

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC Meeting Rooms on 10 July 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 Michael Delahunty
Cr Stephen Hart
Cr Mick McCrickard
Cr Chris Smith
Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Colin Hayman, General Manager Corporate & Community Services
Neil Allen, General Manager Infrastructure & Service
Doug McNeill, Manager Planning & Building
Blaithin Butler, Statutory Planning Coordinator
Katrina Kehoe, Executive Officer Sustainable Planning & Development

3. APOLOGIES

Cr Terry Woodcroft

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

Nil

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC131007-2 Kylie Vallins

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 12/06/13.

Resolution

MOVED Cr Brian Crook seconded Cr Michael Delahunty

That Council's Planning Committee confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC131007-1 PLANNING & BUILDING STATISTICAL REPORT
- PC131007-2 BUILDINGS AND WORKS COMPRISING THE DEVELOPMENT OF A CO-GENERATION PLANT AT THE EXISTING BULLA DAIRY MANUFACTURING PLANT AT 270-302 MURRAY STREET, COLAC (PP57/2013-1).
- PC131007-3 CONSTRUCTION OF EIGHT (8) DWELLINGS, SUBDIVISION OF THE LAND INTO EIGHT (8) LOTS AND CREATION OF AN ACCESS TO A ROAD ZONE CATEGORY 1 AT 183 GREAT OCEAN ROAD, APOLLO BAY. (PP4/2013-1)

Rob Small
Chief Executive Officer

PC131007-1 *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 that statistical report for June 2013.

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Mick McCrickard  
That Council’s Planning Committee note the statistical report for June 2013.***

***CARRIED 6 : 0***

**PC131007-2** *BUILDINGS AND WORKS COMPRISING THE DEVELOPMENT OF A CO-GENERATION PLANT AT THE EXISTING BULLA DAIRY MANUFACTURING PLANT AT 270-302 MURRAY STREET, COLAC (PP57/2013-1).*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/2277   |

**Recommendation(s)**

***That Council’s Planning Committee resolves to Grant a Planning Permit for Buildings and Works Comprising the Development of a Co-generation Plant at 270-302 Murray Street Colac subject to the following conditions:***

**Endorsed Plans**

- 1. The layout and size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

**Amenity**

- 2. The co-generation plant hereby permitted must be constructed and operate in accordance with the ‘Audiometric and Acoustic Services Report’ (Ref: 9039 dated 26 May 2009) submitted as part of the application, to the satisfaction of the Responsible Authority.***
- 3. Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***
- 4. The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes dust, waste water or waste products.***
- 5. All buildings and works must be maintained in good order and appearance, to the satisfaction of the Responsible Authority.***

**Expiry**

- 6. This permit will expire if one of the following circumstances applies:***
  - a) The development is not commenced within two (2) years of the date of this permit.***
  - b) The development is not completed within four (4) years of the date of this permit.***

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

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Resolution

MOVED Cr Brian Crook seconded Cr Stephen Hart

That Council's Planning Committee resolves to Grant a Planning Permit for Buildings and Works Comprising the Development of a Co-generation Plant at 270-302 Murray Street Colac subject to the following conditions:

Endorsed Plans

- 1. The layout and size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

Amenity

- 2. The co-generation plant hereby permitted must be constructed and operate in accordance with the 'Audiometric and Acoustic Services Report' (Ref: 9039 dated 26 May 2009) submitted as part of the application, to the satisfaction of the Responsible Authority.***
- 3. Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***
- 4. The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes dust, waste water or waste products.***
- 5. All buildings and works must be maintained in good order and appearance, to the satisfaction of the Responsible Authority.***

Expiry

- 6. This permit will expire if one of the following circumstances applies:***
 - a) The development is not commenced within two (2) years of the date of this permit.***
 - b) The development is not completed within four (4) years of the date of this permit.***

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

CARRIED 6 : 0

PC131007-3 *CONSTRUCTION OF EIGHT (8) DWELLINGS, SUBDIVISION OF THE LAND INTO EIGHT (8) LOTS AND CREATION OF AN ACCESS TO A ROAD ZONE CATEGORY 1 AT 183 GREAT OCEAN ROAD, APOLLO BAY. (PP4/2013-1)*

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Ian Williams | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/38 |

Recommendation(s)

That Council's Planning Committee resolves to issue a Notice of Decision to Grant Planning Permit PP4/2013-1 for the construction of eight (8) dwellings, the subdivision of the land into eight (8) lots and the creation of an access to Road Zone Category 1 at 183 Great Ocean Road, Apollo Bay subject to the following conditions:

Amended Plans

1. ***Prior to commencement of the development hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted on 7 June 2013, but modified to show:***
 - a) ***Details of the location(s) of lighting within the common property.***
 - b) ***Details of waste management, including the location of bins towards the front of the site when awaiting collection from the Great Ocean Road.***
 - c) ***Details of the location and size of signage, or line-marking, to identify the visitor car parking space.***

2. ***Prior to certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
 - a) ***The annotation 'Lot 9' removed and replaced with 'Common property' clearly depicted on the plan of subdivision.***
 - b) ***The common property amended to include areas for waste storage, mailboxes and/or meters, if required.***

DEVELOPMENT CONDITIONS**Endorsed Plan**

3. *The development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.*

Amenity

4. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
5. *The lighting of the common property must be carried out in accordance with the details shown on the endorsed plans, to the satisfaction of the Responsible Authority.*
6. *Prior to the initial occupation of any part of the development hereby permitted, the screens on balconies and windows (which must be no more than 25% transparent) must be installed, and any obscure glazed window must be fitted and permanently maintained with obscure glass, in accordance with the endorsed plans. The screens and windows must thereafter be maintained in accordance with the approved details, to the satisfaction of the Responsible Authority.*

Landscaping

7. *Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority 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 plan must show:
 - a) *details of surface finishes of pathways and driveways*
 - b) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant**

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

8. *Prior to occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be established and maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

Drainage

9. *All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

10. *Prior to the commencement of the development hereby permitted, details of a stormwater detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare during the 10 year storm (10% AEP). The plan will, once approved, form part of the permit.*

Parking and Access

11. *Prior to the occupation of the development, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:-*
- a) *Constructed in accordance with the approved plans;*
 - b) *Properly formed to such levels that they can be used in accordance with the plans;*
 - c) *Drained;*
 - d) *Line-marked to indicate each car space and all access lanes.*
12. *Car spaces, access lanes and driveways, including the turning area marked on the plan, must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority. The turning area and visitor parking space must be clearly signed to indicate its purpose.*

SUBDIVISION CONDITIONS

Endorsed Plans

13. *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

14. *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.*

Open Space Contribution

15. *Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to five per cent of the site value of all land in the subdivision.*

Barwon Water Conditions**General**

16. *The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 4.5 metres along the north boundary over the existing sewer main.*
17. *The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.*
18. *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.*
19. *The creation of an Owners Corporation to encumber all lots within the subdivision.*
20. *Conditions contained in Barwon Water's consent to Build over or within 1.0 metre from a sewer main dated 29/1/2013 must be complied with.*

Water

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

Sewer

25. ***The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.***
26. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***
27. ***Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole or maintenance shaft is to be constructed with the new branch connected to this structure. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.***

Telstra Conditions

28. ***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.***
29. ***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.***

Powercor Conditions

30. ***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.***
31. ***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.**

VicRoads Conditions

32. **The new vehicular crossover and entrance to the Great Ocean Road shall be at least 5 metres wide for a distance of 7 metres to permit two way vehicle movements.**
33. **The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation (VicRoads) and the Responsible Authority prior to the commencement of the use.**

CFA Conditions

Hydrants

34. **Operable hydrants, above or below ground must be provided to the satisfaction of CFA.**
35. **The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.**
36. **Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)**

Roads

37. **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.**
38. **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.**
39. **Roads must have a minimum trafficable width of:**
 - a) **5.5m if parking is prohibited on one or both sides of the road,**
 - b) **7.3m where parking is allowable on both sides of the road.**
40. **Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.**

Expiry

41. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development has not commenced within two (2) years of the date of this permit;***
 - b) ***The plan of subdivision has not been certified within two (2) years of the date of this permit;***
 - c) ***The development is not completed within four (4) years of the date of this permit;***
 - d) ***A statement of compliance is not issued within five years of the date of certification.***

The Responsible Authority may extend the periods referred to if a request is made in writing within three (3) months of the date of expiry.

Notes

- 1. ***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 L009883.***
- 2. ***Prior to commencement of works, an application to undertake works within the road reserve must be submitted to and approved by the Council.***
- 3. ***The applicant must give notice to the Responsible Authority of the installation of the stormwater detention system in compliance with the approved design, and must request an inspection and written approval by the Responsible Authority.***

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**AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Brian Crook**  
***That Council’s Planning Committee resolves to issue a Notice of Decision to Grant Planning Permit PP4/2013-1 for the construction of eight (8) dwellings, the subdivision of the land into eight (8) lots and the creation of an access to Road Zone Category 1 at 183 Great Ocean Road, Apollo Bay subject to the following conditions:***

**Amended Plans**

- 1. ***Prior to commencement of the development hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted on 7 June 2013, but modified to show:***

- a) *Details of the location(s) of lighting within the common property.*
  - b) *Details of waste management, including the location of bins towards the front of the site when awaiting collection from the Great Ocean Road.*
  - c) *Details of the location and size of signage, or line-marking, to identify the visitor car parking space.*
  - d) *Sections through Units 4 and 5 that clearly demonstrate that the buildings will not exceed 9 metres above ground level at any point.*
2. *Prior to certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*
- a) *The annotation 'Lot 9' removed and replaced with 'Common property' clearly depicted on the plan of subdivision.*
  - b) *The common property amended to include areas for waste storage, mailboxes and/or meters, if required.*

### **DEVELOPMENT CONDITIONS**

#### **Endorsed Plan**

3. *The development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.*

#### **Amenity**

4. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
5. *The lighting of the common property must be carried out in accordance with the details shown on the endorsed plans, to the satisfaction of the Responsible Authority.*
6. *Prior to the initial occupation of any part of the development hereby permitted, the screens on balconies and windows (which must be no more than 25% transparent) must be installed, and any obscure glazed window must be fitted and permanently maintained with obscure glass, in accordance with the endorsed plans. The screens and windows must thereafter be maintained in accordance with the approved details, to the satisfaction of the Responsible Authority.*

**Landscaping**

7. ***Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority 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 plan must show:***
- a) ***details of surface finishes of pathways and driveways***
  - b) ***a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant***

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

8. ***Prior to occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be established and maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

**Drainage**

9. ***All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
10. ***Prior to the commencement of the development hereby permitted, details of a stormwater detention system designed by a qualified engineer must be submitted to and approved by the Responsible Authority. The design must provide for a maximum site discharge rate of 64 litres per second per hectare during the 10 year storm (10% AEP). The plan will, once approved, form part of the permit.***

**Parking and Access**

11. ***Prior to the occupation of the development, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:-***
- a) ***Constructed in accordance with the approved plans;***
  - b) ***Properly formed to such levels that they can be used in accordance with the plans;***
  - c) ***Drained;***
  - d) ***Line-marked to indicate each car space and all access lanes.***
12. ***Car spaces, access lanes and driveways, including the turning area marked on the plan, must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority. The turning area and visitor parking space must be clearly signed to indicate its purpose.***

**SUBDIVISION CONDITIONS****Endorsed Plans**

13. *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**

14. *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.*

**Open Space Contribution**

15. *Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a cash contribution equivalent to five per cent of the site value of all land in the subdivision.*

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

16. *The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 4.5 metres along the north boundary over the existing sewer main.*
17. *The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.*
18. *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.*
19. *The creation of an Owners Corporation to encumber all lots within the subdivision.*
20. *Conditions contained in Barwon Water's consent to Build over or within 1.0 metre from a sewer main dated 29/1/2013 must be complied with.*

**Water**

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

**Sewer**

25. ***The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.***
26. ***The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.***
27. ***Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole or maintenance shaft is to be constructed with the new branch connected to this structure. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.***

**Telstra Conditions**

28. ***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.*
29. *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.*

**Powercor Conditions**

30. *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.*
31. *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.*

#### **VicRoads Conditions**

- 32. The new vehicular crossover and entrance to the Great Ocean Road shall be at least 5 metres wide for a distance of 7 metres to permit two way vehicle movements.*
- 33. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation (VicRoads) and the Responsible Authority prior to the commencement of the use.*

#### **CFA Conditions**

##### **Hydrants**

- 34. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.*
- 35. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.*
- 36. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))*

##### **Roads**

- 37. 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.*

38. *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.*
39. *Roads must have a minimum trafficable width of:*
- a) *5.5m if parking is prohibited on one or both sides of the road,*
  - b) *7.3m where parking is allowable on both sides of the road.*
40. *Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.*

#### **Expiry**

41. *This permit will expire if one of the following circumstances applies:*
- a) *The development has not commenced within two (2) years of the date of this permit;*
  - b) *The plan of subdivision has not been certified within two (2) years of the date of this permit;*
  - c) *The development is not completed within four (4) years of the date of this permit;*
  - d) *A statement of compliance is not issued within five years of the date of certification.*

*The Responsible Authority may extend the periods referred to if a request is made in writing within three (3) months of the date of expiry.*

#### **Notes**

1. *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 L009883.*
2. *Prior to commencement of works, an application to undertake works within the road reserve must be submitted to and approved by the Council.*
3. *The applicant must give notice to the Responsible Authority of the installation of the stormwater detention system in compliance with the approved design, and must request an inspection and written approval by the Responsible Authority.*

**LOST 0 : 6**

**Resolution*****MOTION - MOVED Cr Stephen Hart seconded Cr Mick McCrickard******That Council's Planning Committee resolve to refuse the application based on the following grounds:***

- **The proposed development by reason of the number of dwellings and scale of the development would constitute an overdevelopment of the site and is out of keeping with the character of the area. As such, the proposal is contrary to policies.**
- **The storm water detention in the area is inadequate as demonstrated by the 2012 Apollo Bay Drainage Strategy and the proposal would adversely affect storm water drainage in the area.**

***CARRIED 6 : 0***