

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at COPACC Meeting Rooms on 14 May 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 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
Colin Hayman, General Manager Corporate & Community Services
Phil Corluka, General Manager Infrastructure & Service
Doug McNeill, Manager Planning & Building
Blaithin Butler, Statutory Planning Coordinator
Jane Preston-Smith, Executive Officer Sustainable Planning & Development
Katrina Kehoe, Economic Development Officer

3. APOLOGIES

Cr Frank Buchanan

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:	78B
Nature of Interest:	Produced geotechnical opinion.

Cr Terry Woodcroft:	Construction of a freezer store and two freezer chillers for existing abattoir and associated works at 1 tristania drive and 2-14 clark street, colac (PP6/2014)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	ALC provided and continues to provide a donation of logistic resource to the Colac Police Youth Liaison Team of which I am the Manager.

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC141405-2	Objector	Ken Ginifer
PC141405-2	Applicant	Gary McPike

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 09/04/14.**

Resolution

MOVED Cr Stephen Hart seconded Cr Michael Delahunty that Council confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS**Sustainable Planning and Development**

- PC141405-1 PLANNING AND BUILDING STATISTICAL REPORT
- PC141405-2 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).
- PC141405-3 CONSTRUCTION OF A FREEZER STORE AND TWO FREEZER
CHILLERS FOR EXISTING ABATTOIR AND ASSOCIATED WORKS AT 1
TRISTANIA DRIVE AND 2-14 CLARK STREET, COLAC (PP6/2014)

Rob Small
Chief Executive Officer

PC141405-1

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 April 2014.

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**Resolution**

***MOVED Cr Terry Woodcroft seconded Cr Stephen Hart***

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

***CARRIED 6 : 0***

**PC141405-2 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   |

**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.***

**Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 10:33am**

|                            |                                                                                                                                                                                              |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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: | 78B                                                                                                                                                                                          |
| Nature of Interest:        | Produced geotechnical opinion.                                                                                                                                                               |

***MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:  
That Council defer this item whilst additional information is obtained.***

***CARRIED 5: 0***

**Cr Michael Delahunty returned to Council Chambers at 11:19am**

**PC141405-3 CONSTRUCTION OF A FREEZER STORE AND TWO FREEZER CHILLERS FOR EXISTING ABATTOIR AND ASSOCIATED WORKS AT 1 TRISTANIA DRIVE AND 2-14 CLARK STREET, COLAC (PP6/2014)**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Ian Williams                       | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F14/410    |

**Recommendation(s)**

*That Council was exempt from giving public notice under the Planning Scheme provisions and, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Grant a Permit under the Colac Otway Planning Scheme in respect of the land known and described as Lot 1 on PS 413157N, Lot 1 TP11449 and Lot 1 TP562975D commonly known as 1 Tristania Drive and 2-14 Clark Street, Colac East for Buildings and Works Comprising Construction of a Freezer Store and Two Freezer Chillers for Existing Abattoir and Associated Works in accordance with the plans dated 5 March 2014 and 7 March 2014, 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.*

**Amenity**

- 2. The development hereby permitted 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;*
  - d) presence of vermin.**
- 3. Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
- 4. The buildings and works hereby permitted must be maintained in good order and appearance, to the satisfaction of the Responsible Authority.*

**Parking**

- 5. Prior to the commencement of development, a minimum of 18 car parking spaces must be marked out in the proposed re-opened parking area shown on the endorsed site plan and this area must thereafter be kept available for parking purposes only.*

*Details of the method(s) of defining the parking spaces, which must be of dimensions that accord with the requirements of clause 52.06-8 (Design Standards for Car Parking) of the Colac Otway Planning Scheme, must be submitted to and approved in writing by the Responsible Authority.*

6. *Prior to the commencement of development, provision must be made for a bicycle rack to accommodate a minimum of one (1) additional bicycle. The bicycle rack must be designed, constructed and located on the site to the satisfaction of the Responsible Authority in accordance with the requirements of clause 52.34 of the Planning Scheme.*

#### **Loading Bay**

7. *The loading bay associated with the development hereby permitted, as shown on the endorsed plans, must be kept available solely for the purpose of loading and unloading at all times.*

#### **Stormwater**

8. *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.*

#### **Acoustic Management Plan**

9. *Within 6 months of the commencement of development, an acoustic management plan must be submitted to and approved in writing by the Responsible Authority. When approved, such information will be endorsed and will form part of the permit. The management plan must include:*
  - a) *An acoustic assessment report of the plant hereby permitted (including hours of refrigeration plant operation, siting on site, acoustic rating of the plant and noise attenuation measures) and operational activities demonstrating compliance with relevant noise levels as determined using Noise from Industry in Regional Victoria (EPA publication 1411), October 2011, as required by condition 10 of this permit.*
  - b) *Actions to address any non-compliance with the requirements of condition 10.*
  - c) *Actions to manage noise impacts should operational activity increase.*

#### **EPA condition**

10. *The freezers and all associated plant hereby approved must be designed and installed to comply with NIRV (Noise from Industry in Regional Victoria – EPA Publication 1411).*

#### **Expiry**

11. *This permit will expire if one of the following circumstances applies:*
  - a) *The development is not commenced within two (2) years of the date of this permit.*



- b) 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 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. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works.**

|                            |                                                                                                                                                                  |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Terry Woodcroft:        | Construction of a freezer store and two freezer chillers for existing abattoir and associated works at 1 tristania drive and 2-14 clark street, colac (PP6/2014) |
| Nature of Disclosure:      | Indirect Interest                                                                                                                                                |
| Type of Indirect Interest: | 78B                                                                                                                                                              |
| Nature of Interest:        | ALC provided and continues to provide a donation of logistic resource to the Colac Police Youth Liaison Team of which I am the Manager.                          |

**Having declared a conflict of interest Cr Terry Woodcroft left Council Chambers at 11:20am**

### **Resolution**

**MOVED Cr Brian Crook seconded Cr Michael Delahunty**

***That Council was exempt from giving public notice under the Planning Scheme provisions and, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Grant a Permit under the Colac Otway Planning Scheme in respect of the land known and described as Lot 1 on PS 413157N, Lot 1 TP11449 and Lot 1 TP562975D commonly known as 1 Tristania Drive and 2-14 Clark Street, Colac East for Buildings and Works Comprising Construction of a Freezer Store and Two Freezer Chillers for Existing Abattoir and Associated Works in accordance with the plans dated 5 March 2014 and 7 March 2014, 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.**

#### **Amenity**

- 2. The development hereby permitted 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;*
  - d) *presence of vermin.*
3. *Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*
  4. *The buildings and works hereby permitted must be maintained in good order and appearance, to the satisfaction of the Responsible Authority.*

#### **Parking**

5. *Prior to the commencement of development, a minimum of 18 car parking spaces must be marked out in the proposed re-opened parking area shown on the endorsed site plan and this area must thereafter be kept available for parking purposes only. Details of the method(s) of defining the parking spaces, which must be of dimensions that accord with the requirements of clause 52.06-8 (Design Standards for Car Parking) of the Colac Otway Planning Scheme, must be submitted to and approved in writing by the Responsible Authority.*
6. *Prior to the commencement of development, provision must be made for a bicycle rack to accommodate a minimum of one (1) additional bicycle. The bicycle rack must be designed, constructed and located on the site to the satisfaction of the Responsible Authority in accordance with the requirements of clause 52.34 of the Planning Scheme.*

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8. *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.*

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- b) Actions to address any non-compliance with the requirements of condition 10.*
- c) Actions to manage noise impacts should operational activity increase.*

**EPA condition**

- 10. The freezers and all associated plant hereby approved must be designed and installed to comply with NIRV (Noise from Industry in Regional Victoria – EPA Publication 1411).**

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**Notes**

- 1. This permit does not authorise the commencement of any building works. Prior to commencement of the development, it will be necessary to apply for and obtain building approval for the proposed works.**

**CARRIED 5 : 0**

**Cr Terry Woodcroft returned to Council Chambers at 11:26am**

**PC141405-2 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).**

Item 2 resumed at 11:26am.

|                            |                                                                                                                                                                                              |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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: | 78B                                                                                                                                                                                          |
| Nature of Interest:        | Produced geotechnical opinion.                                                                                                                                                               |

Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 11:26am

**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.***
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- 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.*

**MOTION - MOVED Cr Chris Smith that: Council defer the report until next month so officers can draft a set of conditions which will potentially be approved.**

**Motion lapsed due to the lack of a seconder.**

**MOVED Cr Stephen Hart seconded Cr Brian Crook**

**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.*
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**CARRIED 4 : 1**

***DIVISION called by Cr Chris Smith***

***For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft***

***Against the Motion: Cr Chris Smith***

**Cr Michael Delahunty returned to Council Chambers at 11:44am**