



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

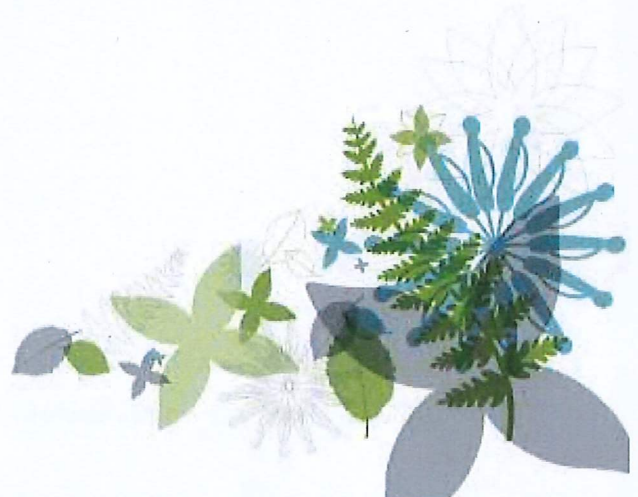
MINUTES

Wednesday 11 October 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 11 October 2023

TABLE OF CONTENTS

1 Declaration of Opening of Meeting	3
2 Present.....	3
3 Apologies and Leaves of Absence.....	3
4 Welcome and Acknowledgement of Country.....	3
5 Declarations of Interest	4
6 Confirmation of Minutes	4
7 Officer Planning Reports.....	5
7.1 PP137/2023-1 - 37 Wynne Street COLAC - Three Lot Subdivision and Development of Three Dwellings.....	5
7.2 710 Blue Johanna Road, JOHANNA (PP87/2022-1) - Information Submitted to Support Amended Plans	13

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on Wednesday 11 October 2023 at 4:00 PM.

MINUTES

The meeting commenced at 4.28pm.

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 Chris Potter (Mayor)
Cr Max Arnott
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
Cr Stephen Hart
Cr Margaret White

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance
Lyndal McLean, Coordinator Council Business
Doug McNeill, Manager Planning and Strategic Focus
Blaithin Butler, Statutory Planning Coordinator

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: All Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Planning Committee 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 each open Planning Committee meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- **Planning Committee Meeting held on Wednesday 13 September 2023.**

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Tosh-Jake Finnigan

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on Wednesday 13 September 2023.

CARRIED 7 : 0

Item: 7.1

PP137/2023-1 - 37 Wynne Street COLAC - Three Lot Subdivision and Development of Three Dwellings

ADDRESS AND PROPERTY DETAILS	37 Wynne Street COLAC Lot 2 LP: 120598 V/F: 9240/924 Parish of Colac	APPLICATION NUMBER	PP137/2023-1
PROPOSAL	Three (3) Lot Subdivision and Construction of Three (3) Dwellings		
PERMIT TRIGGERS	Clause 32.08 (GRZ1) – A permit is required to subdivide land, and to construct two or more dwellings on a lot		
TRIGGER FOR DETERMINATION BY COMMITTEE	4 or more objections (5 objections received)		
ZONE	General Residential 1 Zone (GRZ1)	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	Not applicable		
OFFICER	Blaithin Butler	CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive		
ATTACHMENTS	1. Copy of Application Plans [7.1.1 - 14 pages]		

RESOLUTION

MOVED Cr Max Arnott, SECONDED Cr Kate Hanson

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for the subdivision of the land into three lots and the construction of three dwellings at 37 Wynne Street, Colac (Lot 2 LP: 120598 V/F: 9240/924 Parish of Colac) subject to the following conditions:

Amended Plans

- 1. Prior to the commencement of development, 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. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a. Colorbond fencing to a height of 1.95m along the western boundary of the site, to be established at the applicant/developer's cost.*
 - b. Landscaping along the western boundary of the site of species and heights that will not materially encroach over the boundary shared with the neighbouring property neighbouring property.**

Endorsed Plans

- 2. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, 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/s.*
- 3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Creation of Easements

- 4. Prior to the certification of the plan 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.*

Public Open Space

- 5. Prior to the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to five per cent of the site value of all land in the subdivision.*

Removal of Existing Structures

- 6. Prior to the issue of statement of compliance under the Subdivision Act 1988, any existing services, infrastructure and/or buildings must be removed to the satisfaction of the*

Responsible Authority, and written and photographic evidence must be provided to the Responsible Authority to confirm the works have been completed.

Section 173 Agreement - Development in Accordance with Endorsed Plans

7. *Unless otherwise approved in writing by the Responsible Authority, prior to the issue of a statement of compliance under the Subdivision Act 1988:*
- a. *The development of Lots 1, 2 and 3 allowed by planning permit PP137/2023-1 must be substantially completed (i.e., lockup stage as a minimum) in accordance with the endorsed plans forming part of that planning permit (or any amendment to that permit) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority;*

or

- b. *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:*
- *All development on the subject land must be in accordance with the endorsed plans forming part of planning permit PP137/2023-1 (or any amendment to that permit) or any subsequent planning permit issued by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*

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

Access

8. *Prior to the issue of statement of compliance under the Subdivision Act 1988 or the initial occupation of any of the dwellings hereby permitted, whichever is the sooner, vehicular access from the roadway to the property boundary of Lot 1 must be constructed to an all-weather standard and with a minimum width of 3m to the satisfaction of the Responsible Authority.*
9. *Prior to the issue of statement of compliance under the Subdivision Act 1988 or the initial occupation of any of the dwellings hereby permitted, whichever is the sooner, the common property driveway must be constructed to an all-weather standard and with a minimum width of 3m to the satisfaction of the Responsible Authority.*

Stormwater

10. *All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

11. *During works associated with the subdivision and development, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) to the satisfaction of the Responsible Authority.*

Stormwater Management Plan

12. *Prior to the commencement of any works associated with the subdivision or the development, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects.*

The Stormwater Management Plan must include a stormwater detention system designed by a qualified engineer, which must provide for a maximum site discharge rate equal to the pre-development 5 year storm (20% AEP) and detain the post development 10 year storm (10% AEP).

When approved, the Stormwater Management Plan will be endorsed and will form part of the planning permit.

All works must be undertaken in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority.

13. *Within one week of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. Prior to the occupation of any of the dwellings hereby permitted, the written approval of the Responsible Authority to the stormwater detention system must be obtained.*

Construction Management Plan

14. *Prior to the commencement of works associated with the subdivision or development, unless otherwise approved in writing by the Responsible Authority:*
 - a. *a photographic record of the road reserve in the vicinity of the site must be submitted to the Responsible Authority.*
 - b. *details of methods to control sediment laden runoff and stormwater pollution from leaving the land during construction works must be submitted to and approved in writing by the Responsible Authority. The approved methods must be implemented during construction works to the satisfaction of the Responsible Authority.*

Landscaping

15. *Prior to initial occupation of any of the dwellings hereby permitted, unless an alternate date is approved by the Responsible Authority in writing, the landscaping works shown on the*

endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Powercor conditions

- 16. This letter shall be supplied to the applicant in its entirety.*
- 17. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.*
- 18. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*
- 19. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).*

Barwon Water conditions

General

- 20. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.*
- 21. The certified plan must create implied easements under Section 12(2) of the Subdivision Act, over all proposed and existing private potable water (including recycled water where applicable) and sewerage services within the subdivision.*
- 22. The creation of an unlimited Owners Corporation to encumber all lots within the subdivision.*
- 23. The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/or sewerage services to the proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L021245.*

Potable Water

- 24. The provision and installation of a potable water supply to the development.*
- 25. An additional potable water connection(s) is to be provided to service the proposed development. A dimensioned plan showing location of all new connections relative to the allotment boundaries is to be submitted, where a meter is not being fitted. Note that tappings and service lines are not to be located under existing or proposed driveways.*
- 26. Individual potable water supply meters are required for each lot or building as part of water connection works.*
- 27. Barwon Water's records indicate that an existing potable water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private*

potable water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

- 28. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.*

Sewer

- 29. The provision and installation of a sewerage service to the development.*
- 30. New or re-aligned internal private sewer drains are required. Upon completion of this work a sewer drainage plan is to be submitted to Barwon Water by a licensed plumber that complies with Victorian Building Authority requirements. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a 'modification to consent' is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan. Where an Owners Corporation is not applicable, individual allotment house connection drains are to be provided for and extend into each allotment.*
- 31. Any existing sewer house connection point that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected by a licensed plumber and the 'CCTV Inspection Form' with the video footage (standard digital format i.e. MP4, AVI) submitted to Barwon Water for their records. The submitted form requires verification from the licensed plumber that the connection point is deemed satisfactory for use. If connection point is no longer required, it is to be decommissioned in accordance with Barwon Water's 'Property connection decommissioning process'. Details of this process are available on Barwon Water's website under the Properties and Development -> Property Connections section. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development. If the existing sewer house connection point is deemed satisfactory for use by Barwon Water and where branching after the connection point is permitted to service an additional allotment then this work can also be undertaken by a licensed plumber. If the sewer connection point being replaced is greater than 4.0 metres deep, a new sewer manhole is to be constructed with the new property connection point connected to this structure.*
- 32. The payment of a standardised New Customer Contribution is required for any new sewer connection. This will be calculated based on the potable domestic water meter size or water service size.*

Telecommunications

33. *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.*

34. *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

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

- a. *The development is not commenced within two years of the date of this permit.*
- b. *The plan of subdivision is not certified within two years of the date of the permit.*
- c. *The development is not completed within four years of the date of this permit.*
- d. *A statement of compliance is not issued within five years of the date of certification of the plan.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain a building permit for the proposed dwellings.*
2. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*

3. *A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
4. *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.*
5. *Powercor*
Condition 18 - Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

Condition 19 - Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

CARRIED 7 : 0

The meeting adjourned for a break at 4.40pm.
The meeting resumed at 5.17pm.

Item: 7.2

710 Blue Johanna Road, JOHANNA (PP87/2022-1) - Information Submitted to Support Amended Plans

ADDRESS AND PROPERTY DETAILS	710 Blue Johanna Road, Johanna	APPLICATION NUMBER	PP87/2022-1
PROPOSAL	Use and Development of Four Group Accommodation Buildings, One Caretaker's House and Associated Works		
REASON FOR CONSIDERATION BY COMMITTEE	Proposed substitution of amended plans at VCAT		
OFFICER	Blaithin Butler	CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive		
ATTACHMENTS	Nil		

RECOMMENDATION

That the Planning Committee:

- 1. Notes any amended, updated and/or additional plans and documentation provided to Council since the Council meeting held on 27 September 2023.*
- 2. Provides direction to officers on whether the substitution of the full set of amended plans and supporting material at VCAT is considered acceptable.*
- 3. Provides direction to officers on whether the revised proposal shown on the amended plans is deemed acceptable.*
- 4. Authorises officers to convey its position to VCAT and all parties to the hearing.*

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Tosh-Jake Finnigan

That the Planning Committee:

- 1. Notes the amendments that have been made to the plans since the Notice of Decision to Grant a Permit was issued.*
- 2. Does not oppose the substitution of the amended plans and supporting material circulated on 14 September 2023 and 6 October 2023.*
- 3. Does not oppose the grant of planning permission for the substituted plans.*
- 4. Notes that, in the event a permit is issued for the amended proposal, relevant conditions on the Notice of Decision to Grant a Permit would need to be updated. The amended conditions would need to cite amended and updated plans and reports, and include a requirement to confirm quantitative risk levels via further site-specific geotechnical assessment and a Landslide Risk Assessment (LRA). The amended conditions would also, if required, need to include revisions to satisfy any requirements of the Country Fire Authority.*
- 5. Authorises officers to convey its position to VCAT and all parties to the hearing.*

CARRIED 5 : 2

DIVISION

For the motion: Cr Kate Hanson, Cr Tosh-Jake Finnigan, Cr Max Arnott, Cr Margaret White, Cr Graham Costin

Against the motion: Cr Stephen Hart, Cr Chris Potter

The meeting was declared closed at 5.39pm.

CONFIRMED AND SIGNED at the meeting held on 11 October 2023.

A handwritten signature in black ink, consisting of several fluid, connected strokes, positioned below the confirmation text.

