



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

SUMMARY MINUTES

13 JULY 2016

at 10:30 AM

COPACC



COLAC OTWAY SHIRE PLANNING COMMITTEE MEETING

13 July 2016

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MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at COPACC on 13 July 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 - Chair

Mark Lyons, Acting Chief Executive Officer
Daniel Fogarty, Acting General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Brydon King, General Manager, Development & Community Services
Vige Satkunarajah, Manager, Planning Building & Health
Blathin Butler, Coordinator Statutory Planning
Raelene Munro, Acting Manager, Governance & Customer Service
Sarah McKew, Acting Governance Officer
Jane Preston-Smith, Executive Officer
Kree Harrison, Acting Public Relations Officer

3. APOLOGIES

Cr Frank Buchanan (Mayor)
Sue Wilkinson, Chief Executive Officer

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:	PC161307 – 2 Planning and Building Statistical Report
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78b
Nature of Interest:	Duty to another person or body that has a direct interest in one of the matters presented as part of the Planning and Building Statistical Report

6. CONFIRMATION OF MINUTES

- Planning Committee held on the 08/06/16.

MOVED Cr Stephen Hart seconded Cr Lyn Russell that Council confirm the above minutes.

CARRIED 6 : 0

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

PP139/2014 Jenny Handscomb	Objector
PP139/2014 Jenny Handscomb (on behalf of Sarah Handscomb)	Objector
PP139/2014 Linda Emonson	Objector
PP139/2014 Linda Emonson (on behalf of Arnie Macknamara & Hilary Neylan)	Objector
PP139/2014 Heather McGowan	Objector
PP139/2014 Colin Armstrong (on behalf of Stirling McGregor)	Applicant

PC161307-1 PP139/2014 - TO USE AND DEVELOPMENT OF THE LAND FOR A MOTEL (14 UNITS) WITHIN COMMERCIAL 1 ZONE, BUILDINGS AND WORKS WITHIN DESIGN AND DEVELOPMENT OVERLAY, DEMOLITION OF THREE SHEDS AND BUILDING AND WORKS WITHIN THE HERITAGE OVERLAY, REMOVAL OF NATIVE VEGETATION WITHIN HERITAGE OVERLAY AND VEGETATION PROTECTION OVERLAY AND DISPLAY OF INTERNALLY ILLUMINATED SIGNAGE.

AUTHOR:	Helen Evans	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F14/6980

Original Recommendation

That Council's Planning Committee resolves to a Notice of Decision to Grant a Permit for the Use and Development of the Land for a Motel (14 Units), Demolition of Three Sheds, Removal of Native and Non-Native Vegetation and Display of Illuminated and Non-Illuminated Signage at 49 & 53-57 Main Street Birregurra (C/A 7 & 8 Section 1 Parish of Birregurra) subject to the following conditions:

Amended Plans

- 1. Prior to the commencement of the development hereby permitted, 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) Plans depicting all proposed signage, including location, dimensions, height above ground level, supporting structures, colour, illumination and content.***
 - (b) New side boundary fencing, on the eastern and western side of the site, constructed from the rear of the existing buildings to the Jenner Street frontage. The fencing must have a maximum height of 1.8m, tapered towards Jenner Street.***
 - (c) The existing vegetation to be retained on the site, including species, and height, shown on the Landscape Plan.***

Endorsed Plans

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

3. ***The removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.***
4. ***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.***

Consolidation

5. ***Prior to commencement of the use, CA 7 Section I Township of Birregurra (Volume 11386 Folio 067) and C/A 8 Section I Township of Birregurra (Volume 5903 Folio 425) must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.***

Construction Phase

6. ***Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.***
7. ***Before the commencement of the development, a construction management plan should be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase.***

Management measures should consider as appropriate the Environment Protection Authority's guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004

All activities during construction should be undertaken as outlined in the approved plan to the satisfaction of the Responsible Authority.

Access

8. ***Prior to commencement of development, the applicant must upgrade Jenner Street between Austin Street and Strachan Street with 120mm of fine crushed rock and regularise the pavement to a width of 6.2m, to the satisfaction of the Responsible Authority. Prior to undertaking these works, the specification of the material and class of fine crushed rock to be used must be submitted to and approved by the Responsible Authority.***
9. ***Prior to commencement of use, the crossovers servicing the land must be improved to current Council standards as set down in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.***

Car Park

10. ***Prior to the commencement of the use hereby permitted, 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 cement stabilised crushed rock;**
- d) **Drained;**
- e) **Marked to indicate each parking space;**
- f) **Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;**

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

11. ***The loading and unloading areas shown on the endorsed plans must be developed and maintained to allow for forward in and forward out movement of service vehicles.***

Drainage

12. ***Prior to commencement of works associated with this development, a stormwater management plan showing how the post development stormwater discharge volume does not exceed the pre development volume must be submitted to and approved by the Responsible Authority. Onsite reuse of the stormwater should be considered as part of this plan. Once approved, the plan will form part of the permit.***

13. ***All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***

Native Vegetation Offset

14. ***Before the removal of any native vegetation allowed by this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' (2013) and the 'Native Vegetation Gain Scoring Manual' (2013).***

The offset must:

- ***contribute gain of 0.021 general biodiversity equivalence units;***
- ***be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district; and***
- ***have a strategic biodiversity score of at least 0.135.***

15. *Before the removal of any native vegetation allowed by this permit, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'. Offset evidence must be a credit register extract from the Native Vegetation Credit Register.*

Vegetation

16. *Prior to the commencement of development or vegetation removal, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority, and must thereafter be maintained, in accordance with the submitted Arboricultural Assessment Report by Tree Watch, dated 6/3/2015.*
17. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
18. *Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.*

Landscaping

19. *Prior to the commencement of the use hereby permitted, 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.*

Signage

20. *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, and must not contain any flashing lights.*
21. *The signage may only be illuminated between the hours of 6pm to 12am (midnight) on any day.*
22. *All signage must be constructed and maintained to the satisfaction of the Responsible Authority.*

Amenity

23. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*

- *transport of materials, goods or commodities to or from the land;*
 - *appearance of any building, works or materials;*
 - *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - *Construction noise and dust.*
24. *Air-conditioning and other plant and equipment installed on the subject building(s) must be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.*
25. *All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.*

Expiry

26. *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 within four years of the date of this permit.*
 - c) *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 the commencement of development, it will be necessary to apply for and obtain building approval for the proposed buildings.*
2. *The use of the motel units for accommodation will require registration with Council as Prescribed Accommodation under the Public Health and Wellbeing Act 2008, and approval of registration will be contingent on compliance with the Act and Regulation.*
3. *Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.*

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**ALTERNATIVE MOTION - MOVED Cr Chris Smith**

***That Council's planning committee resolves to not grant a permit for a motel at 49 and 53-57 Main Street Birregurra, crown allotment C/A 7 & 8 section 1 Parish of Birregurra. Due to:***

- 1. Number of objections received***
- 2. Over development of site***
- 3. Not in keeping with the neighbourhood character study requirements***
- 4. Loss of amenities to surrounding properties***
- 5. No proposed manager to be living on site***

***Motion lapsed due to no seconder.***

**ALTERNATIVE MOTION - MOVED Cr Chris Smith**

***That Council defer this item for another month so the community can have full access to the agenda and the potential requirements of the points within the permit.***

***Motion lapsed due to no seconder.***

**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 Permit for the Use and Development of the Land for a Motel (12 Units), Demolition of Three Sheds, Removal of Native and Non-Native Vegetation and Display of Illuminated and Non-Illuminated Signage at 49 & 53-57 Main Street Birregurra (C/A 7 & 8 Section 1 Parish of Birregurra) subject to the following conditions:***

***Amended Plans***

- 1. Prior to the commencement of the development hereby permitted, 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) Plans depicting all proposed signage, including location, dimensions, height above ground level, supporting structures, colour, illumination and content. No more than one illuminated business identification sign, with maximum dimensions of 2m x 0.8m, is to be proposed on or near the Jenner Street frontage.***
  - b) New side boundary fencing, on the eastern and western side of the site, constructed from the rear of the existing buildings to the Jenner Street frontage. The fencing must have a maximum height of 1.8m, tapered towards Jenner Street.***

- c) *The existing vegetation to be retained on the site, including species, and height, shown on the Landscape Plan.*
- d) *A reduction in the number of units to twelve units by deleting the two units closest to Jenner Street, with a resultant increase in the setback to Jenner Street.*
- e) *Provision for a disabled parking space.*

**Endorsed Plans**

- 2. *The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. *The removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.*
- 4. *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.*

**Consolidation**

- 5. *Prior to commencement of the use, CA 7 Section 1 Township of Birregurra (Volume 11386 Folio 067) and C/A 8 Section 1 Township of Birregurra (Volume 5903 Folio 425) must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.*

**Construction Phase**

- 6. *Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.*
- 7. *Before the commencement of the development, a construction management plan should be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase.*

*Management measures should consider as appropriate the Environment Protection Authority's guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004*

*All activities during construction should be undertaken as outlined in the approved plan to the satisfaction of the Responsible Authority.*

**Access**

8. ***Prior to commencement of development, the applicant must upgrade Jenner Street between Austin Street and Strachan Street with 120mm of fine crushed rock and regularise the pavement to a width of 6.2m, to the satisfaction of the Responsible Authority. Prior to undertaking these works, the specification of the material and class of fine crushed rock to be used must be submitted to and approved by the Responsible Authority.***
9. ***Prior to commencement of use, the crossovers servicing the land must be improved to current Council standards as set down in the Infrastructure Design Manual, to the satisfaction of the Responsible Authority.***

**Car Park**

10. ***Prior to the commencement of the use hereby permitted, 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 cement stabilised crushed rock;***
  - d) ***Drained;***
  - e) ***Marked to indicate each parking space;***
  - f) ***Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;***

***all 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 spaces, access lanes and driveways must be kept available for these purposes at all times.***

11. ***The loading and unloading areas shown on the endorsed plans must be developed and maintained to allow for forward in and forward out movement of service vehicles.***

**Drainage**

12. ***Prior to commencement of works associated with this development, a stormwater management plan showing how the post development stormwater discharge volume does not exceed the pre development volume must be submitted to and approved by the Responsible Authority. Onsite reuse of the stormwater should be considered as part of this plan. Once approved, the plan will form part of the permit.***

13. *All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

**Native Vegetation Offset**

14. *Before the removal of any native vegetation allowed by this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' (2013) and the 'Native Vegetation Gain Scoring Manual' (2013).*

*The offset must:*

- *contribute gain of 0.021 general biodiversity equivalence units;*
  - *be located within the Corangamite Catchment Management Authority boundary or Colac Otway municipal district; and*
  - *have a strategic biodiversity score of at least 0.135.*
15. *Before the removal of any native vegetation allowed by this permit, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of 'Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines' and the 'Native Vegetation Gain Scoring Manual'. Offset evidence must be a credit register extract from the Native Vegetation Credit Register.*

**Vegetation**

16. *Prior to the commencement of development or vegetation removal, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority, and must thereafter be maintained, in accordance with the submitted Arboricultural Assessment Report by Tree Watch, dated 6/3/2015.*
17. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority.*
18. *Unless otherwise approved in writing by the Responsible Authority, no trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site.*

**Landscaping**

19. *Prior to the commencement of the use hereby permitted, 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.*

**Signage**

20. *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, and must not contain any flashing lights.*
21. *The signage may only be illuminated between the hours of 6pm to 10pm on any day.*
22. *All signage must be constructed and maintained to the satisfaction of the Responsible Authority.*

**Amenity**

23. *Prior to the commencement of the use hereby permitted, a Management Plan for the motel units must be submitted to and approved in writing by the Responsible Authority. The Management Plan must include details of the location and hours of operation of the reception area, and details of emergency management arrangements in the event of any incidents outside of normal reception hours (including a contact number for any occasion a manager is not present on the site). The Management Plan must also include information about how the emergency management arrangements will be communicated to patrons of the motel, and must be kept up to date.*

*The motel use hereby permitted must be operated in accordance with the approved Management Plan, to the satisfaction of the Responsible Authority.*

24. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
- *transport of materials, goods or commodities to or from the land;*
  - *appearance of any building, works or materials;*
  - *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
  - *Construction noise and dust.*
25. *Air-conditioning and other plant and equipment installed on the subject building(s) must be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.*

26. *All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.*

*Expiry*

27. *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 within four years of the date of this permit.*
- c) *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 the commencement of development, it will be necessary to apply for and obtain building approval for the proposed buildings.*
2. *The use of the motel units for accommodation will require registration with Council as Prescribed Accommodation under the Public Health and Wellbeing Act 2008, and approval of registration will be contingent on compliance with the Act and Regulation.*
3. *Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.*

**CARRIED 4 : 2**

**DIVISION called**

**For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft**

**Against the Motion: Cr Chris Smith, Cr Michael Delahunty**

**PC161307-2 PLANNING AND BUILDING STATISTICAL REPORT**

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Jane Preston-Smith               | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F16/317     |

|                            |                                                                                                                                                   |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Cr Delahunty:              | PC161307 – 2 Planning and Building Statistical Report                                                                                             |
| Nature of Disclosure:      | Indirect Interest                                                                                                                                 |
| Type of Indirect Interest: | 78b                                                                                                                                               |
| Nature of Interest:        | Duty to another person or body that has a direct interest in one of the matters presented as part of the Planning and Building Statistical Report |

**Having declared a Conflict of Interest Cr Delahunty left the Council chamber at 12.25pm**

**Cr Delahunty returned to the Council chamber at 12.26pm**

**MOTION - MOVED Cr Lyn Russell seconded Cr Brian Crook**

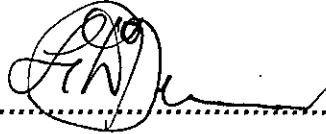
**That Council notes the Planning and Building Statistical report for the month of May 2016.**

**CARRIED 6 : 0**

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The Meeting Was Declared Closed at 12:27pm

CONFIRMED AND SIGNED at the meeting held on 10 AUGUST 2016


.....MAYOR

