



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

WEDNESDAY 8 NOVEMBER 2017

AT 4PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

8 NOVEMBER 2017

TABLE OF CONTENTS

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

OFFICER REPORTS

PC170811-1	USE OF THE LAND FOR A GYM 31-33 MURRAY STREET COLAC (PP185/2017-1)	6
------------	---	---

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on 8 November 2017 at 4pm.

1. I DECLARE THIS MEETING OPEN

As the position of Mayor and therefore Chair of the Planning Committee meeting, became vacant on 6am of the day of the election of Mayor, Acting Chief Executive Officer, Robert Dobrzynski opened the meeting and was Acting Chair until the committee considered the appointment of a Chair for the term of this 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
Cr Stephen Hart
Cr Joe McCracken
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, Acting Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Melanesia Carson, Communications Officer
Tamzin McLennan, Communications Coordinator
Sarah Osborne, Communications Officer
Doug McNeill, Manager, Planning, Building & Health
Bláithín Butler, Statutory Planning Coordinator

3. APOLOGIES

Nil

4. APPOINTMENT OF CHAIR

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Chris Potter

That Cr Stephen Hart be appointed the Chair of the Planning Committee for the duration of this meeting.

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Chris Smith

5. 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.

6. DECLARATION OF INTEREST

Cr Potter:	PC170811-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A & 78B
Nature of Interest:	Councillor holds a position on the board of the Colac RSL which is in close proximity to premises subject to the application and could be financially affected by decision of Council.

7. CONFIRMATION OF MINUTES

- Planning Committee held on 12 July 2017.

RECOMMENDATION

MOVED Cr Kate Hanson seconded Cr Joe McCracken

That the Planning Committee confirm the above minutes.

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Chris Smith

8. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Applicant: Sandro Caruso

Applicant: Katy Bright

PLANNING COMMITTEE

USE OF THE LAND FOR A GYM 31-33 MURRAY STREET COLAC (PP185/2017-1)

PC170811-1

ADDRESS AND PROPERTY DETAILS	31-33 Murray Street COLAC	GENERAL MANAGER	Gareth Smith
PREPARED BY	Francis Wong	TRIM FILE	F17/8303
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Commercial 1 Zone (Use); Heritage Overlay (Signage); Clause 52.05 (Advertising Signs)		
TRIGGER FOR DETERMINATION BY COMMITTEE	More than 3 objections (29)		
APPLICATION NUMBER	PP185/2017-1		
PROPOSAL	Use of the Land for a Restricted Recreation Facility (Gym) and Display of Business Identification Signage		
ZONE	Commercial 1 Zone	OVERLAYS	Heritage Overlay (H0305 – Murray Street Precinct, Colac); Design and Development Overlay Schedule 8 (DDO8 – Colac CBD); Parking Overlay Schedule 1 (PO1 – Colac Commercial Centre).
COVENANTS	Nil		
LIST OF ATTACHMENTS	1. Plans		
CULTURAL HERITAGE	Nil		

Having declared a conflict of interest, Cr Chris Potter left Council Chambers at 4.08pm.

Cr Potter:	PC170811-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A & 78B
Nature of Interest:	Councillor holds a position on the board of the Colac RSL which is in close proximity to premises subject to the application and could be financially affected by decision of Council.

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

That Council resolves to issue a Notice of Decision to Grant a Permit for the use of the land for a Restricted Recreation Facility (Gym) and Display of Business Identification Signage at 31-33 Murray Street, Colac (Lot 1 TP131164, V/F: 9073/177) subject to the following conditions:

Endorsed plans

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

Limit on number of persons

- 3. No more than 50 patrons may be present on the premises at any one time unless otherwise approved in writing by the Responsible Authority.*

Amenity

- 4. The use 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; and*
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
- 5. Any signage lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and/or adjacent roads/streets.*
- 6. Noise levels emanating from the premises must not exceed noise levels determined using Noise from Industry in Regional Victoria (EPA publication 1411), October, 2011.*

7. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
8. *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.*

Expiry

9. *The use will expire if one of the following circumstances applies:*
 - (a) *The use has not commenced within two years of the date of this permit.*
 - (b) *The use is discontinued for a period of two years.*

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.

10. *The signage element of this permit will expire if:*
 - (a) *The signage is not completed within two 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 any building works. Prior to the commencement of the use of the premises as a gym, it will be necessary to apply for and obtain building approval for the proposed use.*

EQUAL 3 : 3

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson

Against the Motion: Cr Chris Smith, Cr Joe McCracken, Cr Jason Schram

The Acting Chair Cr Stephen Hart determined his casting vote in favour of the motion.

CARRIED 4 : 3

Cr Chris Potter returned to Council Chambers at 4.47pm



The Meeting was declared closed at 4.47pm

CONFIRMED at the meeting held on 6 DECEMBER 2017

J McCracken
