



Colac Otway
SHIRE

AGENDA

PLANNING COMMITTEE MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

13 FEBRUARY 2013

at 10:30 AM

COPACC Meeting Rooms

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

13 FEBRUARY 2013

TABLE OF CONTENTS

OFFICERS' REPORTS

PC131302-1	PLANNING & BUILDING STATISTICAL REPORT.....	5
PC131302-2	SUBDIVISION OF THE LAND INTO EIGHT (8) LOTS AND THE CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 AT 3036 COLAC FORREST ROAD, FORREST (PP74/2010)	16

NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 13 February 2013 at 10.30 am.

AGENDA

1. 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

3. APOLOGIES

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982. It is an offence to make an unauthorised recording of the meeting.

5. DECLARATION OF INTEREST

6. 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 5 minutes will apply.

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 12/12/2012.**

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Sustainable Planning and Development

PC131302-1 PLANNING & BUILDING STATISTICAL REPORT
PC131302-2 SUBDIVISION OF THE LAND INTO EIGHT (8) LOTS AND THE
CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1
AT 3036 COLAC FORREST ROAD, FORREST (PP74/2010)

Rob Small
Chief Executive Officer

PC131302-1 PLANNING & BUILDING STATISTICAL REPORT

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

Summary

This report provides statistics relating to the months of December 2012 and January 2013.

Planning Statistics

17 Planning Permit Applications were received for the period 1 January 2013 – 31 January 2013.

14 Planning Permit Applications were considered for the period 1 January 2013 – 31 January 2013.

22 Planning permit Applications were received for the period 1 December 2012 – 31 December 2012.

21 Planning Permit applications were considered for the period 1 December 2012 – 31 December 2012.

Building Statistics

Please note that the Building Commission Website has been updated to November 2012.

Attachments

1. Planning Statistical Report January 2013 - Agenda Copy 0 Pages
2. Planning Statistical Report December 2012 - Agenda Copy 0 Pages

Recommendation(s)

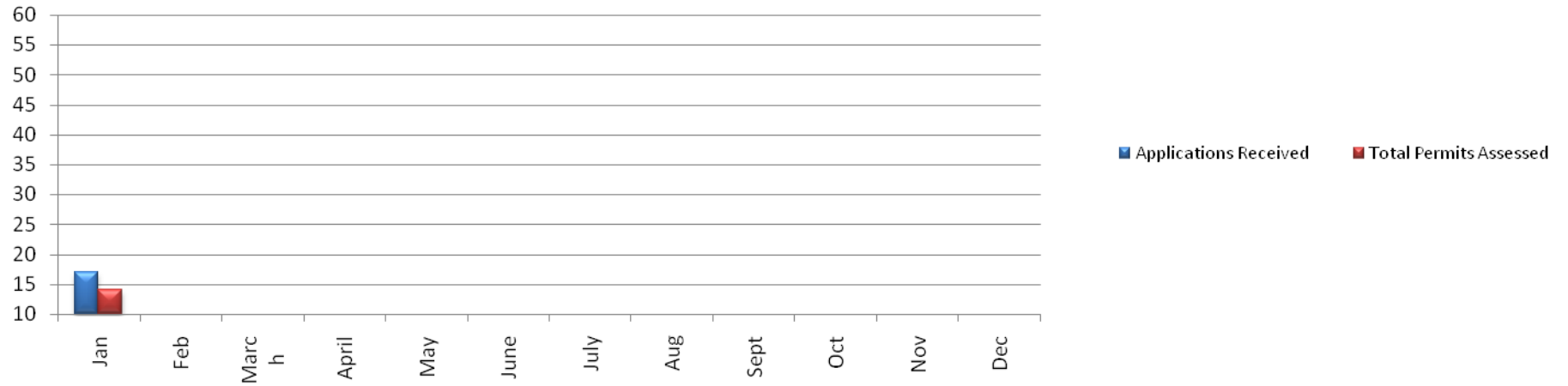
That Council’s Planning Committee note the statistical reports for December 2012 and January 2013.

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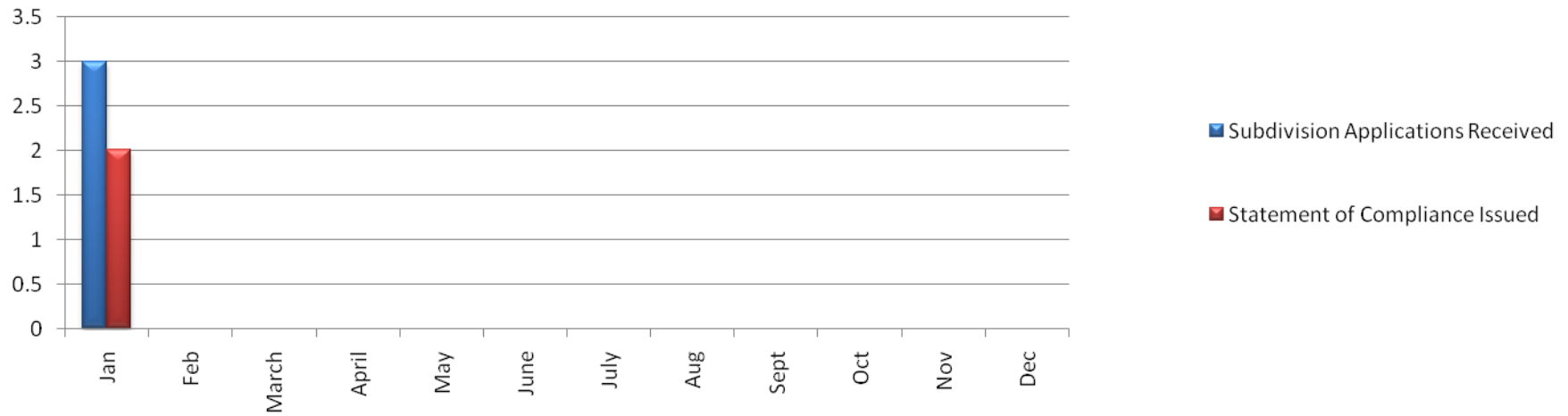
## PLANNING STATISTICAL REPORT – JANUARY 2013

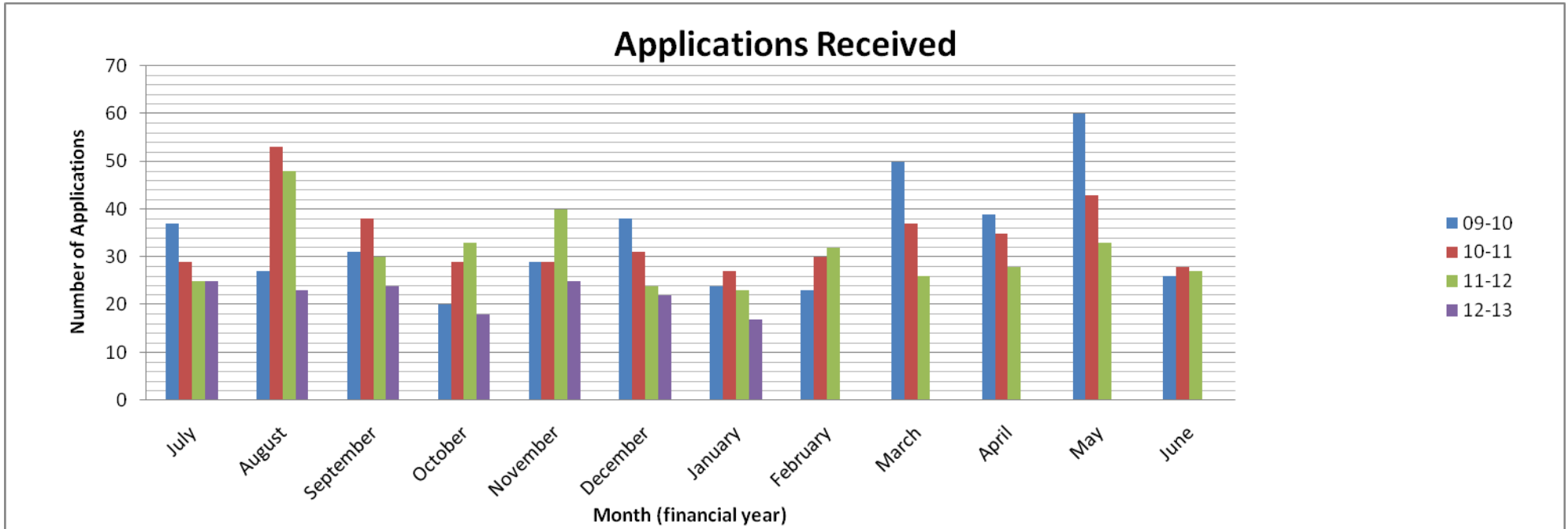
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                  | PROPOSAL                                                                                                               | ACTUAL TIME | DATE DETERMINED | DETERMINATION & AUTHORITY                        |
|--------------------|---------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|--------------------------------------------------|
| 429/2008-1         | 05/12/2008    | 750 CORANGAMITE LAKE ROAD<br>CORAGULAC    | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                         | 171         | 09/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 288/2010-2         | 04/10/2012    | 137 GREAT OCEAN ROAD<br>APOLLO BAY        | WAIVER OF CAR PARKING SPACES IN ASSOCIATION WITH THE USE OF THE LAND FOR A RESTAURANT AND A LIQUOR LICENCE – AMENDMENT | 86          | 04/01/2013      | NOTICE OF DECISION TO AMEND A PERMIT<br>DELEGATE |
| 9/2011-1           | 13/01/2011    | 20 ARTHUR COURT APOLLO BAY                | BUILDINGS AND WORKS ASSOCIATED WITH CONSTRUCTION OF CONCRETE BATCHING                                                  | 138         | 17/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 76/2012-1          | 12/04/2012    | 1220 WILD DOG ROAD TANYBRYN               | SUBDIVISION (BOUNDARY REALIGNMENT) OF THREE (3) EXISTING LOTS                                                          | 186         | 03/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 148/2012-1         | 11/07/2012    | 2515 COLAC LAVERS HILL ROAD<br>GELLIBRAND | RECONSTRUCTION OF DWELLING AND CONSTRUCTION OF DECK AND SHED                                                           | 105         | 02/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 161/2012-1         | 23/07/2012    | 25 MAIN ROAD GELLIBRAND                   | USE OF LAND AS A PLACE OF ASSEMBLY AND ASSOCIATED BUILDINGS AND WORKS                                                  | 89          | 11/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 204/2012-1         | 24/09/2012    | 485 SPEEDWAY ROAD JANCOURT<br>EAST        | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A SHED                                                              | 60          | 14/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 209/2012-1         | 26/09/2012    | 43B OCEAN PARK DRIVE<br>MARENGO           | BUILDING AND WORKS COMPRISING ALTERATIONS AND ADDITIONS TO EXISTING DWELLING                                           | 74          | 30/001/2013     | PERMIT ISSUED<br>DELEGATE                        |
| 217/2012-1         | 08/10/2012    | 69 JENNINGS STREET COLAC                  | SUBDIVISION OF THE LAND INTO TWO (2) LOTS                                                                              | 99          | 23/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 220/2012-1         | 16/10/2012    | 3 MCLELLAN COURT WYE RIVER                | NATIVE VEGETATION REMOVAL AND REPLANTING                                                                               | 0           | 09/01/2013      | PLANNING APPLICATION LAPSED<br>DELEGATE          |
| 233/2012-1         | 01/11/2012    | 1454 PRINCES HIGHWAY PIRRON<br>YALLOCK    | CONSTRUCTION OF A ROOF OVER EXISTING DECK AREA                                                                         | 63          | 03/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 239/2012-1         | 12/11/2012    | 494 PRINCES HIGHWAY COLAC<br>WEST         | USE OF LAND AS A CONVENIENCE SHOP, RESTAURANT (CAFÉ), PLANT NURSERY AND RETAIL SALES                                   | 0           | 03/01/2013      | APPLICATION FOR PLANNING WITHDRAWN<br>DELEGATE   |
| 249/2012-1         | 23/11/2012    | 11 NEWCOMBE STREET<br>MARENGO             | CONSTRUCTION OF A DWELLING                                                                                             | 39          | 22/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
| 267/2012-1         | 14/12/2012    | 35 EDMUNDSON STREET<br>BIRREGURRA         | BUILDINGS AND WORKS ASSOCIATED WITH EXTENSION OF DWELLING AND WATER TANK, AND REMOVAL OF TWO (2) TREES                 | 34          | 17/01/2013      | PERMIT ISSUED<br>DELEGATE                        |
|                    |               |                                           | AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS                                                                          | 82          |                 |                                                  |

### Planning Permits Received & Determined for 2013

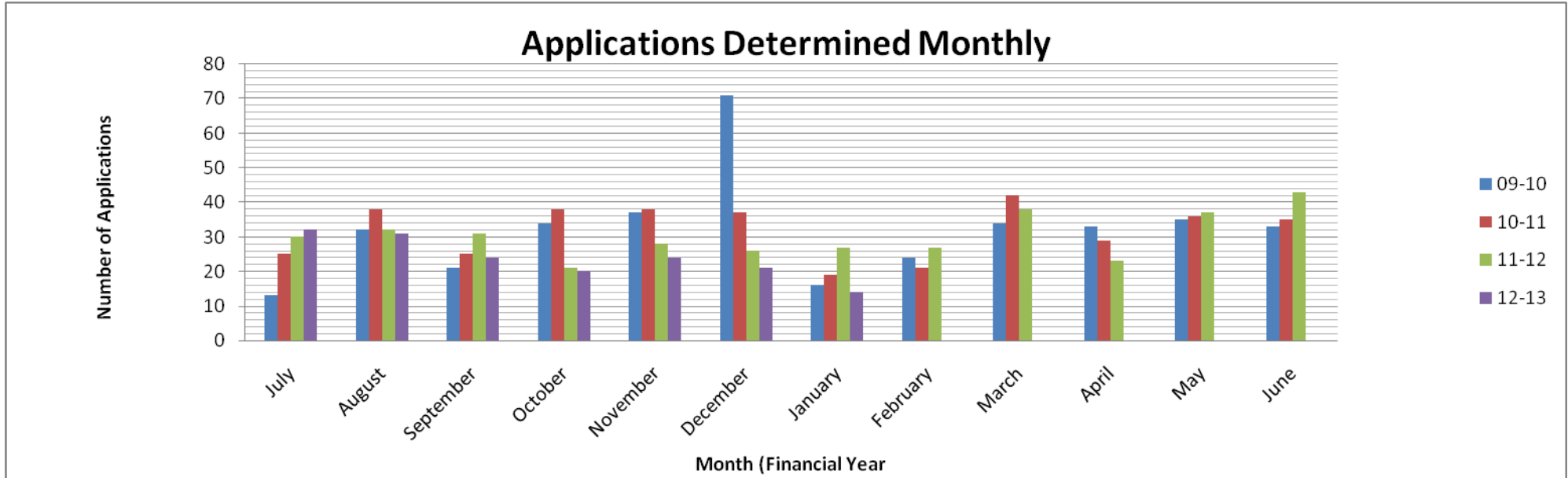


### Subdivision Applications for 2013

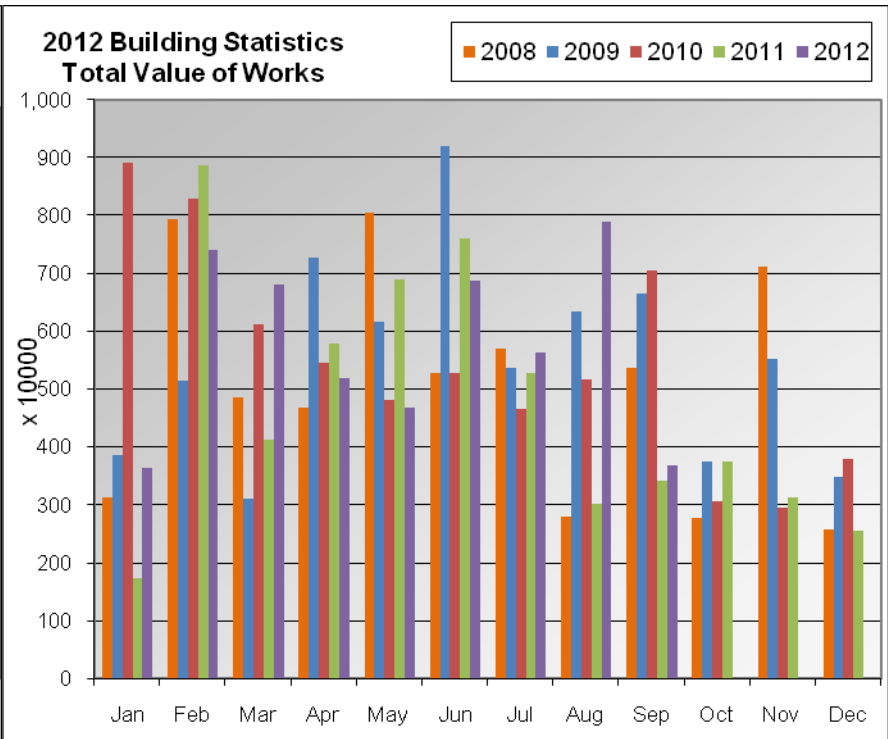
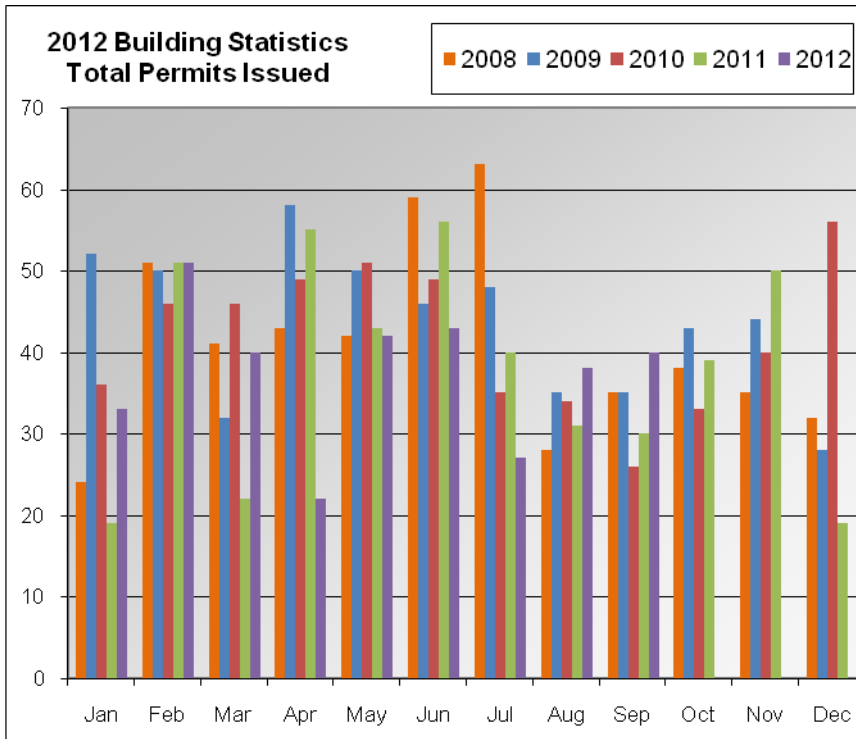








|               | Domestic   |                   | Residential* |                  | Commercial |                  | Retail    |                | Industrial |                   | Hospital/HealthCare |                  | Public Buildings |                  | Municipal Totals |                   |
|---------------|------------|-------------------|--------------|------------------|------------|------------------|-----------|----------------|------------|-------------------|---------------------|------------------|------------------|------------------|------------------|-------------------|
|               | No of BP   | Value (\$)        | No of BP     | Value (\$)       | No of BP   | Value (\$)       | No of BP  | Value (\$)     | No of BP   | Value (\$)        | No of BP            | Value (\$)       | No of BP         | Value (\$)       | No of BP         | Value (\$)        |
| Jan           | 23         | 2,632,772         | 0            | 0                | 4          | 356,809          | 2         | 410,000        | 1          | 27,000            | 0                   | 0                | 3                | 210,173          | 33               | 3,636,754         |
| Feb           | 36         | 4,147,416         | 0            | 0                | 7          | 229,380          | 2         | 66,500         | 4          | 2,910,222         | 0                   | 0                | 2                | 56,000           | 51               | 7,409,518         |
| Mar           | 30         | 4,901,928         | 0            | 0                | 4          | 143,000          | 2         | 30,000         | 2          | 520,000           | 0                   | 0                | 2                | 1,217,137        | 40               | 6,812,065         |
| Apr           | 18         | 1,600,096         | 1            | 15,666           | 2          | 368,000          | 0         | 0              | 1          | 3,200,000         | 0                   | 0                | 0                | 0                | 22               | 5,183,762         |
| May           | 29         | 3,543,672         | 2            | 135,000          | 3          | 152,362          | 2         | 161,500        | 3          | 328,554           | 0                   | 0                | 3                | 368,000          | 42               | 4,689,088         |
| Jun           | 35         | 4,637,580         | 1            | 1,200,000        | 4          | 1,008,450        | 1         | 10,000         | 0          | 0                 | 0                   | 0                | 2                | 26,200           | 43               | 6,882,230         |
| Jul           | 21         | 2,453,226         | 0            | 0                | 2          | 46,000           | 0         | 0              | 2          | 214,000           | 1                   | 100,000          | 1                | 2,813,840        | 27               | 5,627,066         |
| Aug           | 32         | 4,675,264         | 0            | 0                | 3          | 53,168           | 0         | 0              | 2          | 3,068,750         | 0                   | 0                | 1                | 93,800           | 38               | 7,890,982         |
| Sep           | 28         | 2,256,760         | 0            | 0                | 3          | 107,100          | 0         | 0              | 2          | 110,000           | 1                   | 113,200          | 6                | 64,624           | 40               | 3,670,484         |
| Oct           | 36         | 4,358,423         | 1            | 1,400,419        | 3          | 540,700          | 1         | 2,000          | 0          | 0                 | 0                   | 0                | 4                | 650,179          | 45               | 6,951,721         |
| Nov           | 28         | 5,312,227         | 1            | 160,000          | 5          | 138,270          | 2         | 79,730         | 0          | 0                 | 0                   | 0                | 1                | 465,082          | 37               | 6,155,309         |
| Dec           |            |                   |              |                  |            |                  |           |                |            |                   |                     |                  |                  |                  |                  |                   |
| <b>Totals</b> | <b>316</b> | <b>40,519,364</b> | <b>6</b>     | <b>2,911,085</b> | <b>40</b>  | <b>3,143,239</b> | <b>12</b> | <b>759,730</b> | <b>17</b>  | <b>10,378,526</b> | <b>2</b>            | <b>1,232,000</b> | <b>25</b>        | <b>5,965,035</b> | <b>418</b>       | <b>64,908,979</b> |

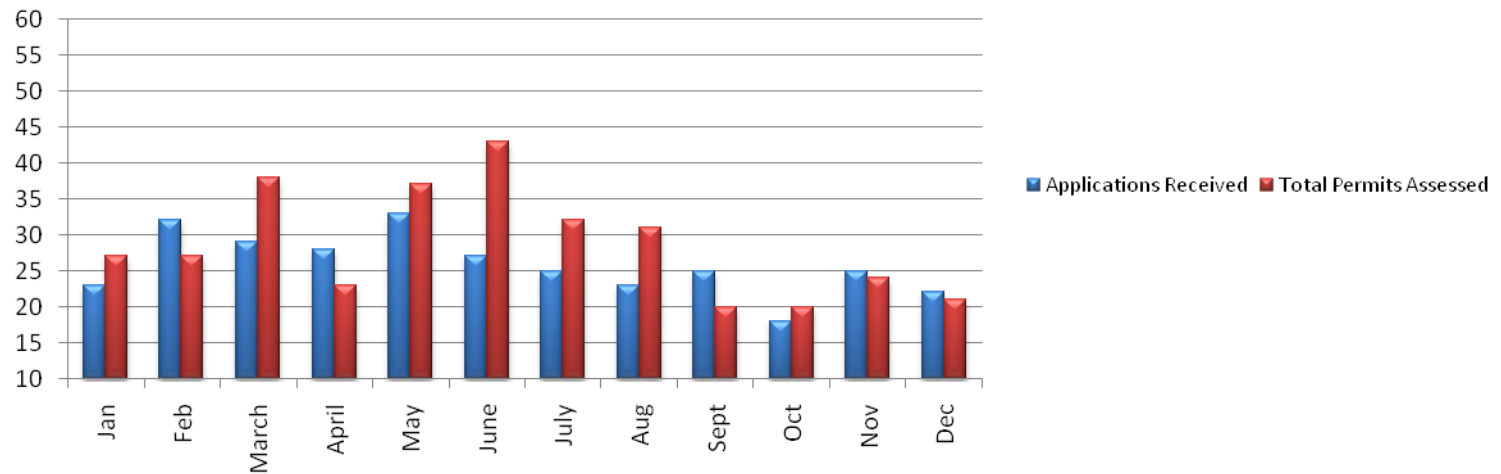


## PLANNING STATISTICAL REPORT – DECEMBER 2012

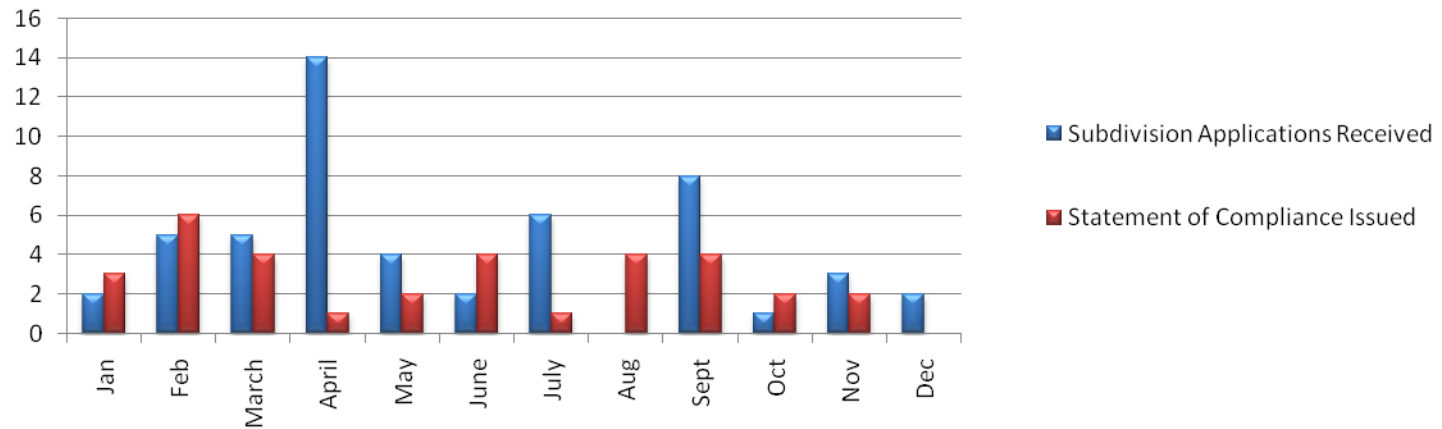
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                 | PROPOSAL                                                                                                                           | ACTUAL TIME | DATE DETERMINED | DETERMINATION & AUTHORITY                    |
|--------------------|---------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|----------------------------------------------|
| 335/2007-3         | 30 AUG 12     | 2120 COLAC FORREST ROAD GERANGAMETE      | USE & DEVELOPMENT OF THE LAND FOR A DWELLING AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 - AMENDMENT                          | 78          | 13 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 8/2011-2           | 8 AUG 12      | 22 ARTHUR COURT APOLLO BAY               | DEVELOPMENT OF TWO (2) STORAGE SHEDS – AMENDMENT                                                                                   | 117         | 24 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 301/2011-2         | 7 DEC 12      | 50 HARRIS ROAD ELLIMINYT                 | SUDIVISION – NINETEEN (19) LOTS – AMENDMENT                                                                                        | 5           | 12 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 30/2012-1          | 13 FEB 12     | 160 PARKES LODGE ROAD BARONGAROOK        | USE & DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                       | 0           | 1 DEC 12        | APPLICATION LAPSED DELEGATION                |
| 110/2012-1         | 16 MAY 12     | 13 MITCHELL GROVE SEPARATION CREEK       | CONSTRUCTION OF A ROOF DECK AND STAIR ACCESS                                                                                       | 83          | 19 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 118/2012-1         | 31 MAY 12     | 365 CHRISTIES ROAD BARONGAROOK WEST      | USE AND DEVELOPMENT OF THE LAND FOR A DWELLING                                                                                     | 96          | 24 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 132/2012-1         | 13 JUN 12     | 150 BUSHBYS ROAD BARONGAROOK             | CONSTRUCTION OF A STORAGE SHED ANCILLARY TO EXISTING DWELLING                                                                      | 129         | 10 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 152/2012-1         | 16 JUL 12     | 17 KAANGLANG ROAD FORREST                | VEGETATION REMOVAL ASSOCIATED WITH MANAGEMENT OF FIRE RISK TO A UTILITY INSTALLATION                                               | 47          | 24 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 154/2012-1         | 16 JUL 12     | 228 OLD BEECH FOREST ROAD GELLIBRAND     | NATIVE VEGETATION REMOVAL                                                                                                          | 26          | 20 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 163/2012-1         | 26 JUL 12     | 320 GELLIBRAND RIVER ROAD CARLISLE RIVER | BUILDINGS AND WORKS COMPRISING OF THE CONSTRUCTION OF A DWELLING (REPLACEMENT)                                                     | 104         | 14 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 177/2012-1         | 13 AUG 12     | 4 JILLIAN ROAD APOLLO BAY                | CONSTRUCTION OF TWO (2) DWELLINGS AND A TWO (2) LOT SUBDIVISION                                                                    | 0           | 4 DEC 12        | APPLICATION WITHDRAWN DELEGATION             |
| 187/2012-1         | 27 AUG 12     | 14 RAMSDEN AVENUE APOLLO BAY             | TWO (2) LOT SUBDIVISION – BOUNDARY REALIGNMENT                                                                                     | 78          | 24 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 199/2012-1         | 13 SEP 12     | 765 TOMAHAWK CREEK ROAD IRREWILLIPE      | USE & DEVELOPMENT OF AN EMERGENCY SERVICES FACILITY (CFA STATION)                                                                  | 21          | 13 DEC 12       | PERMIT ISSUED DELEGATION                     |
| 203/2012-1         | 17 SEP 12     | 55 COLAC BALLARAT ROAD IRREWARRA         | BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A ROOF OVER AN EXISTING BUILDING (SALEYARD) AND INSTALLATION OF RAINWATER TANKS | 62          | 12 DEC 12       | NOTICE OF DECISION TO GRANT A PERMIT COUNCIL |
| 206/2012-1         | 25 SEP 12     | 85 MEADOWELL ROAD GERANGAMETE            | EXTENSION OF AN OUTBUILDING                                                                                                        | 71          | 5 DEC 12        | PERMIT ISSUED DELEGATION                     |

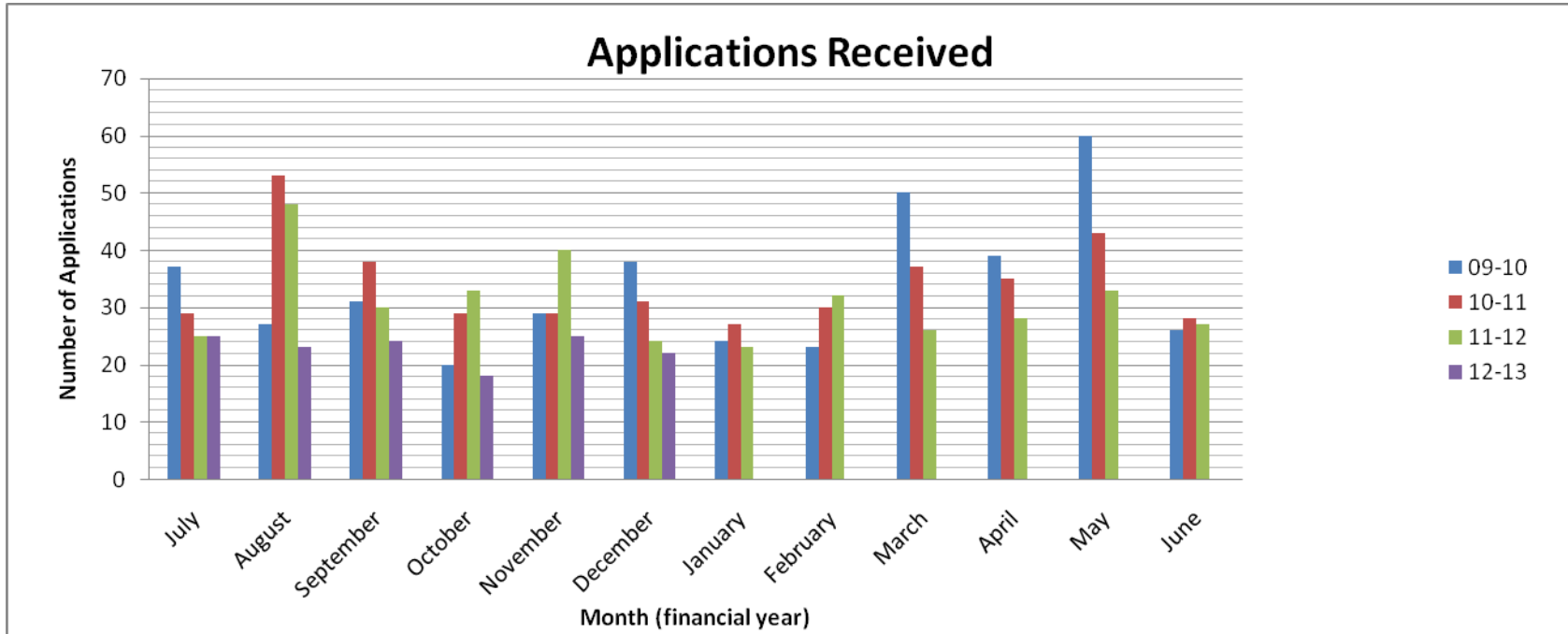
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                         | ACTUAL TIME | DATE DETERMINED | DETERMINATION & AUTHORITY        |
|--------------------|---------------|--------------------------------------|----------------------------------------------------------------------------------|-------------|-----------------|----------------------------------|
| 208/2012-1         | 13 SEP 12     | 32 OLD COACH ROAD SKENES CREEK       | ALTERATIONS & ADDITIONS TO EXISTING DWELLING                                     | 69          | 18 DEC 12       | PERMIT ISSUED DELEGATION         |
| 213/2012-1         | 4 OCT 12      | 81-85 HEARN STREET COLAC             | THREE (3) LOT SUBDIVISION                                                        | 0           | 11 DEC 12       | APPLICATION LAPSED DELEGATION    |
| 216/2012-1         | 5 OCT 12      | 1895 COLAC LAVERS HILL ROAD KAWARREN | CONSTRUCTION OF AN OUTBUILDING                                                   | 8           | 14 DEC 12       | PERMIT ISSUED DELEGATION         |
| 219/2012-1         | 13 OCT 12     | 15 KARINGAL DRIVE WYE RIVER          | TWO (2) LOT SUBDIVISION TO RE-ALIGN BOUNDARY AND TO REMOVAL CARRIAGEWAY EASEMENT | 0           | 13 DEC 12       | APPLICATION WITHDRAWN DELEGATION |
| 221/2012-1         | 17 OCT 12     | 173-183 MURRAY STREET COLAC          | DISPLAY OF TWO ILLUMINATED BUSINESS IDENTIFICATION SIGNS                         | 4           | 7 DEC 12        | PERMIT ISSUED DELEGATION         |
| 222/2012-1         | 17 OCT 12     | 5065 GREAT OCEAN ROAD LAVERS HILL    | CONSTRUCTION OF A SHED                                                           | 13          | 6 DEC 12        | PERMIT ISSUED DELEGATION         |
| 243/2012-1         | 9 NOV 12      | 1310 COLAC FORREST ROAD YEODENE      | CONSTRUCTION OF AN OUTBUILDING                                                   | 32          | 11 DEC 12       | PERMIT ISSUED DELEGATION         |
| 245/2012-1         | 12 NOV 12     | 10 CHURCHILL SQUARE COLAC            | CONSTRUCTION OF A GARAGE                                                         | 32          | 14 DEC 12       | PERMIT ISSUED DELEGATION         |
|                    |               |                                      |                                                                                  |             |                 |                                  |
|                    |               |                                      | AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS                                    | 47          |                 |                                  |

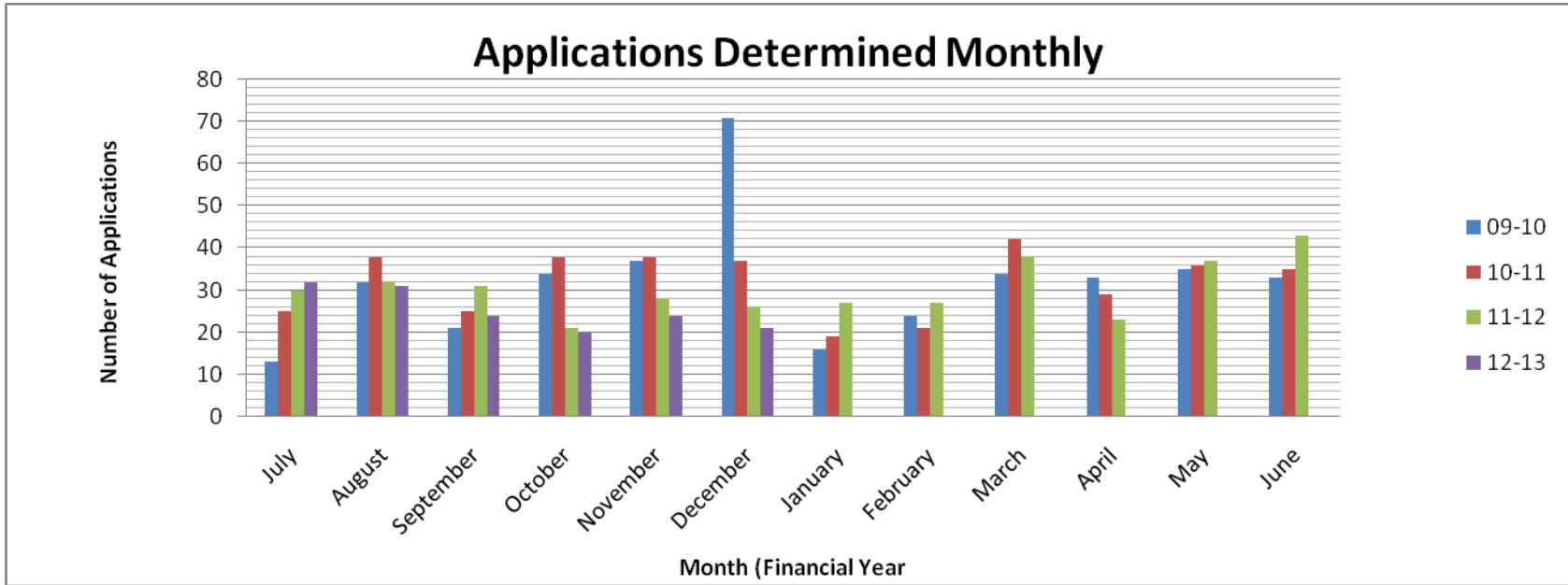
### Planning Permits Received & Determined for 2012



### Subdivision Applications for 2012







**PC131302-2 SUBDIVISION OF THE LAND INTO EIGHT (8) LOTS AND THE CREATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 AT 3036 COLAC FORREST ROAD, FORREST (PP74/2010)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1641   |

**Location:** 3036 Colac Forrest Road, Forrest

**Zoning:** Township Zone (TZ)

Abuts road in Road Zone Category 1

**Overlay controls:** Bushfire Management Overlay (BMO)

Erosion Management Overlay Schedule 1 (EMO1)

**Proposed Amendments:** Amendment C69 – Rural Living Strategy & Forrest Structure Plan (adopted by Council 23 January 2013)

**Purpose:**

This application seeks a planning permit for the subdivision of the land into eight (8) lots.

The application is before Council for consideration as more than four (4) objections have been received.

It is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Summary**

- An application has been submitted for the subdivision of the land at 3036 Colac Forrest Road, Forrest into eight (8) lots. The subject land is currently vacant.
- The application was originally lodged as a nine (9) lot subdivision, but was amended in July 2012.
- The original proposal also requested approval for the removal of native vegetation. This element, however, was deleted from the application in December 2012 as the applicant has advised that no native vegetation removal would be required in order to implement the proposed 8 lot subdivision and associated works.
- Planning approval for subdivision is required under the provisions of the Township Zone, the Erosion Management Overlay (Schedule 1) and the Bushfire Management Overlay. A requirement for a permit for subdivision is also triggered by the fact the site abuts a road in a Road Zone Category 1, and due to the creation of an access to that road.



- The application was lodged prior to the incorporation of the Bushfire Management Overlay (BMO) into the Planning Scheme; the BMO replaced the Wildfire Management Overlay in November 2011. Therefore the proposal benefits from the transitional arrangements at Clause 44.06-8 of the Planning Scheme and the requirements of the Wildfire Management Overlay continue to apply to this application.
- Public notification of the application was undertaken, with a total of six (6) objections being received.
- The majority of objectors' concerns related to stormwater drainage and effluent disposal.
- A consultation meeting was held on the 13 December 2012, with the majority of objectors present as well as the landowners and Council officers. The meeting did not result in the withdrawal of any of the objections, or any agreed resolutions.
- The CFA has consented to the issue of a planning permit, subject to specific conditions being placed on any permit issued.
- Access to the land is proposed via a new road off the Colac Forrest Road. The application was referred to VicRoads which raised no objection to the proposal, subject to conditions being imposed on any permit.
- The application was also referred to DSE and to the utility providers, none of which objected to the proposal.
- The Council's Infrastructure section has advised that the proposal is acceptable in terms of road layout and drainage, subject to conditions.
- It is considered that the proposed subdivision, which would result in lot sizes comparable to, or larger than, those in the vicinity of the site, would be acceptable in terms of the character and amenity of the area.
- Given the above, it is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

### **Background**

There are no previous planning permit applications on record for the subject land.

### **Issues / Options**

Council has the options of:

- a) Supporting the application by issuing a Notice of Decision to Grant a Planning Permit subject to conditions;
- b) Supporting the application with changes;
- c) Refusing to grant a permit.

The key issues in this case are whether the proposed subdivision is appropriate in this location, taking account of the character and amenity of the area, the overlays affecting the site, and whether stormwater and effluent disposal can be managed effectively.

It is recommended that Option (a) is supported.

### **Proposal**

The proposed subdivision comprises:

- Creation of eight (8) allotments, with areas between 3159sqm and 5248sqm.
- Construction of a new road serving the subdivision, off Colac Forrest Road (RDZ1). The new road would end in a court bowl, which would provide a turning area.

**Site & Surrounds**

The subject land is located to the south of Colac Forrest Road, Forrest. The land is irregular in shape and has a total area of 3.437 hectares. The land has an undulating form and is predominantly comprised of cleared paddocks with some native trees scattered throughout. The land slopes downwards to the south and south-east, with a fall ranging from 3 to 6 degrees.

The adjacent land to the south (Turner Drive), east and north is generally comprised of residential dwellings set on allotments varying in size from 1550sqm to 6000sqm.

The land adjacent to the west (2320 Birregurra-Forrest Road, Forrest) is a 3.9 hectare vacant allotment with characteristics similar to the subject land. That allotment is also zoned Township Zone.

An unmade government road runs along the site's western property boundary.

The Forrest Primary School abuts the site's eastern most property boundary.

The Forrest town centre is approximately 300m to the south east of the subject land as the crow flies. The land is located approximately 170m west of the Barwon-Downs – Forrest Road intersection.

The site is not within an area of cultural heritage sensitivity, and there are no restrictions on Title.

**Public Notice**

Public notice of the application was given twice in accordance with Section 52 of the Planning and Environment Act, by sending letters to adjoining owners/occupiers and by posting a sign on-site.

The application first underwent public notification in September 2010. At the time the proposal was described as:

*Ten (10) Lot Subdivision & Associated Works & Removal of Native Vegetation*

(It was subsequently clarified that the application was, in fact, for a nine lot subdivision.)

At the conclusion of the notification period, four (4) objections were received. The applicant provided a Statutory Declaration on the 27 October 2010 stating that the advertising was carried out in accordance with Council's requirements.

The application underwent public notification for a second time in September 2012 following changes to the proposal; in particular the reduction in the number of proposed allotments to eight (8) and also a revised road layout. The revised proposal was described as:

*Eight (8) Lot Subdivision & Associated Works & Removal of Native Vegetation*

The applicant provided a Statutory Declaration (20 September 2012) stating that the advertising was carried out in accordance with Council's requirements.

At the conclusion of the second notification period objections were received from the same parties which lodged objections to the original proposal.

The grounds of objection are summarised as follows:

- Proposal will increase stormwater flow over adjoining properties.
- Stormwater drainage plans have not been submitted.
- Concerns over stormwater impacts.
- Concern over the capability of proposed lots to contain effluent.
- Potential for water to be contaminated.
- The Geotechnical Reports are dated, were conducted in a dry year and contain inconsistent information.
- The submitted ecological report is inconsistent and needs to be revised.
- Poor access and road layout will present hazardous risks when entering and exiting the subdivision.
- Proposal is a bushfire risk.
- The planning process has not been transparent.
- The long delay in processing the application has not been explained.
- Discussions between officers and the developers have not been disclosed.
- Concerns that lots will be occupied by substandard buildings and caravans.
- Loss of privacy and amenity.
- A natural watercourse will be impacted.
- Impact on trees on adjoining properties.

The planning issues raised by objectors are addressed later in this report; however the following comments are made about procedural issues:

- *The long delay in processing the application has not been explained.*

The application has been amended by the applicant on several occasions on the basis of advice from planning officers and also taking into account concerns raised by objectors. The complex nature of the application also required the applicant to submit further information during the process, which took some time to prepare and submit.

- *The planning process has not been transparent.*
- *Discussions between officers and the developers have not been disclosed.*

As with any planning application, discussions have been held between various Council officers and the applicant in order to obtain relevant information, and try to resolve issues and concerns. Officers have not guaranteed approval of the application at any time and have flagged the fact that the decision on this application would be made by Planning Committee; as with all applications, the proposal is assessed on its individual merits at the time of a determination being made.

- *Concerns that lots will be occupied by substandard buildings and caravans.*

Relevant planning controls and local laws should prevent such outcomes from occurring.

**Referrals**

The application was referred under Section 55 of the Planning and Environment Act to:

- Country Fire Authority (CFA)
- VicRoads
- Barwon Water
- Powercor
- Telstra
- Tenix

No objections were raised by any of the above referral authorities. All except Tenix requested that specific conditions be imposed on any permit issued. These are included in the recommendation below.

The application was referred under Section 52 of the Planning and Environment Act to the Department of Sustainability and Environment (DSE). DSE did not object to the proposal, but noted:

*“...the permit trigger for vegetation removal in the Erosion Management Overlay would endure across this site, even where the Clause 52.17-6 permit exemption relating to lot size below 4,000m<sup>2</sup> is triggered in consideration of losses consequent on subdivision. I note that Council may further consider an approach requiring S173 agreements to protect large eucalypt trees. The department recommends Council seeks clarity at subdivision stage as to retention of trees especially within building envelopes, and to offset such losses at this stage, rather than deal with multiple individual subsequent permit applications for removal of small numbers of trees....”*

The applicant subsequently confirmed that it was not the intention to remove any vegetation and advised that, should the engineers determine that the batter for the road construction necessitates the removal of any vegetation, an application would be submitted at that time. As such, vegetation removal does not form part of this application, and would not be allowed in the event a permit is issued. However, it is recommended that a Section 173 legal agreement be required in order to protect trees on site in the event a permit is issued. Whilst a permit would still be required under the EMO to fell larger trees, only matters relating to erosion and landslip could be taken into account when assessing any such application under the overlay.

In addition, the application was referred to Council's Infrastructure Department, Environment Department and Health Department.

The Infrastructure Department has requested specific conditions be placed on any permit issued and provided the following comments:

*“Revised layout of subdivision, following comments made in July 2011, is workable. The turning area will need to accommodate a 9m radius court bowl pavement plus a 3.5m minimum verge. All services to be located within verge or designated easements.*

*Drainage does not appear to be overly concerning. Land appears to generally fall towards the unmade government road to the west. In addition, lot sizes are very large and potentially provide for a variety of stormwater treatment options.*

*A stormwater management plan would be required as a condition of the permit. The applicant will be required to show that stormwater runoff currently affecting lots south of the subdivision (on Turner Drive) will not be worsened by development of newly created lots. The applicant has accepted this principle in the planning permit submission. It is a principle of the subdivision process that development should not cause the increase in severity or frequency of flooding of other properties. The stormwater management plan will likely recommend, as a minimum, an easement for the outlet of the road drainage through lot 5. Some land or a reserve may have to be given over to a WSUD feature such as a retention area. This cannot be ascertained at this stage. It is therefore not appropriate to condition such. However, for this reason the plan of subdivision will not be certified until the Stormwater Management Plan has been approved by Infrastructure.*

*In general, it is considered that this plan of subdivision is workable and should be issued with a permit that will place conditions regarding stormwater control and other infrastructure.”*

Council’s Environmental Health Department has no objection to a permit being issued and provided the following comments about the proposal as originally submitted:

*“I advise that I have concerns about proposed lots 2, 3 & 4. An inspection of the site on 30 September revealed flowing water in the gully across the south end of lot 2 and running parallel to lots 3 & 4. The indicated effluent field locations for these blocks would not comply with the minimum setback distance of 30 metres to ephemeral streams. This problem may be addressed if the effluent field locations could be made flexible.*

*It would also be appropriate for prospective buyers of these lots to be made aware of this limitation through some mechanism before purchase takes place.*

*In regards to the submitted land capability reports I find them adequate in design and detail however stronger direction should have been given on the restriction of the setback distances to the ephemeral stream. Although revised effluent fields are shown on the LCAs they have not been placed on the proposed lot plans.”*

Council’s Environmental Health Department further advised in October 2012:

*“I advise that I have no objection to the above permit being granted.*

*There is an issue in that the removal of the effluent field from the titles allows me to vary the location of the effluent fields to suit different house designs however it creates a problem for the purchasers who would I assume be unaware of the restrictions imposed by the location of streams and surface waters along lots 2,3 & 4.”*

Council’s Environment Department has liaised with the applicant about the protection of the large eucalypt trees located on the subject land. As a result, it has been recommended, and agreed with the applicant, that a condition be imposed on any permit issued requiring a Section 173 Agreement be entered into specifically protecting all ‘large eucalypt trees’. A large eucalypt tree is defined as a tree with a Diameter at Breast Height (DBH) of 70cms or more.

The Environment Department has also requested several other conditions be placed on any permit issued; these conditions relate to tree protection measures during construction and the prevention/control of environmental weeds on the subject land. The latter would more appropriately be addressed by notes, as included in the recommendation below.

Council's Manager of Recreation, Arts and Culture provided the following advice with respect to a public open space contribution:

*"I recommend that Council requests a 5% monetary contribution to public open space in this instance. The Colac Otway Public Open Space Strategy identifies that the Shire's Rural South Area, inclusive of Forrest, has an "Excellent Provision" of open space in terms of amount and distribution. The strategy identifies that there is:*

- *A good variety of the different types of open space that meet a range of community needs across this area.*
- *A need for improved connections where this is possible to link localities and outlying areas with the key open space sites.*
- *Improvements to open space would increase amenity and the useability of open space.*

*Therefore, it is recommended that a monetary contribution be received with this cash being allocated to improving existing open space in Forrest."*

### **Planning Controls**

#### **a. State and Local Planning Policy Frameworks**

The State and Local Planning Policy Frameworks seek to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application.

- Clause 11.05 – Regional Development
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks
- Clause 14.02-2 – Water Quality
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 19 - Infrastructure
- Clause 21.3-7 – Smaller Townships
- Clause 21.04 - Environment

The proposal is considered consistent with the objectives and strategies of the relevant State and Local Planning Policy Frameworks. The proposed subdivision is orderly, allows for residential development within an established township and provides lot densities which are consistent with character of the area.

#### **b. Zone provisions**

The purpose of the Township Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage residential development that respects the neighbourhood character.*

Planning approval is required for the subdivision of land under the provisions of the Township Zone. The merits of the proposal are considered later in this report.

c. Overlay Provisions

Erosion Management Overlay Schedule 1

The purpose of the Erosion Management Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

Planning approval is required for the subdivision of land under the provisions of this overlay control.

Bushfire/Wildfire Management Overlay

There are transitional arrangements in place for applications lodged prior to 18 November 2011, including this application which was lodged on 31 March 2010. The overlay states:

*“The requirements of the Wildfire Management Overlay in Clause 44.06 of this scheme in force immediately before 18 November 2011 continue to apply to any planning permit application lodged before this date.”*

The application was referred to the CFA on this basis.

d. Particular Provisions

Clause 52.01 - Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the Council for public open space of an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

A public open space contribution may be made only once for any of the land to be subdivided.

Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this planning control is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

In this instance a permit is required to:

- *Create or alter access to a road in a Road Zone, Category 1.*

- *Subdivide land adjacent to a road in a Road Zone, Category 1.*

#### Clause 56 - Residential Subdivision

The purpose of Clause 56 ('ResCode') is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
  - *Metropolitan Melbourne growth areas.*
  - *Infill sites within established residential areas.*
  - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
  - *Policy implementation.*
  - *Liveable and sustainable communities.*
  - *Residential lot design.*
  - *Urban landscape.*
  - *Access and mobility management.*
  - *Integrated water management.*
  - *Site management.*
  - *Utilities.*

### **Consideration of the Proposal**

#### Township Zone

Planning approval is required for subdivision under the provisions of this zone. Subdivision must also meet the relevant objectives of Clause 56 ('ResCode') pursuant to this Zone. The proposal is considered to be consistent with the purposes of the Township Zone, incorporates large sized allotments of between 3159sqm and 5248sqm, which are consistent with adjacent lots used for residential purposes to the south along Turner Drive. Each lot is capable of containing a dwelling that will respect the open rural setting and informal landscape.

The proposal is consistent with the intent of the Township Zone of providing a variety of residential properties at varied sizes to meet community needs. It is also noted that whilst there are numerous vacant lots available with the Forrest Township, there do not appear to be many of the size proposed.

#### Erosion Management Overlay Schedule 1

The application includes a Geotechnical Assessment (2020 Engineering Solutions, 13/02/2010, Report No: ES1005). The report, which noted that the application is for subdivision only and assessed the proposal accordingly, makes the following conclusions with respect to land stability risks:



*“The checklist process generated a low level of hazard indicators despite the three ‘Report Required’ responses.*

*Extensive drilling across the site did not reveal any indicators of shallow or deep seated soil instability. Existing vegetation did not indicate evidence of soil instability. A preliminary soil volumetric calculation indicated that the soil volumes required for the slope formation did not originate from up-slope.*

*Apart from the mapped system the site inspection did not reveal any potential evidence of shallow or deep-seated instability. The low slope angles geology would suggest that the hazard of deep-seated soil instability is unlikely. There is no identified life at risk from the proposal, therefore the risk to life is barely credible. The risk to property and environmental elements would be extremely low.”*

It is noted that the report recommends the proposal be allowed and makes no further recommendations.

The report concludes that the risk to life, property and environmental elements is low and therefore the proposal is considered to be in keeping with purpose and objectives of the EMO1.

#### Bushfire/Wildfire Management Overlay

As indicated previously, the application was lodged prior to 18 November 2011, therefore the transitional arrangements at Clause 44.06-8 apply.

The application includes a response to the provision of the Wildfire Management Overlay, as required by the provisions of the control. These are included in the recommendation below.

The application was referred to the CFA under Section 55 of the Planning and Environment Act which advised that there are no objections to the proposal, subject to specific conditions being placed on any permit issued.

Therefore the proposal is considered to be consistent with the purpose and decision guidelines of the Wildfire Management Overlay.

#### Clause 52.01 - Public Open Space Contribution and Subdivision

It is recommended that a public open space contribution of 5% of the site value of all land in the subdivision be required if this application is supported. This contribution is required in accordance with Section 18 of the Subdivision Act 1988.

It is envisaged that this monetary contribution would be put towards improving existing open space within Forrest, as identified by the Colac Otway Open Space Strategy.

#### Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The application was referred to VicRoads under Section 55 of the Planning and Environment Act. A response was received on 24 September 2012 stating that VicRoads has no objections to the proposal, subject to conditions being placed on any permit issued.

The conditions can be achieved and therefore the proposal is considered to be compliant with the objectives of Clause 52.29.

Clause 56 ('Rescode')

An assessment of the proposal against the relevant objectives and standard of Clause 56 has been undertaken.

Neighbourhood Character – Standard C6

Whilst there is no preferred character identified for the area, the proposal is considered to be consistent with the existing character of the area.

The proposal incorporates lots varying in size from 3159sqm and 5248sqm. The applicant has provided a site context plan which clearly defines the lot sizes of existing properties within the immediate vicinity of the subject site. The adjacent lots to the south, which front Turner Drive, vary in size from 1550sqm to 6000sqm.

No vegetation is proposed to be removed. The road layout has taken into account the presence of the large eucalypt trees. The applicant has agreed to protect large trees on site via a Section 173 Agreement.

Lot Area and Building Envelopes – Standard C8

Each lot is in excess of 3000sqm and, as such, there is no requirement to show a building envelope. Each lot could easily accommodate a dwelling.

Solar Orientation – Standard C9

All of the proposed lots have dimensions that are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.

Street Orientation – Standard C10

Each of the proposed lots has a frontage to the proposed road and will allow for future dwellings to be provided adequate surveillance.

Common Area – Standard C11

No common property is proposed.

Integrated Urban Landscape – Standard C12

It is considered that the proposal should provide an attractive landscape due to the size of the proposed lots and the retention of existing trees.

Whilst no landscape plan has been provided, it is recommended that a condition be placed on any permit requiring landscaping detail for the road reserve, with an emphasis on the retention of trees and the planting of indigenous street trees.

Walking & Cycling Network – Standard C15

The proposal includes a cul-de-sac. It is envisaged that, due to the amount of lots proposed and anticipated low traffic volumes, the cul-de-sac will provide safe and efficient pedestrian and cycling manoeuvrability.

Neighbourhood Street Network – Standard C17

Council's Infrastructure Department has reviewed the road layout and raised no objections.

The court bowl has been designed to allow for CFA appliances to enter and exit efficiently.

Walking and Cycling Network Detail – Standard 18

Council's Infrastructure Department has reviewed the road layout and raised no objections.

The proposed road design does not include a footpath; however the road reserve width is more than capable of containing a footpath in the future if required. The subject land does not link up to any existing footpath network.

Neighbourhood Street Network Detail – Standard C20

The proposed road reserve has a minimum width of 16m, and 20m at the court bowl entrance. The road layout has been designed to allow emergency service appliances and refuse collection trucks to manoeuvre in a safe and efficient manner.

Council's Infrastructure Department has reviewed the road layout and raised no objections. It is recommended that conditions be placed on any permit issued requiring detailed construction drawings to be submitted.

Lot Access – Standard C21

Council's Infrastructure Department and VicRoads have reviewed the layout and access, and raised no objections.

Drinking Water Supply – Standard C22

The land is located within an area capable of being connected to reticulated drinking water.

The application was referred to Barwon Water, with no objections being raised subject to conditions being placed on any permit issued.

Reused and Recycled Water – Standard C23

The application was referred to Barwon Water, with no objections being raised subject to conditions being placed on any permit issued.

Waste Water Management – Standard C24

The application was referred to Barwon Water, with no objections being raised subject to conditions being placed on any permit issued.

Urban Runoff Management – Standard C25

Council's Infrastructure Department requires that a Stormwater Management Plan be submitted and approved prior to the certification of the relevant Plan of Subdivision.

Site Management – Standard C26

The applicant is prepared to submit an erosion management plan, in accordance with a condition of any permit issued.

Shared Trenching – Standard C27

Each lot is capable of being adequately serviced.

All relevant utility authorities have consented to the issue of a permit.

Electricity, Telecommunications and Gas – Standard C28

Each lot is capable of being adequately serviced.

All relevant utility authorities have consented to the issue of a permit.

Fire Hydrants – Standard C29

The CFA supports the application subject to conditions being imposed on any permit issued, one of which relates to the provision of fire hydrants.

Public Lighting – Standard C30

Council's Infrastructure Department has requested that street lighting be provided at the confluence of the proposed road and the Colac Forrest Road.

Summary

In summary, the proposal is considered to be consistent with the provisions of Clause 56. The proposal provides for a range of low density lots ranging between 3159sqm and 5248sqm in area. The proposed lot and road layout has been designed to ensure existing large native trees are retained. The application does not seek the removal of any native vegetation.

General Comments

The objectors to the application raised concerns about drainage and stormwater management and effluent disposal. Council's Infrastructure Department provided advice about drainage and stormwater management as indicated earlier. On the basis of that advice it is considered that drainage and stormwater management for the proposal is achievable and could be ensured through specific conditions being placed on any permit issued.

The application included Land Capability Assessments (2020 Engineering Solutions) for the original nine (9) lots proposed. The assessments concluded that all lots are capable of containing effluent disposal on-site and made recommendations for each of the lots. The application was subsequently amended to eight (8) lots, however it was not necessary to amend the LCA as the number of lots proposed has decreased.

Council's Environmental Health Department has assessed the proposal and the land capability of each of the proposed lots. There are no objections to the proposal and each lot is considered to be capable of containing effluent on-site. Concerns were raised with Lots 1-4, with respect to the location of future effluent disposal fields. A natural watercourse runs along the southern boundary of these proposed lots and, as such, the effluent disposal area would need to be set back at least 30m from this watercourse. This has the potential to limit the location of future dwellings towards the rear of each of the proposed allotments. The main concern of Council's Environmental Health Department is how to make future owners of these lots aware that effluent disposal would be restricted towards the front of the lots.

It is recommended that this be drawn to the attention of future owners by a note on any permit issued, and it is proposed to include a clause in the Section 173 agreement required to be entered into which contains reference to the need to setback effluent fields from the watercourse. In addition it is noted that for a dwelling to be a section 1 use in the Township Zone, each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970. If this cannot be achieved, there would be a permit trigger for a dwelling under the zone.

It is noted that both the EMO and BMO would trigger a requirement for a planning permit for a dwelling on any of the proposed lots. Effluent disposal could reasonably be considered under the EMO and, in any event, it would be appropriate to confirm that there is not a permit trigger for the dwelling under the Township Zone provisions when a planning application is submitted.

The application originally sought approval for the removal of native vegetation and, as such, a Net Gain Assessment (Mark Trengove Ecological Services) was submitted as part of the application. As vegetation removal is no longer proposed, there are no requirements for any vegetation offsets to be provided. Nevertheless the Net Gain Assessment provides a thorough assessment of the native vegetation on the land and establishes which vegetation is worthy of retention.

As noted earlier, the application was referred to Council's Environment Department, with no objections being raised. However a specific condition has been requested requiring the applicant to enter into a Section 173 Agreement specifically protecting all 'large eucalypt trees'. A large eucalypt tree is defined as a tree with a Diameter at Breast Height of 70cms or more. The applicants have confirmed that they are prepared to enter into such an agreement.

The Forrest Structure Plan identifies the subject land as being suitable for infill development. The recently adopted Rural Living Strategy references the Forrest Structure Plan and states:

*Opportunities for development are currently limited to infill on existing vacant lots within the Township Zone (including land on Turner Drive and the former timber mill site in Station Street) and those areas to the north of the Forrest Township which have been proposed to be rezoned from the Farming Zone to the Township Zone.*

The Rural Living Strategy specifically identifies the subject land as being appropriate for infill development. The proposal is therefore in keeping with the direction set by the Forrest Structure Plan and the Rural Living Strategy.

#### **Council Plan / Other Strategies / Policy Leadership and Governance**

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

It is considered that the proposal is in accordance with the above objective.

#### **Financial & Other Resource Implications**

There are no financial implications arising from this report.

**Risk Management & Compliance Issues**

There are no risk management or compliance implications arising from this report.

**Environmental Consideration / Climate Change**

There are no environmental or climate change implications arising from this proposal.

**Communication Strategy / Consultation Period**

Community consultation in the form of public notification and a formal consultation meeting has been undertaken as part of this assessment process.

**Conclusion**

The proposal is generally considered consistent with the State and Local Planning Policy Frameworks, the zone and overlay provisions, and Clause 56 of the Planning Scheme. It is considered that conditions placed on any permit issued can address objectors' concerns with respect to effluent disposal and stormwater management. Therefore it is considered that the application is acceptable, and that a Notice of Decision to Grant a Permit could reasonably be issued subject to appropriate conditions.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the Subdivision of the Land into Eight (8) Lots and Creation of Access to a Road in a Road Zone Category 1 at 3036 Colac Forrest Road, Forrest subject to the following conditions:***

**Amended Plans**

- 1. Prior to certification of the plan of subdivision, an amended subdivision plan must be submitted to the responsible authority for approval and endorsement under this permit. The plan must be to the satisfaction of the responsible authority, and show any changes to the subdivision layout that are required to appropriately respond to the recommendations of the Stormwater Management Plan which is required to be prepared as a condition of the permit.***

**Endorsed Plans**

- 2. The subdivision and associated works as shown on the endorsed plan must not be altered 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 plans.***

**Section 173 Agreement**

- 3. Prior to certification, 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 expense (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 Eucalypt trees with a Diameter at Breast Height (DBH) of 70cm or more shall be removed from any part of the subject land without the written consent of the Responsible Authority.***
- b) The effluent disposal field for treated waste waters associated with dwellings on any lot within the subdivision must be at least 30m from a watercourse.***

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

### **Landscaping**

- 4. Prior to the certification of the plan of subdivision, a Landscape Plan 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 must be drawn to scale with dimensions and three copies must be provided. The landscape master plan must include (but not limited to):***
  - a) The species, location, approximate height and spread of planting (where appropriate) of street trees within the proposed new road reserve.***
  - b) The location of all existing vegetation to be retained and protected.***
  - c) Details of Tree Protection measures which must include temporary protective fencing off around the drip-line of large trees that may be impacted by the construction work.***
  - d) Proposed topography and earthworks.***
  - e) Details of all surface works, paving, grass and mulch, and driveway crossovers.***
  - f) Details of implementation and maintenance.***
- 5. Prior to Statement of Compliance being issued, all landscape works forming part of the endorsed landscape plans must be completed to the satisfaction of the Responsible Authority.***
- 6. The street trees must be maintained for a period of two years at the applicants' expense. Prior to Statement of Compliance being issued, a landscaping bond calculated at the rate of \$100 per street tree must be lodged with the Responsible Authority for the maintenance of the landscaping works in accordance with the endorsed plan for a two year period.***

***Upon completion of the two year maintenance period to the satisfaction of the Responsible Authority, the Responsible Authority may refund the landscaping bond after receiving a written request from the applicant. In the event that the landscaping works are not maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete or maintain the landscaping works and deduct the cost thereof, including supervision fee from any security deposit lodgement.***

7. ***The tree protection measures approved as part of the landscaping plan must be implemented in accordance with the approved details prior to the commencement of works and must be maintained for the duration of the works unless otherwise approved in writing by the Responsible Authority.***
8. ***No trenching, soil excavation, storage or dumping of tools, equipment or waste is to occur within the drip-line of the trees on site without the prior written consent of the Responsible Authority.***
9. ***Prior to the certification of the Plan of Subdivision, street names to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.***
10. ***Prior to the certification of the plan of subdivision, the developer shall submit an 'Erosion Control Plan' to Council's Environment Department for approval. The plan must describe the erosion and sediment control techniques that will be used when constructing the subdivision, how the site will be managed prior to and during the construction period, and must set out requirements for managing:***
  - ***Erosion and sediment***
  - ***Dust***
  - ***Runoff***
  - ***Litter, concrete and other construction wastes***
  - ***Chemical contamination***
  - ***Vegetation and natural features planned for retention***

***The developer must ensure that all contractors are aware of the requirements of the approved Erosion Control Plan and understand how to implement them. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.***

#### **Open Space Contribution**

11. ***Prior to Statement of Compliance, the owner of the subject land must pay to the Council a sum equivalent to five (5) per cent of the site value of all of the land in the subdivision as a Public Open Space contribution pursuant to Section 18 of the Subdivision Act 1988.***

#### **Road and Drainage Conditions**

12. ***Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.***
13. ***All powerline and telecommunication infrastructure must be placed underground.***
14. ***Prior to certification, a Stormwater Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must be designed by a suitably qualified engineer and must ensure that there is no increase in overland flow over existing lower property boundaries; this will necessitate some level of storage.***



***The subdivision must be designed so that there is no flooding of private property up to the 1% annual exceedance return level (100 year event) as a result of the development. The use of Water Sensitive Urban Design features should be considered. The Stormwater Management Plan must include a suitable drainage outfall design which will be within the unmade government road to the west of the subdivision which does not contain formal drainage features.***

***15. Prior to commencement of construction of the subdivision, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved the plans will be endorsed and form part of the planning permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must include:***

- a) Fully sealed asphalt pavement for the road marked R1 on the proposed plan. The road must be a minimum width of 6.0m and include a 9m radius court bowl. The road must maintain a minimum verge of 3.0m***
- b) Road construction including cross and long sections.***
- c) Underground drainage including cross and long sections.***
- d) Street lighting and signs at the confluence of the road marked R1 and the Colac Forrest Road.***
- e) All roads must be designed to accommodate a standard service waste vehicle.***

***All to the satisfaction of the Responsible Authority.***

***All construction, including roadwork and drainage, must be constructed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.***

***16. Prior to Statement of Compliance being issued, CCTV inspection of all new underground stormwater pipes must be completed at the developer's expense and the report must be submitted to Council for review. Any identified defects must be addressed to the satisfaction of the Responsible Authority. Upon satisfactory completion, final reporting must be given to Council in hardcopy and digital formats suitable for integration with existing systems.***

***17. Prior to Statement of Compliance for the subdivision, the following drawings and information must be submitted to Council by the developer/consultant:***

- a) Copies of the 'as constructed' engineering roads and drainage drawings in pdf and dwg format.***
- b) Survey enhanced digital data for the drainage information component of the subdivision, in accordance with the current version of D-Spec. The preferred formats are MID/MIF or shape file.***

**VicRoads Conditions**

18. **All vehicular access to the Colac-Forrest Road shall be via the subdivisional road network. Direct access from the subdivisional lots to the Colac-Forrest Road will not be permitted.**
19. **Prior to the issuing of a statement of compliance for the subdivision, a basic right (BAR) turn treatment must be provided on Colac-Forrest Road at the subdivisional road intersection in accordance with figure 7.5 of AustRoads 'Guide to Road Design, Part 4A – Unsignalised and Signalised Intersections (2009)'. (Note: this treatment will include sealing of the widened road shoulder.)**
20. **The discharge of any concentrated drainage or sullage onto the Colac-Forrest Road reserve shall not be permitted unless approved in writing by VicRoads.**
21. **The applicant must contact VicRoads Manager Program Delivery (telephone number 5225 2525) at least 14 days prior to the commencement of works within the Colac-Forrest Road reserve.**
22. **The applicant must not commence any works in, on, under or over the Colac-Forrest Road reserve without having first applied for and received written consent from VicRoads for those works in accordance with section 63 of the Road Management Act 2004.**

**(Note: When issuing its consent, amongst other things, VicRoads will include requirements that certification auditing of the works is to be undertaken and that a security deposit is to be lodged for the works. Costs incurred by VicRoads for the review of the detailed construction drawings and specification must be paid in advance by the applicant.)**
23. **Prior to commencing work within the Colac-Forrest Road reserve, the applicant or applicant's contractor must:**
  - a) **Ensure that detailed construction drawings for all mitigating works are forwarded to VicRoads' South Western Region Office for approval.**
  - b) **Obtain VicRoads' approval to the proposed pavement design.**
  - c) **Prepare a specification for the works in accordance with relevant sections of the VicRoads Standard Specification for Roadworks.**
  - d) **Ensure that any consultants and or contractors engaged in the design or construction process are prequalified by VicRoads at Level R1.**
  - e) **Provide evidence that the applicant/applicant's contractor has public liability insurance acceptable to VicRoads for the duration of the proposed works.**
  - f) **Demonstrate that all works will be administered in accordance with quality assurance principles, including but not limited to Safety, Environmental and Quality.**

- g) Ensure that work site practices are in accordance with the Road Management Act 2004 Code of Practice, Worksite Safety – Traffic Management.**

### **CFA Conditions**

#### **24. Hydrants:**

- a) Operable hydrants, above or below ground must be provided.**
- b) The maximum distance between a hydrant and the rear of a building envelope (or in the absence of the building envelope, the rear of a lot) must be 120m and hydrants must be no more than 200m apart.**
- c) Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the Country Fire Authority website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))**

#### **25. Roads:**

- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
- b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**

### **Barwon Water Conditions**

#### **General**

- 26. 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.**

#### **Water**

- 27. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Note that tapplings 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 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.**
- 30. Reticulated water mains or a water extension are required to service the proposed development.**

**Powercor Conditions**

**31. 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.**

**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 Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
- c) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.**
- d) Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.**
- e) 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 a caveat prior to the registration of the plan of subdivision.**

- f) 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.**

- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**

- i) *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.*
- j) *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.*

#### **Telstra Condition**

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

#### **Expiry**

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

- a) *The plan of subdivision is not certified within two (2) years of the date of issue of the permit.*
- b) *A statement of compliance is not issued within five (5) years of the date of the certified plan.*

*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.*

#### **Notes**

1. *Attention is drawn to the location of streams and surface waters along lots 1, 2, 3 and 4, and to the fact appropriate setback distances will be required for any proposed effluent fields. You are advised to contact the Council's Environmental Health section for further guidance on this matter.*
2. *Any future application for a dwelling on one of the lots hereby permitted will be required to demonstrate that all wastewater from each dwelling can be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
3. *It is recommended that the permit holder liaises with Council's Property Department to determine appropriate street names.*
4. **Barwon Water**  
*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 subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number 60-L006583.*
5. **Powercor**  
*It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).*

***Prospective purchasers of lots in this subdivision should contact Powercor Australia to determine the availability of a supply of electricity. Financial contributions may be required.***

**6. Telstra**

***Approval does not cover alterations to existing Telstra Plant or Network. Locations of the existing network can be obtained from Dial Before You Dig – Ph: 1100.***

***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.***

- 7. All environmental weeds as outlined in ‘Environmental Weeds of the Colac Otway Shire’ brochure should be controlled on the property at all times and prevented from spreading to neighbouring land. No environmental weeds as referred to in “Environmental Weeds of the Colac Otway Shire” brochure should be planted on or allowed to invade the site.***

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