



PLANNING COMMITTEE MEETING

MINUTES

WEDNESDAY 10 APRIL 2019

AT 4PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

10 APRIL 2019

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COLAC OTWAY SHIRE COUNCIL PLANNING MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on 10 April 2019 at 4pm.

MINUTES

1. I DECLARE THIS MEETING OPEN

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 Brian Crook
Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive
Ian Seuren, General Manager, Development & Community Services
Frank Castles, Acting General Manager, Infrastructure & Leisure Services
Sarah McKew, Acting General Manager, Corporate Services
Doug McNeill, Manager, Planning Building and Health
Ian Williams, Senior Statutory Planner
Gary Warrener, Manager, Economic Development & Events
Vicki Jeffrey, Events Officer
Sarah Osborne, Communications Officer
Lyndal Redford, Governance Officer

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. DECLARATIONS OF INTEREST

Cr Kate Hanson	PC191004-1
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 77B
Nature of Interest:	Direct interest 77B – I own shares in Telstra.

Cr Stephen Hart	PC191004-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares. Telstra facility – gives me an indirect financial interest

6. CONFIRMATION OF MINUTES

- Planning Committee held on 14 November 2018.

RESOLUTION

MOVED Cr Joe McCracken, seconded Cr Stephen Hart

That the Planning Committee confirm the above minutes.

CARRIED 7 : 0

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC191004-1 Telecommunications Facility (20m monopole) – 52-54 Jenner Street, Birregurra:

- Clinton Northey, Senior Town Planner, Visionstream
(on behalf of applicant)

PLANNING COMMITTEE
TELECOMMUNICATIONS FACILITY (20M
MONOPOLE) - 52-54 JENNER STREET,
BIRREGURRA

PC191004-1

ADDRESS AND PROPERTY DETAILS	52-54 Jenner Street, Birregurra	GENERAL MANAGER	Ian Seuren
PREPARED BY	Ian Williams	TRIM FILE	F18/9265
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Clause 34.01-4 (C1Z) – Buildings and Works; Clause 43.02-2 (DDO15) – Buildings and Works; Clause 52.19-1 (Telecommunications Facility) – Buildings and Works Associated with Telecommunications Facility		
TRIGGER FOR DETERMINATION BY COMMITTEE	Proposal that may have an effect on the broader community		
APPLICATION NUMBER	PP186/2018-1		
PROPOSAL	Telecommunications Facility (20m Monopole)		
ZONE	Commercial 1 Zone (C1Z)	OVERLAYS	Vegetation Protection Overlay (VPO3); Design and Development Overlay (DDO15)
COVENANTS	No		
LIST OF ATTACHMENTS	<ol style="list-style-type: none"> 1. Application Form 2. Application Plans and Photomontage 		
CULTURAL HERITAGE	Not within an area of cultural heritage sensitivity .		

Having declared a conflict of interest, Cr Kate Hanson adjourned from the meeting at 4:03pm and did not take part in debate nor vote on the matter.

Cr Kate Hanson	PC191004-1
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 77B
Nature of Interest:	Direct interest 77B – I own shares in Telstra.

Having declared a conflict of interest, Cr Stephen Hart adjourned from the meeting at 4:03pm and did not take part in debate nor vote on the matter.

Cr Stephen Hart	PC191004-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares. Telstra facility – gives me an indirect financial interest

RECOMMENDATION

That Council's Planning Committee resolves to refuse to grant a planning permit for the construction of a Telecommunications Facility (20m monopole) and associated equipment at 52-54 Jenner Street, Birregurra for the following reasons:

- 1. The proposed telecommunications facility, which would have a detrimental visual impact on adjacent land within the Birregurra Main Street Heritage Precinct, does not accord with the purpose of Clause 52.19-2 (Telecommunications Facility) of the Colac Otway Planning Scheme, or the principles for the design, siting, construction and operation of a telecommunications facility set out in 'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004).*
- 2. The proposed facility would result in an incongruous form of development out of keeping with the character of the area, being of a design and scale that would be detrimental to the heritage place and cultural identity of the area. As such, the proposal is contrary to the objectives and strategies of Clause 15.01-1S (Urban Design), Clause 15.01-5S (Neighbourhood Character), Clause 15.03-1S (Heritage Conservation) and Clause 22.01-7 (HO303 - Birregurra Main Street Precinct, Birregurra) of the planning scheme.*
- 3. The proposal does not strike an appropriate balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure. As such, the proposal is contrary to the objectives and strategies of Clause 19.03-4S (Telecommunications) of the Colac Otway Planning Scheme.*
- 4. The proposed telecommunications facility is contrary to Clause 21.03-4 (Birregurra) of the planning scheme, the Birregurra Structure Plan (2013) and the Birregurra Neighbourhood Character Study (2012), which seek to retain and protect the township's significant and contributory heritage places and articulate Birregurra's history in the public realm, and ensure new development provides a sympathetic design response to existing heritage buildings.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, seconded Cr Joe McCracken

That Council defer this item to come back to a Council meeting in May to seek community feedback and also to seek clarification regarding the black spot funding in relation to Birregurra.

CARRIED 5 : 0

Cr Hanson returned to the meeting at 4:31pm

Cr Hart returned to the meeting at 4:31pm

PLANNING COMMITTEE

**USE OF LAND FOR INDUSTRY (POTATO PROCESSING)
AND REDUCTION IN PARKING (20 SPACES) - 150 SEVEN
BRIDGES ROAD, GERANGAMETE**

PC191004-2

ADDRESS AND PROPERTY DETAILS	150 Seven Bridges Road, Gerangamete	GENERAL MANAGER	Ian Seuren
PREPARED BY	Ian Williams	TRIM FILE	F18/14630
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Clause 35.07-1 (FZ) – Use of land for Industry; Clause 42.03-2 (SLO) – Buildings and Works; Clause 44.01-1 (EMO) - Buildings and Works; Clause 44.06-2 (BMO) – Buildings and Works; and Clause 52.06 (Car Parking)		
TRIGGER FOR DETERMINATION BY COMMITTEE	Reduction in car parking of 20 spaces from specified standard		
APPLICATION NUMBER	PP312/2018-1		
PROPOSAL	Use of Land for Industry (Potato Processing), Associated Works and Reduction in Car Parking from Specified Standard (20 Spaces)		
ZONE	Farming Zone	OVERLAYS	Significant Landscape Overlay, Schedule 1 (SLO1), Erosion Management Overlay (EMO1) and Bushfire Management Overlay (BMO)
COVENANTS	No		
LIST OF ATTACHMENTS	<ol style="list-style-type: none"> 1. Application Form 2. Application Plans 		
CULTURAL HERITAGE	Site is not in area of cultural heritage sensitivity.		

RESOLUTION

MOVED Cr Joe McCracken, seconded Cr Chris Potter

That Council's Planning Committee resolves to grant a permit for the use of land for industry (potato processing), associated works and reduction in car parking from the specified standard, subject to the following conditions:

Endorsed Plans

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

Compliance with Geotechnical Assessment

- 2. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by 2020 Engineering Solutions (reference ES18157, dated 24/07/2018) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Wastewater

- 3. A domestic wastewater management system must be constructed concurrently with the alterations to the building to facilitate the potato processing use, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*

Access

- 4. Prior to commencement of the use hereby permitted, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*
- 5. The driveway must be constructed to an all-weather standard to the satisfaction of the Responsible Authority and must have a minimum width of 3 metres.*

Car Parking

- 6. Prior to the commencement of the use, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a) Constructed;*
 - b) Properly formed to such levels that they can be used in accordance with the plans;*
 - c) Surfaced with an all-weather seal coat or surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;*
 - d) Drained;*
 - e) Line-marked to indicate each car space and all access lanes (for seal finish) or marked to indicate each car space (for gravel finish);*
 - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority.*

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the

Responsible Authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Loading

7. *The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.*
8. *The loading bay must remain free for the purpose of loading and unloading at all times.*

Stormwater

9. *Stormwater discharge 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 may occur within five metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.*
10. *The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.*

Amenity

11. *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.*
12. *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.*
13. *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.*

CFA conditions

14. *The Bushfire Management Plan at Attachment Four, pages 29, 30, 31 and 32 of the Bushfire Management Statement prepared by M Delahunty (dated 8/8/2018) 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.*
15. *The Bushfire Emergency Plan (version V2 and dated 17/01/2019) must be endorsed to form part of the permit.*

Expiry

16. 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 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 building works. Prior to commencement of the development, it will be necessary to apply for and obtain a building permit for the proposed works.**
- 2. A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works. The current application form is available on Council's website.**
- 3. The use allowed by this permit is required to comply with all relevant State legislation, including the Food Act 1984. Trading must not commence until the premise has been registered under the Food Act 1984 by Council's Health Protection Unit.**

CARRIED 7 : 0



The meeting was declared closed at 4:37pm

CONFIRMED AND SIGNED at the meeting held on 8 MAY 2019

A handwritten signature in blue ink, written over a horizontal dotted line. The signature is stylized and appears to be a name with a large initial.

