



## **PLANNING COMMITTEE MEETING**

# **MINUTES**

**Wednesday 9 October 2019**

**at 4:00 pm**

**COPACC**

**95 - 97 Gellibrand Street, Colac Victoria**



# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 9 October 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 9 October 2019 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 Brian Crook  
Cr Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken (Deputy Mayor)  
Cr Chris Potter  
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  
Doug McNeill, Manager, Planning, Building & Health  
Bláithín Butler, Coordinator, Statutory Planning  
Tony Gullone, Coordinator, Environmental Health Protection  
Helen Evans, Senior Statutory Planner  
Julia Repusic, Statutory Planner  
Jane Preston-Smith, Executive Officer, Development & Community Services  
Sarah Osborne, Communications Officer  
Lyndal Redford, Governance Officer

#### **3 APOLOGIES AND LEAVES OF ABSENCE**

Cr Jason Schram (Mayor)

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

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

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 12 June 2019.

##### **RESOLUTION**

***MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson***

***That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 12 June 2019.***

***CARRIED 6 : 0***

##### ***MOTION***

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

***That Item 8.2 PP177/2019-1 – 28 Dennis Street be heard before Item 8.1 PP11/2018-1 – 10 Old Ocean Road Separation Creek.***

***CARRIED 6 : 0***



## **7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

### **Item 8.1: PP11/2018-1 - 10 Old Ocean Road SEPARATION CREEK**

Objector: Warren Avar (on behalf of himself and Marty Avar, Roddy Avar, Melissa Avar and Tony Avar)

Applicant: Anthony and Margaret Batt

### **Item 8.2: PP177/2019-1 - 28 Dennis Street COLAC**

Applicant: Mr David Gorrie

Item: 8.1

**PP11/2018-1 - 10 Old Ocean Road Separation Creek**

<b>ADDRESS AND PROPERTY DETAILS</b>	10 Old Ocean Road Separation Creek	<b>APPLICATION NUMBER</b>	PP11/2018-1
<b>PROPOSAL</b>	Two (2) Lot Subdivision, Construction of Two Dwellings and Associated Earthworks		
<b>PERMIT TRIGGERS</b>	TZ - Clause 32.05-5 - subdivision of land TZ - Clause 32.05-7 - construction of two or more dwellings on a lot RCZ - Clause 35.06-3 - subdivision of land SLO2 - Clause 42.03 - construction of two dwellings NCO1 - Clause 43.05 - construction of two dwellings DDO4 - Clause 43.02-3 - subdivision of land EMO1 - Clause 44.01-1 - building and works EMO1 - Clause 44.01-4 - subdivision of land LSIO – Clause 44.04-2 - subdivision of land BMO – Clause 44.06-2 - subdivision and construction of two dwellings		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Four or more objections		
<b>ZONE</b>	Part Township Zone Part Rural Conservation Zone	<b>OVERLAYS</b>	NCO1 - Neighbourhood Character Overlay, Schedule 1  DDO4 - Design and Development Overlay, Schedule 4  SLO2 - Significant Landscape Overlay, Schedule 2  EMO1 - Erosion Management Overlay, Schedule 1  BMO - Bushfire Management Overlay

<b>COVENANTS</b>	Nil		
<b>CULTURAL HERITAGE</b>	The site within the culturally sensitive mapped area; however the proposal is not defined as a high impact activity.		
<b>OFFICER</b>	Helen Evans	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services		
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Application Form [8.1.1 - 6 pages]</li> <li>2. title [8.1.2 - 1 page]</li> <li>3. title plan [8.1.3 - 2 pages]</li> <li>4. Development plans [8.1.4 - 15 pages]</li> <li>5. Response to Objections [8.1.5 - 4 pages]</li> </ol>		

This item was heard immediately after Item 8.2: PP177/2019-1 - 28 Dennis Street Colac

## RESOLUTION

*MOVED Cr Brian Crook, SECONDED Cr Chris Potter*

*That Council resolves to issue a Notice of Decision to Grant a Permit for the Subdivision of the Land into Two (2) Lots, Construction of Two Dwellings and Associated Earthworks at 10 Old Ocean Road, Separation Creek, known as Lot 1 on Title Plan 371123X Volume 6225 Folio 845, subject to the following conditions:*

### *Amended Plans*

1. *Prior to the commencement of development or the certification of the plan of subdivision, whichever is the earlier, 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. The plans must be generally in accordance with the plans submitted with the application, but modified to:*
  - a) *delete the 1.8m high fence;*
  - b) *delete references/notations to wastewater distribution beds with secondary treatment plant;*
  - c) *annotate the plan with a reference to the 'Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. 18305LCAv2, dated 15/8/19), or as otherwise agreed in writing by the Responsible Authority', and identify the land application area shown in Appendix I of that Land Capability Assessment;*
  - d) *alter the Driveway Plan (TP13) to show the driveway access with a minimum trafficable width of 3.5m and being constructed to a load limit of at least 15 tonnes;*
  - e) *show storage facilities for each dwelling in accordance with Clause 55.05-6;*



- f) *show the location of any air-conditioning units for each dwelling in accordance with Clause 55.04-8;*
- g) *describe the lots on the Plan of Subdivision as 'Lot 1 (RCZ land)' and 'Lot 2 (TZ land)'; and*
- h) *provide details of the location and type of the permanent markers (e.g. bollards or similar) between proposed Lot 1 (RCZ land) and Lot 2 (TZ land).*

#### *Endorsed plans*

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

#### *Compliance with Geotechnical Assessment*

- 4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by AGR GeoSciences Pty. Ltd. (Reference No. 18C260GTA, dated 23/5/18) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

#### *Wastewater*

- 5. *A domestic wastewater management system must be constructed concurrently with each of the dwellings hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot on which the dwelling is located. 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.*
- 6. *All works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. 18305LCAv2, dated 15/8/19), or as otherwise agreed in writing by the Responsible Authority.*

#### *Access*

- 7. *Prior to the commencement of development or the issue of a statement of compliance under the Subdivision Act 1988, whichever is earlier, access must be constructed in accordance with the endorsed plans.*
- 8. *A retaining wall designed by a suitably qualified person, with an appropriate barrier/fence above to prevent vehicles leaving the driveway as shown on the endorsed plans, must be constructed along the eastern side of the driveway prior to the occupation of 'House 2'. The retaining wall and barrier/fence must be maintained to the construction standard following installation.*

#### *Drainage*

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



10. *Prior to the commencement of development, drainage plans including relevant calculations prepared by a suitably qualified person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must:*

- a) Show all drainage works associated with the development including any drainage works required beyond the boundaries of the land.*
- b) Show the nominated Legal Point of Discharge.*
- c) Show the designed finished surface level of all driveways, car-parking areas, landscaping areas and existing surfaces.*
- d) Show the floor levels of all buildings.*
- e) Show the detailed cross-section of the outflow control device.*
- f) Provide the structural computations where underground storage tanks are used for stormwater detention.*
- g) Limit the Permissible Site Discharge (PSD) rate to the pre-developed discharge rate, during a critical 1 in 5 year ARI storm event (20% AEP) and detain the post developed discharge during a critical 1 in 10 year ARI storm event (10% AEP), to the satisfaction of the Responsible Authority.*
- h) Consider the impact of a 100 year ARI storm event (1% AEP) as part of the design, and ensure no neighbouring properties and buildings on the subject site would be adversely affected;*
- i) Demonstrate that the building foundations adjacent to the easement would not impact on Council's stormwater drainage infrastructure, including that:*
  - i. Any footings in or adjacent to the easement must have a minimum 600mm horizontal clearance from the stormwater pipe.*
  - ii. The base of any footings must be founded at least 300mm below a line drawn at 45° from the invert of the stormwater pipe.*
  - iii. Any stormwater drains must be confirmed on site.*

*The drainage must be constructed in accordance with the approved plans.*

#### **Erosion and Sediment Control**

11. *Prior to the commencement of development or the commencement of works associated with the subdivision, whichever is the earlier, the following must be submitted to and approved by the Responsible Authority:*

- a) details of methods to control sediment laden runoff and stormwater pollution (as described under 'Best Practice Environmental Management Guidelines for Urban Stormwater' or similar) from leaving the land during construction works.*
- b) details of the management of erosion, dust, litter, concrete and other construction wastes, and the prevention of chemical contamination.*
- c) details of measures for the protection of vegetation and natural features planned for retention.*

*The approved methods must be implemented during construction works, to the satisfaction of the Responsible Authority.*

#### **Land Management Plan**

12. *Prior to the commencement of development, a Land Management Plan for Lot 1 (RCZ land) as shown on the plans endorsed under planning permit PP11/2018-1, 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 in accordance with the defendable space requirements;*
- g) Identification of Land Management Issues;*
- h) Goal setting and specification of actions and implementation and monitoring of the identified actions.*

*The management of Lot 1 (RCZ 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.*

- 13. 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 (5) years following completion of either of the dwellings 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.*

- 14. Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority. To prevent damage to remaining vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native 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*

- 15. Prior to the commencement of development, a landscape plan for Lot 2 (TZ land), 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 plan must show:*

- a) a site plan clearly indicating all areas of landscape plantings proposed;*



- b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at planting and at maturity, and quantities of each plant. Plants for screening the development must be advanced specimens to aid with screening.*

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

- 16. Prior to occupation of either of the dwellings hereby permitted, 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 maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
- 17. The roots below ground level of the Mirror bush (Coprosma Repens) vegetation along the western boundary must be retained, together with the bush that extends into the neighbouring property.*

#### *Section 173 Agreements*

- 18. Prior to the commencement of development on proposed Lot 2 (TZ land), 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 proposed Lot 2 (TZ land) or, in the event the land is not subdivided, on the Title of Lot 1 on Title Plan 371123X (Volume 6225 Folio 845), so as to run with the land, and must provide for the following:*

- a) The management of the septic system, including greywater recycling system, in accordance with the Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. 18305LCAv2, dated 15/8/19) as part of planning permit PP11/2018, or as otherwise agreed to in writing by the Responsible Authority.*

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

- 19. Prior to the commencement of development or certification of the plan of subdivision, whichever is the earlier, 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 Lot 1 on Title Plan 371123X (Volume 6225 Folio 845) so as to run with the land, and must provide for the following:*

- a) Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1, must be managed in accordance with the Land Management Plan endorsed as part of that planning permit, 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; and*

- b) Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1, must be managed and maintained:*
  - i. by the owners/occupiers of the two dwellings on Lot 2 (TZ land), as shown on the plans endorsed under planning permit PP11/2018-1, unless Lot 2 (TZ land) is further subdivided in the future;*
  - ii. by the owners/occupiers of 'House 2', as shown on the plans endorsed under planning permit PP11/2018-1, in the event that Lot 2 (TZ land) is further subdivided in the future.*
- c) that no buildings are permitted on Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1; and*
- d) that permanent markers, such as bollards or a similar type of physical structure approved in writing by the Responsible Authority, are located and permanently maintained along the shared boundary between the Lots 1 and 2, in order to permanently identify on site the location of the zone boundary between the RCZ land the TZ land, as long as the land is in two zones; and*
- e) that Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1 will either:*
  - i. remain in the same ownership as Lot 2 (TZ land) and will not be sold off separately, or*
  - ii. remain in the same ownership as 'House 2', which abuts Lot 1 (RCZ land), in the event Lot 2 (TZ land) is further subdivided in the future.*

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

**CFA conditions**

**20.** *Before Statement of Compliance is issued under the Subdivision Act 1988 or the commencement of development, whichever comes first, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement is to apply to Lot 1 – RCZ Lot and must ensure that the Lot is managed as defensible space to the following requirements:*

- a) Grass must be short cropped and maintained during the declared fire danger period.*
- b) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- c) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- d) Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- e) Shrubs must not be located under the canopy of trees.*

- f) *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- g) *Trees must not overhang or touch any elements of the building.*
- h) *The canopy of trees must be separated by at least 5 metres.*
- i) *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

*The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.*

- 21. *The Bushfire Management Plan Version 1, dated 11 April 2019 submitted to CFA with revised plans dated 16 May 2019 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*
- 22. *The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.*

#### *CCMA conditions*

- 23. *The finished floor level of the proposed dwelling 1 must be no lower than 5.4 to Australian Height Datum (AHD). (300 mm above the flood level).*
- 24. *The finished floor level of the proposed garage for dwelling 1 must be no lower than 5.25 to Australian Height Datum (AHD). (150 mm above the flood level).*
- 25. *The finished floor level of the proposed dwelling 2 must be no lower than 5.8 to Australian Height Datum (AHD). (300 mm above the flood level).*
- 26. *The finished floor level of the proposed garage for dwelling 2 must be no lower than 5.65 to Australian Height Datum (AHD). (150 mm above the flood level).*
- 27. *All buildings and works must be set back a minimum of 15 metres from the top of bank of the waterway (Separation Creek).*
- 28. *All fencing within the 1% AEP flood extent needs to be an open style fence to allow flood flows to pass through.*
- 29. *Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Corangamite Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with Corangamite Catchment Management Authority's requirements.*

#### *Servicing Authorities*

- 30. *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 services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*



31. *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.*
32. *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**

33. *The owner of the land must enter into an agreement with:*
  - *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*
  - *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.*
34. *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 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*
  - *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**

35. *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.*

*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 development.*



2. *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.*
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. *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.*
5. *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 Council prior to the completion of works.*

**CARRIED 5 : 1**

**DIVISION**

*For the motion: Cr Joe McCracken, Cr Kate Hanson, Cr Brian Crook, Cr Chris Potter, Cr Chris Smith*

*Against the motion: Cr Stephen Hart*

Helen Evans left the meeting at 4:42pm.

Helen Evans returned to the meeting at 4:46pm.

Julia Repusic left the meeting at 5:01pm.

Item: 8.2

**PP177/2019-1 - 28 Dennis Street COLAC**

<b>ADDRESS AND PROPERTY DETAILS</b>	28 Dennis Street COLAC	<b>APPLICATION NUMBER</b>	PP177/2019-1
<b>PROPOSAL</b>	Waiver of Parking Requirement (21 Spaces) and Display of 1 Business Identification Sign		
<b>PERMIT TRIGGERS</b>	<p>Pursuant to Clause 52.06-3 (Car Parking) and Clause 2.0 of Schedule 1 to the Parking Overlay (PO1), a permit is required to reduce the number of car parking spaces required.</p> <p>Pursuant to Clause 52.05-13 (Signs), a permit is required for a business identification sign.</p>		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Reduction in car parking requirement by more than 10 spaces		
<b>ZONE</b>	Commercial 1 Zone (C1Z)	<b>OVERLAYS</b>	<p>Design and Development Overlay – Schedule 8 (DDO8)</p> <p>Parking Overlay – Schedule 1 (PO1)</p>
<b>COVENANTS</b>	None		
<b>CULTURAL HERITAGE</b>	N/A		
<b>OFFICER</b>	Julia Repusic	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services		
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>Attachment 1 - Application form [8.2.1 - 7 pages]</li> <li>Attachment 2 - Plans [8.2.2 - 3 pages]</li> </ol>		

This item was the first item to be heard.

## RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Brian Crook*

*That Council resolves to Grant a Permit for the Reduction of the Number of Car Parking Spaces to Zero and Display of 1 Business Identification Sign at 28 Dennis Street, Colac (Lot: 1 TP: 606760 V/F: 2435/931 Parish of Colac), subject to the following conditions:*

### *Endorsed Plans*

- 1. The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

### *Signs*

- 2. The signage must not be illuminated by external or internal light, or contain flashing lights, except with the prior written consent of the Responsible Authority.*
- 3. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.*

### *Loading/Unloading*

- 4. The loading and unloading of goods from service vehicles must only be carried out within the loading bay shown on the endorsed plan and must not obstruct any vehicles to the satisfaction of the Responsible Authority. If a vehicle trying to access/egress a neighbouring property is obstructed, the service vehicle must be moved immediately to enable access/egress.*

### *Expiry*

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

### *Note*

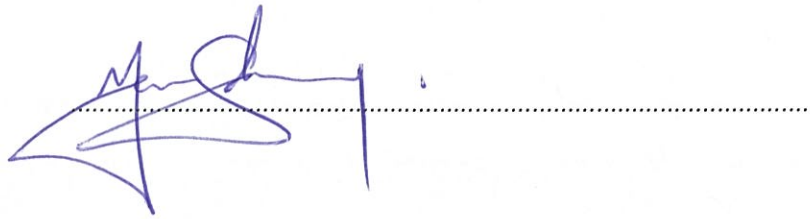
*This permit does not authorise the commencement of the use or any building works. Prior to the commencement of the use, it will be necessary to apply for and obtain a building permit.*

**CARRIED 6 : 0**



*The meeting was declared closed at 5:20 pm*

**CONFIRMED AND SIGNED** at the meeting held on 11 December 2019

A handwritten signature in blue ink is written over a horizontal dotted line. The signature is stylized and appears to be a cursive representation of a name.