



**PLANNING COMMITTEE MEETING**

# **MINUTES**

**WEDNESDAY 6 DECEMBER 2017**

**AT 4PM**

**COPACC**

## COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

6 DECEMBER 2017

### TABLE OF CONTENTS

OPENING PRAYER.....	3
PRESENT .....	3
APOLOGIES .....	3
WELCOME & ACKNOWLEDGEMENT OF COUNTRY .....	4
ELECTION OF CHAIR OF PLANNING COMMITTEE .....	4
DECLARATION OF INTEREST .....	4
CONFIRMATION OF MINUTES.....	4
VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS .....	5

### OFFICER REPORTS

PC170612-1	EXTENSIONS TO DWELLING AT 9 POINT AVENUE SKENES CREEK (PP161/2017) .....	6
PC170612-2	FUNCTION ROOM EXTENSION TO HOTEL AT 19-21 GREAT OCEAN ROAD, WYE RIVER (PP85/2017-1) .....	10

## **COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING**

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at  
COPACC on 6 December 2017 at 4pm.

### **1. I DECLARE THIS MEETING OPEN**

Acting Chief Executive Officer, Robert Dobrzynski, opened the meeting and was Acting Chair until the committee considered the appointment of a Chair of the Planning Committee.

#### **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 Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken (Mayor)  
Cr Chris Potter  
Cr Jason Schram  
Cr Chris Smith  
Cr Terry Woodcroft

Robert Dobrzynski, Acting Chief Executive Officer  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Infrastructure & Leisure Services  
Gareth Smith, General Manager, Development & Community Services  
Sarah McKew, Manager, Governance & Customer Service  
Lyndal McLean, Acting Governance Officer  
Sarah Osborne, Communications Officer  
Melanesia Carson, Communications Officer  
Doug McNeill, Manager, Planning, Building & Health  
Bláithín Butler, Statutory Planning Coordinator  
Helen Evans, Statutory Planner

### **3. APOLOGIES**

Nil

#### **4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY**

I would like to start today by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of 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 unauthorized recording of the meeting.

#### **5. ELECTION OF CHAIR OF PLANNING COMMITTEE**

##### **RESOLUTION**

***NOMINATION – Cr Joe McCracken***

***MOVED Cr Terry Woodcroft***

***Having received no further nominations, Cr Joe McCracken is duly elected Chair of the Planning Committee of Colac Otway Shire Council until determined otherwise.***

#### **6. DECLARATION OF INTEREST**

Nil

#### **7. CONFIRMATION OF MINUTES**

- Planning Committee held on 8 November 2017.

##### **RESOLUTION**

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

***That the Planning Committee confirm the above minutes.***

***CARRIED 7 : 0***

## **8. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

The Mayor read out the names of those applicants and objectors who confirmed in writing that they wished to make a verbal submission. These verbal submissions were made in relation to each respective agenda item and were directly relevant to the respective agenda item. A time limit of five minutes applied.

### **PC170612-1 EXTENSIONS TO DWELLING AT 9 POINT AVENUE SKENES CREEK (PP161/2017)**

Objector: Bowen Duffy

Applicant: Greg Jones - Greg Jones Architects

### **PC170612-2 FUNCTION ROOM EXTENSION TO HOTEL AT 19-21 GREAT OCEAN ROAD, WYE RIVER (PP85/2017-1)**

Applicant: Paul Greene

-----

PLANNING COMMITTEE

# EXTENSIONS TO DWELLING AT 9 POINT AVENUE SKENES CREEK (PP161/2017)

PC170612-1

<b>ADDRESS AND PROPERTY DETAILS</b>	9 Point Avenue Skenes Creek	<b>GENERAL MANAGER</b>	Gareth Smith
<b>PREPARED BY</b>	Helen Evans	<b>TRIM FILE</b>	F17/7343
<b>DIVISION</b>	Development & Community Services	<b>CONFIDENTIAL</b>	No
<b>PERMIT TRIGGERS</b>	Buildings and Works - Significant Landscape Overlay; Neighbourhood Character Overlay; Erosion Management Overlay; and Bushfire Management Overlay		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Four or more objections received to the application (5)		
<b>APPLICATION NUMBER</b>	PP161/2017		
<b>PROPOSAL</b>	Construction of a double storey extension to dwelling		
<b>ZONE</b>	Township Zone	<b>OVERLAYS</b>	Significant Landscape Overlay (SLO2 – Coastal Towns); Neighbourhood Character Overlay (NCO1 – Coastal Towns), Design and Development Overlay (DDO4 – Coastal Towns); Erosion Management Overlay (EMO1); Bushfire Management Overlay (BMO)
<b>COVENANTS</b>	Not applicable		
<b>LIST OF ATTACHMENTS</b>	1. Planning application		
<b>CULTURAL HERITAGE</b>	Not applicable		

## ORIGINAL RECOMMENDATION

*MOVED Cr Terry Woodcroft seconded Cr Chris Potter*

*That Council resolves to issue a Notice of Decision to Grant a Permit for the construction of a double storey extension to the dwelling at 9 Point Avenue, Skenes Creek (Lot 40 LP: 51921 V/F: 8628/734, Parish of Krambruk), 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. All windows and the screen to the deck shown to have obscure glazing on the endorsed plans must be fitted and permanently maintained with obscure glass to a minimum height of 1.7 metres above floor level.*
- 3. Unless with the prior written consent of the Responsible Authority, the extensions and alterations hereby permitted must be constructed using painted sycon matrix cladding (colour Dulux 'patita' (grey), and 'Deep Ocean' colorbond roofing.*

### *Stormwater*

- 4. All runoff from new or altered stormwater piping, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

### *Compliance with Geotechnical Assessment*

- 5. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Land Assessment Consultants (Report No. 2059, dated 9 March 2017) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

### *Bushfire*

- 6. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis.*

*This condition continues to have force and effect after the development authorised by this permit has been completed.*

- 7. Prior to the commencement of development, written confirmation of the construction standard must be submitted to the Responsible Authority. In the event it is decided to construct the development to the standard allowed by Schedule 1 to the Bushfire Management Overlay (BMO1) in the Colac Otway Planning Scheme, rather than the submitted Bushfire Management Plan version 2 prepared by Greg Jones Projects Architects (dated 1 November 2017), an amended Bushfire Management Plan that complies with the standards specified in BMO1 must be submitted to and approved by the Responsible Authority. Once approved, the Bushfire Management Plan will be endorsed and will form part of this permit.*

8. *The Bushfire Management Plan endorsed to form part of the permit must not be altered without the written consent of the Responsible Authority.*

**Landscaping**

9. *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 and planting along the frontage of the site and the north east side of the dwelling*
- b) *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.*

10. *Prior to occupation of the extension hereby permitted, 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 thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

**Expiry**

11. *This permit will expire if one of the following circumstances applies:*

- a) *The development is 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.*

*In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.*

**Note**

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

**LOST 2 : 5**

**ALTERNATIVE MOTION**

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

*Council resolves to refuse the application on the grounds that the proposed extension, by reason of its design, lack of articulation and setbacks would be out of keeping with the character of the area and contrary to the objectives of the Neighbourhood Character Overlay in the Colac Otway Planning Scheme.*

**CARRIED 5 : 2**

***DIVISION***

***For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram***

***Against the Motion: Cr Chris Smith, Cr Kate Hanson***

**Melanesia Carson left the meeting at 4.57pm.**

**Helen Evans left the meeting at 4.57pm.**

**The meeting was adjourned for a short break at 4.57pm.**

**The meeting resumed at 5.01pm.**

PLANNING COMMITTEE

# **FUNCTION ROOM EXTENSION TO HOTEL AT 19-21 GREAT OCEAN ROAD, WYE RIVER (PP85/2017-1)**

PC170612-2

<b>ADDRESS AND PROPERTY DETAILS</b>	19-21 Great Ocean Road, Wye River	<b>GENERAL MANAGER</b>	Gareth Smith
<b>PREPARED BY</b>	Ian Williams	<b>TRIM FILE</b>	F17/3825
<b>DIVISION</b>	Development & Community Services	<b>CONFIDENTIAL</b>	No
<b>PERMIT TRIGGERS</b>	Township Zone (Development); Heritage Overlay (Buildings and Works, and Demolition); Significant Landscape Overlay (Buildings and Works); Neighbourhood Character Overlay (Buildings and Works); Erosion Management Overlay (Buildings and Works); Bushfire Management Overlay (Buildings and Works); Clause 52.06 (Car Parking); Clause 52.27 (Licenced Premises)		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Clause 52.06 – Car Parking		
<b>APPLICATION NUMBER</b>	PP85/2017-1		
<b>PROPOSAL</b>	Construction of ancillary function room and deck, associated demolition, increase in licenced area and reduction in car parking from specified parking standard (19 spaces)		
<b>ZONE</b>	Township Zone	<b>OVERLAYS</b>	Heritage Overlay (HO244 – Wye River Hotel); Significant Landscape Overlay (SLO2 – Coastal Towns); Neighbourhood Character Overlay (NCO1 – Coastal Towns), Design and Development Overlay (DDO4 – Coastal Towns); Erosion Management Overlay (EMO1); Bushfire Management Overlay (BMO)
<b>COVENANTS</b>	Caveat AJ912887Q, dated 14/09/2012 – Commonwealth Bank of Australia		
<b>LIST OF ATTACHMENTS</b>	1. Application Plans		
<b>CULTURAL HERITAGE</b>	The use of the land for a 'hotel' has been ongoing since prior to the Aboriginal Heritage Regulations 2007 coming into effect on 28 May 2007. Under the provisions of Regulation 43(3), which relates to uses that were lawful when the Regulations came into effect, a Cultural Heritage Management Plan is not required.		

## RESOLUTION

*MOVED Cr Chris Potter seconded Cr Jason Schram*

*That Council resolves to issue a Notice of Decision to Grant a Permit for the Construction of Ancillary Function Room and Deck, Associated Demolition, Increase in Licenced Area and Reduction in Car Parking from Specified Parking Standard (13 Spaces) at 19-21 Great Ocean Road, Wye River (Lot 1 TP176550 and Lot 1 TP176551 Parish of Wongarra) 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.*
- 2. The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.*

### *Amenity*

- 3. The use and development 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.*
- 4. The function room hereby permitted must only operate only during the hours as set out within the General Liquor Licence or as otherwise agreed in writing by the Responsible Authority.*
- 5. No more than 60 patrons may be present within the function room at any one time unless otherwise approved in writing by the Responsible Authority.*
- 6. At all times during the operation of the function room, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager'). The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.*
- 7. Prior to the commencement of the use of the licenced function room hereby permitted, an Amenity Management 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. All activities forming part of the use must comply with the endorsed plan. The plan must include:*
  - a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;*
  - b) signage to be used to encourage responsible off-site patron behaviour;*

- c) *the training of staff in the management of patron behaviour;*
  - d) *staff communication arrangements;*
  - e) *measures to control noise emissions from the premises; and*
  - f) *litter management.*
8. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose associated with the function room hereby permitted.*
  9. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*
  10. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.*
  11. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*

#### *Liquor Licence*

12. *The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.*

#### *Geotechnical Assessment*

13. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by AGR GeoSciences PTY LTD (Reference 16K143GTA, dated 17/11/2016) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

#### *Car Parking*

14. *Prior to the commencement of the development hereby permitted, parking spaces within the car park on Crown land CA2012 and CA2H Parish of Wongarra must be delineated to the satisfaction of the Responsible Authority.*

#### *Drainage*

15. *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.*

#### *CFA conditions*

16. *The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*
17. *The Bushfire Management Plan at Section seven, pages 21, 22, 23 of the Bushfire Management Statement prepared by South Coast Bushfire Consultants (dated 12 July 2017) must be endorsed to form part of the permit and must not be altered without the written consent' by the CFA and the Responsible Authority.*

**Expiry**

**18. 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 and the use of the additional licenced area has not commenced within four years of the date of this permit.**

**In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.**

**Notes**

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

**A building permit will be needed to demolish any part of the existing building prior to undertaking any works, in addition to a building permit being required for the reconstruction phase.**

- 2. The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.**

**CARRIED 7 : 0**



*The meeting was declared closed at 5.12pm*

**CONFIRMED AND SIGNED** at the meeting held on 14 FEBRUARY 2018

*J McCracken*