The Plans must be generally in accordance with the Plans submitted with the application but modified to show:

- A. The proposed garage is to be rotated 90 degrees to allow better overland flow for flood waters.
2. The layout of the land, the size and type of the proposed buildings and works, including the materials of construction, on the Endorsed Plan must not be altered or modified without the consent of the Responsible Authority.
 3. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.
 4. The materials and colour of the exterior finish of the approved dwelling must be in accordance with the Endorsed Plans unless, to the satisfaction of the Responsible Authority.
 5. All sewage and sullage wastewater from the proposed development must be discharged into an onsite septic tank system which is approved by the Environmental Protection Authority, retains all wastes within the boundaries of the land, and is located to the satisfaction of the Responsible Authority.
 6. This permit will expire if one of the following applies:
 - A. The development is not completed within two years of the date of this permit.
 - B. The use has not commenced within two years of the date of this permit.

The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.

Deputations

- Ms. Jean Edwards, Submitter; and
- Mr. Adrian Wischer, Applicant.

PROCEDURAL MOTION

Extension of Meeting Time

Moved: Cr. Shaw
Seconded: Cr. Eustace

That the Development Assessments Committee Meeting time be extended to 11:30 p.m.

Carried

COMMITTEE DECISION

Moved: Cr. Martin
Seconded: Cr. Shaw

That Council, being the Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all matters in respect of Planning Application P10/1884 for the use and development of a single dwelling and animal husbandry at 110 Stony Creek Road, Red Hill, and associated outbuildings on the land hereby resolves to grant a Planning Permit subject to the following conditions:

1. Before the developments 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 but modified to show:
 - A. The proposed garage is to be rotated 90 degrees to allow better overland flow for flood waters.
 - B. Screen planting to the northern boundary to provide a visual buffer between the proposed stables and the northern property boundary (common boundary with No. 120 Stony Creek Road).
 - C. The distance from the stables to the northern boundary be no less than 10 metres.
2. The layout of the land, the size and type of the proposed buildings and works, including the materials of construction, on the Endorsed Plan must not be altered or modified without the consent of the Responsible Authority.
3. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.
4. The materials and colour of the exterior finish of the approved dwelling must be in accordance with the Endorsed Plans unless, to the satisfaction of the Responsible Authority.
5. All sewage and sullage wastewater from the proposed development must be discharged into an onsite septic tank system which is approved by the Environmental Protection Authority, retains all wastes within the boundaries of the land, and is located to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the use and development hereby permitted the Applicant must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* providing for the following matters to the satisfaction of the Responsible Authority:

COMMITTEE DECISION (CONT'D)

6. (Cont'd)
- A. The permit holder indicates that they are fully aware of the potential emissions (visual, noise and odours) associated with the agricultural activities and proceed with the use and development of their dwelling in full knowledge that one of the objectives of the Green Wedge is to accommodate productive agricultural use and that this activity should be expected and that they are aware of their obligations in relation to proper land management.
 - B. All dogs and cats must be responsibly managed to prevent attacks on livestock and native fauna.
 - C. All costs associated with the drafting and registration of this Agreement on title are to be borne by the permit holder.
 - D. The permit holder shall responsibly manage farming practices including spray drift so as not to impact on neighbouring properties' farming practices.

This Agreement must be registered by the Applicant on Title prior to the commencement of the development of the dwelling pursuant to Section 181 of the *Planning and Environment Act 1987*.

- 7. Prior to the commencement of the use of Animal Husbandry, the existing vegetation must be fenced so as to prevent entry by livestock, in accordance with the Endorsed Plans.
- 8. No livestock may be permitted to graze or enter the areas of existing vegetation fenced off in accordance with Condition 7 of this Permit.
- 9. This permit will expire if one of the following applies:
 - A. The development is not completed within two years of the date of this permit.
 - B. The use has not commenced within two years of the date of this permit.

The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.

Carried

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

| | | |
|----------------------|---|-----------------------|
| REPORT TO | Development Assessments Committee | ITEM NO. 2.1.4 |
| MEETING DATE | Monday, 21 February, 2011 | |
| SUBJECT | Application for Planning Permit P10/1631 – 514 Tucks Road, Shoreham | |
| PREPARED BY | David McPherson, Senior Statutory Planner | |
| AUTHORISED BY | Manager – Statutory Planning | |
| ATTACHMENT(S) | YES | |
| Application No. | P10/1631 | |
| Proposal | The use and development of a dwelling, and associated works generally in accordance with the submitted plans | |
| Area | 1.60 hectares | |
| Melway Reference | 256A6 | |
| Zoning | Green Wedge Zone – Schedule 2 | |
| Applicant | Nepean Planning Consultants | |
| Date received | 5 August, 2010 | |

REPORT

ATTACHMENT 1

ATTACHMENT 2

ATTACHMENT 3

ATTACHMENT 4

ATTACHMENT 5

ATTACHMENT 6

RECOMMENDATION

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, hereby resolves that Planning Application P10/1631 for the use and development of a single storey dwelling and associated works at 514 Tucks Road, Shoreham be supported and that a Planning Permit be issued subject to the following conditions:

1. Prior to commencement of buildings and works, the Landscape Plan must be amended to provide additional details to the satisfaction of the Responsible Authority relating to the extent and timing of the weed removal. When approved this Plan will be endorsed to form part of the permit.

RECOMMENDATION (CONT'D)

Layout

2. The layout and use of the land, the size and type of the proposed buildings and works, including the materials of construction, on the Endorsed Plan must not be altered or modified without the consent of the Responsible Authority.

Materials and Colours

3. The materials and colour of the exterior finish of the buildings must be in accordance with the Endorsed Plans unless with the further permission of the Responsible Authority.

Vehicular Crossing

4. Prior to the occupation of the dwelling, the driveway must be constructed and thereafter maintained and drained to the satisfaction of the Responsible Authority.

Revegetation and Stabilisation

5. All disturbed surfaces on the land resulting from the development must be revegetated, battered and stabilised to the satisfaction of the Responsible Authority.
6. Within six months of the occupation of the dwelling hereby approved (or other such time as approved in writing by the Responsible Authority), replanting as shown on the Endorsed Plans must be completed and then maintained in a healthy condition, to the satisfaction of the Responsible Authority. Any dead or diseased trees or shrubs must be replaced as soon as possible. The area set aside for landscaping must be used for no other purpose.

Wastewater

7. The treatment and disposal of all wastewater must be contained onsite in accordance with Council's Wastewater Management Plan, to the satisfaction of the Responsible Authority at all times.

Stormwater

8. All stormwater discharging from the development/use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.

RECOMMENDATION (CONT'D)

Section 173 Agreement

9. Prior to the commencement of the use and development hereby permitted the Applicant must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* providing for the following matters to the satisfaction of the Responsible Authority:
 - A. The permit holder indicates that they are fully aware of the potential emissions associated with the agricultural activities and proceed with the use and development of their dwelling in full knowledge that one of the objectives of the Green Wedge is to accommodate productive agricultural use and that this activity should be expected and that they are aware of their obligations in relation to proper land management.
 - B. All dogs and cats must be responsibly managed to prevent attacks on livestock and native fauna.
 - C. All costs associated with the drafting and registration of this Agreement on title are to be borne by the permit holder.

This Agreement must be registered by the Applicant on title prior to the commencement of the development of the dwelling pursuant to Section 181 of the *Planning and Environment Act 1987*.

Expiry

10. This permit will expire if one of the following applies:
 - A. The development is not completed within two years of the date of this permit.
 - B. The use is not commenced within two and a half years of the date of this permit.

The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.

Deputations

- Mr. Matt Tilley, Applicant; and
- Ms. Nicole Worsley, Applicant.

COMMITTEE DECISION

Moved: Cr. Martin
Seconded: Cr. Shaw

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, hereby resolves that Planning Application P10/1631 for the use and development of a single storey dwelling and associated works at 514 Tucks Road, Shoreham be supported and that a Planning Permit be issued subject to the following conditions:

1. Before the 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 three copies must be provided. The Plans must show:
 - A. The ‘proposed shed’ to be deleted from the Landscape Plan.
 - B. The Landscape Plan to provide details relating to the extent and timing of the weed removal.

Layout

2. The layout and use of the land, the size and type of the proposed buildings and works, including the materials of construction, on the Endorsed Plan must not be altered or modified without the consent of the Responsible Authority.

Materials and Colours

3. The materials and colour of the exterior finish of the buildings must be in accordance with the Endorsed Plans unless with the further permission of the Responsible Authority.

Vehicular Crossing

4. Prior to the occupation of the dwelling, the driveway must be constructed and thereafter maintained and drained to the satisfaction of the Responsible Authority.

Revegetation and Stabilisation

5. All disturbed surfaces on the land resulting from the development must be revegetated, battered and stabilised to the satisfaction of the Responsible Authority.
6. Within six months of the occupation of the dwelling hereby approved (or other such time as approved in writing by the Responsible Authority), replanting as shown on the Endorsed Plans must be completed and then maintained in a healthy condition, to the satisfaction of the Responsible Authority. Any dead or diseased trees or shrubs must be replaced as soon as possible. The area set aside for landscaping must be used for no other purpose.

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

**Application for Planning Permit P10/1631 –
514 Tucks Road, Shoreham**

ITEM NO. 2.1.4

COMMITTEE DECISION (CONT'D)

Wastewater

- 7. The treatment and disposal of all wastewater must be contained onsite in accordance with Council's Wastewater Management Plan, to the satisfaction of the Responsible Authority at all times.**

Stormwater

- 8. All stormwater discharging from the development/use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.**

Section 173 Agreement

- 9. Prior to the commencement of the use and development hereby permitted the Applicant must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* providing for the following matters to the satisfaction of the Responsible Authority:**
 - A. The permit holder indicates that they are fully aware of the potential emissions (visual, noise and odour) associated with the agricultural activities and proceed with the use and development of their dwelling in full knowledge that one of the objectives of the Green Wedge is to accommodate productive agricultural use and that this activity should be expected and that they are aware of their obligations in relation to proper land management.**
 - B. All dogs and cats must be responsibly managed to prevent attacks on livestock and native fauna.**
 - C. All costs associated with the drafting and registration of this Agreement on title are to be borne by the permit holder.**

This Agreement must be registered by the Applicant on title prior to the commencement of the development of the dwelling pursuant to Section 181 of the *Planning and Environment Act 1987*.

Expiry

- 10. This permit will expire if one of the following applies:**
 - A. The development is not completed within two years of the date of this permit.**
 - B. The use is not commenced within two and a half years of the date of this permit.**

The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.

Carried

**MINUTES OF THE DEVELOPMENT ASSESSMENTS COMMITTEE MEETING HELD –
MONDAY, 21 FEBRUARY, 2011**

As there was no further business, the meeting closed at 11:30 p.m.

CONFIRMED THIS 21st DAY OF MARCH 2011

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CHAIRPERSON

Please refer to the Minutes from the Development Assessments Committee Meeting held on 21 March, 2011: Section 5 – Notices of Motion, Notice of Motion No. 116 (Cr. Leigh Eustace) for the altered resolution for Committee Decision 2 of Item 2.1.2 ‘Conditions of Planning Permit P06/2879 – 1225 Nepean Highway, Mount Eliza – Coastal Reserve Maintenance Contribution’.

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Bev Colomb, Chairperson – Development Assessments Committee hereby authorise the use of a stamp of my initials to initial each page of these Minutes of the Development Assessments Committee Meeting held on Monday, 21 February, 2011, confirmed on Monday, 21 March, 2011 in accordance with the requirements of Clause 22(6) – Part 3 Meeting Procedure of the Mornington Peninsula Shire Council Local Law No. 1 (2005) – Council.

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(Cr. Bev Colomb, Chairperson – Development Assessments Committee)

Dated this _____ day of _____ 2011