

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC Meeting Rooms on 13 February 2013 at 10.30 am.

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

Cr Lyn Russell (Mayor)
Cr Brian Crook
Cr Stephen Hart
Cr Michael Delahunty
Cr Chris Smith
Cr Terry Woodcroft
Rob Small, Chief Executive Officer
Doug McNeill, Acting General Manager Sustainable Planning and Development
Rick Morrow, Acting General Manager Corporate & Community Services
Neil Allen, General Manager Infrastructure & Service
Carl Menze, Statutory Planner
Bronwyn Keenan, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Cr Mick McCrickard

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 active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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.'

5. DECLARATION OF INTEREST

Cr Delahunty:	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)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B
Nature of Interest:	Conducted and reported field work re: Land Capability Assessments for Developer

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC131302 John Cameron
Barry O'Shea
Anthony Bright

7. CONFIRMATION OF MINUTES

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

Resolution

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that Council confirm the above minutes.

CARRIED 6 : 0

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

Recommendation(s)

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

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**Resolution**

***MOVED Cr Stephen Hart seconded Cr Brian Crook***

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

***CARRIED 4 : 2***

**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   |

**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 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. 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.**

**Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 10:38am**

|                            |                                                                                                                                                                         |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Delahunty:              | 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) |
| Nature of Disclosure:      | Indirect                                                                                                                                                                |
| Type of Indirect Interest: | 78B                                                                                                                                                                     |
| Nature of Interest:        | Conducted and reported field work re: Land Capability Assessments for Developer                                                                                         |

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Resolution

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that the application be rejected due to concerns of storm water disposal, effluent disposal and bushfire associated risks.

CARRIED 3 : 2

Cr Michael Delahunty did not return to the Council Chambers prior to the close of meeting.