



PLANNING COMMITTEE MEETING

MINUTES

WEDNESDAY 14 JUNE 2017

AT 6PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

14 JUNE 2017

TABLE OF CONTENTS

OPENING PRAYER.....	3
PRESENT	3
APOLOGIES	3
MAYORAL STATEMENT	3
DECLARATION OF INTEREST.....	4
CONFIRMATION OF MINUTES.....	4
VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS	4

OFFICER REPORTS

PC171406-1	TEMPORARY STONE EXTRACTION (BORROW PIT ASSOCIATED WITH PRINCES HIGHWAY DUPLICATION), REMOVAL OF NATIVE VEGETATION (SCATTERED NATIVE RUSHES), ACCESS AND CREATION OF DAM	5
PC171406-2	AMENDMENT C95 - PRINCES HIGHWAY - BARONGAROOK CREEK BRIDGE REPLACEMENT	12
PC171406-3	PLANNING AND BUILDING STATISTICAL REPORT FOR FEBRUARY, MARCH AND APRIL 2017	14

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on 14 June 2017 at 6pm.

1. I DECLARE THIS MEETING OPEN

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
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter (Mayor)
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Trevor Olsson, Acting General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Acting Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Melanesia Carson, Public Relations Officer
Blaithlin Butler, Statutory Planning Coordinator

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start today by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances such as where Council is compelled to disclose an audio recording because it is required by law, such as the *Freedom of Information Act 1982*, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorized recording of the meeting.

5. DECLARATION OF INTEREST

Cr Schram:	PC171406-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	My company is contracted to work on highway duplication

6. CONFIRMATION OF MINUTES

- **Planning Committee held on 10 May 2017.**

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That the Planning Committee confirm the above minutes with the correction that the date on the front cover be changed from 2016 to 2017.

CARRIED 7 : 0

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of five minutes will apply.

Applicant: Sarah Wright (Spiire)

PLANNING COMMITTEE MEETING
TEMPORARY STONE EXTRACTION (BORROW PIT ASSOCIATED WITH PRINCES
HIGHWAY DUPLICATION), REMOVAL OF NATIVE VEGETATION (SCATTERED
NATIVE RUSHES), ACCESS AND CREATION OF DAM
PC171406-1

ADDRESS AND PROPERTY DETAILS	4580 Princes Highway, Birregurra	GENERAL MANAGER	Gareth Smith
PREPARED BY	Blaithin Butler	TRIM FILE	F17/804
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Farming Zone (Use and Development, including Earthworks to Create Dam); Clause 52.08 (Earth and Energy Resources Industry); Clause 52.17 (Removal of Native Vegetation) and Clause 52.29 (Access to RDZ1/PAO)		
TRIGGER FOR DETERMINATION BY COMMITTEE	More than 3 objections (9)		
APPLICATION NUMBER	PP12/2017		
PROPOSAL	Temporary Use and Development of the Land for Stone Extraction (Borrow Pit Associated with Princes Highway Duplication), Removal of Native Vegetation (Scattered Native Rushes), Creation/Alteration of Access to a Road in a Road Zone Category 1/Public Acquisition Overlay, and Earthworks to Create a Dam PP12/2017		
ZONE	Farming Zone	OVERLAYS	Public Acquisition Overlay (PAO1 - VicRoads: Road Widening)
COVENANTS	No existing covenants on the land		
LIST OF ATTACHMENTS	1. Site plan and cross section		
CULTURAL HERITAGE	Part of the land is in an area of cultural heritage sensitivity. An approved Cultural Heritage Management Plan was submitted as part of the planning application.		

Cr Schram:	PC171406-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	My company is contracted to work on highway duplication

Having declared a conflict of interest, Cr Jason Schram left Council Chambers at 6.03pm

ORIGINAL RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the Temporary Use and Development of the Land for Stone Extraction (Borrow Pit Associated with Princes Highway Duplication), Removal of Native Vegetation (Scattered Native Rushes), Creation/Alteration of Access to a Road in a Road Zone Category 1/Public Acquisition Overlay, and Earthworks to Create a Dam at 4580 Princes Highway, Birregurra (Plan of Consolidation 172320W, V/F: 11491/304) subject to the following conditions:

Amended plans

1. *Prior to commencement of the 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 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 location of any native vegetation to be removed;*
 - b) *details of the proposed rehabilitation works, including capping of the dam, revegetation, removal of stockpiles, any fencing and/or landscaping proposed, access arrangements etc.;*
 - c) *the location of the gas pipeline easement and dimensioned setbacks from the edge of easement to the edge of the proposed works; and*
 - d) *the location of areas of cultural heritage sensitivity and access tracks in relation to the proposed borrow pit as shown on the amended plans received by the Responsible Authority on 18 May 2017.**

Endorsed plans

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

Output

3. *The total output from the extraction works must not exceed 145,400m³ without the written consent of the Responsible Authority.*

Biodiversity

4. *If any waterbodies are proposed to be removed or impacted within a 30m radius of the waterline, a pre-clearance inspection must be undertaken to determine whether or not there are any Growling Grass Frogs present, in accordance with the EPBC Act conditions approved for the Princes Highway Duplication Project.*
5. *Active weed management must be undertaken during the establishment, operation and*

rehabilitation phases of the borrow pit in accordance with the submitted 'Environmental Management Sub-Plan Weed and Pathogen Management' report received by the Responsible Authority on 10 February 2017.

Groundwater

6. *All works must be carried out on site in accordance with the submitted 'Groundwater Management Procedure Rev. 2', prepared by BMD and dated 18 April 2017.*

Amenity

7. *Details of dust control measures must be submitted to and approved in writing by the Responsible Authority. Dust management must be undertaken in accordance with the approved details for the duration of the works hereby permitted.*
8. *Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*

Cultural Heritage Management

9. *All works on site must be undertaken in accordance with the recommendations of the approved Cultural Heritage Management Plan (AV # 14217) for the land. Protective fencing must be erected around the areas of cultural heritage sensitivity, to prevent access into those areas, and must be maintained for the duration of works on the land associated with this permit.*

Rehabilitation

10. *Upon the completion of the extraction works hereby completed, the rehabilitation works shown on the endorsed plans must be undertaken to the satisfaction of the Responsible Authority.*

No Landfill

11. *No part of the site may be used for landfill.*

Protection of Gas Pipeline

12. *Prior to endorsement, the submitted plans must be amended to clearly show the location of the gas pipeline easement and dimensioned setbacks from the edge of easement to the edge of the proposed works, i.e. the borrow pit, confirming that no excavation or works are proposed on the gas pipeline easement.*
13. *Prior to the commencement of any works the gas pipeline easement must be fenced off with appropriate temporary fencing by the developer to the satisfaction of the Responsible Authority and the relevant pipeline licensee.*
14. *Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation is, or will be, permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.*
15. *No construction vehicles/equipment, construction material or overburden is permitted over the gas pipeline easement, without the consent of APA VTS Australia (Operations) Pty Ltd or the relevant pipeline licensee.*
16. *Prior to the commencement of any works, including demolition, a Construction*

Management Plan must be submitted to and approved by the Responsible Authority. The plan must:

- a) Demonstrate how the proposal will not compromise the integrity of the gas pipeline and the gas pipeline easement.*
- b) Prohibit the use of rippers or horizontal directional drills, blasting unless otherwise agreed by the operator of the gas transmission pipeline.*
- c) Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle/plant crossings of the pipeline within the easement.*
- d) Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.*
- e) Include any other relevant matter to the satisfaction of the Responsible Authority.*

Expiry

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

- a) The use, development and vegetation removal is not commenced within two years of the date of this permit.*
- b) The extraction works and vegetation removal is not completed within four 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.

Note

- 1. In the event that historical archaeological features, deposits, artefacts or ruins are discovered on site, works in that area will need to cease and Heritage Victoria will need to be contacted.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council:

resolves to issue a Notice of Decision to Grant a Permit for the Temporary Use and Development of the Land for Stone Extraction (Borrow Pit Associated with Princes Highway Duplication), Removal of Native Vegetation (Scattered Native Rushes), Creation/Alteration of Access to a Road in a Road Zone Category 1/Public Acquisition Overlay, and Earthworks to Create a Dam at 4580 Princes Highway, Birregurra (Plan of Consolidation 172320W, V/F: 11491/304) subject to the following conditions:

Amended plans

- 1. Prior to commencement of the 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 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 location of any native vegetation to be removed;*
- b) *details of the proposed rehabilitation works, including capping of the dam, revegetation, removal of stockpiles, any fencing and/or landscaping proposed, access arrangements etc.;*
- c) *the location of the gas pipeline easement and dimensioned setbacks from the edge of easement to the edge of the proposed works; and*
- d) *the location of areas of cultural heritage sensitivity and access tracks in relation to the proposed borrow pit as shown on the amended plans received by the Responsible Authority on 18 May 2017.*

Endorsed plans

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

Output

- 3. *The total output from the extraction works must not exceed 145,400m³ without the written consent of the Responsible Authority.*

Biodiversity

- 4. *If any waterbodies are proposed to be removed or impacted within a 30m radius of the waterline, a pre-clearance inspection must be undertaken to determine whether or not there are any Growling Grass Frogs present, in accordance with the EPBC Act conditions approved for the Princes Highway Duplication Project.*
- 5. *Active weed management must be undertaken during the establishment, operation and rehabilitation phases of the borrow pit in accordance with the submitted 'Environmental Management Sub-Plan Weed and Pathogen Management' report received by the Responsible Authority on 10 February 2017.*

Groundwater

- 6. *All works must be carried out on site in accordance with the submitted 'Groundwater Management Procedure Rev. 2', prepared by BMD and dated 18 April 2017.*

Amenity

- 7. *Details of dust control measures must be submitted to and approved in writing by the Responsible Authority. Dust management must be undertaken in accordance with the approved details for the duration of the works hereby permitted.*
- 8. *Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*

Cultural Heritage Management

- 9. *All works on site must be undertaken in accordance with the recommendations of the approved Cultural Heritage Management Plan (AV # 14217) for the land. Protective fencing must be erected around the areas of cultural heritage sensitivity, to prevent access into those areas, and must be maintained for the duration of works on the land associated with this permit.*

Rehabilitation

10. *Upon the completion of the extraction works hereby completed, the rehabilitation works shown on the endorsed plans must be undertaken to the satisfaction of the Responsible Authority.*

No Landfill

11. *Within 3 months of the date of this permit, or as otherwise agreed in writing by the Responsible Authority, 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 the Title of the property so as to run with the land, and must provide for the following:*

- a) *No part of the site may be used for landfill.*

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

Protection of Gas Pipeline

12. *Prior to endorsement, the submitted plans must be amended to clearly show the location of the gas pipeline easement and dimensioned setbacks from the edge of easement to the edge of the proposed works, i.e. the borrow pit, confirming that no excavation or works are proposed on the gas pipeline easement.*
13. *Prior to the commencement of any works the gas pipeline easement must be fenced off with appropriate temporary fencing by the developer to the satisfaction of the Responsible Authority and the relevant pipeline licensee.*
14. *Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation is, or will be, permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.*
15. *No construction vehicles/equipment, construction material or overburden is permitted over the gas pipeline easement, without the consent of APA VTS Australia (Operations) Pty Ltd or the relevant pipeline licensee.*
16. *Prior to the commencement of any works, including demolition, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must:*
 - a) *Demonstrate how the proposal will not compromise the integrity of the gas pipeline and the gas pipeline easement.*
 - b) *Prohibit the use of rippers or horizontal directional drills, blasting unless otherwise agreed by the operator of the gas transmission pipeline.*
 - c) *Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle/plant crossings of the pipeline within the easement.*

- d) *Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.*
- e) *Include any other relevant matter to the satisfaction of the Responsible Authority.*

Expiry

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

- a) *The use, development and vegetation removal is not commenced within two years of the date of this permit.*
- b) *The extraction works and vegetation removal is not completed within four 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.

Note

In the event that historical archaeological features, deposits, artefacts or ruins are discovered on site, works in that area will need to cease and Heritage Victoria will need to be contacted.

CARRIED 6 : 0

Cr Schram returned to the Council Chambers at 6.17pm

PLANNING COMMITTEE MEETING
AMENDMENT C95 - PRINCES HIGHWAY -
BARONGAROOK CREEK BRIDGE REPLACEMENT
PC171406-2

ADDRESS AND PROPERTY DETAILS		GENERAL MANAGER	Gareth Smith
PREPARED BY	Sean O'Keeffe	TRIM FILE	F16/6022
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Not applicable		
TRIGGER FOR DETERMINATION BY COMMITTEE	Council delegation		
APPLICATION NUMBER	Colac Otway Amendment C95		
PROPOSAL	To seek Council endorsement to support the request from VicRoads for Council consideration on proposed changes to the Colac Otway Planning Scheme to support the replacement of the Barongarook Creek Bridge on the Princes Highway, Colac.		
ZONE	Public Park and Recreation Zone (PPRZ)	OVERLAYS	Land Subjection Inundation Overlay (LSIO) Environmental Significance Overlay 2 (ESO2)
COVENANTS	None		
LIST OF ATTACHMENTS	<ol style="list-style-type: none"> Request - Views as to VicRoads Requesting the Minister for Planning to Proceed with this Planning Scheme Amendment - Proposed Planning Scheme Amendment C95 Princes Highway Barongarook Creek Bridge Replacement - Vic Roads 		
CULTURAL HERITAGE	Advisory		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Notes the replacement of the Barongarook Creek Bridge as part of the Princes Highway upgrade and acknowledges the importance of the project for the local and regional economy.*
- 2. Writes to VicRoads to offer support for the approval of Colac Otway Amendment C95 to rezone land from the Public Park and Recreation Zone to the Road Zone Category 1 and include Princes Highway – Barongarook Creek Bridge Replacement June 2017 Incorporated Document in the Colac Otway Planning Scheme.*
- 3. Writes to the Minister for Planning to advise that it supports the Minister preparing Colac Otway Amendment C95 to rezone land from the Public Park and Recreation Zone to the Road Zone Category 1 and include Princes Highway – Barongarook Creek Bridge Replacement June 2017 Incorporated Document in the Colac Otway Planning Scheme, and to the Minister utilising his power under Section 20(4) of the Planning and Environment Act 1987 to exempt himself from notice requirements under the Act.*
- 4. Officers continue to work with VicRoads and their preferred tenderer on the final bridge design, including pathway access below the bridge deck along Barongarook Creek.*
- 5. Notes the importance of the landscaping and open space networks around the Barongarook Creek Bridge and the requirement for a Landscape Plan for the Barongarook Creek Bridge Replacement Project, to be prepared in consultation with Colac Otway Shire.*
- 6. Notes the opportunity to improve the open space and pathway networks around the Barongarook Creek Bridge as part of this project.*
- 7. Request the establishment of a working group of Council and VicRoads officers to ensure the potential disruption to the local community from works associated with the bridge replacement is minimised and that opportunities for the enhancement of the public realm, including landscaping and paths are imbedded within the project.*

CARRIED 4 : 3

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Joe McCracken, Cr Chris Potter

Against the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Jason Schram

PLANNING COMMITTEE MEETING
**PLANNING AND BUILDING STATISTICAL REPORT
 FOR FEBRUARY, MARCH AND APRIL 2017**

PC171406-3

ADDRESS AND PROPERTY DETAILS	Municipality	GENERAL MANAGER	Gareth Smith
PREPARED BY	Jane Preston-Smith	TRIM FILE	F17/3767
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Not applicable		
TRIGGER FOR DETERMINATION BY COMMITTEE	Not applicable		
APPLICATION NUMBER	Not applicable		
PROPOSAL	Brief Councillors		
ZONE	Not applicable	OVERLAYS	Not applicable
COVENANTS	Not applicable		
LIST OF ATTACHMENTS	1. Planning and Building Statistical Report - Feb, March and April 2017		
CULTURAL HERITAGE	Not applicable		

RESOLUTION

MOVED Cr Jason Schram seconded Cr Terry Woodcroft

That Council notes the Planning and Building Statistical Reports for February, March and April 2017.

CARRIED 7 : 0

The Meeting was declared closed at 6.40pm

CONFIRMED at the meeting held on 12 JULY 2017


.....