

1. PRESENT

Cr. Chris Smith (Mayor)
Cr. Tony Graham
Cr. Fran Lehmann
Cr. Peter Mercer
Cr. Warren Riches
Cr. Carol Wilmink

Tracey Slatter, Chief Executive Officer
Jack Green, General Manger Sustainable Planning and Development
Doug McNeill, Manager Planning and Building
Bronwyn Keenan, Executive Officer Sustainable Planning and Development

2. APOLOGIES

Cr. Joe Di Cecco
Colin Hayman, General Manager Corporate and Community Services
Gary Dolan, General Manager Infrastructure

The Mayor advised that there will be no audio recording of the meeting due to the equipment being repaired.

3. DECLARATION OF INTEREST

NIL

4. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

NIL

5. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 08/04/08.

Recommendation

That the Planning Committee confirm the above minutes.

Resolution

MOVED Cr Riches seconded Cr Graham that the Planning Committee confirm the above minutes.

CARRIED 6:0

OFFICERS' REPORTS

Sustainable Planning and Development

PC081006-1 PLANNING PERMITS FOR THE MONTH OF APRIL 2008
PC081006-2 PLANNING PERMITS FOR THE MONTH OF MAY 2008
PC081006-3 USE & DEVELOPMENT OF THE LAND FOR A PAINTBALL GAMES
FACILITY AT 1520 COLAC FORREST ROAD, YEODENE

PC081006-1 PLANNING PERMITS FOR THE MONTH OF APRIL 2008

AUTHOR: Stefanie Riches ENDORSED: Jack Green
DEPARTMENT: Sustainable Planning and FILE REF: GEN00450
Development

Recommendation(s)

That Council's Planning Committee note the April 2008 statistical report.

Resolution

MOVED Cr Riches seconded Cr Mercer that Council's Planning Committee note the April 2008 statistical report.

CARRIED 6:0

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**PC081006-2 PLANNING PERMITS FOR THE MONTH OF MAY 2008**

AUTHOR: Stefanie Riches                      ENDORSED: Jack Green  
DEPARTMENT: Sustainable Planning and      FILE REF: GEN00450  
Development

**Recommendation(s)**

***That Council's Planning Committee note the May 2008 statistical report.***

**Resolution**

***MOVED Cr Riches seconded Cr Lehmann that Council's Planning Committee note the May 2008 statistical report.***

**CARRIED 6:0**

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PC081006-3 USE & DEVELOPMENT OF THE LAND FOR A PAINTBALL GAMES FACILITY AT 1520 COLAC FORREST ROAD, YEODENE

AUTHOR: Doug McNeill
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green
FILE REF: PP314/07

Recommendation(s)

That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP314/07 for the use and development of the land for a Paintball Games Facility at 1520 Colac Forrest Road, Yeodene, subject to the following conditions:

- 1. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. Access to the property must be constructed to the satisfaction of the Responsible Authority.***
- 3. The facility must at all times be operated strictly in accordance with the Victorian Paintball Code of Practice to the satisfaction of the Responsible Authority.***
- 4. The operator must make every effort to ensure that no missiles or other materials cross boundaries entering adjoining properties.***
- 5. The owner and/or operator must make available for use by neighbours in the vicinity of the premises a telephone number for their use to register any complaint or comment about the operation of the use or the conduct of its patrons which they wish to make (the hot-line). The hot-line is to be available continuously 24 hours per day, seven days a week. A permanent record of each such comment or complaint is to be maintained by the Manager which may, from time to time, be inspected by the Responsible Authority or its delegate upon appointment during business hours.***
- 6. The paintball gaming facility hereby permitted and the rifle range previously approved for this site must not operate at the same time.***
- 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. Within three (3) months of the use of this permit, the permit holder must submit a Property Management Plan for the area of land identified to be used under the authority of this permit. The plan must be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will then form part of the permit. The plan must include, but not be limited to, the following issues:***

- (a) **A site plan to scale showing the site features including:**
- (i) **Lot boundaries;**
 - (ii) **Existing and proposed buildings and outbuildings;**
 - (iii) **Proposed paintball playing fields**
 - (iv) **Major topographic features including contours, drainage patterns, saline areas, existing water features including dams, ponds, creeks, rivers, seasonal and perennial wetlands and swamps, springs, waterlogged areas and areas subject to flooding;**
 - (v) **Existing and proposed services including water, power, effluent lines or effluent fields;**
 - (vi) **Areas of existing native vegetation on the property;**
 - (vii) **Areas of proposed vegetation clearing under the authority of a Planning Permit No. 1099 issued on 24 March 1994;**
 - (viii) **Weed species and locations on-site;**
 - (ix) **Existing access roads, tracks, driveways and proposed tracks and driveways;**
- (b) **Native Vegetation Protection & Enhancement**
- (i) **List the existing native vegetation species on-site, including the Ecological Vegetation Class and the Bioregional Conservation Status;**
 - (ii) **Management of the native vegetation within the paintball playing fields e.g. rotation rates of players, weed control, Phytophthora management etc;**
 - (iii) **Management of all the existing native vegetation outside the paintball playing fields in perpetuity. This must include the exclusion of stock through permanent fencing, the retention of all standing and fallen timber and the control of pest plants and animals, including listing all known plants and animals and timeframes for their control.**
9. **Within three (3) months of the date of the permit, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that the owner will implement the Property Management Plan as required by the above Condition.**
- Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.**
10. **The existing septic tank disposal system must meet the EPA Victoria Code of Practice – Septic Tanks March 2003. The adequacy of the existing toilet facilities will be reviewed and must be upgraded as the need arises, to the satisfaction of Council’s Environmental Health Department.**
11. **Stormwater discharge from access roads and buildings and structures must be dealt with on the site to the satisfaction of the Responsible Authority. No sheet flow discharge point will be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.**

12. **Areas set aside for parked vehicles and access roads as shown on the endorsed plans must be:**
- (a) **Constructed to the satisfaction of the Responsible Authority.**
 - (b) **Properly formed to such levels that they can be used in accordance with the plans.**
 - (c) **Surfaced with an all-weather seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority.**
 - (d) **Drained and maintained to the satisfaction of the Responsible Authority.**
 - (e) **Have the capacity to accommodate the expected car parking requirements of the proposed activity to the satisfaction of the Responsible Authority.**

Parking areas and access lanes must be kept available for these purposes at all times.

13. **The use of the facility is limited to 9.00 am to 6.00 pm seven days per week except Good Friday, Anzac Day and Christmas Day. Afternoon game sessions must commence no less than 90 minutes after the completion of the morning sessions.**
14. **Within three (3) months of the date of the permit the permit holder must engage a qualified risk management engineer who has recognised qualifications and experience to conduct a full risk assessment in the following area:**
- (a) **Assessments of fire with particular emphasis on wildfire.**
 - (b) **Risk treatments to mitigate identified risks.**
 - (c) **Development an Emergency management Plan based on the treatment strategy.**

The Emergency Management Plan must be approved by the Responsible Authority and the Country Fire Authority prior to commencement of the use and shall be endorsed and form part of this permit.

Expiry of permit:

15. **In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:**
- **The development is not started within two (2) years of the date of this permit.**
 - **The development is not completed and the use not commenced within four years of the date of this permit.**

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Resolution

Moved Cr Graham seconded Cr Mercer that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP314/07 for the use and development of the land for a Paintball Games Facility at 1520 Colac Forrest Road, Yeodene, subject to the following conditions:

- 2. The use and or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Access to the property must be constructed to the satisfaction of the Responsible Authority.**
- 3. The facility must at all times be operated strictly in accordance with the Victorian Paintball Code of Practice to the satisfaction of the Responsible Authority.**
- 4. The operator must ensure that no missiles or other materials cross boundaries entering adjoining properties.**
- 5. The owner and/or operator must make available for use by neighbours in the vicinity of the premises a telephone number for their use to register any complaint or comment about the operation of the use or the conduct of its patrons which they wish to make (the hot-line). The hot-line is to be available continuously 24 hours per day, seven days a week. A permanent record of each such comment or complaint is to be maintained by the Manager which may, from time to time, be inspected by the Responsible Authority or its delegate upon appointment during business hours. A copy of this record must be submitted to the responsible authority every 6 months.**
- 6. The operator of the permit shall ensure that patrons are encouraged to access this site via McCalls Road and all signage and directions provided to patrons is to this effect.**
- 7. The paintball gaming facility hereby permitted and the rifle range previously approved for this site must not operate at the same time.**
- 8. 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**
- 9. Within three (3) months of the issue of this permit, the permit holder must submit a Property Management Plan for the area of land identified to be used under the authority of this permit. The plan must be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will then form part of the permit. The plan must include, but not be limited to, the following issues:**

- (a) ***A site plan to scale showing the site features including:***
- (i) ***Lot boundaries;***
 - (ii) ***Existing and proposed buildings and outbuildings;***
 - (iii) ***Proposed paintball playing fields***
 - (iv) ***Major topographic features including contours, drainage patterns, saline areas, existing water features including dams, ponds, creeks, rivers, seasonal and perennial wetlands and swamps, springs, waterlogged areas and areas subject to flooding;***
 - (v) ***Existing and proposed services including water, power, effluent lines or effluent fields;***
 - (vi) ***Areas of existing native vegetation on the property;***
 - (vii) ***Areas of proposed vegetation clearing under the authority of a Planning Permit No. 1099 issued on 24 March 1994;***
 - (viii) ***Weed species and locations on-site;***
 - (ix) ***Existing access roads, tracks, driveways and proposed tracks and driveways;***
- (b) ***Native Vegetation Protection & Enhancement***
- (i) ***List the existing native vegetation species on-site, including the Ecological Vegetation Class and the Bioregional Conservation Status;***
 - (ii) ***Management of the native vegetation within the paintball playing fields e.g. rotation rates of players, weed control, Phytophthora management etc;***
 - (iii) ***Management of all the existing native vegetation outside the paintball playing fields in perpetuity. This must include the exclusion of stock through permanent fencing, the retention of all standing and fallen timber and the control of pest plants and animals, including listing all known plants and animals and timeframes for their control.***
10. ***Within three (3) months of the date of the permit, the owner/applicant must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 stating that the owner will implement the Property Management Plan as required by the above Condition.***
- Evidence of lodging of this agreement in accordance within Section 181 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement will be met by the owner/applicant.***
11. ***The existing septic tank disposal system must meet the EPA Victoria Code of Practice – Septic Tanks March 2003. The adequacy of the existing toilet facilities will be reviewed and must be upgraded as the need arises, to the satisfaction of Council’s Environmental Health Department.***
12. ***Stormwater discharge from access roads and buildings and structures must be dealt with on the site to the satisfaction of the Responsible Authority. No sheet flow discharge point will be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.***

13. **Areas set aside for parked vehicles and access roads as shown on the endorsed plans must be:**
- (a) **Constructed to the satisfaction of the Responsible Authority.**
 - (b) **Properly formed to such levels that they can be used in accordance with the plans.**
 - (c) **Surfaced with an all-weather seal-coat or surfaced with crushed rock or gravel to the satisfaction of the Responsible Authority.**
 - (d) **Drained and maintained to the satisfaction of the Responsible Authority.**
 - (e) **Have the capacity to accommodate the expected car parking requirements of the proposed activity to the satisfaction of the Responsible Authority.**

Parking areas and access lanes must be kept available for these purposes at all times.

14. **The use of the facility shall only operate between 9.00 am to 6.00 pm seven days per week but shall not operate on Good Friday, Anzac Day and Christmas Day. Afternoon game sessions must commence no less than 90 minutes after the completion of the morning sessions.**
15. **Within three (3) months of the date of the permit the permit holder must engage a qualified risk management engineer who has recognised qualifications and experience to conduct a full risk assessment in the following area:**
- (a) **Assessments of fire with particular emphasis on wildfire.**
 - (b) **Risk treatments to mitigate identified risks.**
 - (c) **Development an Emergency management Plan based on the treatment strategy.**

The Emergency Management Plan must be approved by the Responsible Authority and the Country Fire Authority prior to commencement of the use and shall be endorsed and form part of this permit.

Expiry of permit:

16. **In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:**
- **The development is not started within two (2) years of the date of this permit.**
 - **The development is not completed and the use not commenced within four years of the date of this permit.**

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED 6:0

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