

**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. MINUTE REFLECTION**

The Mayor requested a minute reflection for the many people who have been effected by the recent fire emergency across the State of Victoria.

**3. PRESENT**

Cr Brian Crook (Mayor)  
Cr Stephen Hart  
Cr Stuart Hart  
Cr Geoff Higgins  
Cr Lyn Russell  
Cr Chris Smith

Jack Green, Acting Chief Executive Officer  
Doug McNeill, Acting General Manager, Sustainable Planning & Development  
Colin Hayman, General Manager, Corporate & Community Services  
Neil Allen, General Manager, Infrastructure & Services  
Anne Sorensen, Acting Manager, Planning & Building  
Althea Wright, Executive Officer

**4. APOLOGIES**

Cr Frank Buchanan

**5. MAYORAL STATEMENT**

Colac Otway Shire encourages active community input and participation in Council decisions. The Planning Committee provides an opportunity for both objectors and proponents to address Council for up to five minutes. Priority will be given to people who have advised Council in advance that they wish to address the Planning Committee. Planning Committee meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

I also would like to inform you that the meeting is being taped. The audio recording of the meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

## **6. DECLARATION OF INTEREST**

Nil

## **7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

Item PC091102-2 Matthew Bradshaw

## **8. CONFIRMATION OF MINUTES**

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 21/01/09.

### **Recommendation**

*That the Planning Committee confirm the above minutes.*

### **Resolution**

*MOVED Cr Higgins seconded Cr Stuart Hart that the Planning Committee confirm the above minutes.*

*CARRIED 6:0*

## **OFFICERS' REPORTS**

### **Sustainable Planning and Development**

- PC091102-1 PLANNING PERMITS FOR THE MONTH OF JANUARY 2009  
PC091102-2 USE & DEVELOPMENT OF A LICENSED CAFE AND MICRO-BREWING FACILITY, ASSOCIATED WORKS AND WAIVER OF CARPARKING, ON-PREMISE LIQUOR LICENCE & SIGNAGE



**PC091102-2 USE & DEVELOPMENT OF A LICENSED CAFE AND MICRO-BREWING FACILITY, ASSOCIATED WORKS AND WAIVER OF CARPARKING, ON-PREMISE LIQUOR LICENCE & SIGNAGE**

AUTHOR: Helen Evans  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Doug McNeill  
FILE REF: PP177/08

**Recommendation(s)**

- A) That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit for Planning Permit Application PP177/08 for the use and development of the land for café/restaurant and associated works, an on premise liquor license, advertising signage and waivering of car parking subject to the following conditions:**

**Amended plans**

- 1. Prior to the commencement of the use and/or development, 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 provided. The plans must generally be in accordance with the plans submitted with the application, but modified to show:
  - Fully detailed plans of all proposed signage, including location, dimensions and wording, materials and colours;
  - Floor and elevation plans for all buildings, fully dimensioned and drawn to scale, external materials and colours.
  - Deletion of any reference to the microbrewery component of the proposal.to the satisfaction of the responsible authority.**
- 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.**

**Liquor Licence**

- 3. The provision and or consumption of liquor within the development hereby permitted must be subject to the issue of a Liquor Licence, pursuant of the provision of the Liquor Control Reform Act, 1988, as amended.**
- 4. The cafe/restaurant may only operate between the following hours without the further written permission of the responsible authority:
  - (a) Monday to Saturday 9.00 am to midnight;**
  - (b) Sunday 9.00am to 8.00pm****

**Infrastructure, car parking & drainage**

5. **Before the commencement of the use, detailed road and on street parking construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority and VicRoads. 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 include:**
- (a) The access road showing fully sealed pavement with SM2 kerb and channel 5.5 metre minimum back to back;**
  - (b) Reinstatement (closure) of the existing access point from Turner Drive onto the road reserve east of the subject site;**
  - (c) Drainage to a legal point of discharge. Drainage design to include provision for underground drainage as required;**
  - (d) Access and on street parking on the Grant Street Road reserve that meets Council Standards;**
  - (e) Line marking and landscaping plan;**
  - (f) The car park aisle width and parking bays to be in accordance with AustRoads Guideline Part 11 'Parking';**
  - (g) Provision for a minimum of 10 car spaces one of which must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons. The minimum dimensions of the disabled car space must be 3.2 metres wide by 4.9 metres long.**
- All works constructed or carried out must be in accordance with those plans.**
6. **Before the use commences, the owner must:**
- (a) Concrete the area to be used for public seating where the petrol tank was situated in the southeast corner of the site;**
  - (b) Remove the concrete slab on the road reserve and reinstate to the satisfaction of the responsible authority;**
  - (c) Erect a temporary barrier to prevent vehicular access of the existing access point from Turner Drive onto the road reserve east of the subject site to the satisfaction of the responsible authority.**
7. **The driveway entrance off Turner Drive is to be constructed to Council's minimum standard to the satisfaction of the Responsible Authority.**
8. **No fewer than 4 car spaces must be provided on the land for the use of the residence and staff employed in the business.**
9. **Prior to the commencement of the use, the permit holder must make a cash contribution to the Colac Otway Shire of 50% of the estimated cost of the car park outlined in Condition 5. The estimated cost must be undertaken by a qualified engineer to the satisfaction of the Responsible Authority and within three months prior to the use commencing.**

10. ***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.***

#### **Amenity**

11. ***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***
  - ***Emission of noise, artificial light, vibration, smell, fumes, smoke ,waste water etc***
12. ***External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.***
13. ***All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited.***

#### **Food Safety & Effluent Disposal**

14. ***That the premises be limited in size to a 50 seat restaurant to ensure that the resultant waste water produced can be adequately disposed of within the title boundaries.***
15. ***The permit holder must obtain a permit from Council's Health Department before any works are started on the restaurant and a detailed plan submitted for approval showing the fixtures and fittings of the kitchen and food preparation areas.***
16. ***A food safety plan must be submitted to Council covering the food operations. A suitable number of staff must also be trained in food handling techniques before the premises can be registered to sell food or alcoholic beverages.***
17. ***The septic system must be upgraded to cater for the increased loading and an application for such alteration must be approved by Council's Health Department prior to the commencement of any works on such system.***

#### **Signage**

18. ***The location and details of the sign and its structure as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
19. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
20. ***The sign may only be illuminated between the hours of Monday to Saturday 9am to Midnight and Sunday 9am to 8pm.***

#### **Conditions required by Environment Protection Authority**

21. **Section 6 of EPA publication 888.1 Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSS) outlines the requirements for the removal/decommissioning of disused UPSS.**

**Conditions required by Country Fire Authority**

**Water Supply Requirements**

22. **A static water supply, such as a tank must be provided unless there is a hydrant connected to a reticulated water supply within 120 metres of the rear of the building.**

**Vegetation Management Requirements**

23. **A distance of 30 metres around the proposed building or to the property boundary (whichever is the lesser) must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.**
- **Grass must be no more than 100mm in height**
  - **Leaf litter must be less than 10mm deep**
  - **There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.**
  - **Dry shrubs must be isolated in small clumps more than ten metres away from the building.**
  - **Trees must not overhang the roofline of the building.**
24. **This permit will expire if one of the following circumstances applies:**
- (a) **The development is not started within two years of the date of this permit.**
  - (b) **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: Non-flammable features such as tennis courts, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building.**

**Features with high flammability such as coir doormats, firewood stacks should not be located near the building during the fire danger period.**

**Note: for low category of bushfire attack**

**The land is in a bushfire prone area designated under regulation 804 of the Building Regulations 2006. Grassland with minimal trees or cultivated gardens is the predominant vegetation within 100 metres of the proposed building, which corresponds to a low category of bushfire attack under AS 3959.**

- B) Council Officers make a submission to the Minister for Planning in relation to Clause 52.10 – Food and beverage production seeking a review of this provision particularly as it related to uses like microbreweries, to express concern that the Planning Scheme is currently inhibiting appropriate investment opportunities in this regard.**

**Resolution**

**MOVED Cr Stephen Hart seconded Cr Stuart Hart that the Planning Committee defers item PC091102-2 (Development of a Café and Micro-Brewing Facility) to allow the Council to reconsider a modified proposal. Officers are to make every reasonable effort to deal with this matter at the Ordinary Council Meeting to be held on 25 February 2009.**

**CARRIED 6:0**

~~~~~\)