



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 12 October 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 12 October 2022

TABLE OF CONTENTS

| | |
|--|---|
| 1 Declaration of Opening of Meeting | 3 |
| 2 Present..... | 3 |
| 3 Apologies and Leaves of Absence..... | 3 |
| 4 Welcome and Acknowledgement of Country..... | 4 |
| 5 Declarations of Interest | 4 |
| 6 Confirmation of Minutes | 4 |
| 7 Verbal Submissions from applicants/objectors | 5 |
| 8 Officer Planning Reports..... | 6 |
| 8.1 PP131/2021-1 - 7 Cartwright Street Apollo Bay - Two Lot Subdivision..... | 6 |

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on Wednesday 12 October 2022 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

Cr Kate Hanson (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance and Communications
Lyndal Redford, Governance Officer
Doug McNeill, Manager Planning and Strategic Focus
Bláithín Butler, Coordinator Statutory Planning

3 APOLOGIES AND LEAVES OF ABSENCE

Cr Joe McCracken - Leave of Absence (Council resolution 24 August 2022)

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make available an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Planning meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- **Planning Committee Meeting held on 14 September 2022.**

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Jamie Bell

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 14 September 2022.

CARRIED 6 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor read out the names of those applicants and objectors who had confirmed in writing that they wish to make a verbal submission. A time limit of five minutes applied.

Item 8.1 PP131/2021-1 - 7 Cartwright Street Apollo Bay - Two Lot Subdivision

Objectors: Cornelis Versteeg
Graham Honey
Kay Hill
Steve Hodge (by videoconference)

Applicants: Natalie Anderson (by videoconference)
Rodney Martin, Rodney Martin & Associates Pty Ltd (by videoconference)

Item: 8.1

PP131/2021-1 - 7 Cartwright Street Apollo Bay - Two Lot Subdivision

| | | | |
|---|---|---------------------------|--|
| ADDRESS AND PROPERTY DETAILS | 7 Cartwright Street APOLLO BAY Lot 5 LP: 81435 V/F: 8732/769 | APPLICATION NUMBER | P131/2021-1 |
| PROPOSAL | Two (2) Lot Subdivision of Land | | |
| PERMIT TRIGGERS | Clause 32.08 (GRZ1) – A permit is required to subdivide land Clause 43.02 (DDO) – A permit is required to subdivide land | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | More than three (3) objections – 4 received | | |
| ZONE | General Residential 1 Zone (GRZ1) | OVERLAYS | Design and Development Overlay, Schedule 6 (DDO6) – Apollo Bay Medium Density Residential Area |
| COVENANTS | None. | | |
| CULTURAL HERITAGE | The site is not in an area of cultural heritage sensitivity. | | |
| OFFICER | Vikram Kumar | GENERAL MANAGER | Anne Howard |
| DIVISION | Planning and Strategic Focus | | |
| ATTACHMENTS | <ol style="list-style-type: none"> 1. Application Documents [8.1.1 - 10 pages] 2. Applicant's Response to Objections - Redacted [8.1.2 - 2 pages] | | |

RESOLUTION

MOVED Cr Jamie Bell, SECONDED Cr Margaret White

That Council resolves to issue a Notice of Decision to Grant a Permit for the Subdivision of the Land into Two (2) Lots, subject to the following conditions:

Endorsed Plans

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*

Easements

- 2. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.*

Garden Area

- 3. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, the owner of the land must either:
 - a) Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the title of Lot 2 so as to run with the land, and must provide for the following:
 - Lot 2 on the plan of subdivision endorsed under planning permit PP131/2021-1 must have a garden area with the minimum garden area requirement of 25% as set out in Clause 32.08-3 of the Colac Otway Planning Scheme (or the minimum garden area specified in the planning scheme as amended from time to time).***

The agreement will be registered on the title of Lot 2 in accordance with Section 181 of the Planning and Environment Act 1987.

or

- b) A restriction must be included on the plan of subdivision to ensure that Lot 2 will contain at least 25 percent as garden area.*

Access

- 4. Prior to the issue of a statement of compliance under the Subdivision Act 1988, access to the Common Property must be constructed in accordance with the endorsed plans.*
- 5. Prior to the issue of a statement of compliance under the Subdivision Act 1988, the Common Property driveway and the section of driveway from the Common Property to the*

existing dwelling must be constructed to an all-weather standard with a minimum width of 3m and drained, to the satisfaction of the Responsible Authority.

Drainage

6. *Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.*

Stormwater Management

7. *Prior to commencement of any works associated with the subdivision, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All plans must be drawn to scale with dimensions.*

The Stormwater Management Plan must address the objectives and standards of Clause 56.07-4 (Stormwater Management Objectives) of the Colac Otway Planning Scheme, including water sensitive urban design and integrated water management.

The design must provide for a maximum site discharge rate equal to the pre-development 5 year storm (20% AEP) and detain the post development 10 year storm (10% AEP). The design shall include provision of a tank on Lot 2 (the vacant lot) with an orifice outlet.

Servicing Authorities

8. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
9. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
10. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

Telecommunications

11. *The owner of the land must enter into an agreement with:*
 - a) *a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
 - b) *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*
12. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*
 - a) *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*

- b) *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Expiry

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

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

The Responsible Authority may extend the period for certification referred to if a request is made in writing before the permit expires, or within six months afterwards.

Notes

1. *Prior to preparing drainage plans, a legal point of discharge (LPOD) must be obtained in. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
2. *A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
3. *At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.*

CARRIED 6 : 0

The meeting was declared closed at 5.14pm

CONFIRMED AND SIGNED at the meeting held on 7 December 2022.

A handwritten signature in black ink, appearing to be 'C. J. ...', written over a dotted line.

.....MAYOR