

**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 (Mayor)  
Cr Frank Buchanan  
Cr Stephen Hart  
Cr Stuart Hart  
Cr Geoff Higgins  
Cr Lyn Russell  
Cr Chris Smith

Rob Small, Chief Executive Officer  
Jack Green, General Manager 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  
Anne Sorensen, Statutory Planning Coordinator  
Bronwyn Keenan, Executive Officer Sustainable Planning and Development

**3. APOLOGIES**

NIL

**4. MAYORAL STATEMENT**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents 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 relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. 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.

An audio recording of this 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.'

## **5. DECLARATION OF INTEREST**

NIL

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

Item PC091305-4 Laurie Shaw

Item PC091305-5 Shelly Fanning – Great Ocean Road Coastal Planning

## **7. CONFIRMATION OF MINUTES**

- Planning Committee Meeting of the Colac-Otway Shire Council held on the 11/03/09.

### **Recommendation**

*That the Planning Committee confirm the above minutes.*

### **Resolution**

*MOVED Cr Stephen Hart seconded Cr Russell that the Planning Committee confirm the above minutes.*

**CARRIED 7:0**

## **OFFICERS' REPORTS**

### **Sustainable Planning and Development**

- PC091305-1 MONTHLY PLANNING AND BUILDING STATISTICAL REPORT FOR THE MONTH OF MARCH 2009
- PC091305-2 MONTHLY PLANNING AND BUILDING STATISTICAL REPORT FOR THE MONTH OF APRIL 2009
- PC091305-3 BUILDING AND WORKS, BUSINESS IDENTIFICATION SIGNAGE AND A WAIVER OF CAR PARKING REQUIREMENTS AT UNIT 1-45 CORANGAMITE STREET, COLAC
- PC091305-4 USE AND DEVELOPMENT OF THE LAND FOR TWO (2) DWELLINGS AND A TWO LOT SUBDIVISION AT 38 GAMBIER STREET, APOLLO BAY
- PC091305-5 USE AND DEVELOPMENT OF THE LAND FOR FIVE (5) DWELLINGS AND A FIVE (5) LOT SUBDIVISION AT 183 GREAT OCEAN ROAD, APOLLO BAY

**PC091305-1 MONTHLY PLANNING AND BUILDING STATISTICAL REPORT FOR THE MONTH OF MARCH 2009**

AUTHOR:	Janole Cass	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning and Development	FILE REF:	GEN00450

**Recommendation(s)**

***That Council's Planning Committee note the March 2009 Planning and Building statistical report.***

**Resolution**

***MOVED Cr Stuart Hart seconded Cr Higgins that Council's Planning Committee note the March 2009 Planning and Building statistical report.***

***CARRIED 7:0***

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**PC091305-2 MONTHLY PLANNING AND BUILDING STATISTICAL REPORT FOR THE MONTH OF APRIL 2009**

|             |                                      |           |              |
|-------------|--------------------------------------|-----------|--------------|
| AUTHOR:     | Janole Cass                          | ENDORSED: | Doug McNeill |
| DEPARTMENT: | Sustainable Planning and Development | FILE REF: | GEN00450     |

**Recommendation(s)**

***That Council's Planning Committee note the April 2009 statistical report.***

**Resolution**

***MOVED Cr Russell seconded Cr Higgins that Council's Planning Committee note the April 2009 statistical report.***

***CARRIED 7:0***

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**PC091305-3 BUILDING AND WORKS, BUSINESS IDENTIFICATION SIGNAGE AND A WAIVER OF CAR PARKING REQUIREMENTS AT UNIT 1-45 CORANGAMITE STREET, COLAC**

AUTHOR: Rob Fillisch  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Doug McNeill  
FILE REF: PP408/08

**Recommendation(s)**

***That Council's Planning Committee resolve to Grant a Planning Permit PP408/08 for buildings and works; and waiver of car parking to allow the use of Unit 1, 45 (Lot 3, PS029926D) Corangamite Street, Colac for restricted retail premises subject to the following conditions:***

- 1. 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.***
- 2. Before the use and/or development start(s), additional 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 the following details for all signage:***
  - i) Size and dimensions of all signage including wording;***
  - ii) Materials and colours and location on site.***
- 3. Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan PP278/04 to the satisfaction of the Responsible Authority.***
- 4. Prior to the issue of a Building Permit, consent must be obtained from the Responsible Authority for building and works on the nature strip.***
- 5. The verandah must have a minimum 3 metre internal height clearance.***
- 6. Footpath levels are not to be altered without consultation and approval of Council.***
- 7. Proposed garden beds are to:***
  - a. be constructed to ensure finish levels do not create trip hazards;***
  - b. have a minimum distance of 2 metre from the building line to the garden beds to ensure footpath is clear;***
  - c. have a minimum distance of 0.7 metres from the kerb;***
  - d. be planted with appropriate species;***
  - e. be fully maintained by the applicant;***
  - f. if no longer maintained by the applicant the area must be reinstated to its original condition.***

***to the satisfaction of the Responsible Authority.***

8. ***No Signage is to be hung from the verandah.***
9. ***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.***
10. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
11. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority***
12. ***Approval for the signage expires fifteen years after the date it is issued.***
13. ***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:**

***Building approval is required prior to the commencement of construction.***

**Resolution**

***MOVED Cr Smith seconded Cr Higgins that Council's Planning Committee resolve to Grant a Planning Permit PP408/08 for buildings and works; and waiver of car parking to allow the use of Unit 1, 45 (Lot 3, PS029926D) Corangamite Street, Colac for restricted retail premises subject to the following conditions:***

1. ***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.***
2. ***Before the use and/or development start(s), additional 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 the following details for all signage:***
  - i) ***Size and dimensions of all signage including wording;***
  - ii) ***Materials and colours and location on site.***
3. ***Loading and unloading of all goods, materials and items must be carried out on the site within the defined loading bay on the endorsed plan PP278/04 to the satisfaction of the Responsible Authority.***
4. ***Prior to the issue of a Building Permit, consent must be obtained from the Responsible Authority for building and works on the nature strip.***

5. ***The verandah must have a minimum 3 metre internal height clearance.***
  6. ***Footpath levels are not to be altered without consultation and approval of Council.***
  7. ***Proposed garden beds are to:***
    - a. ***be constructed to ensure finish levels do not create trip hazards;***
    - b. ***have a minimum distance of 2 metre from the building line to the garden beds to ensure footpath is clear;***
    - c. ***have a minimum distance of 0.7 metres from the kerb;***
    - d. ***be planted with appropriate species;***
    - e. ***be fully maintained by the applicant;***
    - f. ***if no longer maintained by the applicant the area must be reinstated to its original condition.***
- to the satisfaction of the Responsible Authority.***
8. ***No Signage is to be hung from the verandah.***
  9. ***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.***
  10. ***All signs must be constructed and maintained to the satisfaction of the Responsible Authority.***
  11. ***The signs must not contain any flashing light except with the written consent of the Responsible Authority***
  12. ***Approval for the signage expires fifteen years after the date it is issued.***
  13. ***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:**

***Building approval is required prior to the commencement of construction.***

**CARRIED 7:0**

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**PC091305-4 USE AND DEVELOPMENT OF THE LAND FOR TWO (2) DWELLINGS AND A TWO LOT SUBDIVISION AT 38 GAMBIER STREET, APOLLO BAY**

AUTHOR: Roslyn Snaauw  
DEPARTMENT: Sustainable Planning and  
Development

ENDORSED: Doug McNeill  
FILE REF: PP401/08

**Recommendation(s)**

***That Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit PP401/08 for the use and development of 38 Gambier Street, Apollo Bay for two (2) dwellings and a two (2) lot subdivision 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) ***A 1.7metre high screen placed along the eastern elevation of Unit 1 on the roof top to prevent any potential for overlooking into the adjoining property.***
  - b) ***A 1.7 metre high screen along the western elevation of the balcony, facing north, of Unit 1 to address potential overlooking of the land to the west.***
  - c) ***Obscure glass to be used in the west facing bedroom window in Unit 2.***
  - d) ***The visual screening to be shown as being fixed obscure glazing of at least 1.7 metres above floor level or being fixed external screen to at least 1.7 metres above ground level and be no more than 25 percent transparent.***
  - e) ***Screens used to obscure a view should be:***
    - ***Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels,***
    - ***Permanent, fixed and durable***
    - ***Designed and coloured to blend in with the development***
  - f) ***A turning template showing movement of vehicles on Lot 2 required to show that vehicles can exit the site (from the car space) in forward motion.***
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. ***All external walls on or facing boundaries must be finished to the satisfaction of the Responsible Authority.***
4. ***The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***

5. ***The landscaping must be established within 6 months of the completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.***
6. ***All existing crossings shall be removed and reinstated to grassed nature strip to the satisfaction of the Responsible Authority***
7. ***Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.***
8. ***An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.***
9. ***The driveway must/should enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.***
10. ***The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.***
11. ***Individual access must be provided onto each lot created and the subject access must be constructed to the satisfaction of the Responsible Authority.***
12. ***Stormwater discharge from the site shall not exceed a rate of 30 litre/sec/hectare.***
13. ***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.***
14. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
15. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
16. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
17. ***Prior to Statement of Compliance being issued any buildings associated with Lot 3 PS51648 (38 Gambier Street, Apollo Bay) must be removed.***

**Expiry Condition for Development**

18. ***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.***

**Expiry Condition for subdivision**

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

- a) ***If the relevant plan of subdivision is not certified within 2 years of the issue of this permit;***
- b) ***If a Statement of Compliance is not issued with 5 years of the certification of the plan of subdivision;***

***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**

1. ***Building approval is required prior to commencement of construction.***

**Resolution**

***MOVED Cr Russell seconded Cr Stuart Hart that Council's Planning Committee resolve to issue a Notice of Decision to Grant a Planning Permit PP401/08 for the use and development of 38 Gambier Street, Apollo Bay for two (2) dwellings and a two (2) lot subdivision 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) ***A 1.7metre high screen placed along the eastern elevation of Unit 1 on the roof top to prevent any potential for overlooking into the adjoining property.***
  - b) ***A 1.7 metre high screen along the western elevation of the balcony, facing north, of Unit 1 to address potential overlooking of the land to the west.***
  - c) ***Obscure glass to be used in the west facing bedroom window in Unit 2.***
  - d) ***The visual screening to be shown as being fixed obscure glazing of at least 1.7 metres above floor level or being fixed external screen to at least 1.7 metres above ground level and be no more than 25 percent transparent.***
  - e) ***Screens used to obscure a view should be:***

- *Perforated panels or trellis with a maximum of 25 percent openings or solid translucent panels,*
  - *Permanent, fixed and durable*
  - *Designed and coloured to blend in with the development*
- f) *A turning template showing movement of vehicles on Lot 2 required to show that vehicles can exit the site (from the car space) in forward motion.*
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. *All external walls on or facing boundaries must be finished to the satisfaction of the Responsible Authority.*
  4. *The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
  5. *The landscaping must be established within 6 months of the completion of the development hereby permitted and must be maintained to the satisfaction of the Responsible Authority.*
  6. *All existing crossings shall be removed and reinstated to grassed nature strip to the satisfaction of the Responsible Authority*
  7. *Access onto and within the property must be constructed to the satisfaction of the Responsible Authority.*
  8. *An application to construct a vehicle crossing must be lodged and approved by the Responsible Authority prior to the commencement of works.*
  9. *The driveway must/should enter the roadway perpendicular to the roads centre line and be in a safe location for users, pedestrians, cyclists and motorists by consideration of both vertical and horizontal sight distance to the satisfaction of the Responsible Authority.*
  10. *The driveway must be constructed to an all weather surface to the satisfaction of the Responsible Authority.*
  11. *Individual access must be provided onto each lot created and the subject access must be constructed to the satisfaction of the Responsible Authority.*
  12. *Stormwater discharge from the site shall not exceed a rate of 30 litre/sec/hectare.*
  13. *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.*

14. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
15. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
16. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
17. ***Prior to Statement of Compliance being issued any buildings associated with Lot 3 PS51648 (38 Gambier Street, Apollo Bay) must be removed.***

#### ***Expiry Condition for Development***

18. ***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.***

#### ***Expiry Condition for subdivision***

19. ***This permit will expire if one of the following circumstances applies:***
  - a) ***If the relevant plan of subdivision is not certified within 2 years of the issue of this permit;***
  - b) ***If a Statement of Compliance is not issued with 5 years of the certification of the plan of subdivision;***

***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***

1. ***Building approval is required prior to commencement of construction.***

**CARRIED 7:0**

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**PC091305-5 USE AND DEVELOPMENT OF THE LAND FOR FIVE (5) DWELLINGS AND A FIVE (5) LOT SUBDIVISION AT 183 GREAT OCEAN ROAD, APOLLO BAY**

AUTHOR: Anne Sorensen  
DEPARTMENT: Sustainable Planning and Development

ENDORSED: Doug McNeill  
FILE REF: PP278/08

**Recommendation**

***That Council's Planning Committee issue a Refusal to Grant a Planning Permit PP278/08 for the use and development of 183 Great Ocean Road, Apollo Bay for five two storey dwellings and a five lot subdivision on the following grounds:***

- 1. The proposal is not consistent with the provisions of the Municipal Strategic Statement, Clause 22.05 and the Apollo Bay Structure Plan.***
- 2. The proposal is not consistent with the preferred neighbourhood character for the coastal township of Apollo Bay.***
- 3. The proposed development does not comply with all objectives of Rescode.***
- 4. The proposed development does not provide for reasonable view sharing by surrounding properties.***
- 5. The proposal is contrary to the objectives of Planning Scheme Amendment C55 in particular the Design and Development Overlay – Schedule 6 (Medium Density Residential Areas).***

**Resolution**

***MOVED Cr Stephen Hart seconded Cr Russell that Council's Planning Committee issue a Refusal to Grant a Planning Permit PP278/08 for the use and development of 183 Great Ocean Road, Apollo Bay for five two storey dwellings and a five lot subdivision on the following grounds:***

- 1. The proposal is not consistent with the provisions of the Municipal Strategic Statement, Clause 22.05 and the Apollo Bay Structure Plan.***
- 2. The proposal is not consistent with the preferred neighbourhood character for the coastal township of Apollo Bay.***
- 3. The proposed development does not comply with all objectives of Rescode.***
- 4. The proposed development does not provide for reasonable view sharing by surrounding properties.***
- 5. The proposal is contrary to the objectives of Planning Scheme Amendment C55 in particular the Design and Development Overlay – Schedule 6 (Medium Density Residential Areas).***

**CARRIED 7:0**

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