

Minutes of the **PLANNING COMMITTEE OF THE COLAC-OTWAY SHIRE COUNCIL**  
held in the COPACC Meeting Room, Rae Street, Colac on 12 August 2008 at 10.30am.

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## 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 Manager Sustainable Planning and Development  
Colin Hayman, General Manager Corporate and Community Services  
Doug McNeill, Manager Planning and Building  
Anne Sorensen, Statutory Planning Coordinator  
Bronwyn Keenan, Executive Officer Sustainable Planning and Development

## 2. APOLOGIES

Cr. Joe Di Cecco

## 3. DECLARATION OF INTEREST

NIL

## 4. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item PC081208 - 4    Joanna Williamson  
   Robert Wilmot  
   Mark Fitzgerald

## 5. CONFIRMATION OF MINUTES

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 10/06/08.

### **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**

- PC081208-1 PLANNING COMMITTEE AMENDED DATES – OCTOBER & DECEMBER 2008
- PC081208-2 PLANNING PERMITS FOR THE MONTH OF JUNE 2008
- PC081208-3 PLANNING PERMITS FOR THE MONTH OF JULY 2008
- PC081208-4 ALTERATIONS AND ADDITIONS TO EXISTING SHED AT 288 SUNNYSIDE ROAD, WONGARRA
- PC081208-5 THREE LOT SUBDIVISION AT 16-22 CALVERT STREET, COLAC
- PC081208-6 PP204/08 - WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT AND ON PREMISES LIQUOUR LICENCE AT 14 PASCOE STREET, APOLLO BAY









7. **All development and works associated with this permit must be carried out in strict conformity with the recommendations of Geotechnical Engineers Report prepared by Saunders Consulting Group Pty Ltd, Number 29550, dated 24 July 2007.**
8. **The use of the building hereby approved must be managed so that the amenity of the area is not detrimentally affected, through the:**
  - (a) **appearance of any building, works or materials;**
  - (b) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**
10. **The roof and exterior walls of the outbuilding must be constructed of a non-reflective material which will effectively blend the development in with the natural colours of the surrounding landscape (i.e. not white, off-white, beige, cream, fawn, light yellow or similar colour, galvanised or zincalume, gull grey or any other unsuitable colour as determined by the Responsible Authority).**
11. **Prior to the issue of a Building Permit, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring that:**
  - a. **The shed must not be used for habitation or converted to a habitable dwelling.**

**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.**

**Or, the shed hereby permitted must at no time be used as a dwelling, or for any commercial use, without further consent of the Responsible Authority.**

**Expiry of permit:**

12. **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 and use are not started within two (2) years of the date of this permit.**
  - **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, 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.**

**NOTES**

1. **A Permit to install an all waste septic tank system must be lodged and approved by the Responsible Authority prior to the commencement of works. Such system must be designed and installed to the satisfaction of the Responsible Authority before a Permit to Use the waste septic tank system can be issued.**

**Resolution**

***Moved Cr Wilmink seconded Cr Graham that Council's Planning Committee defer the report for 1 month to allow time for an on site inspection with Councillors and a mediation meeting with the applicant and objectors.***

**CARRIED 6:0**

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**PC081208-5 THREE LOT SUBDIVISION AT 16-22 CALVERT STREET, COLAC**

AUTHOR: Anne Sorensen  
DEPARTMENT: Executive

ENDORSED: Jack Green  
FILE REF: PP83/08

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a three lot residential subdivision of 16-22 Calvert Street, Colac, subject to the following conditions:***

**COLAC OTWAY SHIRE CONDITIONS:**

- 1. The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.***
- 2. Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amended, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
- 3. Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amendment, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
- 4. Prior to the issue of Statement of Compliance, written confirmation is required stating that discharge from any structures are not concentrated over or across the new allotment boundaries to the satisfaction of the Responsible Authority.***
- 5. Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a sum equivalent to 5% percent of the site value of all the land in the subdivision.***
- 6. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Limited, SP AusNet (Gas), Telstra and Barwon Water in accordance with Section 8 of that Act.***

**POWERCOR CONDITIONS**

- 7. The applicant shall:***
  - i) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
  - ii) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***
  - iii) Set aside on the plan of subdivision for the use of Powercor Australia Ltd a reserve(s) and/or easements satisfactory to Powercor Australia Ltd where any electric sub-station (other than a pole mounted type) is required to service the subdivision.***

- iv) *Alternatively, at the discretion of Powercor Australia Ltd, a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.***
- v) *Provide easements satisfactory to Powercor Australia Limited, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.***
- vi) *Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- vii) *Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.***
- viii) *Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- ix) *Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***

## **BARWON WATER**

### **8. General**

- i) *The creation of easements over all existing and proposed sewers located within the subdivision in favour of the Barwon Region Water Corporation. The width of the easement is to be 2.0m centrally located over existing and future sewers.***

### **9. Water**

- i) *The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s) is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.***
- ii) *The payments of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.***
- iii) *An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tappings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not fitted. Note that tappings and services are not to be located under existing or proposed driveways.***

- iv) **Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of the existing meters, and the location of the meter relative to the existing boundaries and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.**

**10. Sewer**

- i) **The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements, and Victorian Plumbing Regulations. Individual house connection drains are to be installed for and extended into each allotment.**
- ii) **The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.**
- iii) **Reticulated sewer mains or a sewer main extension are required to service the proposed development.**
- iv) **The provision of a separate sewer connection branch to all lots in the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations.**
- v) **Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.**

**NOTE:** **The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage to the subdivision.**

- i) **It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference no 60/066/08221.**

**11. This permit will expire if one of the following circumstances applies:**

- i) **The plan of subdivision is not certified within two (2) years of the date of this permit;**
- ii) **A Statement of Compliance is not issued within five (5) years of the date of this permit.**

**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**

**COLAC OTWAY NOTES**

**The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.**

**Amendment**

**MOVED Cr Riches seconded Cr Wilmink that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a three lot residential subdivision of 16-22 Calvert Street, Colac, subject to the following conditions:**

**COLAC OTWAY SHIRE CONDITIONS:**

1. ***Prior to the plan of subdivision being certified, an amended plan 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 provided. The plans must generally be in accordance with the plans submitted with the application, but modified to show:***
  - a) ***The building envelopes must show that the height of any building must not exceed 5.6 metres.***
2. ***Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amended, must include a separate sheet which delineates a building envelope within each proposed lot. The building envelope must show that the height of any building must not exceed 5.6 metres, to the satisfaction of the Responsible Authority.***
3. ***Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amendment, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
4. ***Prior to the issue of Statement of Compliance, written confirmation is required stating that discharge from any structures are not concentrated over or across the new allotment boundaries to the satisfaction of the Responsible Authority.***
5. ***Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a sum equivalent to 5% percent of the site value of all the land in the subdivision.***
6. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Limited, SP AusNet (Gas), Telstra and Barwon Water in accordance with Section 8 of that Act.***

**POWERCOR CONDITIONS**

7. ***The applicant shall:***
  - i) ***Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
  - ii) ***Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***

- iii) Set aside on the plan of subdivision for the use of Powercor Australia Ltd a reserve(s) and/or easements satisfactory to Powercor Australia Ltd where any electric sub-station (other than a pole mounted type) is required to service the subdivision.*
- iv) Alternatively, at the discretion of Powercor Australia Ltd, a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.*
- v) Provide easements satisfactory to Powercor Australia Limited, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.*
- vi) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.*
- vii) Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.*
- viii) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
- ix) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

## **BARWON WATER**

### **8. General**

- i) The creation of easements over all existing and proposed sewers located within the subdivision in favour of the Barwon Region Water Corporation. The width of the easement is to be 2.0m centrally located over existing and future sewers.*

### **9. Water**

- i) The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s) is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.*
- ii) The payments of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.*

- iii) An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tapplings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not fitted. Note that tapplings and services are not to be located under existing or proposed driveways.*
- iv) Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of the existing meters, and the location of the meter relative to the existing boundaries and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.*

#### **10. Sewer**

- i) The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements, and Victorian Plumbing Regulations. Individual house connection drains are to be installed for and extended into each allotment.*
- ii) The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.*
- iii) Reticulated sewer mains or a sewer main extension are required to service the proposed development.*
- iv) The provision of a separate sewer connection branch to all lots in the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations.*
- v) Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.*

**NOTE:** *The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage to the subdivision.*

- i) It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference no 60/066/08221.*

#### **11. This permit will expire if one of the following circumstances applies:**

- i) The plan of subdivision is not certified within two (2) years of the date of this permit;*
- ii) A Statement of Compliance is not issued within five (5) years of the date of this permit.*

*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*

**COLAC OTWAY NOTES**

*The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.*

**LOST 2:4**

**RESOLUTION**

**MOVED Cr Mercer seconded Cr Lehmann that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for a three lot residential subdivision of 16-22 Calvert Street, Colac, subject to the following conditions:**

**COLAC OTWAY SHIRE CONDITIONS:**

- 1. *The subdivision as shown on the endorsed plan must not be altered save, with the written consent of the Responsible Authority.***
- 2. *Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amended, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
- 3. *Plans lodged for certification pursuant to the provisions of the subdivision Act 1988, as amendment, must include a separate sheet which delineates a building envelope within each proposed lot, to the satisfaction of the Responsible Authority.***
- 4. *Prior to the issue of Statement of Compliance, written confirmation is required stating that discharge from any structures are not concentrated over or across the new allotment boundaries to the satisfaction of the Responsible Authority.***
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- 6. *The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Limited, SP AusNet (Gas), Telstra and Barwon Water in accordance with Section 8 of that Act.***

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- 7. *The applicant shall:***
  - i) *Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards. (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***
  - ii) *Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.***

- iii) Set aside on the plan of subdivision for the use of Powercor Australia Ltd a reserve(s) and/or easements satisfactory to Powercor Australia Ltd where any electric sub-station (other than a pole mounted type) is required to service the subdivision.*
- iv) Alternatively, at the discretion of Powercor Australia Ltd, a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.*
- v) Provide easements satisfactory to Powercor Australia Limited, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of Powercor Australia Ltd for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.*
- vi) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.*
- vii) Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.*
- viii) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
- ix) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

## **BARWON WATER**

### **8. General**

- i) The creation of easements over all existing and proposed sewers located within the subdivision in favour of the Barwon Region Water Corporation. The width of the easement is to be 2.0m centrally located over existing and future sewers.*

### **9. Water**

- i) The provision and installation of individual water services including meters to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s) is to be submitted. Note that tappings and services are not to be located under existing or proposed driveways.*
- ii) The payments of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.*

- iii) An additional tapping(s) is to be supplied to service the proposed development. A dimensioned plan showing location of all new tapplings relative to the allotment boundaries, and its number(s), is to be submitted, where a meter is not fitted. Note that tapplings and services are not to be located under existing or proposed driveways.*
- iv) Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of the existing meters, and the location of the meter relative to the existing boundaries and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.*

**10. Sewer**

- i) The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements, and Victorian Plumbing Regulations. Individual house connection drains are to be installed for and extended into each allotment.*
- ii) The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.*
- iii) Reticulated sewer mains or a sewer main extension are required to service the proposed development.*
- iv) The provision of a separate sewer connection branch to all lots in the subdivision in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations.*
- v) Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.*

**NOTE:** *The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage to the subdivision.*

- i) It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference no 60/066/08221.*

**11. This permit will expire if one of the following circumstances applies:**

- i) The plan of subdivision is not certified within two (2) years of the date of this permit;*
- ii) A Statement of Compliance is not issued within five (5) years of the date of this permit.*

*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*

**COLAC OTWAY NOTES**

*The developer must mark street numbers for all lots in the subdivision in accordance with the Shire's street numbering scheme to the satisfaction of the Responsible Authority.*

**CARRIED 4:2**

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**PC081208-6 PP204/08 - WAIVING OF CAR PARKING ASSOCIATED WITH RESTAURANT AND ON PREMISES LIQUOUR LICENCE AT 14 PASCOE STREET, APOLLO BAY**

AUTHOR: Anne Sorensen  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: PP204/08

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Planning Permit for the waiving of car parking associated with the use of the land as a Restaurant and an "on premises" Liquor License at 14 Pascoe Street, Apollo Bay subject to the following conditions:***

- 1. Before the use commences, amended plans 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:***
  - i) only those parts of the site outside of the building footprint being used for the restaurant and "on premises" liquor license, which have approval for outdoor dining under Council's local laws.***

***to the satisfaction of the Responsible Authority.***
- 2. Prior to the commencement of the use, car parking must be constructed, as it applies to this development, in accordance with Planning Permit PP122/07A, to the satisfaction of the Responsible Authority.***
- 3. The amenity of the area must not be detrimentally affected by the use or development through the:***
  - a) Transport of materials, goods or commodities to or from the land;***
  - b) 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;***

***to the satisfaction of the Responsible Authority.***
- 4. The use must only operate between the hours of:***
  - 7am – 11pm Monday to Sunday***
- 5. Accommodation for patrons must not exceed 40 seats except with the prior written consent of the Responsible Authority.***
- 6. This permit will expire if the use hereby permitted is not started within two years of the date of this permit. 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***

***NOTE: A Local Laws permit will be required to use part of the footpath for tables and chairs.***

**Resolution**

**MOVED Cr Mercer seconded Cr Wilmink that Council's Planning Committee resolve to issue a Planning Permit for the waiving of car parking associated with the use of the land as a Restaurant and an "on premises" Liquor License at 14 Pascoe Street, Apollo Bay subject to the following conditions:**

1. **Before the use commences, amended plans 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:**
  - i) **only those parts of the site outside of the building footprint being used for the restaurant and "on premises" liquor license, which have approval for outdoor dining under Council's local laws.**  
**to the satisfaction of the Responsible Authority.**
  - ii) **no more than 40 seats to be located within the building.**
2. **Prior to the commencement of the use, car parking must be constructed, as it applies to this development, in accordance with Planning Permit PP122/07A, to the satisfaction of the Responsible Authority.**
3. **The amenity of the area must not be detrimentally affected by the use or development through the:**
  - a) **Transport of materials, goods or commodities to or from the land;**
  - b) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - c) **Presence of vermin;****to the satisfaction of the Responsible Authority.**
4. **The use must only operate between the hours of:**
  - **7am – 11pm Monday to Sunday**
5. **Accommodation for patrons must not exceed 40 seats except with the prior written consent of the Responsible Authority.**
6. **This permit will expire if the use hereby permitted is not started within two years of the date of this permit. 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**

**NOTE: A Local Laws permit will be required to use part of the footpath for tables and chairs.**

**CARRIED 5:1**

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