

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC on 8 September 2010 at 10.30 am.

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 Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Chris Smith
Rob Small, Chief Executive Officer
Jack Green, General Manager Sustainable Planning and Development
Neil Allen, General Manager Infrastructure & Services
Anne Sorensen, Acting Manager Planning and Building
Bronwyn Keenan, 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 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:	Use and Development of a Telecommunications Facility(50 Metre High Lattice Tower) and Associated Works at 65 Caspers Access, Forrest
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Own Telstra Shares – Application is for a Telstra Tower

6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item PC100809-2 Shelly Fanning – Applicant
Item PC100809-3 Alice & Antony Morell – Objector
Jo Simms – Objector
Matt Evans – Applicant
Steven Habboush – Owner Representative

7. CONFIRMATION OF MINUTES

- **Planning Committee held on the 11/08/10.**

Resolution

MOVED Cr Stuart Hart seconded Cr Brian Crook that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Sustainable Planning and Development

- PC100809-1 PLANNING & BUILDING STATISTICAL REPORT
- PC100809-2 USE AND DEVELOPMENT OF A DWELLING AND ASSOCIATED WORKS AT 788 WILD DOG ROAD, APOLLO BAY
- PC100809-3 USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (50 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 65 CASPERS ACCESS, FORREST.
- PC100809-4 BUILDINGS & WORKS FOR THE PURPOSE OF CONSTRUCTING TWO (2) STORAGE SHEDS AND THE WAIVER OF 20 CAR PARKING SPACES AT 445 BIRREGURRA ROAD, BIRREGURRA.

Rob Small

Chief Executive Officer

PC100809-1 *PLANNING & BUILDING STATISTICAL REPORT*

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	GEN000450

Recommendation(s)

That Council’s Planning Committee note the statistical report.

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**Resolution**

***MOVED Cr Frank Buchanan seconded Cr Stuart Hart  
That Council’s Planning Committee note the statistical report.***

***CARRIED 7 : 0***

**PC100809-2 USE AND DEVELOPMENT OF A DWELLING AND ASSOCIATED WORKS AT 788 WILD DOG ROAD, APOLLO BAY**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP18/2010  |

**Recommendation(s)**

***That Council’s Planning Committee resolve to Refuse to Grant a Planning Permit for the use and development of a dwelling and associated works at 788 Wild Dog Road, Apollo Bay (CA 24B and CA 2033, Parish of Krambruk) on the following grounds:***

- 1. The proposal is contrary to the purpose of the Rural Conservation Zone.***
- 2. The proposed development is situated on top of a ridgeline and will have a detrimental impact on the landscape, being contrary to the Local Planning Policy Framework and objectives of the Significant Landscape Overlay and Great Ocean Road Region Landscape Assessment Study.***
- 3. The proposal will not result in any environmental benefit to the land given the competing objectives and requirements of the Wildfire Management Overlay, the Erosion Management Overlay and the Significant Landscape Overlay.***

**Resolution**

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

***That Council’s Planning Committee resolve to Refuse to Grant a Planning Permit for the use and development of a dwelling and associated works at 788 Wild Dog Road, Apollo Bay (CA 24B and CA 2033, Parish of Krambruk) on the following grounds:***

- 1. The proposal is contrary to the purpose of the Rural Conservation Zone.***
- 2. The proposed development is situated on top of a ridgeline and will have a detrimental impact on the landscape, being contrary to the Local Planning Policy Framework and objectives of the Significant Landscape Overlay and Great Ocean Road Region Landscape Assessment Study.***
- 3. The proposal will not result in any environmental benefit to the land given the competing objectives and requirements of the Wildfire Management Overlay, the Erosion Management Overlay and the Significant Landscape Overlay.***

**CARRIED 6:1**

**PC100809-3**     *USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY (50 METRE HIGH LATTICE TOWER) AND ASSOCIATED WORKS AT 65 CASPERS ACCESS, FORREST.*

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Helen Evans                        | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP52/2010  |

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use and development of a Telecommunications Facility (50 metre high lattice tower) and associated works at 65 Caspers Access, Forrest (C/A 6L Section A, Parish of Yaughar) subject to the following conditions:***

- 1. Prior to the commencement of works, an amended plan shall be submitted for approval by the responsible authority demonstrating how the detailed underground cable route ensures that remnant native vegetation can be protected consistent with "Defining an acceptable distance for tree retention during construction works" Department of Sustainability & Environment, dated 4 May 2010.***
- 2. The underground cable route must avoid root systems of existing remnant native vegetation to the satisfaction of the Responsible Authority.***
- 3. The works hereby permitted must not result in the loss of native vegetation.***
- 4. 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.***
- 5. No additional antennas, aerials, satellite dishes or the like are permitted to be installed on the tower without further planning approval from the Responsible Authority.***
- 6. 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.***
- 7. 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.***

8. ***All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
9. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
10. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
11. ***If the telecommunications facility ceases to be operational, the installation must be decommissioned and removed to the satisfaction of the Responsible Authority.***
12. ***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.***
13. ***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 Country Fire Authority***

14. ***Prior to the commencement of the use of the telecommunications facility, the applicant must undertake a Wildfire Risk assessment of the site and develop an Emergency Management Plan to the satisfaction of the Country Fire Authority.***

***Expiry***

15. ***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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Cr Stephen Hart left Council Chambers at 10:59 AM

Resolution

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use and development of a Telecommunications Facility (50 metre high lattice tower) and associated works at 65 Caspers Access, Forrest (C/A 6L Section A, Parish of Yaughner) subject to the following conditions:

- 1. Prior to the commencement of works, an amended plan shall be submitted for approval by the responsible authority demonstrating how the detailed underground cable route ensures that remnant native vegetation can be protected consistent with "Defining an acceptable distance for tree retention during construction works" Department of Sustainability & Environment, dated 4 May 2010.***
- 2. The underground cable route must avoid root systems of existing remnant native vegetation to the satisfaction of the Responsible Authority.***
- 3. The works hereby permitted must not result in the loss of native vegetation.***
- 4. 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.***
- 5. No additional antennas, aerials, satellite dishes or the like are permitted to be installed on the tower without further planning approval from the Responsible Authority.***
- 6. 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.***
- 7. 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.***
- 8. All excavation works upon the subject land must be kept to the absolute practicable minimum and to the satisfaction of the Responsible Authority.***
- 9. Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
- 10. The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***

11. *If the telecommunications facility ceases to be operational, the installation must be decommissioned and removed to the satisfaction of the Responsible Authority.*
12. *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.*
13. *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 Country Fire Authority

14. *Prior to the commencement of the use of the telecommunications facility, the applicant must undertake a Wildfire Risk assessment of the site and develop an Emergency Management Plan to the satisfaction of the Country Fire Authority.*

Expiry

15. *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 11:40 AM

PC100809-4 *BUILDINGS & WORKS FOR THE PURPOSE OF CONSTRUCTING TWO (2) STORAGE SHEDS AND THE WAIVER OF 20 CAR PARKING SPACES AT 445 BIRREGURRA ROAD, BIRREGURRA.*

| | | | |
|-------------|------------------------------------|-----------|------------|
| AUTHOR: | Carl Menze | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | PP215/2010 |

Recommendation(s)

That Council the Planning Committee resolve to grant a Permit for buildings and works for the purpose of constructing of two (2) storage sheds and a waiver of 20 car parking spaces at 445 Birregurra Road, Birregurra 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. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 3. The colour of building materials employed in the construction of the buildings and works hereby permitted must be of muted earthy tones to the satisfaction of the Responsible Authority.***
- 4. This permit will expire if one of the following circumstances applies:***
 - a) The development is not started 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 three months afterwards.

Note:

The legal point of discharge is the existing on-site drainage system.

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**Resolution**

***MOVED Cr Geoff Higgins seconded Cr Brian Crook***

***That Council the Planning Committee resolve to grant a Permit for buildings and works for the purpose of constructing of two (2) storage sheds and a waiver of 20 car parking spaces at 445 Birregurra Road, Birregurra 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. All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 3. The colour of building materials employed in the construction of the buildings and works hereby permitted must be of muted earthy tones to the satisfaction of the Responsible Authority.***
- 4. This permit will expire if one of the following circumstances applies:***
  - a) The development is not started 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 three months afterwards.***

**Note:**

***The legal point of discharge is the existing on-site drainage system.***

**CARRIED 7 : 0**