



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 8 December 2021

at 2:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 8 December 2021

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on Wednesday 8 December 2021 at 2:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

Cr Kate Hanson (Mayor)
Cr Graham Costin (Deputy Mayor) by videoconference
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Errol Lawrence, General Manager Corporate Services
Tony McGann, General Manager Environment and Infrastructure
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal Redford, Governance Officer
Doug McNeill, Manager Planning, Building and Health
Bláithín Butler, Coordinator Statutory Planning
Simon Clarke, Coordinator Strategic Planning and Major Projects

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: This Planning Committee meeting was live streamed with the exception of matters identified as confidential items. This included the public participation sections of the meetings.

By participating in open Planning meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following open Council and Planning Committee meetings, the recording of the livestream will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council or Planning Committee Meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- **Planning Committee Meeting held on 10 November 2021.**

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 10 November 2021.

CARRIED 7 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1: Draft Birregurra Drainage & Flood Study and Planning Scheme Amendment C116 -
Hearing of Submissions

Submitters: Michael Barrand (by videoconference)
Karen Eccles
Penny Reed, Corangamite Catchment Management Authority
David Fowler

Item 8.2: PP154/2021-1 - 45 Calvert Street Colac - Two Lot Subdivision

Objectors: Bronwyn Parslow
Peter Mercer

Applicant: Stuart Nelson
Anthony Bright (Principal, Rod Bright and Associates)

Item: 8.1

Draft Birregurra Drainage & Flood Study and Planning Scheme Amendment C116 - Hearing of Submissions

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Proposed LSIO and FO Map Changes [8.1.1 - 1 page]2. Proposed SBO Map [8.1.2 - 1 page]3. Draft Birregurra Drainage and Flood Study [8.1.3 - 203 pages]
PURPOSE	To provide submitters an opportunity to verbally present their submissions to Council.

RECOMMENDATION

That the Planning Committee:

1. *Acknowledges the written submissions received on the Birregurra Flood Overlay Planning Scheme Amendment (C116cola).*
2. *Acknowledges and notes the verbal comments made in support of written submissions.*
3. *Thanks submitters for their submissions.*
4. *Having heard all persons wishing to speak to their submissions, recommends that Council consider the submissions and the Birregurra Flood Overlay Planning Scheme Amendment at a future Council or Planning Committee Meeting.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr McCracken

That the Planning Committee:

1. *Acknowledges the written submissions received on the Birregurra Flood Overlay Planning Scheme Amendment (C116cola).*
2. *Acknowledges and notes the verbal comments made in support of written submissions.*

3. *Thanks submitters for their submissions.*
4. *Having heard all persons wishing to speak to their submissions, recommends that Council consider the submissions and the Birregurra Flood Overlay Planning Scheme Amendment at a future Council or Planning Committee Meeting.*
5. *Notes it's expectation that the peer review of the flood model will be made available, at a minimum, to Councillors before the matter is determined at a future Council meeting.*

CARRIED 7 : 0

The meeting adjourned at 2.51pm and resumed at 2.56pm.

Item: 8.2

PP154/2021-1 - 45 Calvert Street Colac - Two Lot Subdivision

ADDRESS AND PROPERTY DETAILS	45 Calvert Street, Colac	APPLICATION NUMBER	PP154/2021-1
PROPOSAL	Subdivision of the Land into Two Lots		
PERMIT TRIGGERS	Clause 32.08-3 – General Residential Zone, Schedule 1 – subdivision Clause 43.01-1 – Heritage Overlay - subdivision		
TRIGGER FOR DETERMINATION BY COMMITTEE	More than 3 objections (7 received)		
ZONE	General Residential Zone Schedule 1	OVERLAYS	Heritage Overlay: HO307 - Residential Precinct, Colac
COVENANTS	Nil		
CULTURAL HERITAGE	The site is not within an area of cultural heritage sensitivity.		
OFFICER	Brydon King	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	1. Copy of Planning Permit Application [8.2.1 - 21 pages]		

RECOMMENDATION

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the subdivision of the land into two lots at 45 Calvert Street, Colac (Lot 222297, V/F: 08164/050) subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan.**

Creation of Easements

- 2. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.**

Removal of Shed/Infrastructure

- 3. Prior to the issue of statement of compliance under the Subdivision Act 1988, the existing shed on proposed Lot 2, and any existing services or infrastructure crossing Lot 2 from the existing dwelling, must be relocated or removed to the satisfaction of the Responsible Authority. Written and/or photographic evidence must be provided to the Responsible Authority to confirm the works have been completed.**

Access

- 4. Prior to the issue of a statement of compliance under the Subdivision Act 1988, vehicular access from the roadway to the property boundary of both lots must be constructed to the satisfaction of the Responsible Authority.**

Drainage

- 5. Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.**

Stormwater Management Plan

- 6. Prior to commencement of any works associated with the subdivision, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All plans must be drawn to scale with dimensions. The Stormwater Management Plan must:**
 - a) Address the objectives and standards of Clause 56.07-4 (Stormwater Management Objectives) of the Colac Otway Planning Scheme, including water sensitive urban design and integrated water management, without the use of rain gardens.**
 - b) Provide for a maximum site discharge rate equal to the pre-development 5 year storm (20% AEP) and detain the estimated post development 10 year storm (10% AEP).**
 - c) State that all drainage infrastructure except for the infrastructure upstream of the house drain connection for Lot 2 will be constructed prior to the issue of a statement of compliance under the Subdivision Act 1988, to the satisfaction of the Responsible Authority.**

Section 173 Agreement

- 7. Prior to the issue of a statement of compliance under the Subdivision Act 1988, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's**

reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on title so as to run with the land, and must provide for the following:

- a) All stormwater runoff must be collected on site and discharged to the legal point of discharge in accordance with the approved Stormwater Management Plans, to the satisfaction of the Responsible Authority. The detention system must be designed and constructed in accordance with the relevant Australian Standards.*
- b) The stormwater detention system must be implemented in accordance with the approved Stormwater Management Plan, prior to the completion of building works associated with a dwelling on Lot 2.*
- c) Within one week of the installation of the stormwater detention system on Lot 2, notice of its installation must be given to the Responsible Authority, an inspection must be requested and the written approval of the Responsible Authority must be obtained.*
- d) The Agreement will end in respect of Lot 1 upon the registration of the plan of subdivision that creates Lot 1 as a separate lot.*

The agreement will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Servicing Authorities

- 8. 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.*
- 9. 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.*
- 10. 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

- 11. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services 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.**
- 12. Before the issue of a 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 in an area where the National Broadband Network will not be provided by optical fibre.*

Expiry

13. *The subdivision element of this permit will expire if one of the following circumstances applies:*

- a) *The plan of subdivision is not certified within two years of the date of the permit.*
- b) *A statement of compliance is not issued within five years of the date of certification of the Plan.*

The Responsible Authority may extend the period for certification referred to if a request is made in writing before the permit expires, or within six months afterwards.

Notes

1. *A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
2. *At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*

MOTION

MOVED Cr Graham Costin, **SECONDED** Cr Stephen Hart

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the subdivision of the land into two lots at 45 Calvert Street, Colac (Lot 222297, V/F: 08164/050) subject to the following conditions:

Endorsed Plans

1. *The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan.*

Creation of Easements

2. *Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.*

Removal of Shed/Infrastructure

3. *Prior to the issue of statement of compliance under the Subdivision Act 1988, the existing shed on proposed Lot 2, and any existing services or infrastructure crossing Lot 2 from the existing dwelling, must be relocated or removed to the satisfaction of the Responsible Authority. Written and/or photographic evidence must be provided to the Responsible Authority to confirm the works have been completed.*

Access

4. *Prior to the issue of a statement of compliance under the Subdivision Act 1988, vehicular access from the roadway to the property boundary of both lots must be constructed to the satisfaction of the Responsible Authority.*

Drainage

5. *Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.*

Stormwater Management Plan

6. *Prior to commencement of any works associated with the subdivision, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All plans must be drawn to scale with dimensions. The Stormwater Management Plan must:*
 - a) *Address the objectives and standards of Clause 56.07-4 (Stormwater Management Objectives) of the Colac Otway Planning Scheme, including water sensitive urban design and integrated water management, without the use of rain gardens.*
 - b) *Provide for a maximum site discharge rate equal to the pre-development 5 year storm (20% AEP) and detain the estimated post development 10 year storm (10% AEP).*
 - c) *State that all drainage infrastructure except for the infrastructure upstream of the house drain connection for Lot 2 will be constructed prior to the issue of a statement of compliance under the Subdivision Act 1988, to the satisfaction of the Responsible Authority.*

Section 173 Agreement

7. *Prior to the issue of a statement of compliance under the Subdivision Act 1988, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on title so as to run with the land, and must provide for the following:*
 - a) *All stormwater runoff must be collected on site and discharged to the legal point of discharge in accordance with the approved Stormwater Management Plans, to the satisfaction of the Responsible Authority. The detention system must be designed and constructed in accordance with the relevant Australian Standards.*
 - b) *The stormwater detention system must be implemented in accordance with the approved Stormwater Management Plan, prior to the completion of building works associated with a dwelling on Lot 2.*

- c) *Within one week of the installation of the stormwater detention system on Lot 2, notice of its installation must be given to the Responsible Authority, an inspection must be requested and the written approval of the Responsible Authority must be obtained.*
- d) *The Agreement will end in respect of Lot 1 upon the registration of the plan of subdivision that creates Lot 1 as a separate lot.*

The agreement will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Servicing Authorities

- 8. *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.*
- 9. *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.*
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Notes

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Additional condition: Section 173 Agreement to limit any dwelling built on the site to one storey.

Cr Chris Potter foreshadowed he would move the Recommendation as presented in the Officers report if the Motion before the Committee was lost.

LOST 2 : 5

DIVISION

For the motion: Cr Stephen Hart, Cr Graham Costin

Against the motion: Cr Margaret White, Cr Joe McCracken, Cr Jamie Bell, Cr Kate Hanson, Cr Chris Potter

RESOLUTION

MOVED Cr Chris Potter, **SECONDED** Cr Margaret White

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the subdivision of the land into two lots at 45 Calvert Street, Colac (Lot 222297, V/F: 08164/050) subject to the following conditions:

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CARRIED 5 : 2

The meeting was declared closed at 3:48pm.

CONFIRMED AND SIGNED at the meeting held on 9 February 2022.

Ell Henson.....**MAYOR**