



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 12 June 2019

at 4:00pm

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 12 June 2019

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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 June 2019 at 4:00pm.

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 Brian Crook
Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Lyndal Redford, Governance Officer
Sarah Osborne, Communications Officer
Doug McNeill, Manager, Planning, Building & Health
Blaithin Butler, Statutory Planning Coordinator
Tony Gullone, Health Protection Coordinator

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

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.

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Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on 8 May 2019.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Stephen Hart

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 8 May 2019.

CARRIED 7 : 0

7 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 five minutes will apply.

Objector: Anne Conrick and David Vinegrad

Objector: Anne Conrick (on behalf of Wye River Separation Creek Community Association)

Peter Brown attended the meeting at 4.07pm.

Tony Gullone attended the meeting at 4.07pm.

Item: 8.1

PP300/2017-1 - 21 Riverside Drive Wye River

| | | | |
|---|---|---------------------------|---|
| ADDRESS AND PROPERTY DETAILS | 21 Riverside Drive, Wye River | APPLICATION NUMBER | PP300/2017-1 |
| PROPOSAL | Building and Works for Construction of Two Dwellings, including Associated Earthworks, and Vegetation Removal (10 Trees) | | |
| PERMIT TRIGGERS | Clause 32.05-7 (TZ) – Construction of two or more dwellings on a lot; Clause 42.03-2 (SLO2) - buildings and works, and vegetation removal; Clause 43.05 (NCO1) - buildings and works; Clause 44.01-1 (EMO1) - buildings and works, and vegetation removal; Clause 44.06-2 (BMO) - buildings and works | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Number of objections - 4 Note: Council resolution required for VCAT appeal against failure to determine application within statutory time frame | | |
| ZONE | Township Zone | OVERLAYS | Significant Landscape Overlay (SLO2), Design and Development Overlay (DDO4), Neighbourhood Character Overlay (NCO1), Erosion Management Overlay (EMO1), Bushfire Management Overlay (BMO) |
| COVENANTS | Nil | | |
| CULTURAL HERITAGE | Within area of cultural heritage sensitivity, but exempt activity | | |
| OFFICER | Blaithin Butler | GENERAL MANAGER | Ian Seuren |
| DIVISION | Development & Community Services | | |
| ATTACHMENTS | Application form and plans | | |

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council advises the Victorian Civil and Administrative Tribunal (VCAT) that, had an appeal not been lodged, it would have resolved to issue a Notice of Decision to Refuse to Grant a Permit for the construction of two (2) dwellings, associated works and vegetation removal at 21 Riverside Drive Wye River on the following grounds:

- 1. The proposal fails to adequately address potential landslip risk and drainage issues, in particular relating to the extent of excavation and the reliance on the long-term effectiveness of mitigation measures; the steepness of access to House 2; and the appropriateness of House 2 straddling a drainage line. As such, the proposal does not adequately address the requirements of Clause 44.01 (EMO1) of the Colac Otway Planning Scheme.*
- 2. The proposal fails to demonstrate how wastewater from each dwelling would be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, taking into account the topography of the land. As such, the proposal is contrary to Clause 32.05-3 of the Township Zone.*
- 3. Due to the gradient of the driveway, the proposal fails to demonstrate that safe and convenient car access can be provided, contrary to Clause 55.03-9 (Access Objective) of the planning scheme.*
- 4. The proposed density of development and resultant vegetation removal would fail to respect the neighbourhood character of the area contrary to the neighbourhood character provisions of Clause 15.01-5s (Neighbourhood Character); Clause 21.03-6 (Kennett River, Wye River and Separation Creek), which includes the Preferred Character Statement for Wye River Precinct 2; the purpose of the Township Zone in Clause 32.05; the purpose and objectives of Clause 43.05 (Neighbourhood Character Overlay - NCO1); and Clause 55.02-1 (Neighbourhood Character Objectives).*

That Council Note:

- 1. Whilst the application does not include subdivision, it is noted that the indicative future lot boundaries on the site plan imply that pedestrian access may be sought to the Wye River Caravan Park. Such access could not be provided without the consent of the landowner and the Department of the Environment Land Water and Planning (DELWP).*

CARRIED 7 : 0

The meeting was declared closed at 4.18pm

CONFIRMED AND SIGNED at the meeting held on 9 October 2019

Paul Crocker
.....
DEPUTY MAYOR