

MINUTES of the **PLANNING COMMITTEE OF THE COLAC-OTWAY SHIRE COUNCIL**  
held in the COPACC Meeting Room, Rae Street, Colac on 11 November 2008 at 12.00pm.

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**1. PRESENT**

Cr. Chris Smith (Mayor)  
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  
Colin Hayman, General Manager Corporate and Community Services  
Neil Allen, General Manager Infrastructure and Services  
Doug McNeill, Manager Planning and Building  
Bronwyn Keenan, Executive Officer Sustainable Planning and Development

**2. APOLOGIES**

Cr. Joe Di Cecco  
Cr. Tony Graham

**3. DECLARATION OF INTEREST**

NIL

**4. VERBAL SUBMISSIONS**

NIL

**5. CONFIRMATION OF MINUTES**

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 14/10/08.

**Recommendation**

That the Planning Committee confirm the above minutes.

**Resolution**

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

***CARRIED 5:0***

## **OFFICERS' REPORTS**

### **Sustainable Planning and Development**

- PC081111-1 PLANNING PERMITS FOR THE MONTH OF OCTOBER 2008
- PC081111-2 DEVELOPMENT OF ONE SHOP WITH DWELLING ABOVE & PARTIAL  
WAIVING OF CAR PARKING REQUIREMENTS AT 20 PASCOE  
STREET, APOLLO BAY
- PC081111-3 PP46/08- PARTIAL WAIVING OF CAR PARKING ASSOCIATED WITH  
USE & DEVELOPMENT OF THE LAND FOR THREE (3) SHOPS &  
ASSOCIATED STORAGE AT 304-312 MURRAY STREET, COLAC.

**PC081111-1 PLANNING PERMITS FOR THE MONTH OF OCTOBER 2008**

AUTHOR: Janole Cass  
DEPARTMENT: Executive

ENDORSED: Jack Green  
FILE REF: GEN00450

**Recommendation(s)**

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

**Resolution**

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

**CARRIED 5:0**

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**PC081111-2 DEVELOPMENT OF ONE SHOP WITH DWELLING ABOVE & PARTIAL WAIVING OF CAR PARKING REQUIREMENTS AT 20 PASCOE STREET, APOLLO BAY**

AUTHOR: Anne Sorensen  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Jack Green  
FILE REF: PP107/08

**Recommendation(s)**

That Council's Planning Committee resolve to Issue a Notice of Decision to Grant a Planning Permit for the development of one shop, one dwelling and partial waiving of car parking subject to the following permit conditions:

1. ***Prior to the issue of a Building Permit for the development approved by this permit the S173 Agreement as reported to Council at the Ordinary Council meeting of 12 December 2007 must be signed by the landowner, sealed by Council and registered on the title of Lot 6, PS516901, 20 Pascoe Street, Apollo Bay. Evidence of lodging of this agreement in accordance with 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 permit holder.***
2. ***The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
3. ***No fewer than one car parking space, specific to the approved development, must be provided at the rear of the development to the satisfaction of the Responsible Authority.***
4. ***Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.***
5. ***The 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***
6. ***All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
7. ***The existing crossover must be removed and replaced with footpath, nature strip, and kerb and channel at the cost of the permit holder to the satisfaction of the Responsible Authority***

8. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
9. ***Provision shall be made for waste receptacles for each of the occupancies within the development to the satisfaction of the responsible authority.***
10. ***Driveways and car parking areas shall be constructed to conform with the overall Parking precinct Plan in an all weather surface to the satisfaction of the responsible authority.***
11. ***No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the ridge of the building.***
12. ***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 within four 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.***

### **Resolution**

**MOVED** Cr Riches seconded Cr Mercer that Council's Planning Committee resolve to Issue a Notice of Decision to Grant a Planning Permit for the development of one shop, one dwelling and partial waiving of car parking subject to the following permit conditions:

1. ***Prior to the issue of a Building Permit for the development approved by this permit the S173 Agreement as reported to Council at the Ordinary Council meeting of 12 December 2007 must be signed by the landowner, sealed by Council and registered on the title of Lot 6, PS516901, 20 Pascoe Street, Apollo Bay. Evidence of lodging of this agreement in accordance with 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 permit holder.***
2. ***The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
3. ***No fewer than one car parking space, specific to the approved development, must be provided at the rear of the development to the satisfaction of the Responsible Authority.***
4. ***Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.***
5. ***The 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*
6. *All run off from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
7. *The existing crossover must be removed and replaced with footpath, nature strip, and kerb and channel at the cost of the permit holder to the satisfaction of the Responsible Authority*
8. *External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
9. *Provision shall be made for waste receptacles for each of the occupancies within the development to the satisfaction of the responsible authority.*
10. *Driveways and car parking areas shall be constructed to conform with the overall Parking precinct Plan in an all weather surface to the satisfaction of the responsible authority.*
11. *No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the ridge of the building.*
12. *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 within four 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.*

**CARRIED 5:0**

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4. Prior to commencement of the use, areas set aside for parked vehicles and access lanes 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) Surface sealed to the satisfaction of the Responsible Authority.
  - d) Drained and maintained to the satisfaction of the Responsible Authority.
  - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
  - f) Clearly marked to show the direction of traffic along access lanes and driveways

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

5. *No fewer than four (4) car parking spaces must be provided at the rear of Shop 1 and seven (7) car parking spaces at the rear of Shops 2 and 3 to the satisfaction of the Responsible Authority.*
6. *Stormwater quality is to meet EPA Guidelines prior to discharge to ensure suspended solid loading does not occur to the satisfaction of the Responsible Authority.*
7. *Waste collection is to be at the front of the development to the satisfaction of the Responsible Authority.*
8. *Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.*
9. *Vehicles under the control of the operator or the use of the operator's staff must not be parked on the nearby roads.*
10. *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) *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.*  
*to the satisfaction of the Responsible Authority.*



11. ***Signage must be provided at the front of the premises advising customers that parking is available at the rear of the site to the satisfaction of the Responsible Authority.***
12. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
13. ***The uses must only operate within the hours of 7.00am and 6.00pm, seven days a week, except with the prior written consent of the Responsible Authority***
14. **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.***

***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. ***Building Approval is required prior to the commencement of any works.***
- B. ***Further planning approval is required for business identification signage exceeding 8.0 square metres to each premises (Clause 52.05, Category 2 of the Colac Otway Planning Scheme).***

**Resolution**

***MOVED Cr Mercer seconded Cr Wilmlink that Council's Planning Committee grant Planning Permit PP46/08 for Use and Development of the Land for Three (3) Shops, Associated Storage and Waiving of Car Parking at 304-312 Murray Street, Colac subject to the following conditions:***

1. ***Before the development starts, 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) ***deletion of the two (2) car parking spaces shown within the rear warehouse to Shop 1 and renumbering of the external spaces on this lot (i.e. No.1-4);***
  - b) ***provision of a clearly delineated customer/pedestrian pathway from the rear carpark through the warehouse to the showroom of Shop 1 (consideration must be given to relevant Occupational Health & Safety Standards);***
  - c) ***single vehicle entry and exit point into the customer car parking area.***

2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
3. Before the issue of a building permit, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:
  - a) Lot 1 and 2, TP345398 (formerly known as Pt CA1 Section 43 Township of Colac, Pt of CA3 Section 43 Township of Colac Parish of Colac) have equal rights over the use of the car park area shown on the approved plan forming part of planning permit PP46/08.

except with the written consent of the Responsible Authority.

Evidence of lodging of this agreement in accordance with Section 1881 of the Planning and Environment Act 1987 must be submitted to the Responsible Authority. All costs associated with the agreement must be met by the owner/applicant.

4. Prior to commencement of the use, areas set aside for parked vehicles and access lanes 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) Surface sealed to the satisfaction of the Responsible Authority.
  - d) Drained and maintained to the satisfaction of the Responsible Authority.
  - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
  - f) Clearly marked to show the direction of traffic along access lanes and driveways

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

5. *No fewer than four (4) car parking spaces must be provided at the rear of Shop 1 and seven (7) car parking spaces at the rear of Shops 2 and 3 to the satisfaction of the Responsible Authority.*
6. *Stormwater quality is to meet EPA Guidelines prior to discharge to ensure suspended solid loading does not occur to the satisfaction of the Responsible Authority.*
7. *Waste collection is to be at the front of the development to the satisfaction of the Responsible Authority.*
8. *Loading and unloading of all goods, materials and items must be carried out on the site to the satisfaction of the Responsible Authority.*

9. ***Vehicles under the control of the operator or the use of the operator's staff must not be parked on the nearby roads.***
10. ***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) ***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.***

***to the satisfaction of the Responsible Authority.***
11. ***Signage must be provided at the front of the premises advising customers that parking is available at the rear of the site to the satisfaction of the Responsible Authority.***
12. ***All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.***
13. ***The uses must only operate within the hours of 7.00am and 6.00pm, seven days a week, except with the prior written consent of the Responsible Authority***
14. ***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.***

***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.***

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**CARRIED 5:0**

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