

**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 Stephen Hart (Mayor)  
Cr Frank Buchanan  
Cr Brian Crook  
Cr Stuart Hart  
Cr Geoff Higgins  
Cr Lyn Russell  
Cr Chris Smith  
Rob Small, Chief Executive Officer  
Jack Green, General Manager Sustainable Planning and Development  
Rick Morrow, Acting General Manager Corporate & Community Services  
Neil Allen, General Manager Infrastructure & Services  
Doug McNeill, Manager Planning and Building  
Patrick Cauchi, Statutory Planning Coordinator  
Katrina Kehoe, Executive Officer Sustainable Planning & Development

**3. APOLOGIES**

Colin Hayman

**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 to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. 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

Cr Stephen Hart:	PC120802-2 Use & Development of a Telecommunications Facility & Associated Works 5085 Colac Lavers Hill Rd, Lavers Hill
Nature of Disclosure:	Direct
Type of Direct Interest:	Section 77B
Nature of Interest:	Jointly own property at Lavers Hill Cobden Road, Lavers Hill. The proposal may affect the residential amenity of the property I jointly own.

## 6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Nil

## 7. CONFIRMATION OF MINUTES

- Planning Committee held on the 18/01/12.

### **Resolution**

***MOVED Cr Frank Buchanan seconded Cr Lyn Russell that Council confirm the above minutes.***

### ***CARRIED 7 : 0***

- It is noted that there was an error in the statistical report adopted by the Planning Committee at the January 2012 meeting and that error related to the Planning Application PP343/2004-2 for 7 Sturt Court Wye River, being incorrectly shown as lapsed in the month of December 2011. This application has not yet been determined and is still in the process of being assessed.

## **OFFICERS' REPORTS**

### **Sustainable Planning and Development**

- PC120802-1 PLANNING & BUILDING STATISTICAL REPORT
- PC120802-2 USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (55 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 5085 COLAC LAVERS HILL ROAD LAVERS HILL (PP147/2011)
- PC120802-3 ALTERATIONS TO CONVENIENCE RESTAURANT AND ADVERTISING SIGNAGE (KFC) AND REDUCTION IN THE CAR PARKING REQUIREMENT BY ONE CAR SPACE UNDER CLAUSE 52.06 AT 238-240 MURRAY STREET, COLAC (PP228/2011-1)

**Rob Small**  
**Chief Executive Officer**

**PC120802-1**      *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2702

**Recommendation(s)**

***That Council’s Planning Committee note the statistical reports for January 2012.***

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**Resolution**

***MOVED Cr Frank Buchanan seconded Cr Lyn Russell***

***That Council’s Planning Committee note the statistical reports for January 2012.***

***CARRIED 7 : 0***

**PC120802-2** *USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (55 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 5085 COLAC LAVERS HILL ROAD LAVERS HILL (PP147/2011)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1746   |

Having declared a conflict of interest Cr Stephen Hart left Council Chambers at 10:32 am. Cr Lyn Russell chaired the meeting in his absence.

|                          |                                                                                                                                              |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Stephen Hart:         | PC120802-2 Use & Development of a Telecommunications Facility & Associated Works 5085 Colac Lavers Hill Rd, Lavers Hill                      |
| Nature of Disclosure:    | Direct                                                                                                                                       |
| Type of Direct Interest: | Section 77B                                                                                                                                  |
| Nature of Interest:      | Jointly own property at Lavers Hill Cobden Road, Lavers Hill. The proposal may affect the residential amenity of the property I jointly own. |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Planning Permit for the use and development of a Telecommunications Facility (55 metre high lattice tower) and associated works and access alterations in a RDZ1 at 5085 Colac Lavers Hill Road Lavers Hill (C/A 17A, Parish of Barwongemoong) subject to the following conditions:***

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
- 2. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted must be harmonious and blend into the surrounding environment to the satisfaction of the Responsible Authority.***
- 3. Stormwater discharged from the buildings and works hereby permitted must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge any septic effluent disposal system to the satisfaction of the Responsible Authority.***
- 4. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
- 5. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***

6. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
7. ***The proponent must follow the recommendations contained in the Geotechnical Risk Assessment report number 2739-4-R by GeoAust Geotechnical Engineers dated 24 October 2011.***
8. ***If the telecommunications facility ceases to be operational, the installation must be decommissioned and removed to the satisfaction of the Responsible Authority.***
9. ***The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the Responsible Authority including through the:***
  - ***Transportation of any material, goods or commodity to or from the land.***
  - ***Appearance of any stored goods and material.***
  - ***Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.***
10. ***The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 to the satisfaction of the Responsible Authority.***

#### ***Conditions required by VicRoads***

11. ***No more than a single point of vehicular access shall be provided from the subject site to Colac Lavers Hill Road.***
12. ***The access driveway to Colac Lavers Hill Road shall be constructed in accordance with the guidelines for Typical Rural Driveway Access to Residential Properties as shown on the attached drawing (Ref No: SD2066). The driveway shall be sealed for a minimum distance of 6 metres from the edge of bitumen towards the property boundary.***
13. ***All works shall be carried out to the satisfaction of VicRoads and the Responsible Authority.***

#### ***Expiry***

14. ***This permit will expire if one of the following circumstances applies:***
  - ***The development is not started within two years of the date of this permit.***
  - ***The development is not completed 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.***

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**Resolution**

**MOVED Cr Frank Buchanan seconded Cr Geoff Higgins**

**That Council's Planning Committee resolve to issue a Planning Permit for the use and development of a Telecommunications Facility (55 metre high lattice tower) and associated works and access alterations in a RDZ1 at 5085 Colac Lavers Hill Road Lavers Hill (C/A 17A, Parish of Barwongemoong) subject to the following conditions:**

- 1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.**
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- 4. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.**
- 5. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.**
- 6. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.**
- 7. The proponent must follow the recommendations contained in the Geotechnical Risk Assessment report number 2739-4-R by GeoAust Geotechnical Engineers dated 24 October 2011.**
- 8. If the telecommunications facility ceases to be operational, the installation must be decommissioned and removed to the satisfaction of the Responsible Authority.**
- 9. The use must not detrimentally affect the amenity of the neighbourhood, to the satisfaction of the Responsible Authority including through the:**
  - Transportation of any material, goods or commodity to or from the land.**
  - Appearance of any stored goods and material.**
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit and oil.**

10. *The telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 to the satisfaction of the Responsible Authority.*

**Conditions required by VicRoads**

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14. *This permit will expire if one of the following circumstances applies:*
- *The development is not started within two years of the date of this permit.*
  - *The development is not completed 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 6 : 0**

**Cr Stephen Hart returned to Council Chambers at 10:37 am**



**PC120802-3** *ALTERATIONS TO CONVENIENCE RESTAURANT AND ADVERTISING SIGNAGE (KFC) AND REDUCTION IN THE CAR PARKING REQUIREMENT BY ONE CAR SPACE UNDER CLAUSE 52.06 AT 238-240 MURRAY STREET, COLAC (PP228/2011-1)*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Kim Linden                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/1626   |

**Recommendation(s)**

***That Council Council's Planning Committee resolves to issue a Planning Permit (PP228/2011-1) for alterations and additions, including new signage, to the existing convenience restaurant within the Heritage Overlay Schedule HO305 and a reduction in the car parking requirement under Clause 52.06 of the Scheme by one car space at 238-240 Murray Street Colac subject to the following conditions and permit notes:***

***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 and received on 12 September 2011 and revised plans received 31 October 2011, but modified to show the following:***
  - a) ***with the exception of the 'colonel signage', the parapet along the eastern elevation shall be reduced in height by 555mm. The 'colonel signage' shall not have a width of greater than 3.3m;***
  - b) ***with the exception of the 'colonel signage' as referred to in condition1 (a) above, and the ground floor façade directly under, the east elevation shall be painted and finished in a white colour;***
  - c) ***the new illuminated 'KFC' lettering on the east elevation is to be red in colour on the white background;***
  - d) ***a colour sample of all external roof and wall finishes.***
2. ***The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***
3. ***No more than 59 seats may be available at any one time to patrons on the premises.***
4. ***Once the development is started it must be continued to the satisfaction of the Responsible Authority.***

**Signage**

5. ***The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
6. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
7. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority.***
8. ***The new signs approved as part of this permit expire fifteen years from the date it is issued.***

**Expiry of permit**

9. ***This permit will expire if one of the following circumstances applies:***
  - ***The development is not started within two (2) years of the date of this permit.***
  - ***The development is not completed within four (4) 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.***

**Permit notes:**

1. ***Building approval is required prior to commencement of construction.***
2. ***If any changes are planned or made to the premises in regards to the food preparation and servery area, the applicant must liaise with Council’s Food Safety Officer, Ben de Bruyn on 5232 9430 before any works are commenced.***

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Lyn Russell***

***That Council’s Planning Committee resolves to issue a Planning Permit (PP228/2011-1) for alterations and additions, including new signage, to the existing convenience restaurant within the Heritage Overlay Schedule HO305 and a reduction in the car parking requirement under Clause 52.06 of the Scheme by one car space at 238-240 Murray Street Colac subject to the following conditions and permit notes:***

**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 and received on 12 September 2011 and revised plans received 31 October 2011, but modified to show the following:***
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***CARRIED 7 : 0***