

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC Meeting Rooms on 9 April 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 Office
Jack Green, General Manager Sustainable Planning and Development
Colin Hayman, General Manager Corporate & Community Services
Phil Corluka, General Manager Infrastructure & Service
Doug McNeill, Manager Planning & Building
Blathin Butler, Statutory Planning Coordinator
Jane Preston-Smith, Executive Officer Sustainable Planning & Development
Katrina Kehoe – Economic Development Officer

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 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:	Use and Development of Two (2) Holiday Accommodation Units, Extensions to Existing Dwelling and Construction of Shed, and Removal of Vegetation at 1 Harrison Street, Marengo (PP167/2013-1)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	
Nature of Interest:	Produced Geotechnical opinion.

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Nil

7. CONFIRMATION OF MINUTES

- Planning Committee held on the 12/02/14.

Resolution

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

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC140904-1 PLANNING AND BUILDING STATISTICAL REPORT
- PC140904-2 USE AND DEVELOPMENT OF TWO (2) HOLIDAY ACCOMMODATION UNITS, EXTENSIONS TO EXISTING DWELLING AND CONSTRUCTION OF SHED, AND REMOVAL OF VEGETATION AT 1 HARRISON STREET, MARENGO (PP167/2013-1).

Rob Small
Chief Executive Officer

PC140904-1 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 takes note of the statistical reports for February and March 2014.

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**Resolution**

***MOVED Cr Stephen Hart seconded Cr Michael Delahunty***

***That Council’s Planning Committee takes note of the statistical reports for February and March 2014.***

**CARRIED 7 : 0**

**PC140904-2 USE AND DEVELOPMENT OF TWO (2) HOLIDAY ACCOMMODATION UNITS, EXTENSIONS TO EXISTING DWELLING AND CONSTRUCTION OF SHED, AND REMOVAL OF VEGETATION AT 1 HARRISON STREET, MARENGO (PP167/2013-1).**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F13/6173   |

Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 10:35am

|                            |                                                                                                                                                                                              |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Michael Delahunty:      | Use and Development of Two (2) Holiday Accommodation Units, Extensions to Existing Dwelling and Construction of Shed, and Removal of Vegetation at 1 Harrison Street, Marengo (PP167/2013-1) |
| Nature of Disclosure:      | Indirect Interest                                                                                                                                                                            |
| Type of Indirect Interest: |                                                                                                                                                                                              |
| Nature of Interest:        | Produced Geotechnical opinion.                                                                                                                                                               |

**Original Recommendation(s)**

***That Council's Planning Committee resolves to Refuse to Grant a Planning Permit for the use and development of two (2) holiday accommodation units, extensions to an existing dwelling, construction of a shed, and removal of vegetation at 1 Harrison Street, Marengo for the following reasons:***

***Grounds of Refusal:***

- 1. The proposal does not accord with relevant State and local planning policies, which seek to ensure that development is sensitively sited and designed to respect the character of coastal towns, protecting the neighbourhood character and sense of place and overall layout. It has not been demonstrated that the proposal appropriately responds to the preferred neighbourhood character. As such, the proposal is contrary to clauses 12.02-2, 12.02-6, 15.01-1, 15.01-5, 21.03-1, 21.03-3 and 65 of the Colac Otway Planning Scheme.***
- 2. The proposal does not accord with the purpose and relevant decision guidelines of the Residential 1 Zone set out in clause 32.01 of the Planning Scheme, as the proposed holiday accommodation building would not respect the preferred neighbourhood character.***
- 3. The proposal does not accord with the purpose and relevant decision guidelines of the Design and Development Overlay Schedule 7 – Apollo Bay and Marengo Lower Density Residential Areas set out in clause 43.02, given that;***
  - The proposal would not facilitate a more spacious form of residential development.***

- *The proposal would not ensure that development density is consistent with the coastal town character.*
  - *The proposal would not ensure that permeable space is available between dwellings to sustain vegetation.*
  - *The proposal does not respond to the appropriate building setback.*
4. *The proposal constitutes a prominent and incongruous form of development that does not accord with the purpose and relevant decision guidelines of clause 55.02 (Neighbourhood Character Objectives) which seeks to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

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Recommendation

MOTION - MOVED Cr Stephen Hart seconded Cr Frank Buchanan that:

Council defer this item to 14 May 2014 Planning Committee Meeting at COPACC, to ensure that applicants and objectors have the opportunity to make any submissions.

CARRIED 6 : 0

Cr Michael Delahunty returned to Council Chambers at 10:36am