



PLANNING COMMITTEE MEETING

MINUTES

Wednesday 11 August 2021

at 2:00 PM

By videoconference



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 11 August 2021

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held by videoconference on Wednesday 11 August 2021 at 2:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

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 (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Errol Lawrence (Acting Chief Executive), General Manager, Corporate Services
Tony McGann, General Manager, Environment & Infrastructure
Ian Seuren, General Manager, Development & Community Services
Marlo Emmitt, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Bláithín Butler, Coordinator, Statutory Planning
Helen Evans, Senior Statutory Planner

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council and Committee meetings will be live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

By participating in open Planning Committee meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

The live stream recordings of meetings are available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Live stream and audio recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Planning meetings will be permitted without specific approval by resolution of the relevant Planning Committee Meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- **Planning Committee Meeting held on 14 April 2021.**

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 14 April 2021.

CARRIED 7 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Submitters:

Joy Humphreys
Joanna Williamson
Angelika Millar
Robert Bruce
Gordon Fry

Applicant:

Emily Wardlaw – Acquirecomm Pty Ltd (applicant)
Garry Austin – Telstra
Richard Webb – Downer Group



Item: 8.1

PP9/2021 - 288 Sunnyside Road Wongarra - Use and Development of Telecommunications Facility (33.8 metre monopole) and associated works

ADDRESS AND PROPERTY DETAILS	288 Sunnyside Road WONGARRA	APPLICATION NUMBER	PP9/2021-1
PROPOSAL	Use and Development of Telecommunications Facility (33.8m High Monopole) and Associated Works		
PERMIT TRIGGERS	<p>Clause 35.06-1 – use of land for a telecommunication facility (RCZ)</p> <p>Clause 35.06-5 – buildings and works associated with Section 2 (permit required) use (RCZ)</p> <p>Clause 42.03-2 – buildings and works (SLO3)</p> <p>Clause 44.01-1 – buildings and works (EMO1)</p> <p>Clause 52.19-2 – building and works for a Telecommunications Facility</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	<p>The proposal is considered to be of community interest.</p> <p>This application is exempt from public notice and associated appeal rights for interested parties, as it is part of the 'Mobile Black Spot program'. However, as there has been significant interest from the public in the proposal, it is considered appropriate for Planning Committee to determine the application.</p>		
ZONE	Rural Conservation Zone	OVERLAYS	<p>Significant Landscape Overlay, Schedule 3 (SLO3) – Apollo Bay Coastal Valley and Hills Precinct)</p> <p>Erosion Management Overlay, Schedule 1 (EMO1)</p> <p>Bushfire Management Overlay (BMO)</p>
COVENANTS	S173 agreement (14/04/2010), preventing habitable or commercial use of shed		

Item: 8.1

PP9/2021 - 288 Sunnyside Road Wongarra - Use and Development of Telecommunications Facility (33.8 metre monopole) and associated works

CULTURAL HERITAGE	The site is partially within an area of cultural heritage sensitivity: however, the proposed works would be outside this area.		
OFFICER	Helen Evans	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. PP9/2021 - 288 Sunnyside Road Wongarra - Application Form - Redacted [8.1.1 - 3 pages] 2. PP9/2021 - 288 Sunnyside Road Wongarra - Plans [8.1.2 - 8 pages] 3. PP/92021 - 288 Sunnyside Road Wongarra - Application documents - Redacted [8.1.3 - 17 pages] 4. PP9/2021 - 288 Sunnyside Road Wongarra - Drone Photos [8.1.4 - 13 pages] 5. PP/92021 - 288 Sunnyside Road Wongarra - response to submissions by Telstra - Redacted [8.1.5 - 14 pages] 6. PP9/2021 - 288 Sunnyside Road Wongarra - Additional site photos [8.1.6 - 6 pages] 7. PP9/2021 - 288 Sunnyside Road Wongarra - Applicant Response to Further Submission re survey - Redacted [8.1.7 - 4 pages] 8. PP/92021 - 288 Sunnyside Road Wongarra - Telstra survey - Redacted [8.1.8 - 1 page] 		

RECOMMENDATION

*Cr Jamie Bell left the meeting at 2:07pm; returned at 2:09pm.
 Cr Chris Potter left the meeting at 2:10pm; returned at 2:11pm.
 Cr Margaret White left the meeting at 2:12pm; returned at 2:13pm.
 Cr Graham Costin left the meeting at 2:38pm; returned at 2:39pm.
 Cr Jamie Bell left the meeting at 2:52pm; returned at 2:53pm.
 Cr Jamie Bell left the meeting at 3:10pm.
 Cr Graham Costin left the meeting at 3:09pm; returned at 3:12pm.
 Cr Jamie Bell returned to the meeting at 3:13pm.
 Cr Stephen Hart left the meeting at 3:14pm; returned at 3:21pm.*

That the Planning Committee resolves to Grant a Permit for the use and development of a telecommunications facility (33.8m high monopole) and associated works at 288 Sunnyside Road Wongarra (Lot 13 LP128817 Parish of Wongarra, Volume 09931 Folio 869), 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 Site Investigation by Intrax (reference: Site Number 140606, dated 15/2/2021) and Form A (dated 10/3/2021) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Access and Parking

- 3. Prior to the commencement of development, the internal access must be constructed in accordance with the endorsed plans.*
- 4. Prior to the commencement of use, the parking area must be constructed to an all-weather standard in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.*

Stormwater

- 5. 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 and/or operation, to the satisfaction of the Responsible Authority.*

Amenity

- 6. The nature and colour of building materials employed in the construction of the monopole and associated structures hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
- 7. The telecommunications facility and associated development hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Removal of Facility

- 8. In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

CFA condition

Defendable space

9. An area of defendable space for 10mts (or to the property boundary) must be provided around the facility where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- **Grass must be short cropped and maintained during the declared fire danger period.**
- **All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.**
- **Flammable objects must not be located close to the vulnerable parts of the building.**
- **Shrubs must not be located under the canopy of trees.**
- **Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.**
- **Trees must not overhang or touch any elements of the building.**
- **The canopy of trees must be separated by at least 5 metres.**
- **There must be a clearance of at least 2 metres between the lowest tree branches and ground level.**

Expiry

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

- **The development is not commenced within two years of the date of this permit.**
- **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. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.**
- 2. All deliveries by oversized vehicles must have a National Heavy Vehicle Regulator (NHVR) permit.**

ALTERNATIVE MOTION

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That the Planning Committee refuses the application for the following reasons:

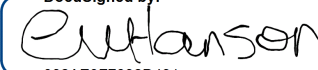
- 1. The proposed telecommunications facility will have a detrimental visual impact and does not accord with the purpose of Clause 52.19-2 (Telecommunications Facility) of the Colac Otway Planning Scheme, or the principles for the design, siting, construction and operation of a telecommunications facility set out in 'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004).**

2. *The 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.*
3. *The proposed telecommunications facility is contrary to the objectives of Clause 12.05-2S (Landscapes) of the planning scheme, which seek to ensure significant landscape areas such as forests, the bays and coastlines are protected, and that development does not detract from the natural qualities of significant landscape areas.*
4. *The proposed telecommunications facility would be located in a Significant Landscape Overlay (SLO3 - the Apollo Bay Coastal Valley and Hills Precinct), within which an objective is to minimise the visual impact of infrastructure. The proposed siting of the telecommunications facility fails to address the objectives of that overlay.*
5. *The application does not provide sufficient information on existing mobile coverage issues or that the proposed site will address these issues and fulfil the requirements of the State and Federal Government Mobile Black Spot Program.*
6. *The application does not provide any undertaking that screening by large trees will be maintained for the expected life of the proposed infrastructure.*
7. *The application does not address the issue of economic impact due to devaluation of surrounding properties.*
8. *The proposed site is located adjacent to a cluster of rural residential dwellings, has attracted significant community opposition and does not address the issue of social impact.*
9. *The application does not provide sufficient information that alternative less obtrusive sites and/or technologies proposed by Council and/or the local community will not address existing mobile coverage issues and fulfil the requirements of the State and Federal Government Mobile Black Spot Program.*

CARRIED 4 : 3

The meeting was declared closed at 3:28pm.

CONFIRMED AND SIGNED at the meeting held on 13 October 2021.

DocuSigned by:

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.....**MAYOR**