

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 Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith*

Rob Small, Chief Executive Officer

*Colin Hayman, General Manager, Corporate and Community Services
Jack Green, General Manager, Sustainable Planning and Development
Neil Allen, General Manager, Infrastructure and Services
Doug McNeill, Manager Planning and Building*

*Suzanne White, Executive Officer
Maree Redmond, Executive Assistant*

3. APOLOGIES

Nil

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 relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. 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 APPLICANT/OBJECTORS

Item: PC090807-2 Robert Leadbetter - Operations Manager - Frozen Products
Bulla Dairy Foods

7. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 13/05/09.

Recommendation

That the Planning Committee confirm the above minutes.

Resolution

MOVED Cr Russell seconded Cr Higgins that the Planning Committee confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

PC090807-1 MONTHLY PLANNING AND BUILDING STATISTICAL REPORT FOR
THE MONTH OF MAY 2009
PC090807-2 PP175/09- USE AND DEVELOPMENT OF THE LAND FOR A
WAREHOUSE AND CARPARK AND WORKS THAT INTENSIFY THE
EXISTING USE OF THE LAND FOR INDUSTRY AT 270-302 MURRAY
STREET, COLAC

PC090807-1 MONTHLY PLANNING AND BUILDING STATISTICAL REPORT FOR THE MONTH OF MAY 2009

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning and Development	FILE REF:	GEN00450

Recommendation(s)

That Council's Planning Committee note the May 2009 statistical report.

Resolution

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council's Planning Committee note the May 2009 statistical report.

CARRIED 7 : 0

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**PC090807-2 PP175/09- USE AND DEVELOPMENT OF THE LAND FOR A WAREHOUSE AND CARPARK AND WORKS THAT INTENSIFY THE EXISTING USE OF THE LAND FOR INDUSTRY AT 270-302 MURRAY STREET, COLAC**

|             |                                      |           |            |
|-------------|--------------------------------------|-----------|------------|
| AUTHOR:     | Doug McNeill                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | PP175/09   |

**Recommendation**

***That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for use and development of the land for a warehouse and car park and works that intensify the existing use of the land for industry at 270-302 Murray Street, Colac subject to the following conditions:***

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 with dimensions and three copies provided. The plans must generally be in accordance with the plans submitted with the application, but modified to show:***
  - (a) ***Any acoustic measures as detailed in the report by Audiometric and Acoustic Services dated 26<sup>th</sup> May 2009 and the subsequent addendum report dated 24<sup>th</sup> June 2009.***
  - (b) ***A revised façade of buildings fronting Hart Street and Connor Street to reduce the visual impact of the walls and introduce greater vertical articulation.***
  - (c) ***Security fencing at the south-western corner of the site modified from chain mesh to painted steel pickets.***
  - (d) ***Location of existing vehicle crossings that are no longer required which are to be removed and reinstated to the satisfaction of the responsible authority.***
  - (e) ***Appropriate facilities for the storage on-site of at least three bicycles.***
  - (f) ***Details of the external colour scheme and materials of the new buildings.***
  - (g) ***Removal of the two entries to the car park from Connor Street, with the access from Scott Street being the sole access to that car park.***
  - (h) ***Wider crossover to Connor Street at the south eastern corner.***
2. ***The works (including the extension to the production floor area and associated refrigeration plant) shall be located and constructed so that the noise emissions from the works do not exceed 38 dB(A) outdoors at the houses in Connor Street. Prior to the commencement of operation of the works, a report must be submitted to Council detailing the noise control works undertaken including any calculations demonstrating that the noise target in Connor Street is achieved for the new works.***
3. ***All run off from stormwater, including overflow from water storage must be taken to a legal point of discharge in accordance with Condition 10 to the satisfaction of the Responsible Authority.***

4. ***Before the development starts, 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) ***a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant***
- (b) ***landscaping and planting throughout the car parking area, with focus on achieving a planted buffer along the street frontages;***
- (c) ***a mix of canopy trees and lower level vegetation;***
- (d) ***street trees to be planted along naturestrips abutting the site in Hart Street, Connor Street and Scott Street. The species shall be chosen in consultation with the responsible authority to avoid unreasonable conflict with overhead powerlines.***

***All species selected must be to the satisfaction of the Responsible Authority. The landscape plan as it applies to the site itself must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.***

5. ***Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-***

- (a) ***Constructed to the satisfaction of the Responsible Authority.***
- (b) ***Properly formed to such levels that they can be used in accordance with the plans.***
- (c) ***Surfaced with an all-weather seal-coat of asphalt or similar to the satisfaction of the Responsible Authority.***
- (d) ***Drained and maintained to the satisfaction of the Responsible Authority.***
- (e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
- (f) ***Clearly marked to show the direction of traffic along access lanes and driveways***

6. ***A warning device shall be installed at the proposed exit points for trucks onto Murray Street and Connor Street to warn pedestrians that vehicles are crossing the footpaths to the satisfaction of the responsible authority. The warning device is to be located within the property and to emit light only (not sound).***

7. ***The car park at the south-west corner of the site shall be secured to prevent public access outside the hours of operation of the site to the satisfaction of the responsible authority.***

8. ***Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed 64 litres/sec/ha to the satisfaction of the Responsible Authority. Once approved such design must be endorsed and must form part of the permit.***

9. ***Prior to the commencement of the use, 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 submit a report completed by a design engineer that provides written confirmation of construction to the satisfaction of the Responsible Authority.***
10. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
11. ***Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.***
12. ***Any existing crossing or crossing opening that is redundant under the proposal must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.***
13. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
14. ***The access areas are to have an asphalt pavement overlay constructed to the satisfaction of the responsible authority.***
15. ***The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
16. ***Parking areas and access lanes must be kept available for these purposes at all times.***
17. ***Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.***
18. ***Fork lifts shall be fitted with Broad Band Reversing Beepers to the satisfaction of the responsible authority.***
19. ***The landscaping shown on the endorsed plans shall be established within 3 months of commencement of the use hereby permitted and shall be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
20. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) ***transport of materials, goods or commodities to or from the land;***
  - (b) ***appearance of any building, works or materials;***
  - (c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and***
  - (d) ***presence of vermin.***
21. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***

22. ***No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
23. ***The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
24. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development and use are not started within (2) years of the date of this permit.***
  - b) ***The development is not completed and the use is not commenced within four 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.***

#### **Notes for Planning Permit**

1. ***Building approval is required prior to commencement of construction.***
2. ***Any works abutting or in close proximity to public spaces (roads, reserves, rights of way etc) need to be reviewed by the Responsible Building Surveyor. If the Responsible Building Surveyor requires protection to the public the specific consent needs to be sought through Council's Local Laws department.***

Prior to the determination of this item an amended recommendation was put to Council as a result of revisions to the proposal that had been agreed/proposed by the applicant in response to the objectors concerns. All objections had subsequently been withdrawn as a result of the agreed changes proposed.

The withdrawal of all objections enabled Council to consider the revised recommendations and resolve on the issue of a planning permit for the development rather than a Notice of Decision to Grant a Permit.

This was explained to the gallery by Council's General Manager Sustainable Planning & Development, Jack Green, prior to Council considering the matter.

#### **Amended Recommendation**

***That the Planning Committee resolve to issue a Permit for use and development of the land for a warehouse and car park and works that intensify the existing use of the land for industry at 270-302 Murray Street, Colac subject to the following conditions:***

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 with dimensions and three copies provided. The plans must generally be in accordance with the plans submitted with the application, but modified to show:***

- (a) **Any acoustic measures as detailed in the report by Audiometric and Acoustic Services dated 26<sup>th</sup> May 2009 and the subsequent addendum report dated 24<sup>th</sup> June 2009.**
  - (b) **A revised façade of buildings fronting Hart Street and Connor Street to reduce the visual impact of the walls and introduce greater articulation, including the warehouse component of the buildings reduced in height to approximately 6.8m, and setback from the Connor Street boundary by 2m to provide a landscape strip, with a reduced length of full height façade to Connor Street.**
  - (c) **Security fencing at the south-western corner of the site modified from chain mesh to painted steel pickets.**
  - (d) **Location of existing vehicle crossings that are no longer required which are to be removed and reinstated to the satisfaction of the responsible authority.**
  - (e) **Appropriate facilities for the storage on-site of at least three bicycles.**
  - (f) **Details of the external colour scheme and materials of the new buildings.**
  - (g) **Removal of the two entries to the car park from Connor Street, with the access from Scott Street being the sole access to that car park.**
  - (h) **Wider crossover to Connor Street at the south eastern corner.**
  - (i) **Details of signs to be installed at the entries/exits to the site in accordance with Condition 25.**
2. **The works (including the extension to the production floor area and associated refrigeration plant) shall be located and constructed so that the noise emissions from the works do not exceed 38 dB(A) outdoors at the houses in Connor Street. Prior to the commencement of operation of the works, a report must be submitted to Council detailing the noise control works undertaken including any calculations demonstrating that the noise target in Connor Street is achieved for the new works.**
3. **All run off from stormwater, including overflow from water storage must be taken to a legal point of discharge in accordance with Condition 10 to the satisfaction of the Responsible Authority.**
4. **Before the development starts, 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) **a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
  - (b) **landscaping and planting throughout the car parking area, with focus on achieving a planted buffer along the street frontages;**
  - (c) **a mix of canopy trees and lower level vegetation;**
  - (d) **street trees to be planted along naturestrips abutting the site in Hart Street, Connor Street and Scott Street. The species shall be chosen in consultation with the responsible authority to avoid unreasonable conflict with overhead powerlines.**



***All species selected must be to the satisfaction of the Responsible Authority. The landscape plan as it applies to the site itself must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.***

5. ***Prior to commencement of the use, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-***
  - (a) ***Constructed to the satisfaction of the Responsible Authority.***
  - (b) ***Properly formed to such levels that they can be used in accordance with the plans.***
  - (c) ***Surfaced with an all-weather seal-coat of asphalt or similar to the satisfaction of the Responsible Authority.***
  - (d) ***Drained and maintained to the satisfaction of the Responsible Authority.***
  - (e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.***
  - (f) ***Clearly marked to show the direction of traffic along access lanes and driveways***
6. ***A warning device shall be installed at the proposed exit points for trucks onto Murray Street and Connor Street to warn pedestrians that vehicles are crossing the footpaths to the satisfaction of the responsible authority. The warning device is to be located within the property and to emit light only (not sound).***
7. ***The car park at the south-west corner of the site shall be secured to prevent public access outside the hours of operation of the site to the satisfaction of the responsible authority.***
8. ***Prior to commencement of the development, a stormwater detention system designed by a qualified engineer must be lodged with the Responsible Authority verifying that post development stormwater discharge volume from the land does not exceed 64 litres/sec/ha to the satisfaction of the Responsible Authority. Once approved such design must be endorsed and must form part of the permit.***
9. ***Prior to the commencement of the use, 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 submit a report completed by a design engineer that provides written confirmation of construction to the satisfaction of the Responsible Authority.***
10. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
11. ***Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.***
12. ***Any existing crossing or crossing opening that is redundant under the proposal must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.***

13. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
14. ***The access areas are to have an asphalt pavement overlay constructed to the satisfaction of the responsible authority.***
15. ***The driveway must enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
16. ***Parking areas and access lanes must be kept available for these purposes at all times.***
17. ***Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.***
18. ***Fork lifts shall be fitted with Broad Band Reversing Beepers to the satisfaction of the responsible authority.***
19. ***The landscaping shown on the endorsed plans shall be established within 3 months of commencement of the use hereby permitted and shall be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
20. ***The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) ***transport of materials, goods or commodities to or from the land;***
  - (b) ***appearance of any building, works or materials;***
  - (c) ***emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and***
  - (d) ***presence of vermin.***
21. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
22. ***No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***
23. ***The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
24. ***The applicant must enter into an agreement with Barwon Water for the provision of water and sewerage services and acceptance of trade waste to and from the development.***
25. ***The applicant shall display signs on the external fence at the truck entries and exits to the site that indicate for drivers the direction of traffic flow.***

26. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development and use are not started within (2) years of the date of this permit.***
  - b) ***The development is not completed and the use is not commenced within four 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.***

### **Resolution**

***MOVED Cr Buchanan seconded Cr Higgins that the Planning Committee resolve to issue a Permit for use and development of the land for a warehouse and car park and works that intensify the existing use of the land for industry at 270-302 Murray Street, Colac subject to the following conditions:***

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- (c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and*
  - (d) *presence of vermin.*
- 21. *External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
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- 23. *The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 24. *The applicant must enter into an agreement with Barwon Water for the provision of water and sewerage services and acceptance of trade waste to and from the development.*
- 25. *The applicant shall display signs on the external fence at the truck entries and exits to the site that indicate for drivers the direction of traffic flow.*
- 26. *This permit will expire if one of the following circumstances applies:*
  - a) *The development and use are not started within (2) years of the date of this permit.*
  - b) *The development is not completed and the use is not commenced within four 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 7 : 0**

Meeting closed 10:54am

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