

MINUTES of the **PLANNING COMMITTEE OF THE COLAC-OTWAY SHIRE COUNCIL**
held in the COPACC Meeting Room, Rae Street, Colac on 21 January 2009 at 10.30am.

1. PRESENT

Cr Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Jack Green, Acting Chief Executive Officer
Doug McNeill, Acting General Manger Sustainable Planning and Development
Marg Scanlon, Acting General Manager Corporate and Community Services
Neil Allen, General Manager Infrastructure and Services
Anne Sorensen, Acting Manager Planning and Building
Bronwyn Keenan, Executive Officer Sustainable Planning and Development

2. APOLOGIES

NIL

3. DECLARATION OF INTEREST

NIL

4. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item PC092101-3 Ngaira Smith (Mayor read written submission)
 Jeff Harrison
 Wayne Kennedy

5. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 09/12/08.

Recommendation

That the Planning Committee confirm the above minutes.

Resolution

MOVED Cr Stephen Hart seconded Cr Higgins that the Planning Committee confirm the above minutes.

CARRIED 7:0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC092101-1 PLANNING COMMITTEE MEETING VENUES 2009**
- PC092101-2 PLANNING PERMITS FOR THE MONTH OF DECEMBER 2008**
- PC092101-3 CONSTRUCTION OF FOUR (4) DWELLINGS AND A FOUR (4) LOT
SUBDIVISION AT 15 CAWOOD STREET, APOLLO BAY**

PC092101-1 PLANNING COMMITTEE MEETING VENUES 2009

AUTHOR: Bronwyn Keenan ENDORSED: Doug McNeill
DEPARTMENT: Sustainable Planning and FILE REF: GEN00450
Development

Recommendation(s)

That Council's Planning Committee confirm that the 2009 Planning Committee Meetings be held at COPACC.

Resolution

MOVED Cr Russell seconded Cr Buchanan that Council's Planning Committee confirm that the 2009 Planning Committee Meetings be held at COPACC.

CARRIED 7:0

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PC092101-2 PLANNING PERMITS FOR THE MONTH OF DECEMBER 2008

AUTHOR: Janole Cass ENDORSED: Doug McNeill
DEPARTMENT: Sustainable Planning and FILE REF: GEN00450
Development

Recommendation(s)

That Council’s Planning Committee note the December 2008 statistical report.

Resolution

MOVED Cr Higgins seconded Cr Stephen Hart that Council’s Planning Committee note the December 2008 statistical report.

CARRIED 7:0

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**PC092101-3 CONSTRUCTION OF FOUR (4) DWELLINGS AND A FOUR (4) LOT SUBDIVISION AT 15 CAWOOD STREET, APOLLO BAY**

AUTHOR: Anne Sorensen                      ENDORSED: Doug McNeill  
DEPARTMENT: Sustainable Planning and      FILE REF: PP198/08  
Development

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP198/08 for the subdivision, use and development of the land for four (4) dwellings and a four (4) lot subdivision at 15 Cawood Street, Apollo Bay, with the following conditions:***

***General***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. External lighting (if required) must be designed, baffled and located on each of the units so that it does not cause any adverse impacts on adjoining land.***

***Drainage/Services***

- 3. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 4. All services to each dwelling must be provided only through the common property area on the south side of the allotment.***
- 5. Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume to the satisfaction of the Responsible Authority, once approved such design must be endorsed and must form part of the permit issued.***

***Access and Car Parking***

- 6. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.***
- 8. The driveways must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***

9. ***The common property area and driveways must be constructed to an all weather surface being concrete, pavers or similar to the satisfaction of the Responsible Authority.***
10. ***Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-***
  - (a) ***Constructed to the satisfaction of the Responsible Authority.***
  - (b) ***Properly formed to such levels that they can be used in accordance with the plans.***
  - (c) ***Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.***
  - (d) ***Drained and maintained to the satisfaction of the Responsible Authority.***

### ***Landscaping***

11. ***Before the development starts, a revised landscape plan 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 plan must show:***
  - (a) ***landscaping and planting within all open areas of the site, including effective planting to the east, west and south boundaries to screen and soften the development, using tree species indigenous to the area. The landscape plan must give consideration to minimising loss of daylight and views from adjoining dwellings;***
  - (b) ***a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.***

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

12. ***The landscaping must be established prior to the occupation of the dwellings hereby permitted and maintained to the satisfaction of the Responsible Authority.***

### ***Expiry of Permit***

13. ***This permit will expire if one of the following circumstances applies:***
  - ***The development and use are not started within two (2) years of the date of this permit.***
  - ***The development is not completed within four (4) years of the date of this permit.***

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

### ***Subdivision***

14. ***The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

15. ***Prior to the certification of the Plan of Subdivision 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.***
16. ***Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority a sum equivalent to five percent of the site value of all land in the subdivision. Note: This requirement for payment is made pursuant to Section 18 of the Subdivision Act 1988.***
17. ***Prior to the issue of a Statement of Compliance, the subdivider must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.***
18. ***The Statement of Compliance will not be issued prior to all conditions on the subject Planning Permit are complied with to the satisfaction of the Responsible Authority.***

#### ***Conditions Required by Telstra***

19. ***That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.***

#### ***Conditions Required Barwon Water***

##### ***General***

20. ***The creation of easements over all existing and proposed sewers located within the subdivision in favour of the Barwon Region Water Corporation. The width of the easement is to be 2.5m over existing sewer main.***
21. ***The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.***
22. ***Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of the Act.***
23. ***The creation of an Owners Corporation to encumber all lots within the subdivision.***

##### ***Water***

24. ***The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.***
25. ***The payment of New Customer Contributions for each additional lot created and/ or each additional metered connection for water supply within the subdivision.***

26. ***An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tapplings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tapplings and services are not to be located under existing or proposed driveways.***
27. ***Barwon Water's records indicate that an existing 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 water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.***

#### **Sewer**

28. ***The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing regulations. Individual allotment house connections drains are to be provided for and extend into each allotment.***
29. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***
30. ***Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.***

#### **Conditions Required by Powercor**

31. ***The plan of subdivision submitted for certification under the Subdivison Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
32. ***The applicant shall:-***
  - a) ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
  - b) ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Instillation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***



- c) ***Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***  
***Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of caveat prior to the registration of the plan of subdivision.***
- d) ***Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for Powerline purposes" pursuant to section 88 of the Electricity Industry Act 2000.***
- e) ***Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- f) ***Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- g) ***Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- h) ***Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***
33. ***The time limit for the commencement of the subdivision hereby approved is two years from the date of issue of this permit and it must be completed within five years of the date of the subdivision plan.***

#### **NOTES**

1. ***Building approval is required for demolition of the existing dwelling and for development of the dwellings, prior to commencement of construction.***
2. ***An application to construct vehicle crossings must be lodged and approved by the Responsible Authority prior to the commencement of works.***
3. ***Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.***
4. ***For co-ordinated Telstra plant reticulation in this development, please refer to [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register your development and Apply for Reticulation.***
5. ***The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the sub division.***

**Resolution**

**MOVED Cr Higgins seconded Cr Buchanan that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP198/08 for the subdivision, use and development of the land for four (4) dwellings and a four (4) lot subdivision at 15 Cawood Street, Apollo Bay, with the following conditions:**

**General**

1. **Before the development start(s), 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 marked Version "G" but modified to show:**
  - (a) **Relocation of the unit 4 garage from the south-eastern property boundary to the northern internal boundary of proposed Lot 4;**
  - (b) **Unit 4 dwelling to have a minimum setback of 4 metres from the southern boundary and a minimum setback of 2.2 metres from the western boundary;**
  - (c) **The existing site levels of the land;**
  - (d) **The height of all buildings are not to exceed 7 metres from the existing site levels;**
  - (e) **Colours and materials proposed for each unit;**
  - (f) **Type of urban design treatment and location along the eastern and southern property boundary proposed to screen the development to prevent overlooking;**
  - (g) **Details of proposed structures along the eastern side boundary;**
  - (h) **Provision of a fence at the end of the driveway between the eastern boundary and Unit 4 of 1.8m in height;**
  - (i) **Acoustic wall to be provided on the south end of the balcony on the east side of Unit 4.**
2. **No change is permitted to the existing site levels beyond any excavation that may be required for the development and no fill is permitted on site.**
3. **As part of the drainage strategy, an enclosed drain is to be provided along the southern boundary of the property to assist in directing any overland drainage from the west into a legal point of discharge.**
4. **The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
5. **External lighting (if required) must be designed, baffled and located on each of the units so that it does not cause any adverse impacts on adjoining land.**

**Drainage/Services**

6. **All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.**
7. **All services to each dwelling must be provided only through the common property area on the south side of the allotment.**
8. **Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed pre-development stormwater discharge volume to the satisfaction of the Responsible Authority, once approved such design must be endorsed and must form part of the permit issued.**

**Access and Car Parking**

9. **Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.**
10. **Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.**
11. **The driveways must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.**
12. **The common property area and driveways must be constructed to an all weather surface being concrete, pavers or similar to the satisfaction of the Responsible Authority.**
13. **Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:**
  - (a) **Constructed to the satisfaction of the Responsible Authority.**
  - (b) **Properly formed to such levels that they can be used in accordance with the plans.**
  - (c) **Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.**
  - (d) **Drained and maintained to the satisfaction of the Responsible Authority.**

**Landscaping**

14. **Before the development starts, a revised landscape plan 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 plan must show:**

- (a) landscaping and planting within all open areas of the site, including effective planting to the east, west and south boundaries to screen and soften the development, using tree species indigenous to the area. The landscape plan must give consideration to minimising loss of daylight and views from adjoining dwellings;**
- (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**

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

- 15. The landscaping must be established prior to the occupation of the dwellings hereby permitted and maintained to the satisfaction of the Responsible Authority.**

#### **Expiry of Permit**

- 16. This permit will expire if one of the following circumstances applies:**
  - The development and use are not started within two (2) years of the date of this permit.**
  - The development is not completed within four (4) years of the date of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.**

#### **Subdivision**

- 17. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 18. Prior to the certification of the Plan of Subdivision 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.**
- 19. Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority a sum equivalent to five percent of the site value of all land in the subdivision. Note: This requirement for payment is made pursuant to Section 18 of the Subdivision Act 1988.**
- 20. Prior to the issue of a Statement of Compliance, the subdivider must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.**
- 21. The Statement of Compliance will not be issued prior to all conditions on the subject Planning Permit are complied with to the satisfaction of the Responsible Authority.**

**Conditions Required by Telstra**

22. *That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.*

**Conditions Required Barwon Water****General**

23. *The creation of easements over all existing and proposed sewers located within the subdivision in favour of the Barwon Region Water Corporation. The width of the easement is to be 2.5m over existing sewer main.*
24. *The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.*
25. *Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of the Act.*
26. *The creation of an Owners Corporation to encumber all lots within the subdivision.*

**Water**

27. *The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.*
28. *The payment of New Customer Contributions for each additional lot created and/ or each additional metered connection for water supply within the subdivision.*
29. *An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not being fitted. Note that tappings and services are not to be located under existing or proposed driveways.*
30. *Barwon Water's records indicate that an existing 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 water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.*

**Sewer**

31. *The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing regulations. Individual allotment house connections drains are to be provided for and extend into each allotment.*

32. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***
33. ***Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.***

#### **Conditions Required by Powercor**

34. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
35. ***The applicant shall:-***
  - a) ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
  - b) ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
  - c) ***Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***

***Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of caveat prior to the registration of the plan of subdivision.***
  - d) ***Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for Powerline purposes" pursuant to section 88 of the Electricity Industry Act 2000.***
  - e) ***Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
  - f) ***Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***

- g) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
  - h) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*
- 36. The time limit for the commencement of the subdivision hereby approved is two years from the date of issue of this permit and it must be completed within five years of the date of the subdivision plan.**

**NOTES**

- 1. Building approval is required for demolition of the existing dwelling and for development of the dwellings, prior to commencement of construction.**
- 2. An application to construct vehicle crossings must be lodged and approved by the Responsible Authority prior to the commencement of works.**
- 3. Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.**
- 4. For co-ordinated Telstra plant reticulation in this development, please refer to [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register your development and Apply for Reticulation.**
- 5. The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the sub division.**

**CARRIED 7:0**

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