



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 12 August 2020

at 4:00 pm



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 12 August 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 via videoconference on Wednesday 12 August 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

2 PRESENT

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

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 McLean, Governance Coordinator
Doug McNeill, Manager, Planning, Building & Health
Bláithín Butler, Coordinator, Statutory Planning
Ian Williams, Senior Statutory Planner
Julia Repusic, Statutory Planner

3 APOLOGIES AND LEAVES OF ABSENCE

ABSENT: Cr Chris Smith

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.

Please note: All Council and Committee meetings will be audio recorded and live streamed, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the 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).

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.

In response to the COVID-19 pandemic and in accordance with the relevant Stage 3 Directions and Restrictions issued by the Chief Health Officer of Victoria that were in place in regional Victoria at the time of the meeting, the meeting took place utilising videoconferencing technology.

5 DECLARATIONS OF INTEREST

| | |
|----------------------|---|
| Cr Joe McCracken | 8.2 - Planning Committee report - PP11/2020 - 60 Tulloh Street, Elliminyt - Variation to Covenant |
| Nature of Disclosure | Indirect Interest |
| Type of interest | Section 78B |
| Nature of interest | I have conflicting duties with parties to this matter. |

6 CONFIRMATION OF MINUTES

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Stephen Hart

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 10 June 2020.

CARRIED 6 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1 PP77/2020-1 - 22 Ross Street, Colac - Construction of Three (3) Dwellings

Applicant: Felix Currao

Item 8.2 PP11/2020-1 - 60 Tulloh Street, Elliminyt - Variation of Restrictive Covenant

**Objectors: Graeme (speaker) and Ellen Runciman
Lilian (speaker) and Tony Duggan**

Applicant: John (speaker) and Sally DeLorenzo

Item: 8.1

**PP77/2020-1 - 22 Ross Street, Colac –
Construction of Three (3) Dwellings**

| | | | |
|---|--|-------------------------------|-------------|
| ADDRESS AND PROPERTY DETAILS | 22 Ross Street COLAC | APPLICATION NUMBER | PP77/2020-1 |
| PROPOSAL | Construction of Three (3) Dwellings | | |
| PERMIT TRIGGERS | Pursuant to Clause 32.08 (GRZ1), a permit is required to construct two or more dwellings on a lot | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Submission of a petition objecting to the proposal | | |
| ZONE | General Residential Zone (GRZ1) | OVERLAYS | Nil |
| COVENANTS | Nil | | |
| CULTURAL HERITAGE | Nil | | |
| OFFICER | Julia Repusic | GENERAL MANAGER | Ian Seuren |
| DIVISION | Development & Community Services | | |
| ATTACHMENTS | <ol style="list-style-type: none"> 1. Application Design Response Plan [8.1.1 - 1 page] 2. Application Site Plan [8.1.2 - 1 page] 3. Application Shadow Diagrams and Garden Area [8.1.3 - 2 pages] 4. Application Elevations [8.1.4 - 3 pages] | | |

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Stephen Hart

That Council resolves to issue a Notice of Decision to Grant a Permit for the Construction of Three (3) Dwellings at 22 Ross Street COLAC (Lot 33 PS007296), 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*

Stormwater

- 2. 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.*
- 3. Prior to the commencement of development, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects. When approved, the Stormwater Management Plan will be endorsed and will form part of the planning permit.*

All works must be undertaken in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority.

- 4. 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.*

Access

- 5. Prior to the initial occupation of any of the dwellings hereby permitted, the driveway must be constructed to a sealed all-weather standard and with a minimum width of 3 metres to the satisfaction of the Responsible Authority.*

Landscaping

- 6. Prior to initial occupation of any 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.*

Expiry

- 7. 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 dwellings.**

CARRIED 6 : 0

Item: 8.2

**PP11/2020-1 - 60 Tulloh Street, Elliminyt –
Variation of Restrictive Covenant**

| | | | |
|---|---|---------------------------|-------------|
| ADDRESS AND PROPERTY DETAILS | 60 Tulloh Street, Elliminyt | APPLICATION NUMBER | PP11/2020-1 |
| PROPOSAL | Variation of Restrictive Covenant | | |
| PERMIT TRIGGERS | Clause 52.02 – Easements, Restrictions and Reserves | | |
| TRIGGER FOR DETERMINATION BY COMMITTEE | Four (4) Objections | | |
| ZONE | General Residential Zone (GRZ1) | OVERLAYS | Nil |
| COVENANTS | Covenant J792159, dated 22/01/1982 | | |
| CULTURAL HERITAGE | No | | |
| OFFICER | Ian Williams | GENERAL MANAGER | Ian Seuren |
| DIVISION | Development and Community Services | | |
| ATTACHMENTS | <ol style="list-style-type: none"> 1. Application Title [8.2.1 - 1 page] 2. Title Plan [8.2.2 - 1 page] 3. Covenant J 792159 [8.2.3 - 4 pages] 4. Application Form [8.2.4 - 4 pages] 5. Planning Report Covenant Removal v 02 [8.2.5 - 17 pages] | | |

| | |
|----------------------|---|
| Cr Joe McCracken | 8.2 - Planning Committee report - PP11/2020 - 60 Tulloh Street; Elliminyt - Variation to Covenant |
| Nature of Disclosure | Indirect Interest |
| Type of interest | Section 78B |
| Nature of interest | I have conflicting duties with parties to this matter. |

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Kate Hanson

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for a Variation to Restrictive Covenant J792159 (dated 22/01/1982) on Lot 5 LP: 131993 V/F: 9392/050 (Parish of Elliminyt), commonly known as 60 Tulloh Street, Elliminyt, on the following grounds:


- a) The Responsible Authority is not satisfied that the proposed variation of covenant is unlikely to result in detriment, including perceived detriment, being suffered by the beneficiaries of the covenant.*
- b) The objections lodged by owners who are beneficiaries to the covenant have not been made vexatiously or in bad faith within the meaning of section 60(5)(b) of the Planning and Environment Act 1987.*

CARRIED 5 : 0

Having declared a conflict of interest, Cr McCracken left the meeting at 4:15pm and did not return.

The meeting was declared closed at 4:48pm.

CONFIRMED AND SIGNED at the meeting held on 9 December 2020

.....MAYOR