



Colac Otway  
SHIRE

**PLANNING COMMITTEE MEETING**

**MINUTES**

**Wednesday 8 April 2020**

**at 4:00 pm**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 8 April 2020

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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 8 April 2020 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

Due to the unique circumstances in which we find ourselves as a consequence of the COVID-19 pandemic, it is proposed that Councillors consider moving a motion now that would allow today's Planning Committee Meeting to be live streamed on Colac Otway Shire's YouTube channel. It would also allow participants to telephone into the meeting for their individual item, rather than be physically present. For those who have requested to present at today's meeting, the usual 5-minute time limit will apply and then as Chair, I may allow questions.

##### **RESOLUTION**

**MOVED** Cr Chris Potter, **SECONDED** Cr Stephen Hart

**That the Planning Committee:**

- 1. consent to the live streaming of today's Planning Committee Meeting via Colac Otway Shire's YouTube channel; and**
- 2. consent to the participation by telephone at today's Planning Committee Meeting of applicants, objectors and those acting on their behalf.**

**CARRIED 7 : 0**



## **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  
Ian Seuren, General Manager, Development & Community Services  
Sarah McKew, Manager, Governance & Communications  
Lyndal McLean, Governance Coordinator  
Sarah Osborne, Communications Officer  
Doug McNeill, Manager, Planning, Building & Health  
Blaithin Butler, Statutory Planning Coordinator  
Helen Evans, Senior Statutory Planner  
Ian Williams, Senior Statutory Planner  
Tony Gullone, Health Protection Coordinator  
Doug Winckle, Senior Compliance Officer  
Kevin Young, Compliance Officer

## **3 APOLOGIES**

Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Infrastructure & Leisure Services

## **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

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

As earlier determined by Council, this meeting is currently being live streamed on Colac Otway Shire's YouTube channel. It is also being audio recorded. In order for the audio quality of the meeting to be the best possible, I would prefer that Councillors remain seated when addressing the meeting today and speak directly into the microphone, please.

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, 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 Council Meeting.

## 5 DECLARATIONS OF INTEREST

|                      |   |
|----------------------|---|
| Cr Jason Schram      | Item 8.3 - PP138/2019 - Use and Development of the land for a dwelling and Agricultural buildings - 45 Skinners Road Barongarook West |
| Nature of Disclosure | Direct Interest   |
| Type of interest     | Section 77B   |
| Nature of interest   | My business conducts paid works for one or more objectors.  |

## 6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on 12 February 2020.

### *RESOLUTION*

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

*That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 12 February 2020.*

*CARRIED 7 : 0*

## 7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

**Item 8.1 PP284/2019-1 - Development of a Warehouse & Reduction of Car Parking at 408 Princes Highway, Colac West**

Applicant: Jon Allan

**Item 8.2 PP209/2019 - Proposed Dwelling at 185-200 Hordern Vale Road, Hordern Vale**

Applicant: Shelley Fanning

Applicant: Jean-Philippe Pector

**Item 8.3 PP138/2019 - Use and Development of the land for a dwelling and agricultural buildings - 45 Skinners Road Barongarook West**

Objector: J McGeary on behalf of DM McGeary

Objector: Barb Alford

**Item: 8.1**

**PP284/2019-1 - Development of a Warehouse & Reduction of Car Parking at 408 Princes Highway, Colac West**

|   |   |                           |  |
|---|---|---------------------------|--|
| <b>ADDRESS AND PROPERTY DETAILS</b>           | 408 Princes Highway, Colac West   | <b>APPLICATION NUMBER</b> | PP284/2019-1   |
| <b>PROPOSAL</b>                               | Building and Works Comprising Construction of Warehouse and Reduction in Car Parking from Specified Standard (29 Spaces)  |                           |  |
| <b>PERMIT TRIGGERS</b>                        | <p>Clause 34.02 - Commercial 2 Zone (C2Z) – buildings and works</p> <p>Clause 43.02 - Design and Development Overlay Schedule 3 (DDO3) – buildings and works</p> <p>Clause 42.01 - Environmental Significance Overlay Schedule 1 (ESO1) – buildings and works</p> <p>Clause 52.06 – Car Parking – reduction in number of parking spaces</p> |                           |  |
| <b>TRIGGER FOR DETERMINATION BY COMMITTEE</b> | Reduction in car parking from the standard specified in the planning scheme by more than five spaces.   |                           |  |
| <b>ZONE</b>                                   | <p>Part Commercial 2 Zone (C2Z)</p> <p>Part Farming Zone (FZ)</p> <p>Adjacent Road Zone Category 1 (RDZ1)</p>   | <b>OVERLAYS</b>           | <p>Part Design and Development Overlay, Schedule 3 (DDO3 – Colac Western Entrance)</p> <p>Environmental Significance Overlay, Schedule 1 (ESO1 – Warrion Groundwater Area)</p> |
| <b>COVENANTS</b>                              | Nil (An easement crosses the centre of the site, in an east/west direction)   |                           |  |
| <b>CULTURAL HERITAGE</b>                      | The site is not within an area of cultural heritage sensitivity.  |                           |  |
| <b>OFFICER</b>                                | Helen Evans   | <b>GENERAL MANAGER</b>    | Ian Seuren   |
| <b>DIVISION</b>                               | Development and Community Services  |                           |  |
| <b>ATTACHMENTS</b>                            | 1. P P 2842019 - 408 Princes Highway Planning Committee attachments [8.1.1 - 11 pages]  |                           |  |



## **RESOLUTION**

*MOVED Cr Chris Smith, SECONDED Cr Joe McCracken*

*That Council resolves to grant a permit for Buildings and Works Comprising Construction of Warehouse and Reduction in Car Parking from Specified Standard (29 Spaces) at 408 Princes Highway Colac West, [Lot 1 TP619226 Parish of Nalangil], subject to the following conditions:*

### *Endorsed Plans*

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

### *Surfaced Areas*

- 2. Prior to the initial use of the warehouse, the driveway/accessway must be constructed to an all-weather standard to the satisfaction of the Responsible Authority.*
- 3. The gravel areas shown on the endorsed plan must be managed so that the amenity of the area is not detrimentally affected through the emission of dust.*

### *Car Parking*

- 4. All parking associated with the use of the premises must be on the site and no vehicles owned or operated by staff, visitors or owners of the business may park outside the site on the Princes Highway.*

### *Stormwater*

- 5. 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.*
- 6. All works must be undertaken in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority.*
- 7. During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA), to the satisfaction of the Responsible Authority.*

### *Expiry*

- 8. This permit will expire if one of the following circumstances applies:*
  - a) The development is not commenced within three years of the date of this permit.*
  - b) The development is not completed within five years of the date of this permit.*

*In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.*

**Notes:**

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain a building permit for the proposed warehouse.**
- 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. If there is a discrepancy between a written and scaled dimension on the plans, the written dimension takes precedence.**

**CARRIED 7 : 0**



**Item: 8.2**

**PP209/2019 - Proposed Dwelling at 185-200 Hordern Vale Road, Hordern Vale**

|   |   |                           |   |
|---|---|---------------------------|---|
| <b>ADDRESS AND PROPERTY DETAILS</b>           | 185-200 Hordern Vale Road, HORDERN VALE   | <b>APPLICATION NUMBER</b> | PP209/2019-1  |
| <b>PROPOSAL</b>                               | Use and Development of a Dwelling and Associated Works  |                           |   |
| <b>PERMIT TRIGGERS</b>                        | <p>Clause 35.06-1 (RCZ) - Use of Land for a Dwelling</p> <p>Clause 35.06-5 (RCZ) – Building and Works Associated with a Section 2 (Permit Required) Use</p> <p>Clause 44.01-2 (EMO1) - Buildings and Works</p> <p>Clause 44.06-2 (BMO) – Buildings and Works Associated with Accommodation</p>  |                           |   |
| <b>TRIGGER FOR DETERMINATION BY COMMITTEE</b> | Recommendation to refuse a dwelling in a rural zone   |                           |   |
| <b>ZONE</b>                                   | Rural Conservation Zone (RCZ)   | <b>OVERLAYS</b>           | <p>Erosion Management Overlay (EMO1)</p> <p>Bushfire Management Overlay (BMO)</p> |
| <b>COVENANTS</b>                              | Nil (Note: Government road (R-1) separates the two parcels that comprise the subject lot. A former Government road (20m wide) that ran inside the west boundary is now part of this title).   |                           |   |
| <b>CULTURAL HERITAGE</b>                      | No. The subject lot is partially covered but not that part of the lot in which the dwelling is proposed.  |                           |   |
| <b>OFFICER</b>                                | Ian Williams  | <b>GENERAL MANAGER</b>    | Ian Seuren  |
| <b>DIVISION</b>                               | Development and Community Services  |                           |   |
| <b>ATTACHMENTS</b>                            | <ol style="list-style-type: none"> <li>1. Visual Impact Assessment [8.2.1 - 11 pages]</li> <li>2. Application Title [8.2.2 - 4 pages]</li> <li>3. Application Form [8.2.3 - 3 pages]</li> <li>4. Application Plans [8.2.4 - 7 pages]</li> <li>5. DRAFT Conditions - P P 209 2019-1 - 185-200 Hordern Vale Road HORDERN VALE - VCAT [8.2.5 - 3 pages]</li> </ol> |                           |   |

## RECOMMENDATION

*That Council resolves to Refuse to Grant a Permit for the Use and Development of a Dwelling and Associated Works at 185-200 Hordern Vale Road, Hordern Vale, for the following reasons:*

- 1. The proposed development, due to its prominent location, scale, and extent of excavation works, does not accord with State and local planning policies which seek to ensure that development is sensitively sited and of an appropriate scale, respects the coastal landscape character, maintains the visual qualities of the Great Ocean Road coastline and the natural beauty of the area, and protects the Aire Valley Marshes as a contrast between the open, flat estuary, and the steep vegetated slopes of the enclosing hills. As such, the proposal is contrary to clauses 11.03-5S (Distinctive Areas and Landscapes), 11.03-5R (The Great Ocean Road Region), 15.01-6S (Design for Rural Areas), 21.02-2 (Land Use Vision), 21.04-8 (Landscape Character) and 65 (Decision Guidelines) of the Colac Otway Planning Scheme.*
- 2. The proposed development is contrary to the purpose and relevant decision guidelines of the Rural Conservation Zone, set out in Clause 35.06 of the planning scheme, given that:*
  - It has not been demonstrated that the proposed dwelling would conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.*
  - The proposal would not minimise the adverse impacts of siting, height and bulk.*
- 3. The proposed development, due to its siting, scale, and significant associated cut and fill, would not be recessive in the landscape or positively reflect the natural beauty of the surrounds and, as such, does not accord with the Great Ocean Road Region Landscape Assessment Study (GORRLAS - 2003) which identifies the landscape as nationally significant and acknowledges that rural-residential development can impact on the naturalness of the setting and detract from the significance of the Aire River estuary.*

### ALTERNATIVE MOTION

*MOVED Cr Chris Smith*

The meeting adjourned for a short break at 4.54pm to allow for preparation of the Alternative Motion.

The meeting resumed at 4.56pm.

### ALTERNATIVE MOTION

*MOVED Cr Chris Smith, SECONDED Cr Joe McCracken*

*That Council resolves to Grant a Permit for the Use and Development of a Dwelling and Associated Works at 185-200 Hordern Vale Road, Hordern Vale, subject to the following conditions:*

#### *Amended Plans*

- 1. Prior to the commencement of the development 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. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*

- a) The roof colour altered to Colorbond 'Monument' Grey in a matt finish, including all gutters, flashings and fittings associated with the entire roof.*

#### *Endorsed Plans*

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

#### *Compliance with Geotechnical Assessment*

- 3. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by LANASCO Pty Ltd (Report No. 2304, dated 4 April 2018) and Addendum Letter (dated 28 October 2019) or any Geotechnical Practitioner engaged to review those assessments submitted with the application.*

#### *Access*

- 4. Prior to the commencement of development, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*
- 5. Prior to the initial occupation of the dwelling, the driveway must be constructed to an all-weather standard and in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.*

#### *Wastewater Disposal*

- 6. A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*

#### *Stormwater*

- 7. 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.*
- 8. The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.*

#### *Land Management Plan*

- 9. Prior to the commencement of development, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):*

- a) Site plan;*
- b) Site description;*



- c) *List of the objectives for the property;*
- d) *A description of native plant and animals on site and in the area;*
- e) *A description of the site outside the native vegetation areas;*
- f) *Bushfire Management;*
- g) *Identification of Land Management Issues;*
- h) *Goal setting and specification of actions and implementation and monitoring of the identified actions.*

*The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.*

10. *An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five years following completion of the dwelling hereby permitted, and thereafter at the reasonable request of the Responsible Authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:*

- *permit holder*
- *planning permit number*
- *reporting year (1-5)*
- *date report is submitted*
- *who completed the report*
- *condition of site against each management commitment*
- *actions taken during the year to achieve the management commitment*
- *photographs which clearly depict management actions undertaken for the previous year.*

#### **Section 173 Agreement**

11. *Prior to the commencement of any works, 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 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 the property so as to run with the land, and must provide for the following:*

- a) *The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP209/2019-1, or in accordance with any amendment to that Plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.*

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

#### **Protection of Vegetation**

12. *To prevent damage to vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of vegetation identified to be retained. All storage sites must be restricted to existing cleared areas and must not adversely impact upon vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.*

#### *Landscaping*

13. *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. The landscaping plan must be generally in accordance with the landscape concept plan prepared by G.Holman (dated 02/09/2019) and Biloba (dated 21/08/2019), except that the plan must include:*

- a) a site plan clearly indicating all existing and proposed areas of landscape;*
- b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at planting and maturity, and quantities of each plant. Plants required for screening the development must be advanced specimens to aid with screening.*
- c) details of landscaping to provide screening of the development from the vantage points along the Great Ocean Road identified within the Bilboa vantage point visual impact illustration, and also from vantage points on Marriners Access.*

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

14. *Within one (1) month of the commencement of 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. All landscaping must be completed prior to the commencement of the use of the dwelling. Each stage of the landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

#### *CFA conditions*

15. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*

16. *The Bushfire Management Plan prepared by Beacon Ecological (version 3 and dated 3 June 2019) must be endorsed to form part of the permit and must not be altered without the written consent by the CFA and the Responsible Authority.*

#### *Expiry*

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

- a) The development is not commenced within three years of the date of this permit.*
- b) The development is not completed, and the use has not commenced, within five years of the date of this permit.*

*In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.*



**Notes**

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain a building permit for the proposed dwelling.**
- 2. Prior to preparing drainage plans, a legal point of discharge (LPOD) must be obtained in accordance with Building Regulation 133. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.**
- 3. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.**
- 4. A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works**

**CARRIED 6 : 1**

**DIVISION**

**For the motion: Cr Chris Smith, Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Kate Hanson, Cr Jason Schram**

**Against the motion: Cr Brian Crook**



**Item: 8.3**

**PP138/2019 - Use and Development of the land for a dwelling and agricultural buildings - 45 Skinners Road Barongarook West**

|   |   |                           |  |
|---|---|---------------------------|--|
| <b>ADDRESS AND PROPERTY DETAILS</b>           | 45 Skinners Road,<br>Barongarook West   | <b>APPLICATION NUMBER</b> | PP138/2019-1   |
| <b>PROPOSAL</b>                               | Use and Development of Dwelling, Agricultural Buildings and Associated Works  |                           |  |
| <b>PERMIT TRIGGERS</b>                        | Clause 35.07-1 – Use of Land for Dwelling – FZ<br>Clause 35.07-4 – Buildings and Works Associated with Section 2 Use<br>Clause 35.07-4 – Buildings and Works Associated with Agricultural Buildings<br>Clause 42.03-3 – Buildings and Works – SLO1<br>Clause 44.01-2 – Buildings and Works – EMO1 |                           |  |
| <b>TRIGGER FOR DETERMINATION BY COMMITTEE</b> | Four or more objections   |                           |  |
| <b>ZONE</b>                                   | Farming Zone (FZ)   | <b>OVERLAYS</b>           | Significant Landscape Overlay (SLO1 - Valleys, Hills and Plains Landscape Precinct) – 58.8%<br><br>Erosion Management Overlay (EMO1) – 83.3% |
| <b>COVENANTS</b>                              | Nil   |                           |  |
| <b>CULTURAL HERITAGE</b>                      | No  |                           |  |
| <b>OFFICER</b>                                | Ian Williams  | <b>GENERAL MANAGER</b>    | Ian Seuren   |
| <b>DIVISION</b>                               | Development & Community Services  |                           |  |
| <b>ATTACHMENTS</b>                            | 1. Application Form [8.3.1 - 3 pages]<br>2. Title [8.3.2 - 3 pages]<br>3. Plans [8.3.3 - 6 pages]<br>4. P P 1382019-1 - 45 Skinners Road BARONGAROOK WEST - Dwelling Plans [8.3.4 - 3 pages]  |                           |  |

Having declared a conflict of interest, Cr Jason Schram adjourned from the meeting at 5.20pm and did not take part in debate nor vote on the matter.

|                      |   |
|----------------------|---|
| Cr Jason Schram      | Item 8.3 - PP138/2019 - Use and Development of the land for a dwelling and Agricultural buildings - 45 Skinners Road Barongarook West |
| Nature of Disclosure | Direct Interest   |
| Type of interest     | Section 77B   |
| Nature of interest   | My business conducts paid works for one or more objectors.  |

Having declared a conflict of interest, Doug McNeill adjourned from the meeting at 5.20pm.

|                      |   |
|----------------------|---|
| Douglas McNeill      | Item 8.3 - PP138/2019 - Use and Development of the land for a dwelling and Agricultural buildings - 45 Skinners Road Barongarook West   |
| Nature of Disclosure | Indirect Interest   |
| Type of interest     | Section 78  |
| Nature of interest   | Relative is an objector to Planning Permit Application PP138/2019-1 – 45 Skinners Road, Barongarook West. Have not taken part in any aspect of processing of the permit application, and declared interest at the Planning Committee. |

The meeting adjourned for a short break at 5.20pm.

The meeting resumed at 5.26pm.

Cr Joe McCracken chaired the meeting for this item.

## RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Brian Crook*

*That Council resolves to issue a Notice of Decision to Grant a Permit for the Use and Development of a Dwelling, Agricultural Buildings and Associated Works at 45 Skinners Road, Barongarook West (Lots 1 and 2 on TP: 347373), subject to the following conditions:*

### *Endorsed Plans*

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority*

### *Consolidation*

- 2. Prior to commencement of the use of the dwelling, Lots 1 and 2 on TP347373, Volume/Folio 08681/256 Parish of Barongarook must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority and a copy of the title must be submitted to the Responsible Authority.*

### *Compliance with Geotechnical Assessment*

- 3. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment Report prepared by Provincial Geotechnical*



*Pty. Ltd. (ref. 13873B, dated 27 February 2020), or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

#### *Dwelling Infrastructure*

4. *Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*
  - a) *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
  - b) *The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
  - c) *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
  - d) *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source*

#### *Access*

5. *Prior to the initial occupation of the dwelling, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*
6. *Prior to the initial occupation of the dwelling, the driveway must be constructed to an all-weather standard to the satisfaction of the Responsible Authority and must have a minimum width of 3 metres.*

#### *Stormwater*

7. *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.*
8. *During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA), to the satisfaction of the Responsible Authority.*

#### *Wastewater*

9. *A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice – Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*



**Expiry**

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

- a) The development is not commenced within three years of the date of this permit.**
- b) The development is not completed and the use has not commenced within five years of the date of this permit.**

**In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.**

**Notes**

**1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval for the proposed dwelling and agricultural buildings.**

**2. A separate application to install an all waste septic tank system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.**

**This planning permit does not purport to approve the submitted Land Capability Assessment prepared by NR LINKS (Ref: TP34373, dated May 2019). An addendum to support that Land Capability Assessment or a new Land Capability will be required at the time of the Application for a Permit to Install an Onsite Wastewater System.**

**3. Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.**

**4. Attention is drawn to the contents of the letter dated 8 November 2019 from the Environment Protection Authority (EPA), a copy of which is attached to this permit (EPA ref. 5010150).**

**CARRIED 5 : 1**

**DIVISION**

**For the motion: Cr Chris Smith, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson**

**Against the motion: Cr Joe McCracken**

**Helen Evans left the meeting at 6.22pm.**

**Tony Gullone left the meeting at 6.23pm.**

**Cr Jason Schram returned to the meeting at 6.23pm and resumed the Chair.**

*The meeting was declared closed at 6.24pm.*

**CONFIRMED AND SIGNED** at the meeting held on 10 June 2020



A handwritten signature in cursive script, reading "J. Mc Craekie", is written over a horizontal dotted line. The signature is written in black ink and is positioned centrally on the page.