



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

SUMMARY MINUTES

13 APRIL 2016

at 10:30 AM

COPACC



COLAC OTWAY SHIRE PLANNING COMMITTEE MEETING

13 April 2016

TABLE OF CONTENTS

PC161304-1	BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF ADDITIONAL BAKERY BUILDING, CAR PARK, ANCILLARY WORKS, BUSINESS IDENTIFICATION SIGNAGE, AND THE USE FOR MANUFACTURING SALES AT 85 IRREWARRA SCHOOL ROAD, IRREWARRA (PP302/2015-1).....	6
PC161304-2	PLANNING AND BUILDING STATISTICAL REPORT	15

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC on 13 April 2016 at 10.30am.

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 Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Brydon King, General Manager, Development & Community Services
Jennifer Wood, Manager, Governance & Customer Service
Blaithin Butler, Statutory Planning Coordinator
Ian Williams, Senior Statutory Planner
Alison Richardson, Governance Officer
Jane Preston-Smith, Executive Officer

3. APOLOGIES

Cr. Frank Buchanan, (Mayor)
Ingrid Bishop, General Manager Infrastructure & Leisure Services

4. MAYORAL STATEMENT

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

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the 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 unauthorised recording of the meeting.

5. DECLARATION OF INTEREST

Cr Delahunty	PC161304-1 BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF ADDITIONAL BAKERY BUILDING, CAR PARK, ANCILLARY WORKS, BUSINESS IDENTIFICATION SIGNAGE, AND THE USE FOR MANUFACTURING SALES AT 85 IRREWARRA SCHOOL ROAD, IRREWARRA (PP302/2015-1)
Nature of Disclosure:	Indirect Interest
Type of Direct Interest:	78A
Nature of Interest:	Objector has substantial financial arrangement with a close family member

Cr Buchanan	PC161304-1 Buildings and Works Comprising Construction of Additional Bakery Building, Car Park, ancillary works, Business Identification Signage, and the use for Manufacturing Sales at 85 Irrewarra School Road, Irrewarra (PP302/2015-1)
Nature of Disclosure:	Direct Interest
Type of Direct Interest:	78A
Nature of Interest:	Brother has adjoining property

6. CONFIRMATION OF MINUTES

- **Planning Committee held on the 09/03/16.**

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

CARRIED 6 : 0

Having declared a conflict of interest, Cr. Delahunty left Council chambers at 10:37am

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PP302/2015-1 Edward Martin	Objector
PP302/2015-1 Lionel Clayton	Objector
PP302/2015-1 Charlie Buchanan	Objector
PP302/2015-1 Luke Buchanan	Objector
PP302/2015-1 Neil Longmore	Objector
PP302/2015-1 John Calvert	Applicant

Sue Wilkinson
Chief Executive Officer

**PC161304-1 BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF
ADDITIONAL BAKERY BUILDING, CAR PARK, ANCILLARY WORKS,
BUSINESS IDENTIFICATION SIGNAGE, AND THE USE FOR
MANUFACTURING SALES AT 85 IRREWARRA SCHOOL ROAD,
IRREWARRA (PP302/2015-1).**

AUTHOR:	Ian Williams	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/13130

Cr Delahunty	PC161304-1 BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF ADDITIONAL BAKERY BUILDING, CAR PARK, ANCILLARY WORKS, BUSINESS IDENTIFICATION SIGNAGE, AND THE USE FOR MANUFACTURING SALES AT 85 IRREWARRA SCHOOL ROAD, IRREWARRA (PP302/2015-1)
Nature of Disclosure:	Indirect Interest
Type of Direct Interest:	78A
Nature of Interest:	Objector has substantial financial arrangement with a close family member

Cr Buchanan	PC161304-1 BUILDINGS AND WORKS COMPRISING CONSTRUCTION OF ADDITIONAL BAKERY BUILDING, CAR PARK, ANCILLARY WORKS, BUSINESS IDENTIFICATION SIGNAGE, AND THE USE FOR MANUFACTURING SALES AT 85 IRREWARRA SCHOOL ROAD, IRREWARRA (PP302/2015-1)
Nature of Disclosure:	Direct Interest
Type of Direct Interest:	78A
Nature of Interest:	Brother has adjoining property

Having declared a conflict of interest, Cr Delahunty left the Council Chambers at 10.37am

Original Recommendation

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit PP302/2015-1 for Buildings and Works Comprising Construction of Additional Bakery Building, Car Park, Ancillary Works, Business Identification Signage and use for Manufacturing Sales at 85 Irrewarra School Road, Irrewarra at 85 Irrewarra School Road, Irrewarra (Lot: 1 TP: 249861 Parish of Irrewarra) subject to the following conditions:

Conditions:

Amended Plans

1. Prior to commencement of the use and development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a) External materials and colours of all buildings and works.
 - b) Ablution facilities for all visitors and staff.
 - c) Details of the type and location of all external lighting within the site.
 - d) The location of 2 bicycle spaces.
 - e) Internal layout of the building nominating areas for seating and manufacturing sales.
 - f) Details of the extent and method of excavation of the foundations of Irrewarra House and the Victorian garden (pathways and beds).
 - g) Turning templates to show how a semi-trailer will turn within the site.
 - h) On site loading and unloading areas.
 - i) Elevations including dimensions and supports of the two proposed business identification signs.

To the satisfaction of the Responsible Authority.

Endorsed Plans

2. The use, development and signage as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Amenity

3. All 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.
4. 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.
5. The manufacturing sales use hereby approved must only operate between the hours of 9am to 5pm.
6. 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;

7. No more than thirty five (35) seats may be made available at any one time to patrons on the premises, unless otherwise approved in writing by the Responsible Authority.

Signage

8. The signage must not contain any flashing lights and must not be illuminated by external or internal lights except with the written consent of the Responsible Authority.
9. All signage must be constructed and maintained to the satisfaction of the Responsible Authority.

Land Capability

10. Prior to the commencement of the development, a 'Standard' Land Capability Assessment in accordance with Colac Otway, Domestic Wastewater Management Plan is required to be submitted to and approved in writing by the Responsible Authority. Unless otherwise agreed in writing, all works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment Report endorsed under this permit.

Food Safety

11. All food preparation, storage and receiving areas must be constructed in accordance with the Australian Food Safety Standards (Food Standards Code 3.2.3).

Infrastructure

12. Prior to commencement of the development, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.
13. 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.

Landscaping

14. 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:
- details of surface finishes of pathways and driveways
 - a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant within the site.

All species selected must be to the satisfaction of the Responsible Authority.

15. Prior to occupation of the development, 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.

Heritage

16. The excavation of the Irrewarra House and the Victorian garden foundations must be undertaken to the satisfaction of the Responsible Authority in consultation with Heritage Victoria.

Expiry

17. 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 and signage 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.

Notes

- A separate application to install an all waste septic tank system is required to be submitted to and approved by Council's Environmental Health Department prior to the commencement of works. The design and installation of any wastewater disposal system for any building on the land must comply with the Code of Practice Onsite Wastewater Management (891.3) and the Land Capability Report required to be provided under this permit.
- Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.
- 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 building approval for the proposed development.

PROCEDURAL MOTION - MOVED Cr Stephen Hart

That Council adjourn for a short break to seek further advice on whether Council imposed a condition for the screen on the hay shed when the issue was a Heritage Overlay

CARRIED 5 : 0

Meeting adjourned at 11:57am

Meeting resumed at 12:05 pm

ALTERNATIVE MOTION - MOVED Cr Brian Crook seconded Cr Stephen Hart:

That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit PP302/2015-1 for Buildings and Works Comprising Construction of Additional Bakery Building, Car Park, Ancillary Works, Business Identification Signage and use for Manufacturing Sales at 85 Irrewarra School Road, Irrewarra at 85 Irrewarra School Road, Irrewarra (Lot: 1 TP: 249861 Parish of Irrewarra) subject to the following conditions:

Conditions:

Amended Plans

- 1. Prior to commencement of the use and development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:**
 - a) External materials and colours of all buildings and works.**
 - b) Ablution facilities for all visitors and staff.**
 - c) Details of the type and location of all external lighting within the site.**
 - d) The location of 2 bicycle spaces.**
 - e) Internal layout of the building nominating areas for seating and manufacturing sales.**
 - f) Details of the extent and method of excavation of the foundations of Irrewarra House and the Victorian garden (pathways and beds).**
 - g) Turning templates to show how a semi-trailer will turn within the site.**
 - h) On site loading and unloading areas.**
 - i) Elevations including dimensions and supports of the two proposed business identification signs.**

To the satisfaction of the Responsible Authority.

Endorsed Plans

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

Amenity

- 3. Prior to occupation of the development, the applicant shall enter into a Section 173 Agreement with Council undertaking that no complaints shall be lodged against the reasonable operation of the adjacent farmland in relation to silage production, animal husbandry, weed spraying regime, calving area or mixed feeding. Such Agreement shall be undertaken prior to the occupation of the development hereby permitted and shall be registered on title. All costs associated with the preparation and registering of such agreement shall be borne by the applicant.**

4. All 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.
5. 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.
6. The manufacturing sales use hereby approved must only operate between the hours of 9am to 5pm.
7. 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;
8. No more than thirty five (35) seats may be made available at any one time to patrons on the premises, unless otherwise approved in writing by the Responsible Authority.

Signage

9. The signage must not contain any flashing lights and must not be illuminated by external or internal lights except with the written consent of the Responsible Authority.
10. All signage must be constructed and maintained to the satisfaction of the Responsible Authority.

Land Capability

11. Prior to the commencement of the development, a 'Standard' Land Capability Assessment in accordance with Colac Otway, Domestic Wastewater Management Plan is required to be submitted to and approved in writing by the Responsible Authority. Unless otherwise agreed in writing, all works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment Report endorsed under this permit.

Food Safety

12. All food preparation, storage and receiving areas must be constructed in accordance with the Australian Food Safety Standards (Food Standards Code 3.2.3).

Infrastructure

13. Prior to commencement of the development, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.

-
14. 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.

Landscaping

15. 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:
- details of surface finishes of pathways and driveways
 - a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant within the site.
 - Screening along the entire northern boundary, set back 12m from the northern boundary.

All species selected must be to the satisfaction of the Responsible Authority.

16. Prior to occupation of the development, 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.

Heritage

17. The excavation of the Irrewarra House and the Victorian garden foundations must be undertaken to the satisfaction of the Responsible Authority in consultation with Heritage Victoria.

Expiry

18. 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 and signage 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.

Notes

1. A separate application to install an all waste septic tank system is required to be submitted to and approved by Council's Environmental Health Department prior to the commencement of works. The design and installation of any wastewater disposal system for any building on the land must comply with the Code of Practice Onsite Wastewater Management (891.3) and the Land Capability Report required to be provided under this permit.

2. Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.
3. 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 building approval for the proposed development.
4. The primary use of land in this area is for agricultural purposes and the reasonable operation of surrounding farmland must be allowed to continue. It is recognised that activities such as silage production, animal husbandry, weed spraying, calving and mixed feeding occur on neighbouring land, and that such activities can cause impacts such as odour and noise. Council does not enforce against such reasonable agricultural activities within the Farming Zone.

LOST 2 : 3

ALTERNATIVE MOTION - MOVED Cr Chris Smith:

That Council:

Refuse to grant a planning permit on two grounds:

1. The proposal represents an overdevelopment of the site
2. The proposal is inconsistent with the purpose and relevant decision guidelines of the farming zone

Motion lapsed due to no seconder

ALTERNATIVE MOTION - MOVED Cr Lyn Russell seconded Cr Brian Crook :

That Council:

Refuse the planning application based on:

Grounds of Refusal:

1. The proposal does not accord with relevant State and local planning policies, which seek to protect high quality productive farmland which is of strategic significance in the local or regional context from unplanned loss. The proposed intensification of the bakery use, and associated increase in development on the site, is considered to be incompatible with the character of the area, would negatively impact on the ability to farm surrounding land, would not be beneficial to the agricultural use of the land and would not facilitate sustainable rural production. The proposal would result in the permanent removal of productive agricultural land which is detrimental to the agricultural sector. The proposed development would be unrelated to farming.

As such, the proposal is contrary to clauses 11.05-3 (Rural Productivity), 11.06-8 Agricultural productivity, 21.05-1 (Agriculture) and 65 of the Colac Otway Planning Scheme.

2. The proposed intensification of the existing industrial use and visitor attraction would have a negative detrimental impact on farming activity within the immediate and surrounding area, and does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the Planning Scheme, given that:
- The proposal would not support and enhance agricultural production.
 - The proposal has the potential to limit the operation and expansion of adjoining and nearby agricultural uses
 - The proposal has the potential to permanently remove land from agricultural production.
3. The proposal does not accord with the aims of Council's adopted Rural Land Strategy, which notes that the diversity of land uses resulting from change in rural land use may bring conflict between agriculture and other land uses, and that the proliferation of tourism-based activities in the Farming Zone will compromise the long-term viability of farming in Colac Otway Shire. The land is identified as having a medium agricultural capability which should be protected for sustainable agriculture use. The proposed development would be contrary to this objective.

Permitting the development, and associated intensification of an industrial use, would set an undesirable precedent and potentially lead to a proliferation of similar development within the Farming Zone.

CARRIED: 4 : 1

Cr Delahunty returned to the meeting at 1:02pm
Cr Smith left the meeting at 1:02pm

~~~~~

***PC161304-2 PLANNING AND BUILDING STATISTICAL REPORT***

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Jane Preston-Smith               | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/9436    |

***MOVED Cr Stephen Hart seconded Cr Brian Crook***

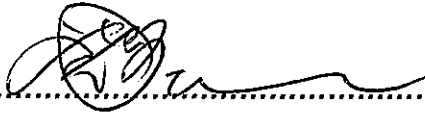
***That Council notes the Planning and Building Statistical report for the month of February 2016.***

***CARRIED 5 : 0***

~~~~~


The Meeting Was Declared Closed at 1:03pm

CONFIRMED AND SIGNED at the meeting held on 8 JUNE 2016


.....MAYOR

