



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

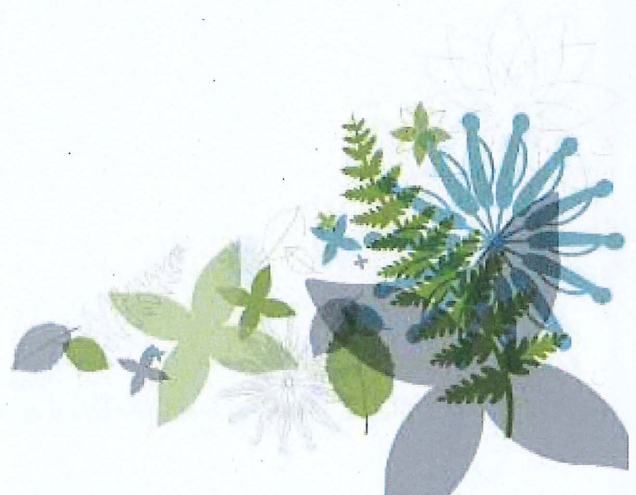
MINUTES

Wednesday 9 August 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 9 August 2023

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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 9 August 2023 at 4:00 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 Chris Potter (Mayor)
Cr Max Arnott (by videoconference)
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
Bláithín 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 Council 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

Cr Graham Costin	Item 7.2 - PP101/2020-1 - 979 Corangamite Lake Road, Coragulac - Proposed Dwelling and Shed
Nature of Disclosure	General conflict of interest
Nature of Interest	A family member assisted the applicant to prepare the application.

6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on Wednesday 10 May 2023.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Max Arnott

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on Wednesday 10 May 2023.

CARRIED 7 : 0

Item: 7.1

**PP329/2022-1 - 465 Birregurra Forrest Road, BIRREGURRA -
Two Lot Subdivision**

ADDRESS AND PROPERTY DETAILS	465 Birregurra Forest Road BIRREGURRA	APPLICATION NUMBER	PP329/2022-1
PROPOSAL	Re-subdivision of the Land into Two (2) Lots and Alteration of the Access onto TR22		
PERMIT TRIGGERS	<p>Clause 35.07-3 (FZ) – a permit is required to subdivide land.</p> <p>Clause 44.01-5 (EMO1) – a permit is required to subdivide land.</p> <p>Clause 44.04-3 (LSIO1) – a permit is required to subdivide land.</p> <p>Clause 44.06-2 (BMO) – a permit is required to subdivide land.</p> <p>Clause 52.29 (Land Adjacent to the Principal Road Network): a planning permit is required to alter the access to land in the Transport Zone 2 (TR22).</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	More than three (3) objections – 4 received.		
ZONE	Farming Zone (FZ)	OVERLAYS	<p>Part Bushfire Management Overlay (BMO) – 4.31%</p> <p>Part Erosion Management Overlay – Schedule 1 (EMO1) – 53.42%</p> <p>Part Land Subject to Inundation Overlay – Schedule 1 (LSIO1) – 3.53%</p>
COVENANTS	None		
CULTURAL HERITAGE	Whilst a portion of land along the creek passing through the middle of the site is designated as Culturally Sensitive under the Aboriginal Heritage Act a two lot subdivision is exempt from the need for a Cultural Heritage Management Plan.		
OFFICER	Vikram Kumar	CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive		
ATTACHMENTS	1. Plan of subdivision and Applicant Response to Objections [7.1.1 - 9 pages]		

RECOMMENDATION

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for Re-subdivision of the Land into Two (2) Lots and Alteration of Access to a road in the Transport Zone 2, subject to the following conditions:

Endorsed Plans

- 1. 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.*

Easements

- 2. 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.*

Compliance with Geotechnical Assessment

- 3. The approved subdivision of the land must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Provincial Geotechnical Pty. Ltd. (Reference No. 20481J, dated 9 November 2022) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Wastewater

- 4. Should any part of the wastewater system or effluent disposal field in Lots 1 or 2 be located outside the lot, or there be evidence of offsite discharge, any required alterations to the system must be undertaken prior to the issue of statement of compliance.*

Department of Transport & Planning condition

- 5. Before a Statement of Compliance is issued, the existing shared accessway to Birregurra Forrest Road must be upgraded generally in accordance with the design of a Typical Driveway Access to Properties (see attached drawing GD4010), all to the satisfaction and at no cost to the Department of Transport. This may involve:
 - a) An all-weather seal to the property boundary.**
- 6. No further access to Birregurra Forrest Road is permitted (ie only the proposed E-3 Carriageway for lot 2). All this to the satisfaction of the Responsible Authority and the Head, Transport for Victoria.*

Powercor

- 7. This letter shall be supplied to the applicant in its entirety.*
- 8. 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.*
- 9. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.*
- 10. 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).*

11. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Expiry

12. 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:

Department of Transport & Planning

- 1. Any further access to Lot 2 must only be from Deepdene Road and will be subject to approvals being obtained from Council's Infrastructure department.

Powercor

- 2. 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.
- 3. Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
- 4. The following apply:
 - a. Existing easements may need to be amended to meet the Distributor's requirements.
 - b. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

<i>Easement reference</i>	<i>Purpose</i>	<i>Width (Metres)</i>	<i>Origin</i>	<i>Land Benefited/In Favour Of</i>
	<i>Power Line</i>		<i>Section 88 -Electricity Industry Act 2000</i>	<i>Powercor Australia Ltd</i>

The officer recommendation was revised as detailed below.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Max Arnott

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for Re-subdivision of the Land into Two (2) Lots and Alteration of Access to a road in the Transport Zone 2, subject to the following conditions:

Endorsed Plans

- 1. 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.*

Easements

- 2. 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.*

Compliance with Geotechnical Assessment

- 3. The approved subdivision of the land must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Provincial Geotechnical Pty. Ltd. (Reference No. 20481J, dated 9 November 2022) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Wastewater

- 4. Should any part of the wastewater system or effluent disposal field in Lots 1 or 2 be located outside the lot, or there be evidence of offsite discharge, any required alterations to the system must be undertaken prior to the issue of statement of compliance.*

Department of Transport & Planning condition

- 5. Before a Statement of Compliance is issued, the existing shared accessway to Birregurra Forrest Road must be upgraded generally in accordance with the design of a Typical Driveway Access to Properties (see attached drawing GD4010), all to the satisfaction and at no cost to the Department of Transport. This may involve:
 - a) An all-weather seal to the property boundary.**
- 6. No further access to Birregurra Forrest Road is permitted (ie only the proposed E-3 Carriageway for lot 2). All this to the satisfaction of the Responsible Authority and the Head, Transport for Victoria.*

Powercor

- 7. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.*

Expiry

8. 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:

Department of Transport & Planning

- 1. Any further access to Lot 2 must only be from Deepdene Road and will be subject to approvals being obtained from Council's Infrastructure department.

Powercor

- 2. The following apply:
 - a. Existing easements may need to be amended to meet the Distributor's requirements
 - b. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
	Power Line		Section 88 -Electricity Industry Act 2000	Powercor Australia Ltd

CARRIED 6 : 1

DIVISION

For the motion: Cr Kate Hanson, Cr Tosh-Jake Finnigan, Cr Max Arnott, Cr Stephen Hart, Cr Margaret White, Cr Chris Potter

Against the motion: Cr Graham Costin

Item: 7.2

PP101/2020-1 - 979 Corangamite Lake Road, CORAGULAC - Proposed Dwelling and Shed

ADDRESS AND PROPERTY DETAILS	979 Corangamite Lake Road, Coragulac	APPLICATION NUMBER	PP101/2020-1
PROPOSAL	Use and Development of Land for a Dwelling		
PERMIT TRIGGERS	<p>Clause 35.07-1 - Farming Zone – Use of the land for a dwelling, for a store and associated works</p> <p>Clause 35.07-4 - Farming Zone – Building and works associated with a Section 2 (permit required) use; within specified setbacks; and within 500m of the nearest title boundary of land on which a work authority has been granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p> <p>Clause 42.01-2 – ESO2 – Buildings and works</p> <p>Clause 42.03-2 – SLO1 – Buildings and works</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Deferred at Planning Committee on 7 December 2022 and 10 May 2023 (until August 2023 meeting at the latest), to allow the applicant to engage consultants to assess landfill gas and contamination risk		
ZONE	Farming Zone	OVERLAYS	Environmental Significance Overlay, Schedule 2 (ESO2) Significant Landscape Overlay, Schedule 1 (SLO1) Part Land Subject to Inundation Overlay, Schedule 1 (LSIO) - 4.42%
COVENANTS	<p>None.</p> <p>Note: a right of carriageway exists over 977 Corangamite Lake Road to access the subject site.</p>		
CULTURAL HERITAGE	The subject site is in an area of cultural heritage sensitivity; however, construction of a single dwelling is not a high impact activity under the Aboriginal Heritage Regulations 2018. With regards to use of land for a store (for purposes associated with the applicant’s business, rather than ancillary to the dwelling), the land has already been subject to significant ground disturbance. As such, it is considered that the proposal would fall within the exemption under Regulation 58(4)		

which states, inter alia, that if the whole of the activity area for an activity requiring statutory authorisation has been subject to significant ground disturbance, that activity is not a high impact activity.

OFFICER Ravi Ayyagari **CHIEF EXECUTIVE OFFICER** Anne Howard

DIVISION Executive

ATTACHMENTS

1. Application Plans [7.2.1 - 6 pages]
2. Application Documents [7.2.2 - 14 pages]
3. Draft Conditions - Not Officer Recommendation [7.2.3 - 4 pages]
4. Officer Report - December 2022 Planning Committee Meeting [7.2.4 - 37 pages]

Cr Graham Costin declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 4.14pm prior to discussion taking place.

Cr Graham Costin	Item 7.2 - PP101/2020-1 - 979 Corangamite Lake Road, Coragulac - Proposed Dwelling and Shed
Nature of Disclosure	General conflict of interest
Nature of Interest	A family member assisted the applicant to prepare the application.

RECOMMENDATION

That Council resolves to refuse to grant a permit for the use and development of the land at 979 Corangamite Lake Road, Coragulac (Lots 1, 2 and 3 TP663499W - V/F: 8213/973) for a dwelling, a store and associated works including the retention of a retaining wall, on the following grounds:

1. *Evidence has not been submitted after multiple opportunities provided to the applicant to demonstrate that the land can be safely developed with a dwelling, having regard to the proximity of the building that is proposed to be converted and extended to a closed landfill site and an operating green waste and materials recovery facility, and the lack of information about potential contamination of the land. As such, the proposal is contrary to clauses 13.04-1S (Contaminated and Potentially Contaminated Land), 13.07-1S and 13.07-1L (Land Use Compatibility) and 65.01 (Approval of an Application or Plan) of the Colac Otway Planning Scheme.*
2. *The proposed use and development of a dwelling is contrary to clauses 02.03-4 (Natural Resource Management), 02.04 (Strategic Framework Plans), 14.01-1S and 14.01-1L (Protection of Agricultural Land) and 16.01-3S (Rural Residential Development) of the planning scheme, which seek to limit new housing development in rural areas by directing housing growth into existing settlements, and to limit rural residential development unless an application adequately demonstrates that a dwelling is genuinely required to carry out a long term agricultural activity having regard to the size of the lot, and the intensity and ongoing nature of the proposed agricultural activity.*

3. *The proposed use and development of a dwelling on the land does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the planning scheme, given that:*
 - a) *It has not been demonstrated that the site is suitable for the use or development, or that the proposal is compatible with adjoining and nearby land uses.*
 - b) *It has not been demonstrated how the use or development relates to sustainable land management.*
 - c) *It has not been demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.*
 - d) *It has not been demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.*
4. *The proposed dwelling does not accord with Council's adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.*

RESOLUTION

MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Stephen Hart

That Council resolves to Grant a Permit for the Use and Development of the Land for a Dwelling and Store at 979 Corangamite Lake Road, Coragulac (Lots 1, 2 and 3 TP 663499W, V/F 8213/973), subject to the following conditions:

Amended Plans

1. *Prior to the commencement of use and/or 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, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application, but modified to show:*
 - a) *The deletion of zincalume from the proposal, with the use of muted, non-reflective materials only shown on the plans.*
 - b) *Any changes required to the proposal as a result of the recommendations of the reports required by conditions 9, 10 and 11 of this permit.*

Endorsed Plans

2. *The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Consolidation

3. *Prior to the initial occupation of the dwelling hereby permitted, unless an alternate timeframe is agreed in writing by the Responsible Authority, Lots 1, 2 and 3 TP 663499W, V/F 8213/973 must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority, and a copy of the title following consolidation must be submitted to the Responsible Authority.*

Dwelling Infrastructure

4. *Prior to the initial occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*
 - a) *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
 - b) *The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
 - c) *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*
 - d) *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Access

5. *Prior to the initial occupation of the dwelling, the driveway must be constructed to an all-weather standard and with a minimum width of 3 metres, to the satisfaction of the Responsible Authority.*

Drainage

6. *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.*
7. *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) at any time during construction or operation, to the satisfaction of the Responsible Authority.*

Retaining Wall

8. *Prior to the initial occupation of the dwelling hereby permitted, the permit holder must engage a suitably qualified engineer to assess the condition and stability of the existing retaining wall to the rear of the dwelling, and to prepare a report on the condition of that wall. The report, which must include details of the existing condition of the wall and recommendations to address construction issues (if any), must be submitted to the Responsible Authority. The permit holder must implement any recommendations in the report prior to the initial occupation of the dwelling, unless otherwise approved in writing by the Responsible Authority.*

Landfill Gas Risk Assessment

9. *Prior to the commencement of works relating to the dwelling, the permit holder must to the satisfaction of the Responsible Authority:*
 - a) *engage a professional environmental consultant with demonstrated experience in the assessment of landfill gas risks to conduct an assessment of the potential for landfill gas to impact on the development and prepare and submit to the Responsible Authority the scope of the proposed risk assessment.*

- b) upon approval of the scope of the risk assessment by the Responsible Authority, have the consultant conduct the risk assessment and prepare a report to be submitted to the Responsible Authority which contains the consultant's opinion as to any potential risk associated with landfill gas beneath the land and any recommendations for the management or monitoring of the gas. The consultant must provide an opinion on whether an audit is required under the Environment Protection Act.
- c) implement any recommendations of the risk assessment report.
- d) if the risk assessment report recommends an audit under the Environment Protection Act:
 - i. engage an environmental auditor appointed under the Environment Protection Act to prepare and submit to the satisfaction of the Responsible Authority a scope of the proposed audit which includes consideration of both landfill gas and odour risk.
 - ii. have the environmental auditor conduct an audit under the Environment Protection Act in accordance with the agreed scope.
 - iii. implement any recommendations of the audit report.
- e) if the risk assessment report or audit report requires ongoing management or monitoring, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority requiring the implementation of any ongoing requirements.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Contamination

10. Prior to the commencement of works relating to the dwelling, the permit holder must engage a suitably qualified environmental consultant to undertake a Preliminary Site Investigation. The Preliminary Site Investigation must be submitted to the Responsible Authority prior to any works being undertaken on site.

The permit holder must implement any recommendations of the Preliminary Site Investigation.

The Preliminary Site Investigation must recommend if an environmental audit is required to be completed. If an environmental audit is required it must be undertaken in accordance with the requirements of condition 9 of this permit.

11. Prior to the commencement of works relating to the dwelling, if required by the Preliminary Site investigation undertaken in accordance with condition 10 of this permit, the permit holder must provide:
- a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
 - b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

12. *If an environmental audit statement is required, all recommendations of that statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site for a dwelling. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority.*

Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

Written Consent for Works to Commence (Dwelling)

13. *No works associated with the dwelling may occur until such time as the Responsible Authority provides written confirmation that either the risk assessment and associated report, or the environmental audit (if applicable), is acceptable. All recommendations must be implemented in accordance with the relevant report.*

On-site Storage

14. *All equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of the dwelling on the site must be kept in the store hereby permitted. No external storage of such items may occur externally on the site.*

Landscaping

15. *Prior to the commencement of development, 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, which must be drawn to scale with dimensions, must show:*

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed.*
- b) details of surface finishes of pathways and driveways.*
- c) a planting schedule of proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant, to mitigate the visual impact of the proposed development from Red Rock outlook.*

An in-ground irrigation system is to be provided to all landscaped areas.

All species selected must be to the satisfaction of the Responsible Authority.

16. *Prior to the initial occupation of the dwelling hereby permitted, or by such later date as 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.*

Expiry

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

- a) The development is not commenced within three years of the date of this permit.*
- b) The development is not completed, and use is not commenced, within five years of the date of this permit.*

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 also be necessary to obtain building permits for the proposed buildings.*
- 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.*

CCMA

- 3. The Authority recommends that the building envelope be restricted to its current footprint to protect the lake environment from further development.*
- 4. Lake Coragulac has been designated as a waterway under the Water Act 1989. As such, any development within 30 metres of the waterway will require a Works on Waterways Permit from the Corangamite Catchment Management Authority. A permit application can be submitted from the CCMA website at <https://ccma.vic.gov.au/waterways/flood-advice-works-on-waterways/#workswaterways>*

CARRIED 6 : 0

Cr Graham Costin returned to the meeting at 4.24pm after the vote was taken.

The meeting was declared closed at 4.25pm.

CONFIRMED AND SIGNED at the meeting held on 13 September 2023.



.....MAYOR

