

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at COPACC Meeting Rooms on 12 February 2014 at 10.30am.

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 Lyn Russell (Mayor)
Cr Frank Buchanan
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Chris Smith
Cr Terry Woodcroft
Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Carmen Lawrence, Acting General Manager Corporate & Community Services
Adam Lehmann, General Manager Infrastructure & Service
Doug McNeill, Manager Planning & Building
Blaithin Butler, Statutory Planning Coordinator
Katrina Kehoe, Economic Development Officer
Carole Redlich, Acting Executive Officer Sustainable Planning & Development

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 descendants 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.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the 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. DECLARATION OF INTEREST

Cr Michael Delahunty:	Buildings and Works Comprising the Installation of a Powerfan and Supporting Structure at the Otway Fly, 360 Phillips Track, Weeaprounah (PP213/2013-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	
Nature of Interest:	Conducted and reported Geotechnical issues with regard to development

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC141202-2 Objector Jean-Phillipe Pector

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 15/01/14.**

Resolution

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC141202-1 PLANNING AND BUILDING STATISTICAL REPORT
- PC141202-2 BUILDINGS AND WORKS COMPRISING THE INSTALLATION OF
A POWERFAN AND SUPPORTING STRUCTURE AT THE
OTWAY FLY, 360 PHILLIPS TRACK, WEEAPROINAH
(PP213/2013-1)

Rob Small
Chief Executive Officer

PC141202-1 PLANNING AND BUILDING STATISTICAL REPORT

AUTHOR:	Tammy Kavanagh	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2683

Recommendation(s)

That Council’s Planning Committee take note of the statistical report for January 2014.

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**Resolution**

***MOVED Cr Brian Crook seconded Cr Frank Buchanan***

***That Council’s Planning Committee take note of the statistical report for January 2014.***

***CARRIED 7 : 0***

**PC141202-2 BUILDINGS AND WORKS COMPRISING THE INSTALLATION OF A POWERFAN AND SUPPORTING STRUCTURE AT THE OTWAY FLY, 360 PHILLIPS TRACK, WEEAPROINAH (PP213/2013-1)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/8032   |

Having declared a conflict of interest Cr Michael Delahunty left the Council Chambers at 10.34am

|                            |                                                                                                                                                         |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Michael Delahunty:      | Buildings and Works Comprising the Installation of a Powerfan and Supporting Structure at the Otway Fly, 360 Phillips Track, Weeaprounah (PP213/2013-1) |
| Nature of Disclosure:      | Indirect Interest                                                                                                                                       |
| Type of Indirect Interest: |                                                                                                                                                         |
| Nature of Interest:        | Conducted and reported Geotechnical issues with regard to development                                                                                   |

**ORIGINAL RECOMMENDATION**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for Buildings and Works Comprising the Installation of a Powerfan and Supporting Structure at 360 Phillips Track Weeaprounah (PP213/2013-1) subject to the following conditions:***

**Amended plans**

- 1. Prior to 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 must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:***
  - a) The elevation plan and site profile plan showing a single arm 13m Powerfan structure.***

**Endorsed Plans**

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

**Landscaping**

- 3. 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 and three copies must be provided. The plan must show:***

- a) Landscaping located along the northern boundary, immediately south of easement E-1 on PS514788, 120 metres west of the eastern boundary for a length of 120 metres, providing a mix of indigenous native plants to provide an effective visual screen to a height of 5 metres.***
- b) Landscaping with indigenous native plants for a depth of 2 metres between the car park pavement and the southern boundary to provide an effective visual screen.***
- c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.***

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

- 4. Within three months of the commencement of the Powerfan activity, 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 be thereafter maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

#### **General Amenity**

- 5. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.***

#### **Construction**

- 6. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment (Report ref.: ES13106 dated 5 June 2013, by 2020 Engineering Solutions) or any Geotechnical Practitioner engaged to review that assessment submitted with the application.***

#### **CFA conditions**

##### **Defendable Space**

- 7. Before the operation of the attraction starts, and at all times thereafter, vegetation on the land must be maintained to at least the following standard:***

***Inner Zone – extending from the attraction to 10mts in all directions***

- a) Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the attraction.***

- b) Trees must not touch the attraction or other elements of it.*
- c) Grass must be no more than 5 centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.*
- d) Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.*
- e) Tree canopy separation of 2 metres and the overall canopy cover of no more than 15 per cent at maturity.*
- f) Tree branches below 2 metres from ground level must be removed.*

**Mandatory Condition – Maintenance of Bushfire Mitigation Measures**

- 8. The bushfire mitigation measures forming part of this permit or shown in the emergency management plan, including those relating to defendable space and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*

**Expiry**

- 9. This permit will expire if one of the following circumstances applies:*
  - a) The development has 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.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.*

**Notes**

- 1. The applicant must ensure that none of the construction works affect, or are likely to affect, the operation of the effluent field that services the Otway Fly septic disposal system and should check with the EPA as to its exact location if necessary.*
- 2. This permit does not authorise the commencement of any construction works. Prior to commencement of the development, it will be necessary to apply for and obtain any required building approval(s).*
- 3. The CFA has advised that consideration be given to closing the tourist attraction on 'Extreme' rated fire danger days.*

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MOTION - MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan:

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- 2. This permit does not authorise the commencement of any construction works. Prior to commencement of the development, it will be necessary to apply for and obtain any required building approval(s).**
- 3. The CFA has advised that consideration be given to closing the tourist attraction on 'Extreme' rated fire danger days.**
- 4. The Emergency Management Plan for the site, which was required by condition 98 of a previous planning permit (ref. P02/204) must be updated to have regard to the Powerfan attraction allowed by this permit.**

CARRIED 6 : 0

Cr Michael Delahunty returned to Council Chambers at 10:54 AM