

PLANNING COMMITTEE MEETING

**SUMMARY
MINUTES**

19 SEPTEMBER 2016

at 3:15 PM

COPACC, Colac



COLAC OTWAY SHIRE PLANNING COMMITTEE MEETING

19 September 2016

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MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC, Colac on 19 September 2016 at 3.15pm.

1. I DELCARE 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 Frank Buchanan (Mayor)
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
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Heather Johnson, Acting General Manager, Development & Community Services
Jennifer Wood, Manager, Governance & Customer Service
Sarah McKew, Governance Officer
Melanesia Carson, Public Relations Officer
Vige Satkunarajah, Acting Manager, Planning, Building & Health
Blaithin Butler, Statutory Planning Coordinator
Suzanne Barker, Strategic Planning Coordinator
Ronan Corcoran, Strategic Development Engineer
Tamzin McLennan, Public Relations Coordinator

3. APOLOGIES

Nil

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.

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. DECLARATIONS OF INTEREST

Cr Hart:	PC161909-2 Building and Works Comprising Construction of Telecommunications Facility (30m Monopole) and Associated Antennae, Equipment Cabinet and Infrastructure at 235 Phillips Track (PP89/2016-1)
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78A
Nature of Interest:	Own Telstra shares. The Applicant is Telstra. As Telstra has a direct interest that gives me an indirect financial interest.

Cr Russell:	PC161909-2 Building and Works Comprising Construction of Telecommunications Facility (30m Monopole) and Associated Antennae, Equipment Cabinet and Infrastructure at 235 Phillips Track (PP89/2016-1)
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78A
Nature of Interest:	Own Telstra shares. The Applicant is Telstra. As Telstra has a direct interest that gives me an indirect financial interest.

6. CONFIRMATION OF MINUTES

- Planning Committee held on 10 August 2016.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council confirm the above minutes.

CARRIED 7 : 0

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PC161909-3	Jenny Eltham	Objector
PC161909-3	Tony Jeavons	Applicant
PC161909-4	John Riches	Objector
PC161909-4	John Riches on behalf of Libby Riches	Objector
PC161909-4	John Riches on behalf of Chris Dance	Objector
PC161909-4	Professor Nigel Strauss	Objector
PC161909-4	Graham Lorimer	Objector
PC161909-4	Yvonne Francis	Objector
PC161909-4	Tony Webber	Objector
PC161909-4	Nerelie Pugh	Applicant

***PC161909-1 POSTPONEMENT OF PLANNING COMMITTEE MEETING WEDNESDAY
14 SEPTEMBER 2016***

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	F16/6678

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council:

Notes the report advising that the Chief Executive Officer exercised power under S.24 (1) of Local Law 4 to postpone the Planning Committee Meeting that was to be held on Wednesday 14 September 2016 at 10.30am.

CARRIED 7 : 0

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**PC161909-2 BUILDING AND WORKS COMPRISING CONSTRUCTION OF  
TELECOMMUNICATIONS FACILITY (30M MONOPOLE) AND  
ASSOCIATED ANTENNAE, EQUIPMENT CABINET AND  
INFRASTRUCTURE AT 235 PHILLIPS TRACK (PP89/2016-1).**

|             |                                     |           |                 |
|-------------|-------------------------------------|-----------|-----------------|
| AUTHOR:     | Ian Williams                        | ENDORSED: | Heather Johnson |
| DEPARTMENT: | Development &<br>Community Services | FILE REF: | F16/3993        |

Having declared a conflict of interest, Cr Stephen Hart left Council Chambers at 3:22PM.

Having declared a conflict of interest, Cr Lyn Russell left Council Chambers at 3:22PM.

|                            |                                                                                                                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Hart:                   | PC161909-2 Building and works comprising construction of telecommunications facility (30m monopole) and associated antennae, equipment cabinet and infrastructure at 235 Phillips Track (PP89/2016-1) |
| Nature of Disclosure:      | Indirect interest                                                                                                                                                                                     |
| Type of Indirect Interest: | 78A                                                                                                                                                                                                   |
| Nature of Interest:        | Own Telstra shares. The Applicant is Telstra. As Telstra has a direct interest that gives me an indirect financial interest.                                                                          |

|                            |                                                                                                                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Russell:                | PC161909-2 Building and works comprising construction of telecommunications facility (30m monopole) and associated antennae, equipment cabinet and infrastructure at 235 Phillips Track (PP89/2016-1) |
| Nature of Disclosure:      | Indirect interest                                                                                                                                                                                     |
| Type of Indirect Interest: | 78A                                                                                                                                                                                                   |
| Nature of Interest:        | Own Telstra shares. The Applicant is Telstra. As Telstra has a direct interest that gives me an indirect financial interest.                                                                          |

**RESOLUTION**

**MOVED Cr Terry Woodcroft seconded Cr Brian Crook**

***That Council's Planning Committee resolves to Issue a Notice of Decision to Grant a Permit for Building and Works Comprising Construction of Telecommunications Facility (30m Monopole) and Associated Antennae, Equipment Cabinet and Infrastructure at 235 Phillips Track, Ferguson (Lot 1: TP511898H) subject to the following conditions:***

***Endorsed plans***

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

**Amenity**

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

**Compliance with Geotechnical Assessment**

4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Statewide Geotechnical, Geotechnical Engineers (reference 20595-1, dated 12 May 2016) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

**Removal of Facility**

5. *The existing passive telecommunications repeater facility on the land must be decommissioned and removed from the site in its entirety within 3 months of the commencement of the development hereby permitted, to the satisfaction of the Responsible Authority.*
6. *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 returned to grass or such other condition as is agreed in writing, to the satisfaction of the Responsible Authority.*

**Expiry**

7. *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.*

**CARRIED 5 : 0**

Cr Lyn Russell returned to Council Chambers at 3:35PM.

Cr Stephen Hart returned to Council Chambers at 3:35PM.

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**PC161909-3 APPROVAL OF DEVELOPMENT PLAN (DPO4) - 30 AND 40 MARRINERS
LOOKOUT ROAD, APOLLO BAY**

AUTHOR:	Geoffrey Alexander	ENDORSED:	Heather Johnson
DEPARTMENT:	Development & Community Services	FILE REF:	F15/11335

Original Recommendation

That Council:

- 1. Gives in principle support to the Development Plan (including the design guidelines) for 30 and 40 Marriners Lookout Road, Apollo Bay, prepared under Schedule 4 to the Development Plan Overlay and depicted at Attachment 6 to this report.**
- 2. Authorises Council officers to formally approve the Development Plan for 30 and 40 Marriners Lookout Road under delegated powers, with any minor changes necessary to resolve outstanding geotechnical issues.**
- 3. Notifies the landowners and submitters of Council's decision to provide in principle support to the Development Plan, and subsequently of the approval of the Development Plan under delegated powers.**

ALTERNATIVE MOTION

MOVED Cr Michael Delahunty seconded Cr Chris Smith

That Council:

- 1. Gives in principle support to the Development Plan (including the design guidelines) for 30 and 40 Marriners Lookout Road, Apollo Bay, prepared under Schedule 4 to the Development Plan Overlay and depicted at Attachment 6 to this report, upon providing an upgraded geotechnical report that:**
 - a) addresses all geotechnical trigger factors and landslide modes;**
 - b) contains Form A documents;**
 - c) contains geotechnical declaration.**
- 2. Authorises Council officers to formally approve the Development Plan for 30 and 40 Marriners Lookout Road under delegated powers, with any minor changes necessary to resolve outstanding geotechnical issues.**
- 3. Notifies the landowners and submitters of Council's decision to provide in principle support to the Development Plan, and subsequently of the approval of the Development Plan under delegated powers.**

LOST 3 : 4

DIVISION

For the motion: Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty

Against the motion: Cr Stephen Hart, Cr Chris Smith, Cr Brian Crook, Cr Frank Buchanan

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Stephen Hart

That Council defer this item until a further Council meeting where the issues raised are addressed:

Provision of an upgraded geotechnical report that:

- a) addresses all geotechnical trigger factors and landslide modes;*
- b) contains Form A documents;*
- c) contains geotechnical declaration.*

LOST 2 : 5

DIVISION

For the motion: Cr Stephen Hart, Cr Chris Smith

Against the motion: Cr Brian Crook, Cr Frank Buchanan, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty

RESOLUTION

MOVED Cr Brian Crook seconded Cr Lyn Russell

That Council:

- 1. Gives in principle support to the Development Plan (including the design guidelines) for 30 and 40 Marriners Lookout Road, Apollo Bay, prepared under Schedule 4 to the Development Plan Overlay and depicted at Attachment 6 to this report.*
- 2. Authorises Council officers to formally approve the Development Plan for 30 and 40 Marriners Lookout Road under delegated powers, with any minor changes necessary to resolve outstanding geotechnical issues.*

- 3. *Notifies the landowners and submitters of Council's decision to provide in principle support to the Development Plan, and subsequently of the approval of the Development Plan under delegated powers.***

CARRIED 5 : 2

DIVISION

For the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith, Cr Stephen Hart

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**Cr Terry Woodcroft left the meeting at 4:20PM.**

**Cr Terry Woodcroft returned to the meeting at 4:22PM.**

***PC161909-4 APPROVAL OF DEVELOPMENT PLAN (DPO5) - 6280 AND 6230 GREAT OCEAN ROAD, APOLLO BAY***

|             |                                  |           |                 |
|-------------|----------------------------------|-----------|-----------------|
| AUTHOR:     | Geoffrey Alexander               | ENDORSED: | Heather Johnson |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/11336       |

**Original Recommendation**

***That Council:***

- 1. Gives in principle support to the Development Plan (including the design guidelines) for 6230 and 6280 Great Ocean Road, Apollo Bay required under the Development Plan Overlay Schedule 5 and depicted at Attachment 1 to this report.***
- 2. Authorises Council officers to formally approve the Development Plan for 6230 and 6280 Great Ocean Road, Apollo Bay under delegated powers, with any minor changes necessary to address outstanding issues.***
- 3. Notifies the landowners and submitters of Council's decision to provide in principle support to the Development Plan, and subsequently of the approval of the Development Plan under delegated powers.***

**PROCEDURAL MOTION**

***MOVED Cr Chris Smith***

***That the gentleman who just spoke be allowed to speak for two more minutes.***

**LOST 3 : 4**

**DIVISION**

***For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Brian Crook***

***Against the Motion: Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan***



**ALTERNATIVE MOTION**

**MOVED** *Cr Chris Smith seconded Cr Stephen Hart*

**That Council:**

1. *Does not support the presented development plan for 6280 and 6230 Great Ocean Road, Apollo Bay;*
2. *Notifies the land owners and submitters of Council's decision not to support the development plan.*

**LOST 3 : 4**

**DIVISION**

**For the Motion:** *Cr Chris Smith, Cr Stephen Hart, Cr Frank Buchanan*

**Against the Motion:** *Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty*

**ALTERNATIVE MOTION**

**MOVED** *Cr Brian Crook seconded Cr Terry Woodcroft*

**That Council:**

1. *Defer this development plan for consideration at a future Planning Committee meeting to address the key issues raised today and by all submitters and look to amend the future plan with respect to national heritage, setbacks, block sizes, visual impact and screening, block widths and the debris fence, and any other issues that were raised today;*
2. *Provide the final development plan to the community for four weeks' public consultation.*

**CARRIED 7 : 0**

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Melanesia Carson left the meeting at 5.14PM.

Tamzin McLennan attended the meeting at 5.15PM.

Mark Lyons left the meeting at 5.33PM.

Mark Lyons returned to the meeting at 5.36PM.

PC161909-5 PLANNING AND BUILDING STATISTICAL REPORT

AUTHOR:	Melanie Duve	ENDORSED:	Heather Johnson
DEPARTMENT:	Development & Community Services	FILE REF:	F11/2683

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council notes the Planning and Building Statistical reports for the months of July and August 2016.

CARRIED 7 : 0

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*The meeting was declared closed at 6.10PM*

**CONFIRMED AND SIGNED** at the meeting held on 14 DECEMBER 2016

  
.....Mayor